

Committee	PLANNING COMMITTEE B	
Report Title	1 Waldram Park Road, London, SE23 2PW;	
Ward	Forest Hill	
Contributors	Jeremy Ward	
Class	PART 1	10 th January 2019

Reg. Nos. **DC/18/106467**

Application Dated: 23 March 2018

Applicant: Mr Srikrishna SJS Garages Limited

Proposal: The demolition of the existing building and the construction of a part 4, part 5, part 6 storey building to accommodate an 89 bedroom hotel (use class C1) with ancillary restaurant and bar at ground floor level, and the provision of a 180 square metre convenience store (use class A1) at ground floor level, together with associated landscaping, provision of a disabled parking space and drop-off parking spaces, servicing bay, cycle storage and refuse storage at 1 Waldram Park Road, SE23 (amended description).

Plan Nos: 061-A-000-A2-000: 061-A-001-A2-000: 061-A-010-A2-000: 061-A-000-A2-011: 061-A-000-A2-100: 061-A-000-A2-101: 061-A-000-A2-102: 061-A-000-A2-103: 061-A-000-A2-104:061-A-000-A2-105: 061-A-000-A2-106: 061-A-000-A2-110: 061-A-000-A2-120:061-A-000-A2-200: 061-A-000-A2-201:061-A-000-A2-202:061-A-000-A2-203:061-A-000-A2-204:061-A-000-A2-210:061-A-000-A2-300:061-Waldram-Final Design And Access Statement;:Transport Statement: Framework Construction Management::Planning Statement: BREEAM Specifications.

061-A-205-A1-100 (E-W Section WPR frontage) received 12 October 2018; 061-A-500-A2-000 (Proposed External Plant) received 15.10.18; Design and Access Statement Addendum (External Plant) received 15.10.18.; 061-A-206-A1-100 Proposed Section C-C (received 20.11.18)

Background Papers: (1) LE/548/1/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation: PTAL 3
PTAL 4
Local Open Space Deficiency
Major District Centre
Not in a Conservation Area
Not a Listed Building

1. 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 are 3 or more valid planning objections.*

2.0 Site & Surroundings

- 2.1 The application site is a 1,070sqm corner site located at the junction of Waldram Park Road (South Circular Road) and Stanstead Road and is approximately 50 metres from the eastern pedestrian access to the Forest Hill railway station. The site is immediately adjacent to the Forest Hill (BT) Telephone Exchange that occupies a three-storey building (although those storeys are generous in -height) fronting onto the South Circular Road and a two-storey building / ancillary depot with buildings to the north of varying size and scale.
- 2.2 Stanstead Road is a residential street, with 2.5-storey houses to the west of the site. To the south and west of the site are small mixed commercial / residential buildings on Perry Vale and the South Circular Road.
- 2.3 The existing building is a single storey retail convenience store occupied by the Co-op, with parking to the south and west of the building.
- 2.4 Forest Hill is a District Hub in the Local Plan, including the District town centre and the immediate residential neighbourhoods (Spatial Policy 3) and there are specific objectives for the development of Forest Hill to support its development and improvement. The site has a PTAL rating of 4. In addition to Forest Hill station there are several bus stops in the immediate area. Stanstead Road has a segregated cycle way running along the east side along the frontage of this site.
- 2.5 The site is not within or adjacent to a Conservation Area nor are there any listed buildings on or near the site.

3.0 Relevant Planning History

- 3.1 The site was previously in use as a petrol station until a change of use to an A1 supermarket in 1996.
- 3.2 Pre-application meetings have been held relating to the redevelopment of this site over the past two years..
- 3.2 Other recent planning history includes minor applications to do with advertisements, plant and servicing. These are not relevant to this application.

4.0 Proposed Development

- 4.1 The applicant seeks permission for the demolition of the existing single-storey building and erection of a predominantly five-storey building comprising an 89 bedroom hotel (all doubles or twins including six accessible rooms) with ancillary bar / restaurant (155sqm) at ground floor and new Co-Op convenience retail store (180sqm), without on-site parking, of equivalent size to the existing store. Ancillary works to the public realm will result in the provision of a wider pedestrian realm and loading bays / coach drop-off bays on the South Circular and taxi / short-term parking

/ a disabled parking bay on Stanstead Road.

Siting, scale and massing

- 4.2 The building would be in a V-shape sited between the Forest Hill Telephone Exchange and Stanstead Road on the north side of Waldram Park Road, extending north along the Stanstead Road frontage to the site boundary with the telephone exchange buildings. Much of the building would be five storeys with a small sixth storey on the corner of the site.
- 4.3 The building would have a maximum height of 18.9m to the top of the partial sixth floor. The general building height to the top of the fifth floor is 16.4m. On the Stanstead Road frontage the fifth floor is recessed from the elevation by 3.8m, meaning the Stanstead Road shoulder height (to the top of the fourth floor) will be 13.4m.
- 4.4 The majority of the site area would be built up, though at the rear some external space for customers would be provided. Frontage building lines would be such that a more generous pedestrian realm, as well as functional transport-related space (loading, parking and disabled parking) could be accommodated along with the planting of street trees.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the applicant prior to submission and that by the Council following the submission of the application and summarises the responses received.

Pre-Application Consultation

- 5.2 The applicant carried out public engagement in accordance with the recommendations of the Council's Statement of Community Involvement (SCI). The applicant issued 380 letters to neighbouring properties informing them of a public information event being held on 21st February 2018 on the first-floor function room at *The Signal Pub* on nearby Devonshire Road. Nine people came to the event, with seven people being positive about the proposal. Concerns included the possible loss of the Co-op store, parking, impact on amenity, visual prominence. Two people felt that the hotel would reduce the noise impact of the South Circular on their home. Design and Access Statement excerpts were emailed to attendees.

Application consultation

- 5.3 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted *Statement of Community Involvement*.
- 5.4 Site notices were displayed on 25/04/2018 and letters were sent to 73 neighbouring properties of residents and business in the surrounding area, the relevant ward Councillors, the Forest Hill Society, internal Council consultees and external statutory consultees.

