

Committee	PLANNING COMMITTEE B	
Report Title	93-99 LADYWELL ROAD, LONDON, SE13 7JA	
Ward	Ladywell	
Contributors	Jeremy Ward	
Class	PART 1	15 November 2018

<u>Reg. Nos.</u>	DC/18/107234
<u>Application dated</u>	17.05.18
<u>Applicant</u>	Mr Nickolds The Ladywell Group Limited
<u>Proposal</u>	Demolition and removal of existing buildings and associated structures at 93-99 Ladywell Road SE13 and construction of a three-storey mixed use building comprising 4, one bedroom self-contained flats and 3 two-bedroom self-contained flats and 266m2 of commercial space for use as Shops (A1), Restaurant or café (A3), or Gymnasium (D2) with cycle and refuse storage.
<u>Applicant's Plan No.s</u>	EX-L00; EX-SP; EX-E_a-a; EX-E_b-b, EX-E_c-c, EX-E_d-d, EX-E_e-e, GA-E-N (1-100); GA-E-S (1-100); GA-E-S (1-20); GA-P-L00 (1-100); GA-P-L01 (1-100); GA-P-L02 (1-100); GA-P-SP (1-500); GA-S-01 (1-100) P3; GA-S-02 (1-100); HERITAGE STATEMENT; PLANNING STATEMENT; PRELIMINARY GEOENVIRONMENTAL RISK; SUSTAINABILITY STATEMENT; TECHNICAL NOTE ; CIL FORM; LONDON FIRE BRIGADE ADDENDUM & FLOOD RISK ASSESSMENT.
<u>Background Papers</u>	(1) Case File LE/837/93/TP (2) Local Development Framework Documents (3) The London Plan (4) NPPF (2018)
<u>Designation</u>	PTAL 4 Flood Risk Zone 2 Ladywell Conservation Area Not a listed building B Road

1.0 Summary

1.1 This report sets out officer's recommendation in regard to the above proposal. The report is before members as permission is recommended to be approved and there is 1 or more objections from a recognised residents' association or community/amenity group within their area.

2.0 Site & Surroundings

2.1 This application site is a small infill site of 400 square metres (0.04 hectares) on the northern side of Ladywell Road, with building groups to the east and west of the site and Gillian Street to the north of the site. Opposite the site on the southern side of Ladywell Road is a vacant hoarded site to the west of Malyons Road.

- 2.2 The application site is currently occupied by a small single storey structure in the NW corner of the site and a canopy across the centre of the site (the site was formerly used as a petrol-filling station). The site and its structures are in use as a car wash and valeting service, and tyre repair shop.
- 2.3 The site is located in the Ladywell Road local shopping parade, close to the Ladywell railway station, and is also located within the Ladywell Conservation Area. The site doesn't benefit from any additional specific Core Strategy designations.

3.0 Relevant Planning History

- 3.1 Relevant planning history is limited to the following:

Pre-application relating to a proposal for seven new-build flats and 194sqm of commercial as a pre-cursor to the current planning application. Pre-application meetings held in March 2017 and July 2016 (**PRE-16-002410**); and

The continued use of the forecourt and buildings at 93-99 Ladywell Road SE13 as a car wash and valet service together with the erection of a dwarf wall with railings and gates to the Ladywell Road frontage of the site (**DC/07/067511** – Granted 15.10.2008).

4.0 Proposed Development

- 4.1 The proposal is for a small infill development, with the application proposing the demolition and removal of existing buildings and associated structures at 93-99 Ladywell Road SE13 and the construction of a three-storey mixed use building comprising: four one bedroom self-contained flats; three two-bedroom self-contained flats; 266m² of commercial space for use as Shops (A1), Restaurant or café (A3), or Gymnasium (D2); and cycle and refuse storage.

Siting, Scale, and Massing

- 4.2 The building would be located between 101 Ladywell Road and 87-91 Ladywell Road, and would provide a full and continuous frontage between the two buildings, creating a strong building line. The building would have 100% site coverage, although the rear upper floor building is off-set from the northern site boundary by between 3.5 metres and 5 metres. The building height is 9.65m to the top of the roof slab, with additional rooflights projecting above this by a maximum of 30cm (approx.) in specific locations. The building height ties into the building height of the adjacent 101 Ladywell Road (and related terrace) and projects approximately 70cm above the flat roof height of 87-91 Ladywell Road.

Building configuration

- 4.3 The proposed ground floor of the building houses commercial space, access to the upper floors via an internal corridor, cycle store, bin store and plant room and 256sqm of net lettable commercial space. The first floor houses three 2-bed apartments and the third floor houses four 1-bed apartments. The stairwell is located to the rear of the building, meaning that two one-bed flats are single aspect. All other dwelling units are dual aspect, with north-facing oblique windows in window bays. The ground floor is designed to be adaptable to be configured as 1, 2 or 3 commercial units.

Architectural treatment / materials / detailed design

- 4.4 The front elevation is designed with four distinct bays, each reflecting the traditional Edwardian plot width of buildings on the Ladywell Road commercial parade. Each

bay comprises a ground floor shopfront, full first floor and gabled second floor. The gabled second floor is a modern interpretation of the gabled buildings that form the context to the site. The main elevational treatment is of brown brick with beige mortar joints and anodised PPC aluminium framed windows. The four shopfronts are symmetrical with central doors and flank display windows with stall risers of anodised aluminium. Shop fascias are integrated into the elevational design.

- 4.5 The rear of the building reads as two brick storeys with a mansard roof at the second floor, the elevation composition being a central large stairwell window and two bay first and second-storey bay windows, one on either side of the stairwell. Materials reflect the front elevation and are of brick / mortar joints and anodised aluminium windows. The roofing and window bays / central window material is black zinc. Rooflights sit proud of the main flat roof and lightboxes sit above the single storey rear projection roof.

Building servicing / access

- 4.5 The building is accessed entirely from the Ladywell Road frontage. The left-hand (western) unit provides access to the residential units and related ground floor space. The bin storage space is also in this western unit directly accessed from the street through a dummy shopfront. The three shop frontages provide access to commercial space.

Proposed accommodation

- 4.6 The following accommodation is proposed:

Table 1: Schedule of Accommodation

Ground floor			Sqm	Terrace
Commercial units		1	49.4	
		2	117.7	
		3	98.9	
Ancillary			96.4	
First floor				
Flats	1B2P	1	58.5	
		2	55.9	
		3	57	
		4	63.3	
Second floor				
Flats	2B3P	1	67.4	2.9
		2	64.4	2.9
		3	73.0	3

Revisions to Proposals

- 4.6 The application has not been the subject of any revisions following its submission.

Supporting Documentation

Planning Statement

- 4.7 This statement sets out a full assessment of the proposed development in relation to national, regional and local planning policy and considers the proposal to comply with the relevant policies.

Design and Access Statement

- 4.8 This document supports the planning application and seeks to explain how the design proposals have evolved through the pre-application process in response to the sites characteristics, surrounding context and consultation with Lewisham Council and the local community.

