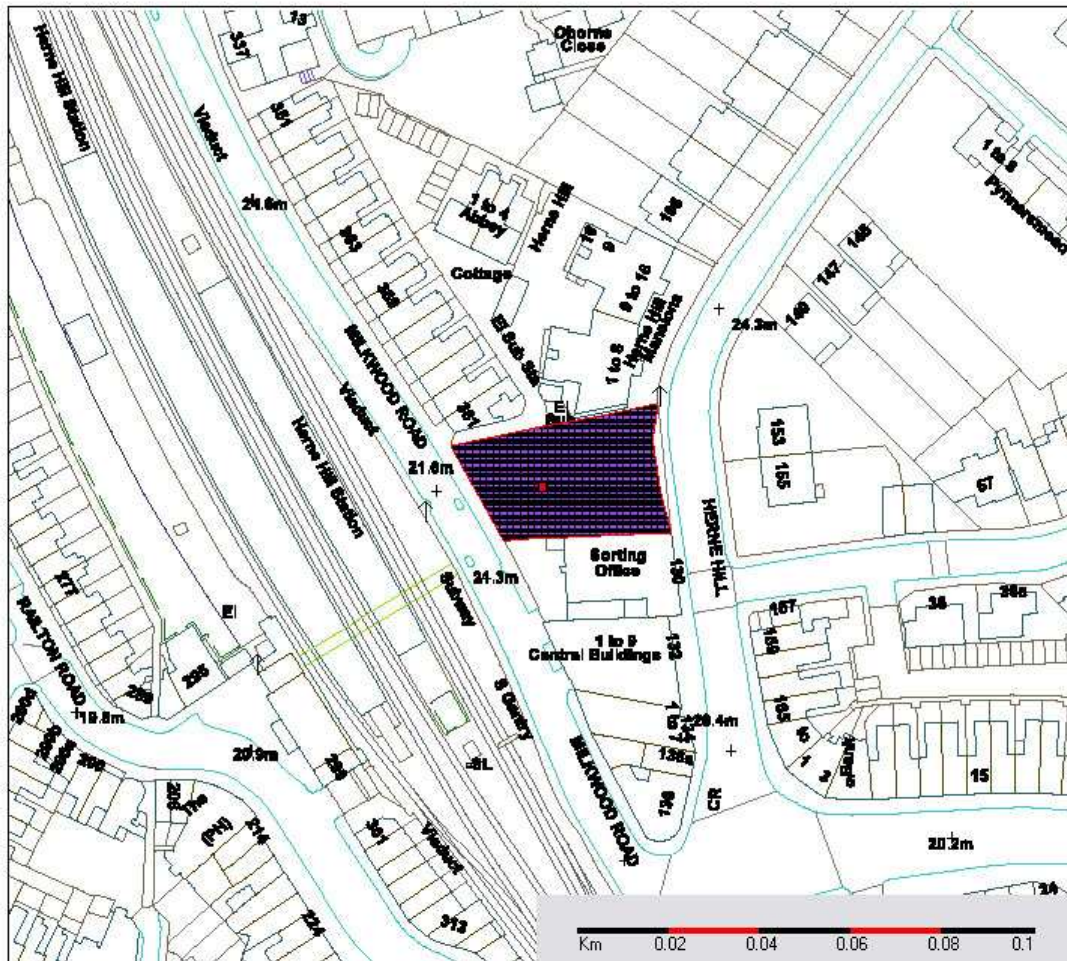


## Section 1 – Site Location Map

# LAMBETH PLANNING APPLICATIONS COMMITTEE



Case Number :	11/04511/FUL
Application Address :	128 Herne Hill London



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L.B. Lambeth LA 100019338 2005

## Section 2 – Application Summary

<b>Location</b>	128 Herne Hill London SE24 9QH
<b>Ward</b>	Herne Hill
<b>Proposal Application</b>	Erection of a part 4/part 5 storey building fronting onto Herne Hill, a part 3/part 4 storey building fronting onto Milkwood Road incorporating a 3 storey link building to provide retail/financial and professional services (Use Class A1/A2) on the ground floor and student accommodation (69 student rooms) on the upper floors, a covered servicing route, provision of one student drop off/disabled space, widening footways and provision of a pedestrian walkway between Herne Hill and Milkwood Road, provision of refuse and cycle storage and associated works and landscaping.
<b>Applicant</b>	Goldcrest Land
<b>Agent</b>	Kevin Goodwin: Morley House, 26 Holborn Viaduct, London, EC1A 2AT
<b>Date valid</b>	16 December 2011
<b>Case Officer</b>	Miss Panyun Chow
<b>Application Reference</b>	11/04511/FUL
<b>Drawing number (s)</b>	JKK6789/01 Rev. C, JKK6789/02 Rev. A, JKK6789/03 Rev. A, 5310/P1.00, 5310/P1.01, 5310/P1.02 A, 5310/P1.03 A, 5310/P1.04 B, 5310/P1.05 A, 5310/P1.07, 5310/P1.08, 5310/P1.09, 5310/P1.20, 5310/P1.22, 5310/P1.23, 5310/P1.24, 5310/P1.25, 5310/P1.30, 5310/P1.31, 5310/P1.32, 5310/P1.33, Planning Statement, Design and Access Statement, Heritage Statement, Noise Aspects, Site Investigation Report, Transport Assessment by Cottee Transport Planning, Community Involvement Report, Decommissioning Report, Flood Risk Assessment, Building for Life Assessment, Daylight/Sunlight Report by GVA dated November 2011, Student Accommodation Report, Management Plan, Sustainability Statement Energy Statement by RPS, and Waste Management Strategy.
<b>Recommendation (s)</b>	Grant planning permission subject to conditions and the completion of a Section 106 Agreement.
<b>Constraints</b>	Herne Hill Conservation Area District Centre Primary Shopping Area
<b>Advert Notice Date</b>	10th February 2012
<b>Site Notices Date</b>	10th February 2012

### **3.1 Summary of Main Issues**

- Loss of petrol filling station (Sui Generis);
- The scale, height and design of the proposed building and its impact upon the surrounding townscape and on the character and appearance of Herne Hill Conservation Area;
- The impact of the development upon the amenity of the occupiers of neighbouring properties;
- The standard of student accommodation to be provided;
- Highway and transportation implications of the proposal;
- Sustainability issues; and
- Community safety/Designing out crime considerations.

### **3.2 Site Description**

- 3.2.1 The application relates to the site of a former petrol filling station located close to the junctions of Herne Hill and Milkwood Road with Dulwich Road. The site has two frontages; one on the west side of Herne Hill Road and other on the east side of Milkwood Road and lies opposite Herne Hill train station. To the south and north of the site, are a series of 2 to 4 storeys buildings comprising residential and commercial premises. The site is currently vacant but was formerly used as petrol filling station, classed as a Sui Generis within the Town and Country Planning (Use Classes) Order 1987 (as amended)).
- 3.2.2 Under the Local Development Framework Proposals Map, the site is identified as being located within the Herne Hill District Centre Primary Shopping area and falling within the Herne Hill Conservation Area (CA61).
- 3.2.3 The site has a Public Transport Accessibility Level (PTAL) rating of 4 which indicates a 'good' accessibility level. The site is not located within a Controlled Parking Zone, however it borders areas of Controlled Parking Zones within the London Borough of Lambeth and Southwark.

### **3.3 Relevant Planning History**

- 3.3.1 31 August 1994 (94/02208/PLANAP) – Planning permission GRANTED for the reconstruction of the petrol filling station including a new sales building, new car wash building, new service area, new pumps, and new canopy, together with alterations to the vehicular access.
- 3.3.2 17 March 2000 (00/00184/FUL) – Planning permission GRANTED for the installation of ATM into north elevation of the existing sales building on the BP Filling Station site.
- 3.3.3 29 July 2009 (08/04564/FUL) – Planning permission REFUSED for the redevelopment of the site to provide a part 4, part 5, part 6 storey building with basement fronting 1 Herne Hill & Milkwood Road to provide a ground floor retail (Class A1-A5) unit and 32 residential apartments on upper floors comprising of (24 x 1 bed and 8 x 2 bed) of which 13 units would be for affordable housing with balconies and terraces with glass balustrade, with associated basement car parking for 10 vehicles, motor cycle store and cycle store.