Responses from Councillors & MPs

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

Written responses received from local organisations

5.6 No responses received at the time of writing this report.

Written responses received from local businesses

5.7 No responses received to date.

Written responses received from Local Residents

5.8 Twelve written submissions were submitted in relation to this application. One of these was supportive and eleven were objections to the proposal. The issues raised in the objections can be summarised below:

Table 1: Issues raised by Local Residents

Sub-Issue	Para. reference
Proposed development welcomed in principle and provide a much needed improvement to the area;;	n/a
<ul style="list-style-type: none"> • No general car parking • Number and location of disabled space; Loss of On-street parking and increase in overspill Increased levels of traffic Bus stops in this location could be considered dangerous;	See 7.5: Transport Impact / Car Parking / 7.5.1 See 7.6: Transport / Street Design Issues / 7.5.1-7.5.6
<ul style="list-style-type: none"> • Harmful impact on air quality 	See 7.10: Air Quality / 7.10.4
Harm of loss of retail store	See 4.0 Proposed Development / 7.2: Principle of Development / 7.2.1
<ul style="list-style-type: none"> • Scale of the building is out of character with the area 	See 7.3: Design Quality / 7.3.5-7.3.13
<ul style="list-style-type: none"> • Scale of the building will have negative impacts on living conditions of neighbours including harmful loss of daylight and sunlight, privacy 	See 7.6: Impact on Adjoining Properties / Daylight, Sunlight and Overshadowing
<ul style="list-style-type: none"> • Elevations and detailing 	See 7.3: Design Quality / Architectural Treatment 7.3.13-18
<ul style="list-style-type: none"> • Question need for a hotel 	See 7.2: Principle of Development / 7.2.4-7.2.6

<p>Concerns about hours of operation, , dust and noise during construction.</p>	<p>See 7.6: Impact on Adjoining Properties / Hours of Operation</p> <p>See 7.5: Transport / Construction Impact / 7.5.18</p>
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Maintenance of the property	Not a planning matter.
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Local Planning Meeting

5.9 A Local Meeting was held on 22 August as more than ten objections were submitted in relation to this application. The meeting was held at the Friends Meeting House on Sunderland Road, chaired by Councillor Susan Wise and attended by the applicant / their team and two members of the public. The meeting explored the above issues raised by residents.

Responses from External Consultees

5.11 The following responses have been received from external consultees.

Consultee	Response	Paragraph
Thames Water	Requested conditions and two informatives be added to any planning permission regarding water network.	See 7.7: Sustainability and Energy
Met Police (Designing out crime)	No objection – SBD condition recommended	
London Fire and Emergency Services	No comments received at time of writing this report.	
Transport for London	TfL support the car-free nature of the scheme and welcomes the inclusion of a blue badge parking space and set down bays on Stanstead Road which is away from TLRN. Subject to agreeing a traffic regulation order and s278 agreement TfL would not object to this application being granted.	See 7.5: Transport impacts

Table 2: Issues Raised by External Consultees

Responses received from Internal Consultees

5.12 The following responses have been received from LB Lewisham internal consultees.

Transport & Highways

5.13. No objections subject to planning conditions and obligations (see Section 7.6, below).

Environmental Protection

5.14.No objections subject to conditions including contamination, noise and plant.

Drainage

5.15 No objection subject to conditions including Drainage Strategy (SUDS) and Living Roofs.

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).
- 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 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

Policy 3.8 Housing choice

Policy 3.14 Existing housing

Policy 4.1 Developing London's economy

Policy 4.5 London's visitor infrastructure

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this application are:

GG2 Making the best use of land

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

D1 London's form and characteristics

D2 Delivering good design

D12 Agent of change
D13 Noise
E10 Visitor infrastructure
SI13 Sustainable drainage
T1 Strategic approach to transport
T5 Cycling
T6 Car parking
T6.4 Hotel and leisure uses parking
T6.5 Non-residential disabled persons parking
T7 Freight and servicing
T9 Funding transport infrastructure through planning
DF1 Delivery of the Plan and Planning Obligations

6.11 The *London Plan* SPGs relevant to this application are:

- [Sustainable Design and Construction](#) (April 2014)
- [Character and Context](#) (June 2014)
- [Town Centres](#) (July 2014)
- [The control of dust and emissions during construction and demolition](#) (July 2014)
- [Accessible London: Achieving an Inclusive Environment](#) (October 2014)
- [Culture & Night Time Economy](#) (November 2017)

Lewisham Core Strategy (June 2011)

6.12 The Core Strategy ([webpage here](#)) spatial and specific policies most relevant to this application are:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 3 District Hubs

CS8 Sustainable design and construction and energy efficiency
CS14 Sustainable movement and transport
CS15 High quality design for Lewisham
CS21 Planning obligations

Development Management Local Plan (November 2014)

6.13 The Development Management Local Plan ([webpage here](#)) policies most relevant to this application are:

DM 1: Presumption in favour of sustainable development
DM 2: Prevention of loss of existing housing
DM 11: Other employment locations
DM 12 Hotels
DM 13 Location of main town centre uses
DM 14 District centres shopping frontages
DM 15: Neighbourhood local centres
DM 16: Local shopping parades and corner shops
DM 22 Sustainable design and construction
DM 23 Air quality
DM 24 Biodiversity, living roofs and artificial playing pitches
DM 25 Landscaping and trees
DM 28: Contaminated land
DM 29: Car parking

DM 30: Urban design and local character
DM 35: Public realm

Planning Obligations Supplementary Planning Document (February 2015)

- 6.17 This document ([webpage here](#)) 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 ([webpage here](#)) 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: (add / delete as necessary)

- Principle of Development
- Design Quality
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy
- Air Quality
- Planning Obligations

7.2 Principle of Development

- 7.2.1 The hotel and convenience retail store are acceptable in principle and considered a planning merit of the scheme.
- 7.2.2 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. 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*'.
- 7.2.3 Forest Hill is designated as a **District Hub** in the *Lewisham Core Strategy 2011* (Spatial Policy 3: District Hubs and CS6: Retail Hierarchy) and in DM13 of the Development Management Plan 2014.
- 7.2.4 Policy 4.1 of the London Plan seeks to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London. This includes London's visitor economy, with Policy 4.5 seeking to ensure that proposals support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors. As part of this, the Mayor of London seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10% should be wheelchair accessible. In light of this, planning decisions should support and encourage the development of good quality budget category hotels.