Daylight / Sunlight Report and Addendum (20.09.18)

- 4.9 This report (prepared by AJ Energy Consultants Limited) outlines the findings of a comprehensive study of the impact of the proposed development on the relevant rooms in all of the surrounding dwellings. The tests were undertaken in accordance with the BRE Report 209 '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*' (second edition, 2011).
- 4.10 The study assesses the impact on daylight and sunlight to adjacent dwellings at John's Court, Gillian Street and 87 (upper floor flats) and 101 Ladywell Road.
- 4.11 In addition the quality of sunlight / daylight levels in the proposed apartments are assessed.

Air Quality Assessment Report

- 4.12 The Air Quality Assessment Report (prepared by Capita) assesses the impact of the proposed development on air quality and also the potential impact of air quality on the occupation of the development (e.g. by residents). There is a risk of demolition / construction impacting on the air quality of the surrounding area (e.g. dust) but mitigation will reduce this risk to low levels. A Construction Management Plan will be a requirement and can be conditioned. In terms of air quality risk for the future (e.g. PM10, NO2) the development is considered to comply with national and local air quality policy.

Heritage Statement

- 4.13 The Heritage Statement (prepared by the Heritage Collective) presents an assessment of the significance of heritage assets capable of being affected by the proposed redevelopment of 93-99 Ladywell Road, namely the Ladywell Conservation Area and two locally listed buildings: 74-76 Ladywell Road and the Ladywell Tavern. The report concludes that the redevelopment of the site will not result in any harm to or effect on the significance, or ability to appreciate the significance, of the Ladywell Conservation Area and the two locally listed buildings. Instead, by virtue of the demolition of the existing detracting built form, infilling of the detracting gap in the street scene, provision of a consistent building line and provision of high quality, locally compatible architecture the significance of these assets will be enhanced. Overall, this report has demonstrated that the proposed development is in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF, local planning policy and relevant national planning policy guidance.

Construction Method Statement and Logistics Plan

- 4.14 This document was prepared in accordance with London Borough of Lewisham's Validation guidance to set out outline details relating to site access, legal loading and delivery management. This matter will be subject to a planning condition to enable sufficient detail to be provided that relates to the actual construction programme.

Delivery and Servicing Plan

- 4.15 This document (prepared by Yes Engineering Ltd.) anticipates that only 3 goods

vehicle movements per day will occur at the site (for both the commercial and residential development) and servicing will occur on-street in accordance with the current arrangement in the area and this can be accommodated within the provision of existing loading / parking spaces.

Flood Risk Assessment

- 4.16 The Environment Agency's Flood Map for Planning (Rivers and Sea) highlights that the site lies in Flood Zone 2. With reference to Table 2 of the PPG, the Flood Risk Vulnerability Classification of the proposed development is considered to be 'More Vulnerable'. The NPPF cites that more vulnerable uses are compatible for development within Flood Zone 2. The proposed development will be safe for all future occupants and will not increase the risk of flooding elsewhere. Therefore, the Sequential Test requirement of the NPPF is satisfied.

Preliminary Geo-Environmental Report

- 4.17 This document (prepared by Capita Property and Infrastructure Limited) considers that based on the information obtained, Capita considers the Site of **high** risk in terms of the potential contamination risk to identified sensitive receptors. This is primarily due to the historic operation as a petrol filling station and the potential release of contaminants that may have occurred as a result. It is recommended that site investigations should be undertaken at the site to confirm the presence/absence of potential underground fuel storage tanks, further assess the contamination status of the underlying soils/groundwater and confirm the ground gas/vapour regime to inform the detailed designs of buildings and infrastructure and update the conceptual model. Site contamination remediation will be subject to a planning condition.

Sustainability Statement

- 4.18 This document (prepared by AJ Energy Consultants Limited) report has responded to the issues raised within *Lewisham's Core Strategy* and the *GLA Sustainable Design and Construction SPG*, and has provided details of how the Proposed Development incorporates sustainable measures in its design, construction and operation. The statement concludes that the proposed development can be considered to be sustainable, using the criteria within *Lewisham's Core Strategy* and the *GLA Sustainable Design and Construction SPG*.
- 4.19 The ground floor commercial units would meet the BREEAM 'Excellent' standard, as detailed within a separate BREEAM Pre-Assessment report.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements of the Planning Act (as amended) and met those required by the Council's adopted *Statement of Community Involvement*.
- 5.2 Site notices were displayed on 19/08/2018 to 22/09/18 and letters were sent to:
- Statutory consultees, including relevant ward Councillors, the Ladywell Society and Ladywell Village Improvement Group, Transport for London (TfL), the Environment Agency and LB Lewisham internal consultees; and
 - Occupiers of **60** neighbouring properties (residents and businesses) in the surrounding area,

5.3 Responses from Councillors (Ward Members)

5.3.1 No responses have been received at the time of writing this report.

5.4 Responses from External Statutory Consultees

5.4.1 The Environment Agency and Transport for London (Spatial Planning Unit) were consulted. The following responses have been received:

Environment Agency - No objection to the proposed development if (five) planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with the National Planning Policy Framework. Controlled waters are particularly sensitive in this location because the proposed development site is within a Source Protection Zone 2 and is located upon a secondary aquifer. The site has a high risk of contamination. Conditions should be applied relating to:

1. Contamination site remediation strategy: a. Preliminary risk assessment; b Site Investigation Scheme (based on a.) and detailed risk assessment of impact on receptors; c. Options appraisal and remediation strategy / measures; d. A verification plan to identify monitoring of data and arrangements for contingency action;
2. Verification report: Prior to occupation a verification report to be submitted for approval in writing in order to demonstrate achievement of site remediation criteria;
3. If additional contamination identified during works then then no further development (unless agreed in writing with the LPA) shall be carried out until a remediation strategy is prepared (for approval of LPA) and implemented.
4. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. Development to be carried out in accordance with approved details.
5. Piling (or other foundation designs) using penetrative methods shall not be permitted unless with the written approval of the LPA, and only in areas of the site where there is no unacceptable risk to groundwater.

Transport for London - no objections to the principle of the development, as the proposals will not have an adverse impact upon the strategic transport network. TfL supports the provision of no on-site car parking and high quality cycle storage on-site. The development will not have an adverse impact on the TfL London Road Network and is acceptable to the rail network, being 200m from the Ladywell Bridge railway station.

5.5 Responses from Internal Consultees

5.5.1 The following internal consultees were notified:

Environmental Protection – standard condition recommended relating to site contamination. No objections raised in respect of air quality.

Transport & Highways – see below.

5.5.2 The Highways and Transportation Officer made the following comments:

- As the site is to be car free and is in a PTAL of 5, future residents should be restricted from obtaining parking permits in the Controlled Parking Zone (CPZ);
- The CMP needs to show where vehicles will be un/loading. As the site is located

near a school, the CMP must state that vehicles will not arrive during school pick-up/drop-off times. The proposed hoarding of the footpath (mentioned in the CMP) will have to be subject to Highways team approval

- The redundant crossovers will need to be removed at the cost of the developer and surfaces made good to reflect adjacent levels and materials;
- A Waste Management Plan will be necessary.
- Cycle parking spaces need to be provided in accordance with the cycle parking requirements set-out in the London Plan (dimensions / spacings / number, etc.). The spacing between the racks is deficient (must be at least one metre and 1m behind the stands). The twelve private cycle parking spaces are likely to be deficient in number. Ten are required for the residential. provided is deficient in that 10 cycle spaces are provided for the dwellings and only 2 for the commercial uses (3 spaces for A1 use, 8 spaces for A3 use, 1 for D2 use);
- They mention the commercial space might be used as a gym – if this is the case, they might need a travel plan. They will need to comment how many staff/visitors per day etc for each potential use.
- The Delivery & Servicing Plan needs to show on a plan where vehicles are proposed to service the site. If it is too far from the site, this might not be acceptable.