### 3.3.4 The application was refused on the following grounds:

- 1 The proposed development, by virtue of its height, bulk, scale and massing, would appear over dominant and overbearing from the existing neighbouring residential properties, which would result in an un-neighbourly and unacceptable sense of enclosure and a loss of sunlight/daylight to the detriment of the residential amenities of neighbouring occupiers. As such the proposal is contrary to Policy 33 of the Unitary Development Plan (2007).
- 2 The proposed housing mix fails to provide housing development to meet the different needs and demands for housing in the Borough, contrary to Policy 15 of the Council's UDP (2007)
- 3 The proposal fails to make provision for the requisite level of affordable housing on site and/or provide full valuation evidence to support a lower level of affordable housing provision, contrary to Policies 16 and 57 of the adopted Unitary Development Plan (2007).
- 4 The proposed development, by virtue of poor standard of design, would fail to relate satisfactorily to the adjacent townscape and contribute positively to its surrounding area, and would appear as an incongruous and inappropriate addition to the streetscene thereby causing detriment to the visual amenity of the locality, adversely affecting the character and appearance of the Conservation Area, contrary to the provisions of Policies 33, 36 and 47 of the Unitary Development Plan (2007).
- 5 Insufficient information has been submitted to enable the Authority to fully assess the impact that the proposed development would have on the amenity of the future occupiers of the new units, contrary to Policy 33 of the Council's UDP (2007)
- 6 The applicant has failed to demonstrate that the proposed vehicular access would operate in a safe and satisfactory manner and would not lead to obstruction of other vehicles or pedestrians on the adjoining the public highway, which would lead to an adverse impact on highway safety, contrary to policies 11 and 14 of the UDP.
- 7 The proposed loss of the pedestrian route would lead to a reduction in accessibility and access to Herne Hill station, contrary to policies 11 and 14 of the UDP.
- 8 In the absence of a S106 Agreement to mitigate the impact of the proposed development on the local infrastructure, the proposal runs contrary to Policies 26 and 57 of the Unitary Development Plan (2007).

### **3.4 Details of Current Proposal**

- 3.4.1 Planning permission is sought for the erection of a part 4/part 5 storey building fronting onto Herne Hill, a part 3/part 4 storey building fronting onto Milkwood Road incorporating a 3 storey link building to provide Retail/Financial and professional services (Use Class A1/A2) on the ground floor and student

accommodation (69 student rooms) on the upper floors, a covered servicing route, provision of one student drop off/disabled space, widening footways and provision of a pedestrian walkway between Herne Hill and Milkwood Road, provision of refuse and cycle storage and associated works and landscaping.

3.4.2 Since the refusal of the previous planning application (08/04564/FUL), the following changes have been made to the scheme and are incorporated into the current planning application:

- 32 residential units on the upper floors have been removed and replaced with student accommodation comprising 69 student rooms.
- Commercial uses within the classes comprising of A1, A2, A3, A4 and A5 have been replaced with retail and financial and professional services (Use Classes A1 and A2).
- The overall bulk, scale, height, design and appearance of the building has been changed to reflect the character of the surrounding area.
- The basement level comprising 10 car parking spaces has been removed and replaced with a small plant area; one student drop-off point/disabled bay is proposed instead.

3.4.3 The proposal would provide one student drop-off point/disabled bay within the service yard on the site instead of car parking at basement level. The applicant has indicated that a total of 45 secure and enclosed cycle spaces would be provided on site for the commercial use and student accommodation. Commercial and student waste refuse storage areas would be provided on the north boundary of the site.

3.4.4 A student outdoor seating area and courtyard would be provided at ground floor level, which would be sited to the side (south elevation) and rear (west elevation) of the application site, respectively. It should be noted that further student amenity space would be provided at third floor level comprising a roof terrace linked between the buildings facing onto the Milkwood Road and Herne Hill frontages. In addition, 2 of the student rooms at third floor level would have private balcony areas. At fourth floor level facing onto the Herne Hill frontage, 3 of the student rooms would have private roof terrace areas with 1.8m high glazed screening between each room, in order to ensure that no loss of privacy occurs.

3.4.5 The proposed building would vary in height; the frontage building facing onto Herne Hill (east elevation) would be part 4/part 5 storeys, measuring approximately 15.9m in height at its highest, with a set back of 2.3m from the front building line at fourth floor level. The frontage building facing onto Milkwood Road (west elevation) would be part 3/part 4 storeys measuring approximately 13.7m in height at its highest, with a set back of 500mm from the front building line at third floor level. The ground levels to the Milkwood Road frontage vary, as the land slopes down.

3.4.6 The building would measure approximately 27m wide (south to north) on the eastern elevation and would measure approximately 24.9m wide (south to north) on the western elevation. It would be approximately 40.5m deep in total at ground floor level (east to west) on the northern elevation and approximately 36m deep in total at ground floor (east to west) on the southern elevation. The

depth of the building varies on the upper floors, as there are various set backs proposed. The building line would be in line with the existing adjoining properties along the frontages of Milkwood Road and Herne Hill, to the east and west of the application site, respectively.

- 3.4.7 A total area of 372sqm would be provided as commercial floor space comprising either A1 (retail) or A2 (financial and professional services) uses at ground floor level along with a total of 71.5sqm plant room area at basement level. 69 student rooms would be provided on the first, second, third and fourth floor levels. 13 of these units would each consist of a bedroom and bathroom, and share a kitchen/dining room situated at first, second and third floor levels. 56 of the units would each be self contained with a bed, kitchen/dining area and bathroom. 6 of units will be provided for wheelchair access at first, second and third floor levels via lift access on each floor. To manage the student accommodation, a reception and office area would be provided at ground floor level with the provision of two lifts to access all upper floors. A student laundry room and disabled WC would be provided at ground floor level as well. Two separate pedestrian entrances would be formed at ground floor level, providing separate access to the commercial unit at ground floor level and the student accommodation on the upper floors. These entrances would be from the Herne Hill frontage (east elevation) only.
- 3.4.8 Vehicular access is proposed via the existing crossovers on Milkwood Road (west elevation) and Herne Hill (east elevation) creating a one-way service yard entered from Milkwood Road and exited onto Herne Hill. The public pavements on either side of the application site facing on Milkwood Road and Herne Hill would be widened to aid the free flow of pedestrian traffic.
- 3.4.9 The applicant has indicated that a total of 8 new trees would be planted as part of the proposed landscaping scheme. One tree would be planted on either side of the existing tree located outside the Herne Hill frontage (east elevation); another tree would be planted in the north-east corner of the site. Two new trees would be planted along the southern boundary, located within the student outdoor courtyard. Due to the widening of the public pavement along Milkwood Road, three existing street trees would be replaced with new trees (west elevation).
- 3.4.10 External materials would include facing brickwork in Flemish bond (coloured red), curtain walling, zinc metal cladding, powder coated aluminium framed windows and doors (dark grey RAL 7024), metal railings to windows, glazed balustrading coloured opaque, sedum roof and glazed rooflights together with paved and tarmac to vehicle access/hardstanding area.

### **3.5 Consultations and Responses**

- 3.5.1 Letters were sent to 50 neighbouring properties within the vicinity of the site; comments received are outlined in the table below.

#### **Internal consultation:**

- The Council's Transportation/Highways department were consulted and raised no objections to this application subject to conditions and section 106

and Section 278 obligations. These conditions and obligations are discussed in the highways and obligation sections of this report.

- The Council’s Conservation and Design officer was consulted and raised no objections to this application subject to conditions being imposed on the construction detailing and materials of external finishes of the building.
- The Council’s Arboricultural officer was consulted and raised no objections to this application subject to conditions being imposed on the protection of the existing trees adjacent to the site and the details of landscaping including details of the new trees.
- The Council’s Policy officer provided comments in relation to the land use and redevelopment of the site. These comments are discussed in detail in the Land Use section of this report.
- The Council’s Crime Prevention advisor was consulted and raised no objections to this application subject conditions. These comments are discussed in detail within the Crime/Community Safety section of this report.
- The Council’s Streetcare officer was notified in writing of the proposed development and at the time of finalising this report no response had been received.

**External Consultation:**

3.5.2 The Herne Hill Society, Herne Hill and Park View Tenants Association and Milkwood Residents Association were consulted. The Herne Hill Society made comments on the application and was in support of this application. At the time of writing this report, no response has been received from Herne Hill and Park View Tenants Association and Milkwood Residents Association.

3.5.3 Two site notices were displayed in the vicinity of the site on the 10 February 2012 and a press notice was published in the Lambeth Weekender on the 10 February 2012.

**Responses**

No. Letters sent	No. of objections	No. in support	No. of comments
50	3	5	2

3.5.4 A total of 50 notification letters were sent out; three letters of objections were received and five letters of support including comments from the Herne Hill Society as well two letters making observations on the scheme.