- 7.2.5 Currently, Lewisham has few hotels and the borough has a small tourism sector, it is however highly connected to Central London with a number of high profile tourist attractions on the periphery of the borough. Therefore, there is an opportunity to encourage tourists to use Lewisham as a base for exploring attractions elsewhere, with new hotel developments helping to cater for both business and leisure needs as well as stimulating the local economy. Wider benefits include an increase in the number and variety of local jobs and an increased market for local businesses through both employees and visitors, including supporting the evening economy. In light of this, DM Policy 12: *Hotels* states that the Council will encourage the provision of hotels in appropriate locations, with a preference given to those in highly accessible sections of town centres, in close proximity to train stations or other locations where there is good public transport access.
- 7.2.6 In line with the above policy framework, the Council is supportive of the development of hotels within the borough. The application site, which is in a district town centre and a highly accessible location due to its very close proximity to Forest Hill Station, is considered to be an appropriate location for the development of a new hotel. The principle of the proposed hotel use is therefore supported. The application documentation confirms that the proposed hotel is aimed at a London-wide visitor business / tourism market and that the location adjacent to Forest Hill station suits this market.
- 7.2.7 The proposed development also seeks to re-provide the A1 retail convenience (*Co-Operative*) supermarket at the ground floor level fronting onto 1 Waldram Park Road. This is considered to be in line with Spatial Policy 3: District Hubs and CS6: Retail Hierarchy) and is supported in principle.
- 7.2.8 The proposed development would result in the creation of 13.5 additional Full Time Equivalent (FTE) jobs in relation to the hotel and the retention of the 13 FTE retail jobs on site, which is welcomed. [be clear if you identify this and other items above as a planning merit, and is so the weight you are giving it]

7.3 Design Quality

- 7.3.1 The proposed building would make a substantial positive contribution to the local townscape, due to its scale, position, detailing and materials.
- 7.3.2 Urban design is a key consideration in the planning process. *Chapter 12: Achieving Well-designed places* of the NPPF makes it clear that national government places great importance on the design of the built environment. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3.3 London Plan Policies 7.1-7.7 (inclusive) and Policy CS 15: *High Quality Design for Lewisham* reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. CS15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Further to this, *DM Policy 30: Urban Design and Local Character* 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.

Layout

- 7.3.4 The proposed development provides a layout that is urban in character with building lines / frontages defining the edge of the street, broadly to the rear edge of pavement. The configuration pulls the building line of the whole block forward, towards the site boundary of Waldram Park Road, offering an approximately 2.5m wide strip of additional public realm between the building and the existing pavement. This repeats the pattern of the corner terrace 55-61 Waldram Park Road and 2-20 Sunderland Road, forming a bookend to the street.. The proposed building sits approximately 4.4 metres forward of the adjacent British Telecom building at the rear edge of footway, which itself has a characterless forecourt occupied by hard surfaces and dwarf wall to define the rear edge of pavement. The relationship of the proposed hotel to Waldram Park Road and the British Telecom building is considered to be appropriate given the context and objectives of the development.
- 7.3.5 The Stanstead Road frontage is also set-back to allow for the creation of a generous pedestrian realm and parking spaces. This proposed configuration does result in the loss of the dedicated cycle lane (see Transport, below).
- 7.3.6 The building on Stanstead Road extends to the site limit at its northern edge and similarly the eastern edge on Waldram Park Road.
- 7.3.7 The corner is emphasised appropriately by a building line that defines the corner boldly and leaves sufficient space to reflect the status of the corner and the building and to accommodate the flows of pedestrians passing and exiting the building. This more urban layout also reflects the other corners within the Forest Hill centre, including those immediately adjacent at the corners of Perry Vale and Waldram Crescent.

Form / Bulk / Scale / Massing

- 7.3.8 The proposed building would be five storeys along the eastern wing fronting Waldram Park Road, except for the corner feature, and a generous set back of the fifth storey gives the impression of four storeys along the northern wing fronting Stanstead Road. The scale onto Waldram Park Road reflects the scale and status of this key street, which is suitable for such an urban location. The east wing elevation is broken into three components: plinth (base), body (middle) and head (roof). This approach to the elevation has a number of benefits to the overall composition and in reducing the overall bulk of the building fronting onto this key street. The head (fifth storey) is recessed by 80cm, meaning that the shoulder height of the building is to the top of the fourth storey, resulting in an elegant composition. The plinth has a colonnade, which roots the building on the site, creates a human scale at ground floor level, and differentiates this from the overall elevation, meaning that the main elevation reads as floors one-to-four. This composition is considered both appropriate and acceptable.
- 7.3.9 The greater set back of the fifth storey on the northern wing increases the perception that the shoulder height is the top of the fourth storey. This reflects the reduced status and scale of Stanstead Road. This is considered acceptable.
- 7.3.10 The proposed six-storey corner element has been designed to provide a focal building volume at this fulcrum of the building and prominent corner for the benefit of the marking the hotel building, the corner itself and providing an urban scale to mark

the edge of the Forest Hill centre.

- 7.3.11 In light of the above, the proposed building is considered to be acceptable with regards to form, scale and massing.