5.6 Responses from Local amenity societies

5.6.1 The following local amenity societies were notified of the application: Ladywell Society and the Ladywell Village Improvement Group.

5.6.2 The following objections were received:

LADYWELL SOCIETY

- **Building design** - The design of the proposal is visually intrusive and has an adverse impact on the character of the Conservation Area (truncated gables, terraces / railings);
- **Building materials** - Zinc roof not acceptable in Conservation Area;
- **Second floor terraces** could be incorporated into units;
- **First floor layout** unacceptable – living spaces next to adjacent bedrooms;
- **Ground floor commercial units** – concerned that there are already vacant units in the parade and additional small units should be resisted as there is unlikely to be a market;
- **Land Contamination** - Construction Management Plan should be submitted to address removal of tanks and temporary measures in advance of construction to deal with the holes.

LADYWELL TRADERS GROUP

- Business should be either an independent or small chain to reinforce the character of the street; and
- Use to complement and not duplicate existing street offer (e.g. there is no gym).

5.6.3 The size and nature of businesses that would occupy any developed commercial space are not planning matters.

5.7 Responses from Local Residents / businesses

5.7.1 No responses were received from individual residents or businesses.

5.8 Pre-Application Consultation

5.8.1 The Planning Statement states that the applicant letter-dropped local neighbours and businesses with a leaflet regarding the proposed development. The applicant hand delivered these leaflets and spoke to a number of local residents at the door and others subsequently via the contact details included there-in. Feedback from local business and residents has been used to inform the development proposals.

6.0 Policy Context

6.1 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:-

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

A local finance consideration means:

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

6.2 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'.

6.3 The Development Plan for Lewisham comprises the *Core Strategy (2011)*, the *Development Management Local Plan (2014)*, 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.

6.4 It is important to note that when considering whether development proposals accord with the development plan, it is necessary to consider the question with regard to the development plan as a whole.

National Planning Policy Framework – 'NPPF' (2018)

6.5 The NPPF, originally published in 2012, was [revised](#) on 24th July 2018 and is a material consideration in the determination of planning and related applications.

6.6 It contains at paragraph 11, a '*presumption in favour of sustainable development*'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '*...due weight should be given to them, 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)*'.

- 6.6 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.7 On 6th March 2014, DCLG launched the [National Planning Practice Guidance](#) (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas.

The Development Plan

- 6.8 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

The London Plan (2016)

- 6.9 The [London Plan](#) was updated on the 14th March 2016 to incorporate Housing Standards and Parking Standards, and Minor Alterations to the London Plan (2015). A draft London Plan was published by the mayor of London in November 2017 and minor changes were published on 13 August 2018. As such the weight that can be given to the emerging policies has increased to some weight.

- 6.10 The policies in the adopted *London Plan* (2016) most relevant to this application are:

Policy 1.1	Delivering the strategic vision and objectives for London
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
Policy 3.15	Co-ordination of housing development and investment
Policy 4.7	Retail and town centre development
Policy 4.8	Supporting a successful and diverse retail sector
Policy 4.9	Small shops
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.9	Overheating and cooling
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 5.18	Construction, excavation and demolition waste
Policy 5.21	Contaminated land
Policy 6.1	Strategic approach
Policy 6.3	Assessing effects of development on transport capacity
Policy 6.5	Funding Crossrail and other strategically important transport infrastructure
Policy 6.9	Cycling
Policy 6.10	Walking
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Building London's neighbourhoods and communities
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.19	Biodiversity and access to nature
Policy 8.2	Planning obligations

The policies in the emerging London Plan most relevant to this application are:

- Policy GG4 Delivering the homes Londoners need
- Policy D1 London's form and characteristics
- Policy D2 Delivering good design
- Policy HC1 Heritage conservation and growth
- Policy SI2 Minimising greenhouse gas emissions
- Policy SI13 Sustainable drainage

6.11 The London Plan SPGs relevant to this application are:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Crossrail Funding (March 2016)
- Culture & Night Time Economy (November 2017)

Lewisham Core Strategy (June 2011)

6.12 The Core Strategy spatial and specific policies most relevant to this application are:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change

CS 1 Housing provision, mix and affordability
CS 3 Strategic Industrial Locations and Local Employment Locations
CS 4 Mixed Use Employment Locations
CS 5 Other employment locations
CS 6 Retail hierarchy and location of retail development
CS7 Climate change and adapting to the effects
CS8 Sustainable design and construction and energy efficiency
CS9 Improving local air quality
CS10 Managing and reducing the risk of flooding
CS14 Sustainable movement and transport
CS15 High quality design for Lewisham
CS16 Conservation areas, heritage assets and the historic environment
CS21 Planning obligations

Development Management Local Plan (November 2014)

6.13 The *Development Management Local Plan* policies most relevant to this application are:

DM 1 Presumption in favour of sustainable development
DM 16 Local shopping parades and corner shops
DM 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM 19 Shopfronts, signs and hoardings
DM 22 Sustainable design and construction
DM 23 Air quality
DM 24 Biodiversity, living roofs and artificial playing pitches
DM 28 Contaminated land
DM 29 Car parking

- DM 30 Urban design and local character
- DM 32 Housing design, layout and space standards
- DM 33 Development on infill sites, backland sites, back gardens and amenity areas
- DM 36 New development affecting designated heritage assets and their setting

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

- 6.16 This document sets out guidance and standards relating to
- standards for new residential development
 - standards for conversions of existing houses into flats
 - residential extensions
 - roof extensions.

Planning Obligations Supplementary Planning Document (February 2015)

- 6.17 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)

- 6.18 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.

7.0 Planning Assessment

- 7.1 The main issues to be considered in regard to the proposals are:

- Principle of Development
- Conservation and Urban Design
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Occupiers
- Sustainability and Energy
- Land Contamination
- Ecology, Trees and Landscaping
- Flood risk
- Air Quality; and
- Planning Obligations

7.2 Principle of Development

- 7.2.1 The principle of development is supported and the provision of new commercial floorspace and residential units is considered a planning merit to which significant weight is given. The National Planning Policy Framework (NPPF) at paragraph 11, 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.

- 7.2.2 The NPPF (para 118) states that planning decisions should ‘*give substantial weight to the value of using suitable brownfield land within settlements for homes and other*

identified needs’.