3.5.5 The objections received from the public consultation are summarised in the following table together with an officer response.

	<b>Objection</b>	<b>Officer response</b>
1	Overall height, bulk and design of proposed development is not in keeping with the conservation area	<p>Overall the revised proposal is considered to make a positive contribution to the area; the proposed design utilises the potential of a larger plot size whilst still maintaining uniformity with surrounding development in particular the prevailing building line of the prominent frontage along Herne Hill. The proposed building height, roof form and materials further enhance the uniformity with the surrounding area and ensure that the proposed development would have a minimal impact on the character and appearance of the conservation area in particular and surrounding area in general.</p> <p>The application as amended has the support of the Council's Conservation and Design officers. The scheme as amended is considered to overcome the reasons for refusal of the previous application on design and conservation grounds.</p>
2	Overdevelopment of the site	<p>The principle of a mixed development use comprising of A1 (retail) or A2 (financial and professional services) use classes at ground floor level and student housing on the upper floors is considered acceptable in land use terms. The proposal would therefore comply with the Council's land use policies outlined in this report. The scheme provides a good level of student accommodation and significant commercial floor space without compromising the quality of the existing residential environment, the viability of the district shopping centre or transport and highway safety and as such does not constitute over development to the site.</p>
3	Increased in parking problems.	<p>One disabled bay is proposed within the on-site servicing yard and, this is considered appropriate by transport and highways officers. The application site also has a good PTAL rating and is well serviced by public transport and would not significantly increase parking stress in the area.</p>
4	Increase noise and distribution generally.	<p>The proposal would not significantly increase the noise between party walls. However, it is considered that with</p>



		<p>soundproofing requirements required by building regulations, noise transmission should be alleviated to an acceptable level. The proposal would increase activity and footfall with the district shopping centre, which cannot be considered a nuisance. Any noise associated with construction activities would need to comply with the requirements of the control of Pollution Act 1974 which is administered by the Council's Environmental Health Division.</p>
5	Loss amenity.	<p>It is considered that the proposed development would maintain sufficient separation distances including set backs to ensure there would not be an unacceptable loss of privacy or overlooking to habitable windows of neighbouring properties to the north, south, east and west of the site.</p> <p>Overall, it is considered that the proposed development would allow a satisfactory level of outlook from neighbouring properties and the new building would not result in sense of enclosure to these adjacent properties in particular nos. 381 Milkwood Road and nos. 1-8 Herne Hill Mansions and no. 130 Herne Hill).</p>
6	Increase in pollution and littering to the area.	<p>There is no evidence to suggest that the proposed development would create more pollution and littering to the area.</p>

### 3.6 Relevant Planning Policies

#### 3.6.1 National Guidance

Central Government advice is contained in a range of Government Circulars, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPS). These are essentially general policies which aim to guide the local planning authority to securing good policies based on real and sound objectives and the need to provide high quality, well thought out developments which make a positive contribution to the locality and which help to protect or enhance the environment.

#### 3.6.2 Planning Policy Statement 1 – Delivering Sustainable Development:

Planning Policy Statement 1 (PPS1) attempts to ensure that development and growth are sustainable. The guidance note outlines the positive role for the planning system in guiding appropriate development to the right place. The advice also states that adequate provision should be made for employment users and for the provision of new housing developments, and that local authorities should operate on the basis that applications for development

should be allowed having regard to the Development Plan and all material considerations, unless the proposed development would cause demonstrable harm to the interests of acknowledged importance.

### **3.6.3 Planning Policy Statement 3 – Housing**

Planning Policy Statement 3 underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

### **3.6.4 Planning Policy Statement 5 - Planning for the Historic Environment**

Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. This PPS contains policies that will enable the Government's vision for the historic environment as set out in the 2010 Statement to be implemented through the planning system, where appropriate.

### **3.6.5 Planning Policy Guidance 13 – Transport**

Planning Policy Guidance Note 13 (PPG13) encourages alternative means of travel to the private car, which would have less environmental impact. It suggests the location of new housing and employment uses in urban areas, and the optimum use of under-used sites and the promotion of new rail links and other improvements to public transport. One of the main objectives of this piece of Central Government thinking is to reduce car movements and usage.

### **3.6.6 London Plan (Adopted July 2011)**

3.6.6.1 The new London Plan was adopted on the 22nd July 2011. The London Plan is the Mayor's development strategy for Greater London and provides strategic planning guidance for development and use of land and buildings within the London region.

All Borough plan policies are required to be in general conformity with the London Plan policies.

3.6.6.2 The key policies of the plan considered relevant in this case are:

- Policy 3.3 Increasing housing supply
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.18 Education facilities
- Policy 4.1 Developing London's economy
- Policy 4.7 Retail and town centre development
- 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 5.17 Waste capacity
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking

- Policy 7.1 Building London's neighbourhoods and communities
- 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 7.13 Safety, Security and resilience to emergency
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 8.2 Planning obligations

### **3.6.7 Local Planning Policy**

3.6.7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in Lambeth is the London Plan (July 2011), the Lambeth Core Strategy (adopted 19 January 2011) and the remaining saved policies in the 'Lambeth Unitary Development Plan (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011'. Material considerations include national planning policy statements and planning policy guidance.

3.6.7.2 The following saved Unitary Development Plan: Policies as saved beyond the 5th August 2010 are considered relevant to this application:

- Policy 4: Town Centres and Community Regeneration
- Policy 7: Protection of Residential Amenity
- Policy 9: Transport Impact
- Policy 18: Shared Housing and Supported Housing
- Policy 14: Parking and Traffic Restraint
- Policy 31: Streets, Character and Layout
- Policy 32: Community Safety/Designing Out Crime
- Policy 33: Building Scale and Design
- Policy 35: Sustainable Design and Construction
- Policy 38: Design in Existing Residential/Mixed Use Areas
- Policy 39: Streetscape, Landscape and Public Realm Design
- Policy 47: Conservation Areas.

3.6.7.3 The following Local Development Framework Core Strategy Policies (January 2011) are also considered relevant to this application:

- Policy S1 – Delivering the Vision and Objectives
- Policy S2 – Housing
- Policy S3 – Economic Development
- Policy S4 – Transport
- Policy S7 – Sustainable Design and Construction
- Policy S8 – Sustainable Waste Management
- Policy S9 – Quality of the Built Environment
- Policy S10 – Planning Obligations
- Policy PN9 – Herne Hill

### **3.6.8 Supplementary Planning Documents (SPDs)**

3.6.8.1 The following adopted SPDs are considered relevant:

- SPD: Safer Built Environments
- SPD: Sustainable Design and Construction
- SPD: S106 Planning Obligations

### **3.7 Land Use and Principle of Redevelopment for Mixed Use Purposes**

#### **Loss of light industrial offices (B1 use class)**

- 3.7.1 Core Strategy Policy S3 (d) supports schemes that maintain and/or enhance the vitality and viability of Lambeth's hierarchy of major, district and local centres for retail, service, leisure, recreation and other appropriate uses. This is supported by saved UDP Policy 4 (c) which applies to major and district centres and encourages commercial floor space to be active frontage uses within A class or D class. Policy PN9 of the Core Strategy supports the role of Herne Hill as a small community focused district centre by safeguarding and encouraging retail uses and other appropriate town centre activities.
- 3.7.2 The application site is a former petrol filling station. Petrol filling stations are classed as a *sui generis* use within the Use Classes Order 1987 (as amended). No protection is afforded to petrol filling stations in the Core Strategy or the UDP and no objection is raised to its loss in land use terms.
- 3.7.3 The introduction of additional A Class floorspace within the primary shopping area is welcomed as this would help bring this part of the retail frontage in Milkwood Road and Herne Hill back into active use. The proposed commercial frontage would help to meet the objectives of Policies S3 and PN9 of the Core Strategy and saved Policy 4 of the UDP. It is acknowledged that in policy terms it would be desirable to have all (or at least part) of the commercial floorspace at ground floor as A1 retail use in order to help maintain the predominant retail function of the primary shopping area. However, it should be noted that should a change of the non-retail use in this scheme (Class A2) become necessary, planning permission would not be required for a retail use. As such, a viable retail use would not need consent for district shopping area.