Architectural Treatment

- 7.3.12 The proposed facades reinterpret the architectural language of the historic context of Waldram Park Road and Perry Vale: the mixed use typology with commercial ground and residential upper floors (here hotel bedrooms), the tripartite division of plinth (base) – body - head (roof), divided by horizontal string courses; the simple material palette of buff brick and painted plaster/concrete for detailing and ornament.
- 7.3.13 The public facing elevations are broken down and given a human scale by the combination of the ground floor colonnades and the vertical variations in the size and arrangement of windows.
- 7.3.14 The colonnade is an architectural device; it is not intended to create a covered walkway between its pillars and the glazed facade behind.
- 7.3.15 The eastern flank of the east wing would have windows and variations in materials to add visual interest and avoid a blank façade, The northern flank wall of the north wing follows a similar architectural language with solid masonry and concrete panels to emulate window openings to provide interest to the elevation, and narrow windows serving the hallway and side windows to single bedroom on each floor. The courtyard elevations follow the same architectural language as the main elevations.

Materials

- 7.3.16 The choice of materials consists of a limited palette of durable materials that reflect the context of the area and other materials traditionally used in local architecture. The proposed brick for the development is a distressed multi-buff in warm pale-yellow/grey tones. Feature elements will be expressed in reconstituted stone or concrete: as 150mm thick ring beams in between the floors and as recessed lintels above doors and windows.. Windows, railing and rainwater pipes would be in bronze coloured PPC metalwork. This palette is considered acceptable and would contribute to the high quality architecture proposed..
- 7.3.17 Locations for appropriate signage in discrete locations have been identified. A planning condition is recommended to require details of signage for approval.
- 7.3.18 In light of the above, the proposed development is considered to be of a high standard of design that would make a positive contribution to this part of the borough. This is a planning merit to which significant weight is afforded.

External space

- 7.3.19 A Landscape Masterplan is submitted with the application that sets out the applicants proposed public realm configuration and treatment, including the following elements:
- Waldram Park Road – loading bay / coach drop-off, five bike stands, five street trees and 2.5m footpath.
 - Corner – pedestrian crossing, bench / planter, tactile surfaces at crossing points and additional small street tree;
 - Stanstead Road - 3 taxi / disabled bays and 4m footpath.
 - Proposed materials are concrete products with granite setts / kerbing on Waldram Park Road.

The nature of that proposed is generally acceptable but will be the subject of the

s278 Agreement to agree the final design and deliver the proposed upgrade.

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)).
- 7.4.2 The scheme proposes to accommodate 89 rooms on the site, all in the form of double bedrooms. There are no prescriptive policy requirements for hotel room sizes or mix besides the requirements in relation to wheelchair accessibility (discussed below). The rooms would be of varying sizes, ranging from 17.8sqm to 27sqm accessible rooms.
- 7.4.4 These room sizes exceed budget-sized hotel rooms (see recent 133 Deptford High Street scheme) significantly and are considered to be acceptable. The purpose-built hotel is also equipped with suitable ground floor ancillary services to ensure that the hotel meets the expectation of the market and provides reception, bar and restaurant facilities. The stated hotel operator would be Holiday Inn.
- 7.4.5 Based on the arrangement and articulation of the building, including floor layouts and window/ light well positions, Officers are satisfied that the building would be a high quality hotel offering. It is however vital in terms of supporting the overall regeneration of the town centre that the quality of this type of use is secured in operational terms as well as design, especially with regards to preventing a more hostel type offering. This also includes the 'active' use of the ground floor of the building which is crucial to the compatibility of the proposed building in its primary shopping frontage/ town centre location.
- 7.4.6 In light of the above, the quality of the proposed hotel accommodation is considered to be acceptable.

7.5 Transport Impact

- 7.5.0 The applicant's transport statement (prepared by ADL Traffic & Highways Engineering Ltd) concludes that the site is suitable for the proposed development as it is well connected by public transport to Central London and it would be car free, therefore generating minimal traffic movements.

Car Parking

- 7.5.1 The scheme proposes no off-street parking. Three on-street parking bays are proposed: one for disabled users and two for short stay drop off/pick up. This is acceptable, subject to a Traffic Regulation Order being agreed.
- 7.5.2 The Council, in line with the *London Plan* and *NPPF* policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable modes of transport. Parking should comply with the standards of the *London Plan*, as shown in Table 6.2 of the *Parking Addendum*. All developments that generate significant amounts of movement should be supported by a *Transport Statement* or *Transport Assessment*. The *London Plan* also favours sustainable transport modes where it is reasonable to decrease the need to travel by car. This is in order to reduce traffic congestion and the environmental impacts of car use. This is achieved through promoting cycling through the provision of storage space, improve pedestrian routes were necessary, supporting the use of public transport through

travel plans and preventing excessive parking through the maximum standards provided.

- 7.5.3 *Core Strategy Policy 14* states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The car parking standards contained within the *London Plan* will be used as a basis for assessment.
- 7.5.4 The site has a PTAL of 4 and is therefore in a sustainable location, and is well located in terms of access to public transport, and the parking survey included within the transport statement that accompanied the planning application has demonstrated that there is sufficient capacity on-street to accommodate the parking demand generated by the proposed development.
- 7.5.5 It is proposed to provide one disabled parking bay and two short stay parking spaces for drop off by guests and taxis on street for the hotel on Stanstead Road. This would comply with policy Table 6.2: Car Parking Standards of the *London Plan* which requires at least one on or off-street disabled parking bay for non-residential development.
- 7.5.6 It is proposed that the loading bay on Waldram Park Road (see below) could also be used for occasional coach drop off.

Access, Servicing & Refuse Collection

- 7.5.7 The Delivery and Servicing Plan application document identifies that the hotel would generate a minimal number of servicing and delivery trips during peak hours. The hotel operator is however required to make all reasonable endeavours to encourage the use of smaller and more efficient delivery vehicles. DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing. Access & servicing is proposed to be undertaken from a new loading bay to be formed off Waldram Park Road. This is acceptable subject to a condition securing a Delivery and Servicing Plan (DSP).
- 7.5.8 The refuse and recycling store, shared by the hotel and the retail store, is at the rear of the courtyard, out of sight from the courtyard facing bedroom windows. On collection days the bins would be moved to a holding area behind the service entrance. Refuse vehicles will stop in the allocated loading bay. Bins will be trolleyed from the holding area to the collection vehicles. Refuse collection will be at specified times agreed with the local authority in the DSP. Sufficient refuse and recycling capacity would be provided for both uses.