Land Use

- 7.2.3 This site is located in the Ladywell Road local shopping parade and benefits from no other specific land use designation. The site therefore falls within the aegis of *Spatial Policy 5: Areas of Stability and Managed Change*. This policy “seeks to “protect and support smaller local parades scattered throughout the area”. Currently in use as car wash / valet / tyre repair shop, the redevelopment of this site for commercial uses A1, A3 or D2 (gym) would support the protection of this local parade. It would provide additional high quality commercial space that has the potential to broaden the offer of the parade and support its commercial role by improving its overall offer.
- 7.2.4 The application is for a combination of A1 Retail, A3 restaurant or café, or Gymnasium D2 commercial uses. The building is designed to be adaptable to respond to the market requirements for commercial space. The development plan seeks the provision of commercial ground floor space in local shopping parades unless there is evidence to suggest that this is not viable.
- 7.2.5 An objection from the Ladywell Society is concerned about the provision of additional ground floor units in the Ladywell Road parade as there are already vacant units in the parade and they consider that additional small units should be resisted as there is unlikely to be a market for the property product being created. Vacancy can be for a wide range of reasons and not just lack of demand, including the configuration of the space, quality of the property, rental levels, conditions of occupation, etc. Officers consider that the provision of a flexible commercial space that can be configured to best suit the profile of specific users will enable this development to meet the needs of the market and support and improve the local parade.
- 7.2.6 In addition, the Traders group have sought that the planning process prescribe that the business type should be defined to be either an independent or small chain to reinforce the character of the street and not duplicate the existing offer of the parade. Whilst these may be reasonable objectives these are not planning matters. The planning application is for a range of uses and, if approved, this would enable a business to occupy the space to meet a market demand.
- 7.2.7 As outlined above, redevelopment of the site with commercial reprovision 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.
- 7.2.8 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 together with internal fittings and install the glazed shop fronts and entrances prior to the occupation of any residential unit in the building in the interests of ensuring that the unit is attractive to potential end users.
- 7.2.9 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.
- 7.2.10 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 Monday to Sunday.

- 7.2.11 The proposals for the development of 7 dwelling units (three 2-bed and four 1-bed) are welcomed in principle as they will make a contribution to achieving the overall residential targets in a sustainable urban location and also provide an economic purpose for developing the site to the three-storeys required to reflect the character of the Ladywell Road area.

Physical development

- 7.2.12 The gap in the local shopping parade / street frontage presently has a negative impact on the character of Ladywell Road and the Ladywell Conservation Area, providing an unwelcome break in the street frontage and an unattractive site in the centre of the local parade that provides a physical focus for the surrounding neighbourhood. The development of this gap site is therefore considered to be an opportunity to improve the character and appearance of the area, in principle.

Density

- 7.2.13 The NPPF (para 123(c)) strongly encourages making efficient use of land, encouraging local planning authorities to:

'refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.

- 7.2.14 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. Policy CS 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).
- 7.2.15 The general density of development proposed for this site is considered appropriate taking into account the local character of the Ladywell Road area.

7.3 Conservation and Urban Design

- 7.3.1 Paragraph 130 of the National Planning Policy Framework states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- 7.3.2 As the application site is located within the Ladywell Conservation Area, regard will also be had to the Council's duties under s72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Chapter 16 of the NPPF (2018), Core Strategy Policy 16 and DM Policy 36 which seek to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting. Section 72 of the act requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' in the context of the statutory duty means doing no harm.
- 7.3.3 Urban design is a key consideration in the planning process. *Chapter 7: Requiring*

good design of the *National Planning Policy Framework (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, central to good planning, and should contribute positively to making places better for people.

- 7.3.4 London Plan Policies 7.1-7.7 (inclusive) and Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 7.3.5 Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 7.3.6 As the application site is located within the *Ladywell Conservation Area*, regard will also be had to the Council's duties under s72 of the P(LB&CA)A 1990, Chapter 16 of the NPPF (2018), Core Strategy Policy 16 and DM Policy 36 which seek to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting.

Design response - Form / Bulk / Scale / Massing / Building design / Materials

- 7.3.7 The proposed building would be three storeys and seeks to infill the plot boundaries, presenting a significant increase in footprint from the existing buildings. This completes the street frontage and enhances the conservation area and is a planning merit to which significant weight is given. The front elevation of the building would be set flush with the front boundary of the site and along Ladywell Road. The upper floors maintain the same building line and at second floor level there are street-facing gables, which provides a modern interpretation of the common building form on the street. The gables reduce the bulk of the top floor apartments fronting onto the street, giving the south elevation of the building a form that is considered to fit well with the character of the street and conservation area.
- 7.3.8 The overall form of the building does not rigidly adopt the traditional form of the buildings on the street in that:
- The gables project forward of the main bulk of the roof, rather than being cross-gabled. Recessing the second floor in this way creates the opportunity to accentuate the gable volume and also to create a roof terrace to provide private space for the second floor units;
 - The rear building line projects 3.5m further than the main building line of the adjacent Edwardian typology and 2.5m further than the adjacent modern typology;
 - The two-storey rear projections in 101-107 Ladywell Road project to within 3.6 metres of the boundary. The bay-windows proposed by this development project to the same extent;
 - The roof form of the proposed development is akin to a mansard roof form in terms of its expression on the rear elevation in terms of form and differentiation in the materials used. The main roof is a flat roof with rooflights projecting above it.
- 7.3.9 The south (front) elevation is broken into four "building" bays to reflect the form and urban grain of the Edwardian buildings on the street. The adjacent building at 98-91 Ladywell Road is a flat-roofed modernist building with a building form that does not follow the traditional pattern of development on the rest of the shopping parade buildings.
- 7.3.1 Officers consider that the form / bulk / scale / massing is acceptable in that it provides a high quality modern interpretation of the traditional buildings in the street.

- 7.3.11 The Ladywell Society expressed concern that the overall design of the building is visually intrusive and would have an adverse impact on the character of the Ladywell Conservation Area (in terms of truncated gables, terraces / railings). Having considered the proposal, Officers consider that it provides a contemporary response to the character and architectural form of the Ladywell Road parade and wider conservation area. The design responds positively to the grain and form of the parade buildings, disregarding the adjacent modernist building at 87-91 Ladywell Road, which presents an entirely different form and language. The desirability of developing this infill site is a prerogative and the completion of the parade with a generally sympathetic building is considered to be appropriate.
- 7.3.12 The zinc roof is a high quality contemporary material that is appropriate to this type of roof form, notwithstanding that it is not employed elsewhere in the Conservation Area. The strong south elevation with its gables will be the principal portion of the building that people will see from Ladywell Road. The zinc material will be visible from the south but its extent will be broken by the gables and its set-back in other portions of the elevation. On balance it is considered that the zinc roof will be acceptable. A planning condition will require approval of the zinc material.
- 7.3.13 The rear elevation would be comprised of brick masonry and zinc-clad bays / the second floor mansard roof. Views of this elevation from the public realm will be limited, nevertheless the design and materials are acceptable.
- 7.3.14 The entire plot is covered, with the rear part covered by a single storey element. This would be roofed in zinc, which is acceptable subject to details of the material and the installation techniques, to be secured by condition.
- 7.3.15 Officers expressed concern at the originally proposed type of windows fronting onto Ladywell Road, which were top-hung opening aluminium casement windows. The traditional form of windows on the street would appear to be timber-sliding sash windows (one-over-one)-sashes, although very few remain intact in this building group. Officers consider that the use of top-hung casement windows on this prominent street frontage in the Conservation Area is inappropriate and that an alternative approach is required. The preferred typology is, on balance, considered to be clear-span contemporary windows given the style of the building and therefore this revision is accepted as a replacement to the original application drawings for the south elevation. Rear windows are considered appropriate in aluminium, as proposed.
- 7.3.16 Officers were also concerned about the very small size of window reveals, giving the elevation a very flat and lower quality appearance. A planning condition is proposed to ensure that the size of the reveal is increased.
- 7.3.17 Details of elevational materials and components should be to the highest possible standard and be compliant with the drawings submitted. A planning condition will help to secure control over the windows, depth of reveals, materials, glazing bar profiles, shopfront design, all clear and obscure glazing.
- 7.3.18 The proposed shopfront design appears to be appropriate and reflect the Council's *Shopfront Design Guide*.