#### **Student housing**

- 3.7.4 Policy S2 (f) of the Core Strategy provides strategic support for specific types of accommodation such as student, hostel and other forms of specialised housing.
- 3.7.5 Saved Policy 18 (b) of the UDP provides further detail and states that hostels should not lead to loss of permanent residential accommodation and that purpose-built student/worker hostels should be located at or close to the institution they service, or with easy public transport access to it.
- 3.7.6 Policy 3.8 of the London Plan states that planning decisions should ensure that strategic and local requirements for student housing meeting a demonstrable need are addressed, without compromising capacity for conventional homes. Consistent with Saved Policy 18 (b) of the UDP, paragraph 3.53 of the London Plan adds that student accommodation should be secured as such by planning

agreement or condition relating to the use of the land or to its occupation by members of specified educational institutions. If accommodation is not robustly secured for students, it will normally be subject to the requirements for affordable housing policy.

- 3.7.7 In support of the proposals, the applicant has submitted a Student Accommodation Report prepared by Knight Frank, which highlights the shortage of student accommodation in London. The London Plan (para. 3.52) identifies a potential requirement for 18,000-27,000 student accommodation places over the 10 years to 2021. This site is protected for permanent/conventional housing or for other uses within the local development plan and as such there is no land use objection to the proposed mixed use scheme.
- 3.7.8 The site has a good PTAL rating level and is close to the range of town centre services provided within the Herne Hill District Centre. It is considered that student accommodation on this site would not compromise capacity for provision of conventional homes elsewhere in the borough. It is therefore considered that this location is appropriate in principle for student accommodation development.
- 3.7.9 The Council's Policy officer has recommended that the occupation of the student accommodation should be restricted by condition or legal agreement. If planning permission is granted, it should be a requirement by legal agreement that the proposed housing is retained as student accommodation and not used for any other purposes, without the consent of the local planning authority.
- 3.7.10 In conclusion, the principle of redevelopment of the site for mixed used purposes comprising A1 (retail) or A2 (financial and professional services) uses and student housing is considered acceptable in land use terms. The proposal would comply with the relevant Council's policies and as such overcomes the reasons for refusal of the previous application on land use grounds.

### **3.8 Design and Conservation Considerations**

- 3.8.1 A high quality standard of design is an integral requirement for all new build schemes, which is clearly reflected in National, Regional and Local level policies and guidance. Planning Policy Statement (PPS) 1 states that good design is indivisible from good planning, with high quality and inclusive design being the aim of all of those involved in the development process.
- 3.8.2 Saved Policies 31 and 33 of the UDP and Policy S9 of the Core Strategy seek to ensure that new developments are of a high standard of design and layout and take into account the height, bulk, scale, materials, colour, character and amenities of the area. Saved Policy 38 of the UDP states that proposals to intensify existing residential/mixed use areas are welcomed where this can be achieved through good design without harming local amenities. Any attractive prevailing character and appearance of the area should also be retained.
- 3.8.3 To secure a building of appropriate design, scale, massing and height reference must be made to Policy 33 (Building, Scale and Design), which requires high quality design that positively contributes to the surrounding area

and is appropriate to the site characteristics. In particular Policy 33 states that infill development should be compatible with:

- The site, context and historic development of the area;
- Existing topology, landscape and boundary treatment;
- Prevailing building lines and plot sizes;
- The height, massing and scale of neighbouring buildings;
- Roof profiles and silhouettes of adjoining buildings;
- Colour, type, source and texture of local materials;
- Architectural compositions including patterns and rhythms and set pieces of townscape and;
- Established gaps and open spaces, views and skylines.

### **Layout and Siting**

3.8.4 Properties on Milkwood Road and Herne Hill currently exhibit a uniform pattern of development along both street frontages. The proposed development has been sited in line with the existing uniform pattern of development on Milkwood Road and on Herne Hill. On both frontages, the layout of the proposed building utilises the large plot size whilst being sympathetic to the existing pattern of development.

3.8.5 It is considered that the siting and layout of the proposed development complements the existing pattern of development in the immediate area particularly along both the prominent frontage of the site on Milkwood Road and Herne Hill.

### **Building form, scale and height**

3.8.6 The proposed building would vary in height; the frontage facing onto Herne Hill (east elevation) would be part 4/part 5 storeys in height, measuring approximately 15.9m at its highest point, with a set back of 2.3m from the front building line at fourth floor level. The frontage facing onto Milkwood Road (west elevation) would be part 3/part 4 storeys, measuring approximately 13.7m in height at its highest, with a set back of 500mm from the front building line at third floor level. The siting of the proposed building would form a uniform pattern of development on both frontages.

3.8.7 The building is setback at each level on the east and west elevations along the Milkwood Road and Herne Hill ensuring that the form of the building would have a minimal impact on views and sightlines from neighbouring buildings.

3.8.8 The reduction in the height of the proposed building with set backs in comparison with the refused scheme, is considered an appropriate response to the scale and height of the adjacent 2 to 4 storey buildings. The design proposed appropriately utilises the larger plot size to create a building of a suitable form and scale to the surrounding area.

3.8.9 The predominant building height in the area is 4 storeys; whilst the proposed development is to be part 4/part 5 storeys the overall height of the development to the frontage along Herne Hill with part 3/part 4 storeys to the Milkwood Road frontage would not exceed that of neighbouring properties. The building has been designed to have a flat roof form and eaves height that would match

adjacent buildings. This would continue the uniform pattern of development that exists along the Milkwood Road and Herne Hill frontages of the site.

### **Detailed design & materials**

3.8.10 Policy 33(a) states that developments should be compatible with the colour, type, source and texture of local materials. The proposed development's design is sympathetic to the established surrounding Victorian residential neighbourhood. The development proposes facing brickwork in Flemish bond (coloured red), curtain walling, zinc metal cladding, power coated aluminium framed windows and doors (dark grey RAL 7024), metal railings to windows, glazed balustrading coloured opaque, sedum roof and glazed roof lights along with paved and tarmac to vehicle access/hardstanding areas. The use of these design materials would ensure that the proposed development would not have a detrimental impact on the character or appearance of the area or the Herne Hill Conservation area.

3.8.11 The proposed materials generally complement the surrounding area, and provide a contemporary alternative to traditional materials. The proposed red Flemish bond is nevertheless common in the area and helps to tie the building into its surroundings. If approval is granted a condition will be requiring for a schedule and samples of materials to be submitted to and approved by the Council prior to the commencement of development to ensure the completed development enhances the character and appearance of the conservation area and surrounding area.

3.8.12 Policy 33 states that the primary consideration in determining the appropriate density and scale of a development will be achieving an appropriate urban design which makes an efficient use of land and meets the amenity needs of the existing and potential residents. The development is considered to achieve this.

3.8.13 Overall the proposed development is considered to makes a positive contribution to the area. The proposed design utilises the potential of a larger plot size whilst still maintaining uniformity with surrounding development, in particular the prevailing building line of the prominent frontage along Herne Hill. The proposed buildings' height, its roof form and materials further enhance the uniformity with the surrounding area and ensure that the proposed development would have a minimal impact on the character and appearance of the conservation area and surrounding area. It is considered that the proposed development has overcome reasons for refusal of the previous application on design grounds.

### **3.9 Sustainable Design and Construction**

3.9.1 Saved Policy 35 of the UDP states out that all development proposals should show how they incorporate sustainable design and construction principles. The Council's SPD on Sustainable Design and Construction states that all developments should achieve a minimum 3 star rating for the Code for Sustainable Homes, albeit that the Council aspires to 4 stars or more in the majority of developments.

- 3.9.2 A sustainability statement has been submitted with the planning application providing information on sustainable design matters. The applicant has also provided a sustainability pre-assessment of the mixed use scheme detailing how it would meet the sustainable design and construction standards in accordance with the planning policies in the UDP, the London Plan, and Government objectives.
- 3.9.3 Core Strategy Policy S7 states all major development need to achieve a reduction in carbon dioxide emissions in line with London Plan targets. Under London Plan Policy 5.2, this is a 25 per cent improvement on 2010 Building Regulations. London Plan Policy 5.7 also sets out a presumption that major development proposals will seek to reduce carbon dioxide emissions by at least 20 per cent through the use of on-site renewable energy generation, where feasible. An application is required to demonstrate, through a detailed energy assessment, how these targets are to be met within the framework of the Mayor's energy hierarchy.
- 3.9.4 An Energy Strategy prepared by consultants RPS sets out proposals for meeting the above policy requirements. An overall 28.5% reduction in tonnes of CO<sub>2</sub> per annum is anticipated for the development. Within this, the development achieves an 11.37% reduction in CO<sub>2</sub> emissions through the inclusion of renewable energy technologies (117sqm of PV). Therefore the information set out in the Energy Strategy indicates that the development would meet the 25% target improvement on 2010 Building Regulations as required by London Plan Policy 5.7.
- 3.9.5 The sustainability pre-assessment evaluates the potential rating the proposed development would achieve under a formal Code for BREAMM retail assessment and Sustainable Homes assessment. To meet the target BREEAM rating, Very Good, equates to a weighted score of between 55% and 70%. The pre-assessment indicates a score of 68.13% for the student housing and 57.12% for retail points which is equivalent to a Very Good rating for both elements. This meets the objectives of Policy 35 of the UDP.
- 3.9.6 If approval is to be granted a condition would be attached to ensure that the Level 3 of the Code of Sustainable Homes and BREAMM retail is achieved prior to the occupation of the development.