Cycle Parking

- 7.5.12 Cycle parking standards are set out in Table 6.3 of the Parking Addendum to Chapter 6 of the *London Plan*. The proposed development would provide 15 cycle parking spaces, 10 on the street and five in a secured cycle parking bay on-plot), meeting the standards.
- 7.5.14 A planning condition is recommended to secure further details regarding the type of cycle stands and ensuring they are provided prior to first occupation.

Street design issues

7.5.15 The Highways and Transport Office raise a number of important matters that will need to be addressed by the development of this site by means of a s278 agreement via condition / Planning Obligation, including:

- A Traffic Regulation Order;
- A *s278 Highways Act* agreement to deliver the loading bay on Waldram Park Road and the Stanstead Road improvements set out in the Site Landscape Plan, Design and Access Statement and other documents, including: creation of short-stay parking and disabled parking bays, the closure of vehicle crossovers, removal of cycle lane, widening of footway / construction of a raised planter, planting of street trees, installation of cycle signage, and other associated reinstatement works;
- A s38 Highways Agreement to adopt the new footway on Waldram Park Road (TfL)
- A Road Safety Audit - Given the reduction in the visibility splays along Waldram Park Road/Crescent (as a result of the building line moving forward) a Road Safety Audit of the proposed loading bay is required. The development shall not be occupied until the recommendations made in the approved Safety Audit document are addressed in full. The applicant will be required to undertake reasonable endeavours to implement the recommendations within the Audit. Where recommendations are not implemented an Exemption Report should be provided.

7.5.16 Planning conditions relating to the following matters will also be recommended:
A financial contribution for the installation of Legible London signs in Forest Hill town centre;

- Installation of cycle signage on Stanstead Road / Waldram Park Road;
- Further details of the proposed *Delivery and servicing plan*;
- Further details of the proposed *Construction Management Plan*;
- Details of the proposed cycle storage and bin storage;
- Provision of a *Travel Plan*; and
- Improvements works to the cycling infrastructure on Stanstead Road and on Perry Vale between the applications site and Forest Hill station

7.5.17 The Transport and Highways Officer has agreed to the principle of omitting the contra-flow cycle lane on Stanstead Road in order to allow the footpath to be widened from 2m to 2.8m on Stanstead Road to ensure that the pedestrian realm is generous and street trees are can be located on the Stanstead Road frontage, as proposed in the planning application. This has been agreed to, providing the applicant make a financial contribution to works specified in the s278 agreement above. This to include delivery of the upgraded pedestrian realm around the site and additionally install cycle signage to encourage the use of Stanstead Road as a contraflow cycle lane within the existing street

corridor, for which there is space.

7.5.18 The Highways and Transport Office have also requested that a raised table be constructed at the mouth of Stanstead Road in order to provide a safe pedestrian –crossing environment and connect both side of the street in the form of a hotel foyer space, this being to compensate for the loss of the contra-flow cycle lane. The applicant vehemently objects to this proposal on the following grounds, principally that the carriageway has already been raised so the pedestrian crossing point is nearly level and that any further raising of the carriageway would be of limited planning benefit as there would be minimal benefit to pedestrians. The applicant is happy to cover the cost of cycle signage to compensate for the loss of the contra-flow cycle lane. The development proposal (Site Landscape Plan) already includes improvements to the pedestrian environment/public realm on Waldram Park Road. On balance Planning Officers have not included the requirement to provide a raised table at Stanstead Road as additional highway works due to the disputed need for them. The applicant has agreed to all other works.

7.5.19 **Transport for London (TfL)** – TfL support the car-free nature of the scheme and welcomes the inclusion of a blue badge parking space and set down bays on Stanstead Road which is away from TLRN. The site is within an acceptable walking distance of Forest Hill station which is served by London Overground and National Rail services. The Transport Assessment (TA) predicts that the proposed development would result in a total of 55 two-way trips being generated in the AM peak and 85 in the PM peak. This is estimated to represent a decrease of 7 and 18 trips in the AM and PM peaks respectively in comparison to the current land uses which has 11 parking spaces on the site. It is therefore expected to reduce the impact on the TLRN, although a traffic regulation order will need to be agreed with TfL for the proposed loading area on Waldram Park Road. A section 278 agreement will need to be entered into with TfL as highway authority for the proposed changes to the site. The cycle provision proposed is 10 short stay and 5 long stay cycle spaces for the hotel and commercial units which is in line with draft London Plan requirements. Clarification is needed on whether the applicant is planning on retaining the physical separation between parked cars and the contraflow cycle track on Stanstead Road? It would be advisable to retain it.

7.5.20 Subject to agreeing the following TfL do not object to the granting of this application:

- A Traffic Regulation Order;
- A s278 Highways Act agreement to deliver the Waldram Park Road improvements set out in the Site Landscape Plan, Design and Access Statement and other documents, including the closure of vehicle crossovers, provision of loading / coach parking bays, construction of a raised table, provision of street trees, widening of footpaths, and the provision of cycle parking stands);
- A S38 Highways Agreement to adopt the new footway on Waldram Park Road (TfL);
- Given the number of accidents recorded in the vicinity of the site, and the reduction in the visibility splays along Waldram Park Road / Crescent as a result of the building line moving forward, a Road Safety Audit of the

proposed loading bay is required, and the applicant will be required to undertake all recommendations identified in the audit.

7.5.21 TfL also request that a number of informatives be added to any permission:

- The footway and carriageway on Waldram Park Road must not be blocked during the installation. Temporary obstructions during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Eastern Avenue. All vehicles associated with the installation must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Construction Impact

7.5.22 A planning condition will be recommended to be imposed to ensure the submission of a *Construction Management Plan for the council's approval*, that will be expected to detail the number and type of vehicles, mitigation measures for dust and noise, safety implications and length of construction period (among other matters). The statement would also be expected to address proposed demolition works.