7.4 Standard of Accommodation

- 7.4.1 The NPPF states that planning decisions should seek to provide a high standard of amenity for future users (para 127(f)). London Plan Policy 3.5 'Quality and design of housing developments' 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.

- 7.4.2 Policy CS 1, DM 32, London Plan Policy 3.5 and the London Plan Housing SPG all seek to ensure that all new residential development meets minimum size standards. Policy DM 32 requires that new residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 7.4.3 Nationally described space standards (NDSS) were established in March 2015 to replace the various 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. The NDSS 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.
- 7.4.4 All of the units meet the minimum size standards - 50sqm for a 1B2P unit and 61sqm for a 2B3P unit, and also minimum storage requirements of 1.5sqm and 2.0sqm respectively. Minimum floor-to-ceiling heights of 2.5m are exceeded.
- 7.4.5 Standard 26 and 27 of the Housing SPG requires that Private Open Space of 5sqm is provided per unit with a minimum depth of 1.5sqm. In exceptional circumstances space of less than this requirement can be provided if the size of the unit is increased to incorporate the space. Table 2 (below) shows that all apartments meet the minimum spatial standards if a flexible view is taken that exceptional circumstances apply. The exceptional circumstances that officers consider apply are:
- Urban infill site that it is very desirable to develop;
 - Private open space cannot be provided to the rear due to the potential for overlooking (i.e. impact on neighbour amenity);
 - Private open space cannot be provided at the front at first floor level due to reasons of local character;
 - Second floor terraces of a larger size are not possible due to the combined reasons of local character and the need to provide generously sized 2B3P flats AND the strong desire not to project the rear building line closer to the rear boundary.
- 7.4.6 The proposed balconies have a depth of 1.55m, marginally exceeding the minimum dimension for an acceptable usable private space.
- 7.4.7 The Ladywell Society have objected to the provision of terraces in principle, identifying them as they are an alien typology within the Ladywell Conservation Area, and also expressed concern that the provision of roof terrace space would be better incorporated into the two-bed apartments. Officers consider that the provision of terraces are an acceptable form of private space to make the apartments attractive to live in and also provide a sensible use of the space between the projecting gables. It is acknowledged that roof terraces are an atypical (or "alien") building design feature but roof terraces are considered acceptable in that the building design is an honest contemporary building type, the form of which takes its cues from the architectural language of the street and provides roof-level amenity space that is entirely acceptable in that it relates to the building composition and causes no harm (subject to the quality of building façade elements). The provision of the roof terraces also assists in setting the bulk of the main roof form back from the street-facing elevation. In addition the terraces overlook a busy street and there is no problem in principle

from an overlooking perspective. The railings themselves have a slender profile / sections and are consistent with the aluminium materials of the rest of the elevation and generally acceptable. However, it will be necessary to request details by planning condition.

Table 2: Spatial standards for apartments and proposal assessment

			Min size	<i>Sqm</i>	Private open space	<i>Terrace</i>	Combined min.	<i>Net total</i>	Pass / fail
First floor									
Flats	1B2P	1	50	58.5	5		55	58.5	Pass
	1B2P	2	50	55.9	5		55	55.9	Pass
	1B2P	3	50	57	5		55	57	Pass
	1B2P	4	50	63.3	5		55	63.3	Pass
Second floor									
Flats	2B3P	1	61	67.4	6	2.9	67	70.3	Pass
	2B3P	2	61	64.4	6	2.9	67	67	Pass
	2B3P	3	61	73.0	6	3	67	76	Pass

Accessible Housing

- 7.4.8 Policy 3.8 of the London Plan ‘Housing choice’ requires ninety percent of new housing to meet Building Regulation requirement M4 (2) ‘accessible and adaptable dwellings’, and ten per cent of new housing to meet Building Regulation requirement M4 (3) ‘wheelchair user dwellings’, i.e. Designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As the proposed building would be 3 storeys only, there is no requirement for a lift to be provided. In such cases Building Reg Requirement M4 (2) does not apply.

Layout / Aspect / Ventilation

- 7.4.9 All of the units have a south-facing aspect onto Ladywell Road and therefore benefit from good sunlight onto their south-facing elevations. At first floor level 2 of the 4 units are dual aspect. At second floor level 2 out of 3 units are dual aspect. Each of the units served by the rear bay windows enjoy one opaque window to provide light and one oblique window.
- 7.4.10 The Ladywell Society object to the proposed one-bedroom flat layouts in that they place living spaces adjacent to bedrooms of adjacent flats. All partition walls between flats will meet *Building Regulations Part E: Resistance to the Passage of Sound*. This is not a planning issue.
- 7.4.11 All units will comply with *Building Regulations Part F: Ventilation* and will be fully ventilated.

Sunlight / Daylight & Outlook

- 7.4.12 The Sunlight / Daylight assessment shows that the units 1, 4, 5, 6 and 7 all have adequate sunlight to the dwellings. Units 2 and 3, the central single-aspect one-bed units do not pass the sunlight test. While the combined living room and kitchens for Flats 2, 3 and 4 do not meet the BRE recommended average daylight factors, the bedrooms for each of these flats exceed the BRE recommended average daylight factors and therefore there is sufficient daylight within one habitable room in each flat. It is the kitchen area in both units that will suffer from a marginally lower level of sunlight. Living spaces will all benefit from adequate sunlight. On balance the level of

light is considered acceptable to these units.

Privacy

- 7.4.13 All units will benefit from adequate privacy. The units are in an urban context and the south-facing elevation is 17.6m to the opposing building line of the vacant site opposite. This is considered to provide an acceptable level of privacy. The rear bedrooms are considered to have adequate privacy with the opaque window / oblique windows proposed.

Designing out Crime

- 7.4.14 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).
- 7.4.15 In this case, in the view of the Officer, the proposal is considered to have adequately designed out the potential for crime in that it has strong urban design qualities with a full site coverage and a clear building line that provides a controlled interface between the public realm and private spaces within the development.

7.5 Transport Impact

Car Parking

- 7.5.1 No car parking is provided on site. This is considered acceptable in this highly accessible PTAL 5 location. As the site is to be car free due to its PTAL 5 rating, future residents should be restricted from obtaining parking permits in the Controlled Parking Zone (CPZ) by means of a s106 agreement.