### **Lifetime Homes and Accessibility**

- 3.9.7 Policy 7.2 of the London Plan (An Inclusive Environment), Policy 33 of the UDP and Policy S2 (d) of the Core Strategy provide guidance on Lifetime Homes. This is further expanded on in Section 7 of the Adopted SPD 'Guidance and standards for housing development and house conversions'. This requires Lambeth to ensure that all new housing is built to Lifetime Homes, with 10% being wheelchair accessible or adaptable.
- 3.9.8 The applicant has indicate that the development would provide 9 accessible units (13%) of the total number as student units. However, it is noted that 6 accessible units of the total number are shown only on the drawings submitted, as being wheelchair accessible, this equates 9%. Lift facilities and disable



parking bay. It is considered that the shortfall could be secured by way of condition should the application be approved.

### **3.10 Amenity Impact Considerations**

3.10.1 Policies 7, 33 and 38 of the UDP and Policy S2 of the Core Strategy (January 2011) are relevant with regard to amenity related matters. This section assesses the proposal's impact on privacy, sense of enclosure, outlook, daylight/sunlight and noise to adjoining properties.

#### **Privacy and Overlooking**

3.10.2 Policy 33(d) requires that the scale and design of new buildings should respect standards of privacy and should not create unacceptable overlooking to neighbouring properties.

3.10.3 The new building is located in between the frontages on Milkwood Road and Herne Hill. To the north is the side boundary wall of no. 381 Milkwood Road and the side boundary of the 1-8 Herne Hill Mansions. To the south is the side boundary of Sorting Office at no. 130 Herne Hill. To the east, the building would face onto nos. 153 and 155 Herne Hill. To the west it would face onto Herne Hill train station.

3.10.4 No windows are proposed in the side flank wall along the north elevation. There is approximately a distance of 10m between the side flank wall of no. 381 Milkwood Road and nearest part of the new building. There is approximately a distance of 20m between the rear windows of nos. 1 to 8 Herne Hill Mansions and the nearest part of the new building. To the south elevation, no habitable windows are proposed in the side flank wall at first, second, third and fourth floor levels. The windows proposed are for corridors and stairway. The windows proposed to the student reception area at ground floor level would be sited and provide a gap of approximately 3m between south elevation and side flank wall of no. 130 Herne Hill (Sorting Office). To the east there is approximately a distance of 23m between the Herne Hill frontage and nos. 153 and 155 Herne Hill. To the west, there is approximately a gap 14.5m between the Milkwood Road frontage and the side boundary of Herne Hill train station.

3.10.5 It is considered that the proposed development would maintain sufficient separation distances including set backs to ensure there would not be an unacceptable loss of privacy or overlooking to habitable windows to the north, south, east and west elevations of neighbouring properties.

#### **Sunlight and Daylight**

3.10.6 Policy 33(d) requires that new buildings should be of a scale and design that protects residential amenity of adjoining residential occupiers by having an acceptable impact on levels of, and impact on daylight and sunlight. In assessing daylight and sunlight impacts, Policy 33 states that regard will be had to the Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight: A guide to good practice'.

- 3.10.7 A number of properties share a boundary with the application site and levels of daylight and sunlight at these properties could be affected by the proposed development. The applicant has provided a Daylight and Sunlight Report, prepared by RPS. The report has indicated that all habitable rooms of surrounding properties would maintain adequate levels of daylight and sunlight. The conclusions have been reviewed by officers and it is considered that levels of sunlight and daylight to properties to the north, south, east and west elevations would not be unacceptably affected by the proposed development.
- 3.10.8 The daylight and sunlight report indicates that there are windows servicing the principal habitable rooms within no. 381 Milkwood Road within its front (west) and rear (east) elevations. It should be noted that these do not have direct outlook onto the site. However, there are a number of windows in the end south-facing flank elevation, which have an outlook on the site. The applicant has indicated that from inspection, the two ground floor windows are secondary windows serving a habitable room with its principal window on the main front elevation. Other openings include a ground floor entrance door and bathroom windows at first and second floor levels within the flank wall. As such, no habitable windows would be affected by the proposed development. Therefore it is considered that the proposal would not have an undue impact on the residential amenity of occupiers of this property through loss of natural light.
- 3.10.9 The daylight and sunlight report also indicates that the impact on Herne Hill Mansions and nos. 153 and 155 Herne Hill are within the recommendations of the BRE Guidelines. No habitable windows within these adjacent properties would be affected by the proposed development. Therefore it is an officer's consideration that the scheme would not adversely affect levels of daylight and sunlight to adjacent properties within Milkwood Road and Herne Hill.
- 3.10.10 The proposal therefore overcomes the reasons for refusal of the previous application on these grounds.

#### **Sense of enclosure/Loss of outlook**

- 3.10.11 The proposed development would be located at a considerable distance from neighbouring properties at Herne Hill station (west) and 153 and 155 Herne Hill (east), at 14.5m and 23m respectively. This gap between properties would ensure that the development would not result in a sense of enclosure for occupiers of 153 and 155 Herne Hill (east elevation),
- 3.10.12 There is a separation gap of approximately 3m between the new building and no. 130 Herne Hill (Sorting Office); this provides a public pedestrian access route through the site on the south elevation. There is a separation gap of some 9m between the side flank wall of no. 381 Milkwood Road and the new building. There would be a gap of approximately 8.5m between 1-8 Herne Hill Mansions and the new building. It should be noted that the building line to the Herne Hill and Milkwood Road frontage are either in line with the adjacent properties or are set back on each floor facing onto the east and west elevations. As such, sufficient outlook is still maintained from the adjacent properties.

3.10.13 Overall, it is considered that the proposed development would allow a satisfactory level of outlook from neighbouring properties and, the new building would not result in sense of enclosure to these adjacent properties in particular nos. 381 Milkwood Road and nos. 1-8 Herne Hill Mansions and no. 130 Herne Hill.

### **3.11 Trees**

3.11.1 Policy 39 of the UDP is relevant with regards to tree matters and seeks to protect trees of high amenity value. The applicant has indicated that a total of 8 new trees would be planted. As part of the proposed landscaping scheme, one tree would be planted on either side of the existing tree located outside the Herne Hill frontage (east elevation). One tree would be planted in the north-east corner of the site. Two new trees would be planted along the southern boundary, located in the student outdoor courtyard. Due to the widening of the public pavement along Milkwood Road, three existing street trees would be replaced with new trees. Hard landscaping is also proposed within the application site using materials indicated elsewhere in this report. The Council's Arboricultural Officer has not raised any objections to the proposed works.

3.11.2 A number of conditions are recommended to ensure that the proposed development appears satisfactory on completion in accordance with Saved Policy 39 of the UDP.

### **3.12 Highways and Transportation Considerations**

3.12.1 Policies 9 and 14 of the UDP and Policy S4 of the Core Strategy (January 2011) are relevant with respect to transport and highways matters. These policies seek to ensure that proposals for development have a minimal impact on the performance and safety of the highway network and that sufficient and appropriate car parking and cycle storage is provided whilst meeting objectives to encourage sustainable transport and to reduce reliance on the private car.

3.12.2 The application site has a PTAL rating of 4, which indicates a 'good' accessibility level and, the site is not located within a Controlled Parking Zone. However, it borders areas of Controlled Parking Zones within the London Borough of Lambeth and Southwark. As previously noted, the proposed development would provide one student drop-off point/disabled bay within the service yard on site. The applicant has indicated that a total of 45 secure and enclosed cycle spaces would be provided on site for the commercial use and student accommodation.

#### **Access & Servicing**

3.12.3 Vehicular access is proposed via existing crossovers on Milkwood Road and Herne Hill, creating a one-way service yard entered from Milkwood Road and exited onto Herne Hill. A roller shutter is indicated at the Milkwood Road frontage and it is recommended that a condition should be added to the consent ensuring that this is kept closed at all times when not actively in use. This would prevent unauthorised vehicular access, which could be used as a cut through to Herne Hill. Swept paths for a 10m rigid vehicle entering and

exiting the site have been submitted, which demonstrate that servicing for the site could be accommodated off-street. A condition should be attached to any consent ensuring that the servicing area is maintained as shown on the approved drawings for the life of the development and that it is not used for any other purpose including car parking.