Summary of Highways matters

7.5.23 The Highways and Transport Office have also requested that the construction of a raised table be provided at the . The scheme would make adequate provision for private vehicles, taxis and coaches. Loading and deliveries would be carried out off-street. The scheme would not have an appreciable impact on the local highway network. The loss of part of the dedicated cycle path is regrettable however on balance the merit of the improvements to that part of Stanstead Road would outweigh the harm to cycling infrastructure.

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 a distance of 21 metres, however it also outlines that this must be interpreted flexibly, taking into account the height of buildings.

Daylight, Sunlight and Overshadowing Assessment

7.6.5 With regards to daylight and sunlight impacts of the proposed development, a *BRE Daylight/Sunlight Report* has been submitted which outlines the findings of a comprehensive study of the impact of the proposed development on the relevant windows / rooms in all of the surrounding residential properties. The BRE guidelines are to be applied flexibly according to the context of each application site and the nature of its context. The following neighbouring residential properties were assessed for Daylight and Sunlight:

- 2 Perry Vale (upper floor windows 1-4); and
- Residential living spaces at Stanstead Road (see Figure 1, below) – i.e. non-residential spaces excluded from assessment:

Figure 1: Stanstead Road windows assessed.



Daylight

7.6.4 In accordance with BRE Guidance, the assessment of daylight is based on the calculation of the Vertical Sky Component (VSC) (or in layman's terms – diffuse daylight light) 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.

7.6.7 The assessment has the following conclusions:

- The impact on 2 Perry Vale is minimal and levels exceed the threshold of 27% VSC;
- The only windows within 1A-13B Stanstead Road that have an existing VSC that exceeds 27% are the dormer windows. These all have post-development values that exceed the minimum.

- All of the other windows in this group of buildings have pre-development values that are less than the 27%. The post-development values are all within a difference range of 0.4%-2.0%, apart from 1A Stanstead Road, which has a difference of 3%. The relative difference in VSC is considered to be acceptable and well within the tolerances of change in an urban environment. This is particularly the case given the site is effectively a void at the moment in terms of VSC, as it has a single-storey structure on a small portion of the site. It is reasonable to expect development on the site to happen and that this would have some impact on VSC.

Sunlight

- 7.6.7 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.
- 7.6.8 All windows have post-development values that exceed the minimum Annual Probable Sunlight Hours and Winter Probable Sunlight Hours. The development therefore is considered to be acceptable in terms of impact on Sunlight.

Overshadowing

- 7.6.10 No open spaces/gardens would be overshadowed therefore further analysis is unnecessary.

Outlook

- 7.6.11 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.
- 7.6.12 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.
- 7.6.13 The development is considered to be of an acceptable scale in relation to its context and the potential impacts on neighbouring properties. The Waldram Park Road elevation has a general building height of 16.3m compared to a street width of 25m between facing elevations. The Stanstead Road elevation has a shoulder height of 13.7m compared to a street corridor width of 16.8m between facing elevations. Neither of these street-facing elevations are considered to present an unacceptable scale of development within the context of the Waldram Park Road and Stanstead Road street corridors..

Privacy

- 7.6.12 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.

- 7.6.15 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. The distance on front elevations should reflect local context.
- 7.6.16 The nearest dwelling to the rear of the hotel is 2 Stanstead Road. There are two windows on the north elevation (one to a corridor and one to a single bedroom) of the north wing. The separation between these and 2 Stanstead Road exceeds 21 metres and therefore presents an acceptable relationship without undue impact on privacy.

Hours of Operation

- 7.6.17 The stated hours of operation of the development (hotel and A1 retail) is 7am to 11pm (07:00 to 23:00). This is considered reasonable given the location of the development site in central Forest Hill and the proximity to adjacent live uses in close proximity. As both building access points are on Waldram Park Road, the strategic South Circular and not on the residential Stanstead Road, it is the Officer's view that the hours of operation should be extended to midnight, even if the operators do not want to utilise this initially. This will be done by planning condition. The principal customers of the hotel bar are most likely to be those staying at the hotel.

Summary

The scheme would not result in material harm to the living conditions of neighbours.

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. Policy 5.7 requires the use of on-site renewable technologies, where feasible. New major non-residential development must achieve a 35% on-site reduction of carbon emissions beyond Part L of the Building Regulations 2013 (the Target Emission Rate, or TER)
- 7.7.3 The onsite reduction in regulated CO₂ emissions over the TER would be 63.3%. The applicant has stated that their strategy to reduce energy consumption / carbon production is to utilise Combined Heat and Power, VRF air source heatpumps and building fabric / spec investments.. This achieves 63.3% site wide savings at the 'be lean' stage through the integration of Combined Heat and Power (CHP) systems and VRF air source heat pumps, as well as high levels of insulation and glazing, low air flow tightness, energy saving controls for space and lighting. Officers consider the sustainability appraisal and energy strategy to be efficient for the site.
- 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 72.2%, thereby achieving 'excellent' status. This would need to be secured by planning condition.

Table 3: Renewable Energy provision

Total output (Kw)	CO2 reduction (%)
Building fabric / spec	4.8%
CHP	51.4%
VRF air source heat pumps	7.1%
Total Generating power (Kw)	
CO2 reduction as % of total emissions	63.3

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 A living roof is proposed, planted with a sedum and herbaceous wild mix. This is acceptable and a condition is recommended to ensure it is installed correctly.

Sustainable Urban Drainage Systems

7.7.8 Core Strategy Policy 10: *Managing and Reducing the risk of flooding* provides the principal policy basis for sustainable urban drainage systems within Lewisham by reducing the risk of flooding and end employing the best drainage system that can practically be provided on the site. Sustainable urban drainage strategies (SUDS) offer an alternative approach to drainage in developed areas taking into consideration long term environmental and social factors.

7.7.9 The existing site is entirely covered by the supermarket and its surrounding hardstanding for servicing and car parking. The proposed scheme will reduce any surface water runoff from the site.