Access, Servicing & Refuse Collection

- 7.5.2 DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 7.5.3 The application proposes that servicing is provided from existing loading bays / parking spaces on Ladywell Road and Gillian Street and surrounding streets. This is considered to be acceptable to Transport for London. The Council's Highways and Transport Officer considers that the *Delivery & Servicing Plan* needs to show on a plan where vehicles are proposed to service the site. Whilst this may be ideal Officers consider that there are a bank of 6 parking / loading spaces 40m-60m from the premises and that these would provide a suitable location for access and servicing of the site and are likely to be adequate to serve the small-scale of the proposed development.
- 7.5.4 In regard to Refuse storage & collection, Standard 22 and 23 of the *London Plan Housing SPG* highlights guidance on refuse for new residential development and references the British Standard BS5906:2005. A refuse area of 14.5sqm is proposed with an indicative layout. The bin storage area opens directly onto the street. The capacity of the stores and storage and collection arrangements are considered to be generally acceptable in principle, and their provision and details of refuse management via a Waste Management Plan will be ensured by condition.

Cycle Parking

- 7.5.5 Cycle parking standards are set out in Table 6.3 of the Parking Addendum to Chapter 6 of the *London Plan*. It states that residential dwellings should provide 1 space per one bedroom dwelling and 2 spaces per all other dwellings. Therefore the proposed residential development requirement is for 10 cycle parking spaces. Cycle parking requirements relating to non-residential uses are split into long term (commuter) parking and short-term (customer) parking. The nature of the commercial space is not specific to a particular use. If A1 use is assumed this would yield a requirement for 2 long-stay spaces to serve the development. If a gym were in use then a 1:100sqm employment density would yield a requirement (at 1/8 staff) of 0.25 spaces.
- 7.5.6 The submitted plans show that 12 spaces would be provided. This is considered to be an acceptable level of private cycle parking in relation to the standards set out in the *London Plan* to meet residential and long-term cycle parking needs. The applicants have indicated that if there is a greater long-term cycle parking need generated by occupiers then cycle storage could be integrated into the commercial units. Given the availability of Sheffield bike racks on Ladywell Road (there are bays at either end of the shopping parade) then short-term customer cycle parking requirements can be met by the existing cycle infrastructure. Additional cycle parking bays are not considered desirable as a significant upgrade to the street was recently made, rationalising street furniture and decluttering the space to make a more attractive public realm.

Construction Impact

- 7.5.7 A planning condition will ensure the submission of a Construction Management Plan, to detail the number and type of vehicles, vehicle loading / unloading bays, mitigation measures for dust and noise, safety implications and length of construction period (among other matters). The statement would also address proposed demolition and the removal of fuel tanks from the ground / structural support of adjacent buildings (see land contamination, below).
- 7.5.8 The proposed hoarding of the public footpath (mentioned in the Outline CMP) to enable construction on the site would be subject to Highways team approval.

Pedestrian realm

- 7.5.9 The redundant crossovers providing vehicular access to the site will need to be removed and the space integrated into the wider streetscape at the cost of the development. The space will need to be integrated into the wider streetscape in terms of levels, surfaces, materials, pattern of street trees and street furniture and the wider character of the Conservation Area. This will be achieved by means of a s106 Planning Obligation.

7.6 Impact on Adjoining Properties

- 7.6.1 The NPPF requires that planning decisions should ensure a high standard of amenity for existing residents (para 127). Policy DM 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 7.6.2 The Council also has regard to BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (2011) where relevant, to assess the impact on existing properties in terms of daylight/ sunlight.
- 7.6.3 In regard to privacy, Paragraph 2.3.36 of the *London Plan Housing SPG* states that a

distance of 18-21 metres will generally be sought between existing and proposed habitable windows. However, it is considered that rigidly adhering to this distance can limit the variety of urban spaces and restrict density. Paragraph 2.250 of DM Policy 32 also references to a distance of 21 metres, however it also outlines that this must be interpreted flexibly, taking into account the height of buildings.

Daylight

- 7.6.4 In accordance with BRE Guidance, 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.
- 7.6.5 The impact of the development on the Daylight levels to 69 adjacent windows at Gillian Street, John's Court, 87 and 101 Ladywell Road were assessed by the *Daylight and Sunlight Assessment*.
- 7.6.6 Based upon the thresholds established by the BRE guidance a number of windows (in the lower floor of 1-4 John's Court and 18-20 Gillian Street are impacted by the proposed development in terms of Daylight (VSC) and outside the standard BRE recommendations that a VSC value of 25 be achieved.

Table 3: Daylight Assessment Results for a number of adjacent properties

Property	Windows	VSC value existing	VSC value proposed	VSC % difference
No.1-4 John's Court (GF left)	19-20	30.8	24-24.9	21-22
No.1-4 John's Court (GF right)	21-24	30.8	22.5-24	23-25
20 Gillian Street	41	21.5	16	25
	44	33	25	24
18 Gillian Street	45	33	26	21

- 7.6.7 Given that the dwellings have a comparably high VSC level at present due to the fact that they lie behind a gap site with open Daylight it would be expected that the VSC would be affected and be impacted by a significant percentage reduction. All of the windows, apart from one (window 41) will have a reasonable level of VSC given the urban area that they are located in. It is highly desirable that this site is redeveloped and, on balance, it is considered that the impact on Daylight falls within the realms of tolerance for this kind of urban infill site within a local shopping parade setting. A mature medium-sized tree is located in the rear (south-facing) garden of 1-4 John's Court. This has not been modelled in the daylight analysis due to the complexity of

modelling a 3D tree form. In the view of the report authors the shading effect of the tree at the rear of the site has not been modelled within this report, and therefore it is considered that the impact of the Proposed Development on these dwellings is less significant than shown above. Officers consider this to be a reasonable assumption given the obvious impact of the existing tree, although the tree could be removed in the future.

Sunlight

- 7.6.8 BRE Guidance requires that all windows within 90 degrees of due south should be considered. The recommended numerical values set out within the BRE Guidelines are for a window to achieve Annual Probable Sunlight Hours (APSH) of 25%, including at least 5% during the winter months. Where the difference in the APSH is more than 4% between the existing and proposed both the total APSH and those enjoyed within the winter months are more than 0.8 times the existing values. The guidelines however also state that bedrooms are less important than living rooms. Due to the proposed massing of the development, and the orientation of the neighbouring residential properties (north and east) no analysis is required, as no adverse material impact would arise.
- 7.6.9 The impact of the development on the Sunlight levels to 69 adjacent windows at Gillian Street, John's Court, 87 and 101 Ladywell Road were assessed by the Daylight and Sunlight Assessment. All 69 windows passed the prescribed test.
- 7.6.10 The Daylight and Sunlight Assessment concludes that the proposal adheres to the BRE guidelines and does not cause an unacceptable level of loss of sunlight or daylight to the existing surrounding properties. On balance, this conclusion is supported.

Overshadowing

- 7.6.11 Shadow diagrams have been provided for the existing and proposed conditions, and for each hour of daylight on 21 March, 21 June and 21 December. These demonstrate that there is no significant increase in overshadowing of gardens in proximity of the site as a result of the development, particularly during key sunlight hours in the middle of the day. The percentage of the garden areas that achieve 2 hours of direct sunlight on the 21st March is greater than 50% (confirmed 18.10.18). John's Court has an existing medium-sized tree that shadows a substantial portion of the gardens 1-4 John's Court.