3.12.4 Pedestrian access through the service yard would not be allowed. An alternative walking route through the site is proposed at its southern end, which would provide a link from Milkwood Road to Herne Hill. This would be gated from dusk till dawn and, given its semi-enclosed nature this is considered an appropriate approach. A condition to the effect is recommended.

3.12.5 Transport and highways officers advise that ‘move-in’ and ‘move-out’ periods from the student accommodation will need to be appropriately managed. Whilst the off-street servicing area can be used for this, a booking system will be needed to ensure that arrivals and departures are staggered. A Student Management Plan (SMP) should be secured by condition.

### **Trip Generation**

3.12.6 The applicant has submitted an assessment of the predicted number of trips to and from the site generated by the proposed development, the summary of which is shown in the table below;

MODE	0800 – 0900	1700 – 1800	0700 – 2400
Walk	166	206	2,255
Cycle	3	4	43
Motorcycle	1	1	8
Bus	39	55	609
Train / Tube	87	113	1,243
Car	2	4	43
Total	298	387	4,201

3.12.7 This demonstrates that whilst the level of car trips to the site is expected to be low, there will be a significant number of walking trips generated by the scheme particularly to and from the nearby rail station and local bus stops. Whilst the proposed landscaping works within the site are of merit to overall public realm, it is considered that public realm improvement works outside the site are required to mitigate the impact of the development on the capacity of the highway to accommodate new pedestrian traffic.

3.12.8 A recent public realm scheme in the Herne Hill area has brought about significant improvements to the public realm and streetscape in the vicinity of the site but further works are planned once funding is identified. This scheme would contribute towards funding these works. A sum of £30,000.00 has been agreed with the applicant and will be secured via a Section 106 agreement.

### **Car Parking**

3.12.9 One disabled bay is proposed within the on-site servicing yard and this is considered appropriate by transport and highways officers. The site is not currently within a CPZ but borders areas of controlled parking within Lambeth

and Southwark, and as a result parking stress is known to be high in this area. The area is subject to a review of parking controls and a CPZ may be introduced in the near future dependent on the results of local consultation. It is noted that the Student Management Plan (SMP), which accompanied the application states that all literature for prospective residents and tenancy agreements will make it clear that students will not be eligible to parking permits that may become operational in the area.

### **Cycle Parking**

3.12.10 Appropriate cycle parking is shown the plans and this should be retained for the life of the development. A condition to this effect is recommended.

### **Travel Plan**

3.12.11 A draft Interim Travel Plan has been submitted with the application and this forms an acceptable basis for a full Travel Plan, which should be prepared in line with Transport for London (TfL) guidance and submitted for approval within 3 months of occupation of the site. A monitoring fee of £1000.00 has been agreed and would be secured through the S106 Agreement.

### **Highway Works**

3.12.12 A range of external works are proposed around the site both on the adopted highway and within the private forecourt areas. A redundant crossover on Herne Hill will be reinstated as part of the development. A condition to serve these works prior to the occupation of the site is recommended. As stated above a financial contribution towards public realm improvements is required for works in the wider area but the plans also show a range of works including; the planting of new street trees along the frontage of the site both on and off the public highway; creation of a new pedestrian route through the site linking the two roads (gated from dusk till dawn); installation of Sheffield stands on the private forecourt and; widening the pavement to create a wider public realm along the frontages of the site. These works would be undertaken through a S278 agreement. A condition to secure this is recommended.

3.12.13 Overall, the Council's Highways officer supports the application subject to Section 106 financial contributions identified above towards public realm improvements, the Section 278 highway works and monitoring of the travel plan. Conditions are recommended to secure the provision of full details of the following matters.

- New vehicular and pedestrian access;
- Closure of existing access;
- Loading and Unloading within curtilage on site;
- Cycle parking as proposed;
- A Travel Plan;
- Method of Construction Statement; and
- Student Management Plan.

3.12.14 As such, it is considered that the reasons for refusal of the previous application on highway grounds have been addressed.

### **3.13 Refuse and recycling considerations**

- 3.13.1 Policy S8 of the Local Development Framework Core Strategy seeks to ensure that adequate provision for refuse and recycling storage is incorporated within new development. The Council's Guidance for 'Waste and Recycling Storage and Collection Requirements' provides a more comprehensive guide to waste storage provision and recycling.
- 3.13.2 In this case, separate refuse and recycling storage areas are proposed for the commercial element and student accommodation. A condition of consent to secure the provision and to require the submission of full details of the provision for refuse and recyclables storage, including elevation drawings for the storage enclosures is attached.
- 3.13.3 It follows that subject to condition, the development need not conflict with Policy S8 of the Core Strategy (January 2011).

### **3.14 Community Safety/Designing out Crime**

- 3.14.1 Saved Policy 32 of the UDP requires that developments should enhance community safety. Development will not be permitted where opportunities for crime are created or where it results in an increased risk of public disorder. This requirement is contained within Section 17 of The Crime and Disorder Act 1998 which imposes an obligation on the local planning authority to consider crime and disorder reduction in the assessment of planning applications.
- 3.14.2 The Council's Crime Prevention officer considers that if Secure By Design minimum standards for new windows, doors, lighting and access control are incorporated into the scheme, most of the crime risks should be mitigated. However, there is concern that the public would be able to pass through the site during day time; this will likely compromise security. The area suffers from high levels of anti social behaviour and the local Sainsbury's reports difficulties with drinkers and drug users in their store using the route through the store. These types of through routes attract anti social behaviour and street urination especially within a residential environment.
- 3.14.3 Even though the applicant has attempted to increase surveillance and lighting over the proposed pedestrian route this would not be enough to mitigate the risks. The Crime Prevention Design advisor has recommended that full height gates to each end (perhaps glazed) should be provided and access allowed to students only via a controlled fob. The space could then be used as additional amenity space and study area for the students themselves.
- 3.14.4 However, officers consider that management of the student housing would be maintained by the applicant, as well as the pedestrian route provided through the site via the Student Management Plan. A condition is recommended instead so that the gates are only open between 6.30am to 8.00pm and that the Student Management Plan includes measures to prevent unauthorised access within the buildings/or site. It is considered that anti-social behaviour on the site would be mitigated and controlled via lighting and CCTV system. As such, the proposed development would comply with Saved Policy 32 of the UDP.

### **3.15 Section 106 requirements**

3.15.1 Policy S10 of the Core Strategy and the SPD on s106 planning obligations, sets out the circumstances in which the Council may seek planning obligations from a developer to mitigate against the potential impacts of a scheme. The following contributions have been agreed:

- Parks & Open Space (General) - £43,332.00.
- Public Art - £38,100.00.
- Revenue Contributions - £4,333.20.
- Traffic & Highways: Public Realm in the vicinity of the site (including Brockwell Passage) - £30,000.00
- Travel Plan monitoring - £1,000.00.
- Local Labour in Construction - £9,525.00.
- Section 106 monitoring fee (a fixed charge of 2.5% monitoring fee of total value of contributions for agreements with financial contributions over £12,500.00) - £3,157.25.

3.15.2 The above contributions come to a total of £126,290.20 + £3157.25 (2.5%) = £129,447.45.

3.15.3 In the circumstances it is considered that the above provisions, to be secured under s.106 agreement, would appropriately mitigate against any potentially harmful impacts of the development in accordance with Council Policies. The obligations secured to mitigate the development's impact on the area under the Heads of Terms listed above, meet all of the tests for seeking planning obligations outlined in Government Circular 05/2005 and, render this development acceptable in planning terms.

3.15.4 As such, the reason for refusal of the previous application on these grounds has been overcome.

3.15.5 It should be noted the Mayor's Community Infrastructure Levy (CIL) will apply to this development to help pay for the proposed Cross rail project. This contribution will be secured and monitored independent of the above Section 106 obligations.

3.15.6 It should also be noted that non financial obligation would be recommended to the Section 106 agreement, that the proposed housing is retained as student accommodation and not used for any other purposes, without the consent of the local planning authority.

### **3.16 Conclusion**

3.16.1 The proposed development represents an effective and efficient use of a vacant former petrol filling station site to provide a mixed use scheme comprising commercial (A1 or A2 use classes) at ground floor level and 69 student rooms (sui generis) on the upper floors. The proposal complies with current national and local development plan policies, which promote mixed

used developments including high housing densities in town centre locations with good public transport accessibility.