7.7.10 A *Surface Water Drainage Strategy* (Simpson, July 2018) has been developed for the site that incorporates SUDS in the form of green (living) roofs and a below ground storage tank. The strategy would ensure that surface water runoff is discharged at a rate that does not adversely affect flood risk whilst also providing sufficient capacity for excess runoff to be stored and attenuated on site up to and including the 1 in 100 year storm return period with 40% allowance for increase in peak rainfall intensity over the lifetime of the development. The post-development run-off rate will be approximately 10% lower than the pre-development run-off rate as a brownfield site. .

7.7.11 Thames Water advise that with regard to water network infrastructure capacity they do not have any objection to the planning application in principle, subject to the developer following the sequential approach to the disposal of surface water

7.7.12 Nevertheless, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal; they request a planning condition so the development shall not be occupied until this is resolved. Local water supply is adequate.

Site Contamination

7.7.14 DM Policy 28: Contaminated Land of the *Development Management Local Plan* (2011) provides the policy basis for assessing development proposals in terms of site contamination. The application is supported by an Environmental Desk Study, which concludes further environmental investigation is required to verify current site conditions.

7.7.15 Lewisham's Environmental Protection Officer has assessed the evidence submitted and requests that the standard Site Contamination planning condition is added.

7.8 Ecology, Trees & Landscaping

7.8.1 The existing site / pavements have no street trees / planting. The ecological value of the site is low. The development proposal would enhance the ecological value and aesthetic value of the site by:

- planting six small and one medium-sized trees on Waldram Park Road and Stanstead Road; and
- planting trees in the hotel courtyard; and the provision of a living (green) roof.

7.8.2 The proposed soft landscape strategy is considered acceptable in principle from an ecological and aesthetic perspective. The provision of street trees would be secured via a s142 licence granted under the *Highways Act 1980* and in doing so would meet the Council's duties in respect of s.197 of the *Town and Country Planning Act 1990* (as amended).

7.9 Flood Risk

7.9.1 The site falls within Flood Zone 1, where flooding from rivers or sea is very unlikely. There is less than a 0.1 per cent (1:1000) chance of flooding occurring each year. This presents an acceptable flood risk and no further analysis is necessary.

7.10 Air Quality

7.10.1 The Air Quality Assessment (prepared by Gem Air Quality Ltd) assesses the impacts of air pollution in relation to construction and vehicle emissions. It concludes that construction impacts can be mitigated by best practice measures and these should form part of the Construction Management Plan. Vehicle-related air pollution (PM₁₀ and NO₂) are all well within the target objectives and the impacts are considered to be acceptable (negligible / low) in this location.

7.10.2 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.

7.10.3 *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.

7.10.4 In response, an 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.

7.10.5 An *Addendum to the Air Quality Assessment* (received 11.12.18) confirms that the impact of the CHP across the proposed development is not considered to be significant as the predicted increase in concentrations will not result in the annual mean objective exceeding 60 µg/m³, meaning the short-term objective (applicable to hotels) across the proposed development will not be exceeded.

7.10.6 The Council's Environmental Health officers have reviewed the document, and have confirmed they are satisfied with the conclusions reached, subject to a condition to secure a Construction Management Plan to cover all aspects of development including demolition.

7.11 Local Finance Considerations

7.11.1 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).

7.11.2 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 payable on this application. The likely CIL payment associated with this development would be in the region of **£303,240** on the basis of a net increase of 2888sqm on site. An informative would be added to the decision notice advising the Applicant to notify the Council when works commence. This amount includes the Mayor of London CIL (£202,160 approx.) and the LB Lewisham CIL (£101,080 approx.).

7.12 Equalities Considerations

7.12.1 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.

7.12.2 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.

7.12.3 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.

7.12.4 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>

7.12.5 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

7.12.6 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>

7.12.7 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.

7.13 Human Rights Implications

7.13.1 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

7.13.2 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.

7.13.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 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.

7.13.4 This application has the legitimate aim of providing a new building with employment uses. It is considered that this development proposal does not interfere with the

above human rights.

7.14 Planning Obligations

7.14.1 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

7.14.3 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.'

7.14.4 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.

7.14.5 The Planning Obligations SPD states that the Council requires a contribution of £530 for each new job / dwelling. In this case, the contribution would be **£7,155** on the basis of employment on site increasing from 13 jobs to 26.5 jobs (i.e. a net increase of 13.5 FTE jobs), which will be secured in the S106.

Transport & Public Realm

7.14.6 The applicant will be required to enter into a *s278 Highways Act* Agreement with LB Lewisham (the Highways Authority) to undertake works to Stanstead Road. This will be to deliver:

- A Traffic Regulation Order;
- A *s278 Highways Act* agreement to deliver the Stanstead Road improvements set out in the *Site Landscape Plan, Design and Access Statement* and other documents, including: creation of short-stay parking and disabled parking bays, the closure of vehicle crossovers, removal of cycle lane, widening of footway, planting of street trees, construction of raised planters, installation of cycle signage on Stanstead Road, installation of cycle parking stands, and other minor works;
- A *s38 Highways Act* Agreement to adopt the new footway on Waldram Park Road (TfL)

7.14.7 The applicant will also be required to enter into a *s278 Highways Act* Agreement with Transport for London (TfL) relating to works to Waldram Park Road (the South Orbital). This will be to deliver:

- A Traffic Regulation Order;

- A s278 Highways Act agreement to deliver the Waldram Park Road improvements set out in the *Site Landscape Plan, Design and Access Statement* and other documents, including the closure of vehicle crossovers, provision of loading / coach parking bays, provision of street trees, widening of footpaths, and the provision of cycle parking stands;
- A s38 Highways Agreement to adopt the new footway on Waldram Park Road (TfL).

Carbon Offset Payment

7.14.8 In accordance with the *London Plan*, as this development achieves the target of a 35% reduction on Part L of the Building Regulations then the development is not liable to a carbon-offset payment.

Monitoring Costs

7.14.9 Table 6.1 of the *Lewisham Planning Obligations SPD 2015* stipulates that there are three bands of monitoring charges:

Type 1 - Standard clauses - £500 per item;

Type 2 – Non-standard clauses requiring assessment - £750 per item

Type 3 – Non-standard complex clauses - TBD

7.14.10 The Proposed s106 Planning Obligation involves the monitoring of six Type 1 clauses, and therefore the proposed fee for this will be **£3,500**.