Outlook

- 7.6.12 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.
- 7.6.13 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.
- 7.6.14 The development proposal is for a three storey building on a gap site, with a height that is consistent with the rest of the Ladywell Road parade frontage. It is not considered that the proposal would have a significantly greater impact on the experience of the residents of buildings to the north of the site than that posed by the existing buildings forming the context to the site. The building line projects 3.5m further to the north of the building line of the principal building volumes in the rest of the block but this is not considered to be unreasonable.

Privacy

- 7.6.15 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.
- 7.6.16 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.
- 7.6.17 This urban site falls within a pattern of development within the block where 21m separation is not achieved anywhere. Neighbouring properties have a separation of about 14m to the main dwelling volumes and down to 9m to the gables walls of rear projections. Therefore it is entirely unreasonable to expect the development of this site to achieve a standard separation of 21m.
- 7.6.18 The rear bay windows mitigate the potential for overlooking by having the larger NW windows with opaque glass and the NE-facing (oblique) windows that aren't opaque are smaller and have a separation of 16m approximately. This degree of overlooking is considered reasonable given the context and the windows within this distance are the rear projections to the Gillian Street houses. The function of these rooms is not known but are likely to be bathrooms / small bedrooms.

7.7 Sustainability & Energy

- 7.7.1 London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. The residential aspect of the proposal would be expected to achieve zero carbon, [and the commercial aspect a 40% reduction] against part L of the Building Regulations.
- 7.7.2 Since 1st 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.
- 7.7.3 The onsite reduction in regulated CO₂ emissions over the Building Regulations Part L (2013) baseline will be 31.4% (site wide) in accordance with the *London Plan* Policy 5.2. Energy Efficiency measures and therefore compliant reduction over the Part L (2013) baseline. The applicant has stated that they will introduce measures around limiting light pollution and energy consumption, water usage and other measures. This achieves site wide savings at the 'be lean' stage through high levels of insulation and glazing, low air flow tightness, and high efficiency boilers, heat pumps, energy saving controls for space and lighting and provision of high performance photovoltaic panels. Officers consider the sustainability appraisal and energy strategy to be efficient for the site.
- 7.7.4 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 £15,693.60.

- 7.7.5 Core Strategy Policy 8 requires that non-residential development should achieve a minimum of BREEAM 'Excellent' standard or any future national equivalent. The applicants submitted Sustainability Statement, indicates that the proposed commercial units would score 72.9%, thereby achieving 'excellent' status. This would need to be secured by planning condition.

Renewable Energy provision

	Total output (Kw)	CO₂ reduction (%)
Biomass boiler		
Solar water heating		
Solar PV		789 kg CO ₂ / 4.5%.
Ground source heat pump		
Any other		
Total Generating power (Kw)		
CO₂ reduction as % of total emissions		4.5%

Living Roofs & Ecology

- 7.7.6 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.
- 7.7.7 The proposed roof is a dark zinc roof with photovoltaic cells on the flat roof of the building (i.e. no living roof is proposed). A living roof has not been sought on this occasion.

Sustainable Urban Drainage Systems

- 7.7.8 Controlled waters are sensitive in this location. Groundwater is likely to be at shallow depth which means that there is limited thickness of unsaturated zone present at this site. For these reasons, the use of SuDs is unlikely to be feasible in this location.

7.8 Ecology, Trees & Landscaping

- 7.8.1 The site is proposed with 100% site coverage and therefore planting is not possible. Ladywell Road was recently upgraded to remove clutter from the street and street trees were omitted from the design to the northside footway in order to ensure that the available confined space optimises space allocated to pedestrian / building access. There are no street trees on the northern side of the street and therefore there is no potential to include street trees to the front of the building in the areas being reinstated as pedestrian realm currently occupied by the vehicle crossovers.

7.9 Flood Risk

7.9.1 The proposed development lies within Flood Zone 2. The proposal will be safe for all future occupants and will not increase the risk of flooding locally. Therefore, the Sequential Test requirement of the NPPF is satisfied. The Environment Agency have no objection to the development on flood grounds due to the nature and scale of the proposal, with residential uses on upper floors and being safe from flooding. The development is above the flood level but is within a flood plain and therefore may have problems with surface water disposal, dampness and means of access during flood events by virtue of its location.

7.10 Land contamination

7.10.1 Records held by the Authority note there are three single skin steel tanks present onsite for the historic storage of petrol and diesel fuel with a combined volume 54,549 litres. When the Site was redeveloped in 1978 these replaced four 1,000 gallon tanks dating from 1936. Further records indicate that the more recent tanks were filled with water in 2002. Two pollution incidents were also noted relating to losses from tanks and suction lines in the 1970s. Reports dated March 1977 refer to minor leaks to tanks and suction lines. Remedial action was taken but no detail given on the quantities of petrol involved. Reports dated April 1975 refer to losses from a tank on site being recorded. Remedial action was taken but no detail given on the quantity of petrol involved.

7.10.2 Based on the information obtained, Capita considers the Site of **high** risk in terms of the potential contamination risk to identified sensitive receptors. This is primarily due to the historic operation as a petrol filling station and the potential release of contaminants that may have occurred as a result. It is recommended that site investigations should be undertaken at the site to confirm the presence/absence of potential underground fuel storage tanks, further assess the contamination status of the underlying soils/groundwater and confirm the ground gas/vapour regime to inform the detailed designs of buildings and infrastructure and update the conceptual model.

7.10.3 The Environment Agency recommend that a site remediation strategy be put in place and specify five planning conditions that should be added to any grant of permission in order to render their view of NO OBJECTION to be valid.

7.10.4 The Ladywell Society request that a Construction Management Plan be put in place to deal with the removal of the tanks and structural support of adjacent buildings during construction. This matter can be conditioned.

7.11 Air Quality

7.11.1 The NPPF (para 181) states that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

7.11.2 *DM Policy 23* states that the Council will require all major developments that have the potential to impact on air quality will be required to submit an Air Quality Management Assessment. The application site falls within a designated Air Quality Management Area, one of six in the Borough.

7.11.3 This development is a minor application. An Air Quality Impact Assessment has been undertaken on behalf of the applicants, and it concludes that the implementation of

appropriate measures and good practice during the demolition and construction phases would mitigate potential harm from dust. Due to the small size of the development, it does not exceed the criteria requiring an air quality neutral assessment to be carried out. This has, therefore, been screened out and no mitigation is required. The development is considered to comply with national and local air quality policy.

7.11.4 The Council's Environmental Health officers have reviewed the document, and have confirmed they are satisfied with the conclusions reached, with appropriate measures to be ensured by a planning condition in relation to Construction Management.

7.12 **Local Finance Considerations**

7.12.1 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).

7.12.2 The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and London Borough of Lewisham CIL are therefore material considerations. The applicant has completed the relevant form and CIL is/is not payable on this application. The likely CIL payment associated with this development would be in the region of **£70,234**. An informative would be added to the decision notice advising the Applicant to notify the Council when works commence.