- 3.16.2 The proposed building is considered to be an appropriate response to the character, bulk and height of buildings in the immediate surrounding area and the conservation area. It is considered that the proposal is compatible with the scale of development located on either side of the site and, would enhance the character and appearance of the conservation area.
- 3.16.3 The proposal would not unduly detract from the amenity of neighbouring residential occupiers by reason of loss of outlook, sunlight, daylight or privacy. The scheme would provide an acceptable standard of student accommodation and positively contribute to the viability and vitality of the Herne Hill District Centre Primary Shopping area.
- 3.16.4 The impact of the development on transport and parking is considered acceptable. The site is well serviced by public transport and would not significantly increase parking stress in the area.

### **3.17 Recommendation**

- 3.17.1 Grant planning permission subject to conditions and the satisfactory completion of a Section 106 Obligation.

#### **Summary of Reasons**

- 3.17.2 In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant:

#### **UDP: Policies saved beyond 5<sup>th</sup> August 2010 and not superseded by the Local Development Framework Core Strategy January 2011:**

Policy 4: Town Centres and Community Regeneration, Policy 7: Protection of Residential Amenity, Policy 9: Transport Impact, Policy 18: Shared Housing and Supported Housing, Policy 14: Parking and Traffic Restraint, Policy 31: Streets, Character and Layout, Policy 32: Community Safety/Designing Out Crime, Policy 33: Building Scale and Design, Policy 35: Sustainable Design and Construction, Policy 38: Design in Existing Residential/Mixed Use Areas, Policy 39: Streetscape, Landscape and Public Realm Design and Policy 47: Conservation Areas.

#### **Local Development Framework Core Strategy January 2011:**

Policy S1 Delivering the Vision and Objectives, Policy S2 Housing Policy S3 – Economic Development, Policy S4 Transport, Policy S7 Sustainable Design and Construction and Policy S8 Sustainable Waste Management, Policy S10 Planning Obligations and Policy PN9 Herne Hill.



## **Conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Town and Country Planning Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

## **DESIGN**

- 3 No development works shall take place until detailed drawings, samples and a schedule of materials to be used within the development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indications to these matters which have been given on the approved plans and in the application. The development shall thereafter be carried out solely in accordance with the details approved in writing. The following details will be required.

- a) Scaled drawings of window reveals, sills and heads, framing and glazing at a scale of 1:20
- b) Samples of elevational treatment including, bricks, render and stonework;
- c) Details of rainwater goods, vents, extracts and pipes;
- d) Scaled drawings of metal and timber work including gates, railings and balustrades;
- e) Samples of all roof materials; and
- f) Details of doors.

Reason: To safeguard and enhance the visual amenities of the locality and the interests of the character and appearance of the conservation area in accordance with Policies 33, 38 and 47 of the Unitary Development Plan: Policies as saved beyond the 5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (2011)

## **Landscaping**

- 4 Prior to the commencement of the development a specification of all proposed hard and soft landscaping and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details before the initial occupation of the development hereby permitted and retained for the duration of the use.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area in accordance with Policies 31, 39 and 47 of the Unitary

Development Plan: Policies as saved beyond the 5<sup>th</sup> August 2010 and Policies S5 and S9 of the Local Development Framework Core Strategy (2011)

- 5 Details of the siting and design of all walls and/or fencing and gates shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development hereby approved. Such walls or fencing and gates as may be approved shall be erected before the initial occupation of the development unless the prior written approval of the Local Planning authority to any variation has been obtained.

Reason: To ensure a satisfactory resultant appearance and in the interests of the privacy and safety of future and existing residents in accordance with Policies 7, 32, 33 and 39 of the Unitary Development Plan: Policies as saved beyond the 5<sup>th</sup> August 2010 and Policies S5 and S9 of the Local Development Framework Core Strategy (2011).

- 6 No development shall commence until a specification of all proposed soft landscaping and tree planting has been submitted to and approved in writing by the Local Planning Authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape shall be similarly specified. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 and current Arboricultural best practise.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area in accordance with Policies 39 and 47 of the of the Unitary Development Plan: Policies as saved beyond the 5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (2011).

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory and continuing standard of amenity is provided and maintained in connection with the development in accordance with Policy 39 of the Unitary Development Plan: Policies as saved beyond the

5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (2011).

## Highways

- 8 There shall be no means of vehicular access onto the site other than from Milkwood Road, with exit only onto Herne Hill as shown on the approved drawing no. 5310/P1.02 A.

Reason: To minimise danger obstruction and inconvenience to highway users. (Policy 9 of the Unitary Development Plan Policies Saved Beyond 5<sup>th</sup> August 2010) and Policy S4 of the Local Development Framework Core Strategy (2011).

- 9 The range of highway works including the planting of new street trees along the frontage of the site both on and off the public highway facing onto Herne Hill and Milkwood Road; the creation of a new pedestrian route through the site linking the two roads; installation of Sheffield stands on the private forecourt within the site and, widening of the pavements on Milkwood Road and Herne Hill frontages of the site. Prior to the first occupation of any part of the development hereby approved and at the cost to the applicant shall be carried out under a Section 278 agreement.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access. (Policies 9 and 31 of the Unitary Development Plan (2007) Policies Saved beyond 5 August 2010 and not superseded by the Core Strategy (2011) and Policy S4 of the Local Development Framework Core Strategy (2011)).

- 10 Within 3 months of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway users in accordance with Policy 9 of the Unitary Development Plan Policies Saved Beyond 5<sup>th</sup> August 2010.

- 11 The scheme for parking, and manoeuvring, shown on the submitted plans shall be laid out in accordance with the approved details prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose, or obstructed in any way.

Reason: To enable vehicles to draw off, and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with Policies 9 and 31 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010.

- 12 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out other than within the curtilage of the premises/site.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of adjoining properties (Policies 7, 9 and 33 of the Unitary Development Plan Policies Saved Beyond 5th August 2010 and Policy S9 of the Local Development Framework Core Strategy (2011)).

- 13 Notwithstanding the approved plans, detailed drawings of the cycle storage parking area including elevational appearance, layout, and manufacturer's specifications, shall be submitted to and approved by the Local Planning Authority before first occupation of the development. The development shall thereafter be carried out solely in accordance with the approved details and retained as such for the duration of the use.

Reason: To ensure adequate cycle parking is available on site, to promote sustainable modes of transport and in the interest of the visual amenities of the area (Policies 9, 14, 33 and 39 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010) and Policies S4 and S9 of the Local Development Framework Core Strategy (January 2011)).

- 14 A travel plan shall be submitted to and approved in writing by the local planning authority prior to the use hereby permitted commencing. The measures approved in the travel plan shall be implemented prior to the student housing and commercial use hereby permitted commencing and shall be so maintained for the duration of the use, unless the prior written approval of the local planning authority is obtained to any variation.

Reason: To ensure that the travel arrangements to the development are appropriate and to limit the effects of the increase in travel movements, Policy 9 of the Unitary Development Plan Policies Saved Beyond 5th August 2010 and Policy S4 of the Local Development Framework Core Strategy (January 2011)).

- 15 No development shall take place before full details of the proposed in the form of a method of construction statement have been submitted to and approved in writing by the local planning authority and construction works, including parking, deliveries and storage, shall take place solely in accordance with the approved details.

Reason: To avoid hazard and obstruction being caused to users of the public highway, in the interest of highway safety and in accordance with Policy 9 of the Unitary Development Plan Policies Saved Beyond 5th August 2010.

- 16 Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on the adjacent public highways in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of development commencing.

Reason: To minimise danger and inconvenience to highway users. (Policy 9 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010).

- 17 Prior to the initial occupation of the approved development, a Student Management Plan for running of the student accommodation including a booking system for the use of the servicing area shall be submitted to and approved by the Local Planning Authority. The development shall be implemented and maintain in accordance with the approved Student Management Plan.

Reason: To ensure that the development does not prejudice the free flow of traffic and in the interests of highway and pedestrian safety and the safety of residents on the site. (Policies 9, 31 and 32 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (January 2011)).

### **REFUSE**

- 18 Prior to the occupation of any part of the development hereby permitted, full details of the refuse and recyclables storage area for the development, including elevation drawings at a scale of 1:20 of the new storage enclosures, as well as a Waste Management Strategy outlining the operation and management of waste storage and collection for both the commercial and residential uses and the removal of fats and cooking oils (if applicable), shall be submitted to and approved in writing by the Local Planning Authority. The details as are approved shall be provided prior to the residential occupation of the development and shall thereafter be retained as such for the duration of the permitted use.

Reason: To ensure the adequate provision is made for the storage of refuse on the site, in the interests of the amenities of the area and to safeguard the character and appearance of the conservation area (Policies 9, 33, 39 and 47 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010 and Policies S8 and S9 of the Local Development Framework Core Strategy (January 2011)).

### **CRIME**

- 19 Prior to the occupation of any of the uses hereby permitted drawings showing proposed lighting, CCTV, security to all gates and doors of the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting, CCTV and other security measures shall be installed prior to the occupation of any part of the development hereby approved and shall be maintained thereafter in good working condition and the duration of the permitted use.

Reason: In order to ensure the safety and security of the site in accordance with Policy 32 of the Lambeth UDP: Policies saved beyond 5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (January 2011).

- 20 The approved development shall meet 'Secured by Design Standards', consistent with s17 of the Crime and Disorder Act 2005.

Reason: To ensure the safety and security of future occupiers and to prevent crime and disorder occurring within and in the immediate vicinity of the site, in the interest of public safety in accordance with saved Policy 32 of the Unitary Development Plan: Policies as saved beyond the 5<sup>th</sup> August 2011 and Policy S9 of the Local Development Framework Core Strategy (2011).

- 21 Prior to the commencement of development, the applicant shall submit a risk assessment and management plan, outlining how the approved scheme will protect both, community safety and prevent crime within the building and the surrounding area. The approved details shall be implemented within one month of their approval, and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development maintains and enhances community safety within the facility and around the development in accordance with Policy 32 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (2011).

### **Sustainability**

- 22 The student housing shall achieve at least Level 3 of the Code for Sustainable Homes (CSH) (or such equivalent national measure of sustainability which replaces that scheme). No development shall take place until a design stage certificate with interim rating (or, if this is not available, evidence that the development is registered with a CSH certification body and a pre-assessment report) has been submitted indicating that the development can achieve the stipulated final CSH level. No units shall be occupied until a final Code for Sustainable Homes Certificate has been issued certifying that Code Level 3 has been achieved. The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating. The development shall be maintained as such thereafter.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with Policy S7 of the Lambeth Core Strategy January 2011, Policy 35 of the Lambeth Unitary Development Plan (UDP): Policies saved beyond 5<sup>th</sup> August 2010 and Lambeth's adopted Sustainable Design and Construction Supplementary Planning Document July 2008.

- 23 The non-residential element of the development hereby approved shall achieve a Final BREEAM minimum of 'Very Good' in accordance with the requirements of the relevant BREEAM Retail scheme. No development shall take place until a relevant BREEAM Certificate demonstrating the proposal's achievement of the minimum 'Very Good' rating has been submitted to and approved by the Council. Prior to first occupation of any part of the commercial use hereby approved, an issued Final BREEAM Certificate stating the BREEAM Level achieved (minimum 'Very Good') shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of securing a more sustainable development (Policy 35 of the UDP: Policies saved beyond 5<sup>th</sup> August 2010 and Policies S1 and S7 of the Local Development Framework Core Strategy (January 2011) and the

Council's associated Supplementary Planning Document: 'Sustainable Design and Construction' (2008)).

- 24 All student housing hereby approved shall be constructed to Lifetime Homes Standards, unless otherwise agreed by the Local Planning Authority, details of which shall be submitted to and approved by the Local Planning Authority prior to commencement of works. The approved details shall be implemented prior to first occupation and permanently retained.

Reason: In order that the development is made more accessible to all in accordance with Policy 33 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010, Policy S2(d) of the Local Development Framework Core Strategy (January 2011) and the related Supplementary Planning Document: Guidance and Standards for Housing Development and House Conversions (2008).

- 25 The renewable energy technology detailed in the approved documents as listed in the decision notice shall be incorporated into the development to provide a minimum of 25% reduction in carbon dioxide emissions per year.

Reason: To ensure the proposed development complies with Policy 5.7 of the London Plan (2011).

- 26 The use of the building hereby permitted shall not commence until full details of the proposed photovoltaic panels and sedum roofs have been submitted to and approved in writing by the Local Planning Authority. The approved scheme of photovoltaic panels and sedum roofs shall be implemented on site in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of securing a more sustainable development and in order to control the overall design standard of the development (Policy 33 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010 and not superseded by the Local Development Framework Core Strategy January 2011, Policies S1, S7 and S9 of the Local Development Framework Core Strategy (January 2011) and the Council's associated Supplementary Planning Document: 'Sustainable Design and Construction' (2008)).

- 27 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, a remediation strategy detailing how this unsuspected contamination shall be dealt with the remediation strategy shall be implemented as approved.

Reason: In order to mitigate the potential impact of the development on local underground water and sewerage utility infrastructure (Policy 5.14 of the London Plan (2011)).

- 28 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning

Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with approved details.

Reason: In order to mitigate the potential impact of the development on local underground water and sewerage utility infrastructure (Policy 5.14 of the London Plan (2011)).

### **Hours of operation**

- 29 The ground floor commercial unit (A1 and A2 Use Classes) shall not be open for customers outside the following hours: 6.30am – 11.30pm Mondays to Sundays and Public/Bank Holidays.

Reason: In the interests of the amenities of surrounding residential occupiers in accordance with Policies 7, 33 and 38 of the UDP: Policies saved beyond 5<sup>th</sup> August 2010.

- 30 The public pedestrian route shall not be open to members of the public and shall be gated outside the following hours: 6.30am – 8.00pm Mondays to Sundays and Public/Bank Holidays.

Reason: In the interests of the amenities of surrounding residential occupiers in accordance with Policies 7 and 32 of the UDP: Policies saved beyond 5<sup>th</sup> August 2010.

- 31 The proposed buildings shall be built to the ground levels and heights as shown on the approved drawings or lower and if the indicated existing heights and levels of the neighbouring properties should prove to be erroneous, then the heights of the proposed building shall be no higher than the relative height difference(s) between the heights of the neighbouring properties and proposed buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the proposed development is built to the heights relative to adjoining properties as shown on the approved drawings in the interests of visual and residential amenity (Policies 7, 33, and 39 of the Unitary Development Plan: Policies saved beyond 5<sup>th</sup> August 2010 and Policy S9 of the Local Development Framework Core Strategy (January 2011).

### **MISCELLANEOUS**

- 32 The function and operation of the A1 Use Class (retail) and A2 Use Class (finance and professional) at ground floor level shall solely for the purposes hereby approved and not for any separate commercial or business use falling within any other use class contained within the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To safeguard the retail floorspace (A1 and A2 Use Classes) in the interest of protecting the viability of the approved shop unit and in order to maintain the vitality and viability of the designated District Centre Primary Shopping area, in accordance with Policy 4 of the Unitary Development Plan:



Policies saved beyond 5<sup>th</sup> August 2010 and Policy PN9 of the Local Development Framework Core Strategy.

**Informatives:**

- 1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.
- 2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.
- 3 You are advised of the necessity to consult the Council's Streetcare team within the Public Protection Division with regard to the provision of refuse storage and collection facilities.
- 4 As soon as building work starts on the development, you must contact the Street Naming and Numbering Officer if you need to do the following
  - a. name a new street
  - b. name a new or existing building
  - c. apply new street numbers to a new or existing building
  - d. register new flats or new buildings with Royal Mail

This will ensure that any changes are agreed with Lambeth Council before use, in accordance with the London Buildings Acts (Amendment) Act 1939 and the Local Government Act 1985.

The correct street number or number and name must be displayed prominently on the premises in accordance with regulations made under Section 12 of the London Building Acts (Amendment) Act 1939.

Contact details are listed below.

Tom Brown  
tel: 020 7926 2283  
fax: 020 7926 0780  
email: [tbrown3@lambeth.gov.uk](mailto:tbrown3@lambeth.gov.uk)

- 5 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.
- 6 You are advised of the necessity to consult the Council's Highways team prior to the commencement of construction on 020 7926 9000 in order to obtain necessary approvals and licences prior to undertaking any works within the Public Highway including Scaffolding, Temporary/Permanent Crossovers, Oversailing/Undersailing of the Highway, Drainage/Sewer Connections, Hoarding, Excavations (including adjacent to the highway

such as basements, etc), Temporary Full/Part Road Closures, Craneage Licences etc.

- 7 Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste legislation, which includes:
  - a. Duty of Care Regulations 1991
  - b. Hazardous Waste (England and Wales) Regulations 2005
  - c. Environmental Permitting Regulations 2010
  
- 8 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
  
- 9 In reference to Conditions 9 and 10, you are advised that it is current policy for the Council's contractor to reinstate the footway and any other works to the footway. The developer is to contact the Council's Highways team on 020 7926 9000, prior to the commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.