Planning Obligations Conclusion

7.14.10 Officers consider that the obligations outlined above (and listed in Table 4, below) 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)*.

Table 4: Planning Obligation summary

<i>S106 Item</i>	<i>Agreement sum within s106</i>
Local Labour	£7,155
S278 Agreement with London Borough of Lewisham	£0
Traffic Regulation Order	£0
S38 Highways Agreement	£0
S278 Agreement with Transport for London	£0
Traffic Regulation Order	£0
S38 Highways Agreement	£0
Carbon Offset Payment	£0
Monitoring Costs	£3,500
Total	£10,655

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 the proposed hotel / retail mixed use scheme at 1 Waldram Park Road will offer a hugely positive contribution to Forest Hill as a designated

District Hub. In addition to contributing to London's visitor economy, it is considered to provide wider benefits to the local area, including local employment opportunities, a boost to Forest Hill's evening economy and major urban design benefits by developing what is effectively a gap site on Waldram Park Road with a building of high architectural quality that offers significant urban design benefits to the site and its context. The proposed building is expected to introduce a prominent addition and help frame the Forest Hill centre in a location immediately adjacent to the railway station to enhance the sense of arrival to a key location.

- 8.3 In light of this, and for the reasons outlined within this report, the proposed development is considered to be acceptable, subject to the proposed conditions and legal agreement.

9.0 Recommendation A1

- 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 at Table 4, Section 7.14 above:-

OR:

Subject to no direction being received from the Secretary of State for Housing, Communities and Local Government or the Mayor of London, 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 at Table 4, Section 7.14, above

Conditions

- 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:

061-A-000-A2-000: 061-A-001-A2-000: 061-A-010-A2-000: 061-A-000-A2-011:
061-A-000-A2-100: 061-A-000-A2-101: 061-A-000-A2-102: 061-A-000-A2-103:
061-A-000-A2-104:061-A-000-A2-105: 061-A-000-A2-106: 061-A-000-A2-110:
061-A-000-A2-120:061-A-000-A2-200: 061-A-000-A2-201:061-A-000-A2-
202:061-A-000-A2-203:061-A-000-A2-204:061-A-000-A2-210:061-A-000-A2-
300:061-Waldram-Final Design And Access Statement:Transport
Statement:Framework Construction Management::Planning
Statement:BREEAM Specifications.

061-A-205-A1-100 (E-W Section WPR frontage) received 12 October 2018;
061-A-500-A2-000 (Proposed External Plant) received 15.10.18; Design and
Access Statement Addendum (External Plant) received 15.10.18

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.

Construction Management Plan

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 or phase of development (including demolition of existing buildings and structures, **except where enabling works for site investigation has been agreed by the local planning authority**) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been

complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

5. (a) Notwithstanding the details hereby approved, no development prior to completion of the superstructure shall commence until detailed plans at a scale of 1:20 showing windows / doors / balustrades / 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.

6. No development **above ground** shall commence on site until a detailed schedule and specification/samples of all external materials and finishes / windows / grilles 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.

7. (a) **Prior to installation**, plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop fronts **shall be** submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance..
- (b) The development shall be constructed in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied with the details of

the proposal and to accord with *Policy 15 High quality design for Lewisham* of the *Core Strategy* (June 2011) and *Development Management Local Plan* (November 2014) DM Policy 19 Shopfronts, signs and hoardings.

8. (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the **completion of above ground works** of development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

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

- (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

9. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with the plan nos. *061-A-106 Roof Plan*, *061-A-300 Section* and *the Design and Access Statement*, a detailed specification and 1:20 sectional drawings to be provided prior to commencement of the fit-out of the superstructure for the approval by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

10. (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).

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

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

12. 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 180 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).

Hours of Operation

13. (a) The A1 Retail Unit shall be open for business between the hours of 06:00 to 23:00 seven days per week;
- (b) Publicly accessible services (breakfast bar / restaurant / cafe / meeting rooms) at the hotel shall be open between the hours of 06:00 to 23:00 seven days per week;
- (c) The hotel shall be operational 24 hours per day for hotel guests only.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with DM Policy 26 Noise and Vibration, DM Policy 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the *Development Management Local Plan* (November 2014).

14. (a) Prior to occupation details of a proposal to upgrade the combined water infrastructure to accommodate the needs of the proposed development shall be submitted for approval by the Planning Authority;

(b) the combined water infrastructure shall be upgraded according to the approved details.

Reason: In order to ensure that the development can be adequately serviced by the available infrastructure and to ensure the provision of high quality visitor accommodation in order to comply with DM Policy 12: Hotel of the Development Management Local Plan (2014).

Signage locations

- (a) Details shall be submitted **prior to occupation** of the proposed locations / sizes of signage relating to the permitted hotel use and A1 convenience store use;
- (b) Signage shall be implemented according to that approved.

Reason: In order to ensure a high standard of design in the built environment and to comply with DM Policy 30: Urban Design and Local Character of the *Development Management Local Plan 2014*.

Lighting locations

- (c) Details shall be submitted **prior to occupation** of the proposed locations / specifications for external lighting;
- (d) Lighting shall be implemented according to that approved.

Reason: In order to ensure a high standard of design in the built environment and to comply with DM Policy 27: Lighting and DM Policy 30: Urban Design and Local Character of the *Development Management Local Plan 2014*.

Informatives

15. **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. On this particular application, positive discussions took place which resulted in further information being submitted. 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.
16. 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>
- A. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and

the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- B. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- C. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- D. Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.
- E. 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 CII@lewisham.gov.uk.
- F. It should be noted that all illuminated signage will be subject to a separate statutory Advertisement Consent process.
- G. *The footway and carriageway on Waldram Park Road must not be blocked during the installation. Temporary obstructions during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Eastern Avenue. All vehicles associated with the installation must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.*

No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>