7.13 **Equalities Considerations**

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

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

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

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

7.13.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty.

This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

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

7.13.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

7.14 **Human Rights Implications**

7.14.1 In determining this application the Council is required to have regard to the provisions of the *Human Rights Act 1998*. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

7.14.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

7.14.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

7.15 **Planning Obligations**

7.15.1 The *National Planning Policy Framework* (NPPF) reflects Regulation 122(2) of the *Community Infrastructure Regulations 2010*, in stating that 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. 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.

Local Labour

7.15.2 The Lewisham Obligations: SPD (2015) states that ‘the addition of further population from new development has the potential to exacerbate the rate of unemployment as competition for a limited number of local jobs rises.’ For this reason, ‘financial support for the Local Labour and Business Scheme is vital in mitigating the impact of new development. Most development will have an impact and therefore obligations in this respect will be required.’

7.15.3 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. It is therefore appropriate that the developer in this case incurs a financial contribution toward Local Labour in the Borough.

7.15.4 The Planning Obligations SPD states that the Council requires a contribution of £530 for each new job (8)/ dwelling (7). In this case, the contribution would be £7,950, which will be secured in the S106.

Transport & Public Realm

7.15.5 The development proposal is in a PTAL 5 area and proposes no on-site parking. It will be necessary to include within a s106 planning obligation agreement a requirement that occupiers of the development will not be entitled to parking permits within the Controlled Parking Zone.

7.15.6 The vehicular crossovers that provide access to the site for its current use as a vehicle washing / valet facility would be redundant if this planning permission is granted. It is a requirement that the vehicle crossovers are removed and the footpath reinstated to a quality that is to the satisfaction of the local planning authority. Ordinarily this would be secured by a s278 agreement under the Highways Act 1980. However, as a Planning Obligation is required then it is proposed to secure this under the aegis of the planning obligation agreement by requiring the applicant to enter into a separate s278 agreement.

Carbon Offset Payment

7.15.7 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 £15,693.60.

Playspace

7.15.8 London Plan Policy 3.6 and Core Strategy Policy 12 require that residential and mixed use developments make provision for children’s play and informal recreation space. The London Plan states that the amount of provision should be proportionally

based on the number of children expected to occupy the development and an assessment of future needs. Summarily, the Mayor of London concludes that new development that creates a child yield is expected to provide 10m² of play and recreation space for every child.

- 7.15.9 Based on the Mayor's playspace SPG, no children between the age of 0-16 are predicted to live in the development, therefore the scheme does not give rise to a requirement for playspace on site. This result is based on the tenure of the units and the fact that they are flats rather than houses. It is noted that the site is in close proximity to Ladywell Fields, which will provide amenity for all occupiers.

Commercial unit fit out

- 7.15.10 As discussed above, in reference to 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 together with internal fittings and install the glazed shop fronts and entrances prior to the occupation of any residential unit in the building in the interests of ensuring that the unit is attractive to potential end users.

- 7.15.11 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 Costs

- 7.15.10 A fee of £2,000 to monitor the four clauses above, as defined by Table 6.1 – Monitoring Charges of the *Lewisham Planning Obligations SPD*.

Planning Obligations Conclusion

- 7.15.11 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).

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that this scheme represents an important development for the Ladywell Road area in that it would remove a negative feature from the area and make a significant physical improvement to the street and the wider area and conservation area. It will also contribute to the development of the local parade, and also provide additional commercial space and residential units in a highly accessible urban location. The quality of the development and its impact on the neighbouring properties are considered to be, on balance, satisfactory. The scheme is therefore considered acceptable subject to planning conditions and a planning obligation agreement.

9.0 **RECOMMENDATION A**

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

Transport and Public Realm

- Remove entitlement to Residents Parking in CPZ
- Re-instate area where vehicle crossing points are currently located and integrate into pedestrian realm

Employment & Training

- Local labour and business contribution of £7,950 prior to commencement

Carbon Offset Payment

- Financial contribution of £15,693.60.

Commercial unit fit out

- Developer to undertake initial fit-out of the commercial unit(s) 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 £2,000 as per the Planning Obligations SPD.

9.2 **RECOMMENDATION B**

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

Conditions

11. 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:
EX-L00; EX-SP; EX-E_a-a; EX-E_b-b, EX-E_c-c, EX-E_d-d, EX-E_e-e, GA-E-N (1-100); GA-E-S (1-20); GA-P-L00 (1-100); GA-P-L01 (1-100); GA-P-L02 (1-100); GA-P-SP (1-500); GA-S-01 (1-100) P3; GA-S-02 (1-100); GA-E-S (1:100)_b P4 (received 23 October 2018) HERITAGE STATEMENT; PLANNING STATEMENT; PRELIMINARY GEOENVIRONMENTAL RISK; SUSTAINABILITY STATEMENT; TECHNICAL NOTE ; CIL FORM; LONDON FIRE BRIGADE ADDENDUM & FLOOD RISK ASSESSMENT.

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;
 - (iv) Provide details of locations for loading / unloading of construction vehicles.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
 - (g). Development to be constructed in accordance with the approved Construction Management Plan.

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

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

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

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

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

(d) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(e) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014). To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework. Piling or other foundation designs using penetrative methods can mobilise contaminants, and create preferential pathways for the migration of contaminants into the secondary aquifer A below.

5. (a) The commercial unit(s) of the buildings hereby approved shall achieve a minimum BREEAM Rating of ‘Excellent’.
- (b) No development shall commence above ground level until a Design Stage

Certificate for each building (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).

- (c) Within 3 months of occupation of any of the buildings, 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) for that specific building.

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 (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

6. (a) Notwithstanding the details hereby approved, no development shall commence above ground level on site until detailed plans at a scale of 1:20 showing **windows / doors / balustrades / terraces / shopfronts** have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

7. (a) No development shall commence on site until a scheme for surface water management 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). To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

8. No development shall commence above ground level on site until a detailed schedule and specification / samples of all external materials and finishes (namely brick and zinc roof coverings, window frames and doors) to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

9. (a) No development shall commence above ground level on site until details of

proposals for the storage of refuse and recycling facilities for each residential/commercial unit hereby approved, have been submitted to and approved in writing by the local planning authority.

- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 10. (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- 11. (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).

- 12. All window and door openings shall be constructed with minimum 90mm deep external reveals.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 13. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the North-West facing windows in the two projecting bays on the rear elevation of the building at first and second floor levels hereby approved shall be fitted as obscure glazed/fixed shut and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 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).

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

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

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

15. The premises shall only be open for customer business between the hours of 6am-11pm.

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, DM Policy 16 Local shopping parades and corner shops, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the commercial spaces created on the ground floor of the premises shall be used for A1 (Shop), A3 (Restaurant or Cafe) or gym use (partial D2) and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In the interests of ensuring a commercial mix in the local shopping parade in order to protect and support the smaller local parades scattered throughout the area in order to achieve *Spatial Policy 5: Area of Stability and Managed Change* of the *Lewisham Core Strategy* development plan (adopted June 2011).

17. (a) 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).

Informatives

Reason for Grant of Planning Permission:

- 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

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

- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

- D. You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk.