

Committee	PLANNING COMMITTEE B	
Report Title	Land to the rear of 10 Malpas Road	
Ward	Brockley Ward	
Contributors	Colm Harte	
Class	PART 1	16 June 2016

Reg. Nos. DC/15/91102

Application dated 20/02/2015

Applicant bptw partnership

Proposal The construction of 3 three storey, three bedroom terrace houses on land to the rear of 10 Malpas Road SE4 fronting Luxmore Gardens, together with a single storey two-bedroom dwelling house to the rear of the site and associated landscaping.

Applicant's Plan Nos. D01 Rev A; D02; D03 Rev E; D04 Rev F; D05 Rev D; D06 Rev D; D07 Rev E; D08 Rev E; D09 Rev C; D10 Rev B; D11 Rev E; D15 Rev B; D16; D17; D20 Rev A; FHA-632-L-401-Planting Plan; FHA-632-D402 – Proposed Rainwater Gardens; Drawing FHA-P632-Planting Schedule

Planning Statement (February 2015); Transport Statement (February 2015); Outline Construction and Logistics Plan (undated); Daylight and Sunlight Assessment (January 2015); Arboricultural Impact Assessment (February 2015) Sustainability Statement (January 2015); Energy Statement (January 2015); Preliminary Ecological Assessment (December 2014); Flood Risk Assessment (February 2015); Air Quality Assessment (February 2015); Heritage Statement (undated)

Background Papers

- (1) DE/110/P/TP
- (2) Local Development Framework Documents
- (3) The London Plan

1.0 Property/Site Description

1.1 The application site is located to the rear of no 10 Malpas Road and comprises an L shaped piece of land measuring approximately 615 sqm. The site has a narrow frontage onto Malpas Road with the primary access to the site via a gated pedestrian path between nos 10 and 12 Malpas Road. It is noted that 10 Malpas Road has been subdivided into 3 self contained properties known as 10 A, B and C

Malpas Road (see planning history) and the existing pathway provides the primary means of access to Unit 10B and 10 C.

- 1.2 The site slopes towards the south- east site boundary, while to the south west, the site adjoins Luxmore Gardens to which there is an existing shared access located within the existing boundary fence. To the north west the site adjoins the rear of the properties between 6 and 8 Malpas Road. The boundaries of properties situated between 124-132 Lewisham Way adjoin the subject site to the north and north east of the site.
- 1.3 The site is currently vacant and overgrown but, most notably, contains two trees, mature specimens of London Plane and Horse Chestnut, both of which are subject to Tree Preservation Orders.
- 1.4 The site is not located within a conservation area, but is set directly adjacent to the Brockley Conservation Area, the boundary of which includes the dwellings in Rokeby Road. The public library (Lewisham Arthouse) on the corner of Rokeby Road and Lewisham Way is a grade II listed building.

2.0 Planning History

- 2.1 **DC/03/54733:** The alteration and conversion of 10 Malpas Road SE4 to provide 2, two bedroom and 1, three bedroom self-contained maisonettes, together with the construction of a conservatory to the rear and the provision of a bin store and garden areas. Granted.
- 2.2 **DC/05/59860:** The demolition of 10 Malpas Road and the construction of a three storey block on land to the rear of 130 Lewisham Way and site of 10 Malpas Road SE4 to provide 12 one bedroom self-contained flats incorporating balconies together with landscaping, provision of refuse stores, bicycle spaces and 5 car parking spaces. Refused.
- 2.3 **DC/06/61891:** The demolition of 10 Malpas Road and the construction of a three storey block on land to the rear of 130 Lewisham Way and the site of 10 Malpas Road SE4 to provide 12 one bedroom, self-contained flats, incorporating balconies, together with associated landscaping, provision of refuse stores, bicycle spaces and 5 car parking spaces. Refused
- 2.4 **DC/06/63672:** The demolition of buildings to the rear of 10 Malpas Road SE14 and the alteration, conversion and construction of extensions to the rear at ground and first floor levels, to provide 1 two bedroom and 1 three bedroom self-contained flats, together with the construction of a three storey block, incorporating balconies to the rear of 130 Lewisham Way SE14 comprising 12 one bedroom self-contained flats, associated landscaping and provision of refuse stores and 6 bicycle stands with access onto Malpas Road. Refused.

- 2.5 **DC/07/65644:** The construction of a part three/part four storey block, incorporating balconies to the rear of 10 Malpas Road/130 and 130A Lewisham Way SE4, comprising 6 one bedroom and 5 two bedroom, self-contained flats, together with associated landscaping, provision of a refuse/recycling store and 11 bicycle spaces, with access onto Malpas Road. **Resolved to approve but not issued as s106 agreement was not signed .**
- 2.6 **DC/12/81618:** Approval of an application for the retention of 3 x two-bedroom self contained maisonettes at 10 Malpas Road SE4.

3.0 Current Planning Application

- 3.1 The subject application proposes the construction of four dwellings on the existing vacant site to the rear of 10 Malpas Road which would be comprised of 1 x 2B 4P and 3 x 3B6P dwellings.
- 3.2 The proposed development would involve the construction of a row of three storey, three bedroom dwellings, which would front onto Luxmore Gardens. A separate single storey (2B4P) dwelling would be situated to the north east of the site.
- 3.3 Primary access to the four proposed units would be from Malpas Road, via the existing gated entrance located between 10 and 12 Malpas Road. The applicant has indicated that the existing gated access to Luxmore Gardens would also be utilised, however it is noted that this gate falls outside the red line of the application site boundary.
- 3.4 The proposed 3 storey dwellings would be flat roofed and have a maximum height of 8.9 metres while the single storey dwelling would have a maximum height of 2.95 metres and would include the provision of both a living roof and photovoltaic arrays. The proposed three storey dwellings would also have photovoltaic arrays at roof level.
- 3.5 As part of the subject application it is proposed that associated areas of communal and private open space would be provided as part of a detailed landscaping scheme, in addition to refuse storage and a detached cycle storage areas. The proposed development does not seek to provide any off street car parking.

Supporting Documents

- 3.6 Planning Statement (February 2015, bptw planning): This document provides a policy compliance overview in support of the subject application.
- 3.7 Transport Statement (February 2015, ADL Transportation Ltd): This document states that the site has a PTAL rating of 6A, indicating excellent access to public transport and seeks to justify impact of the proposed development the level of vehicle and cycle parking proposed.

- 3.8 Outline Construction and Logistics Plan (Malpas MR limited): A CMLP has been submitted in support of the application, which includes details of the access for the site. The document sets out working hours for the site and a programme of works for the development (with an approximate programme duration of 52 weeks).
- 3.9 Daylight and Sunlight Assessment (January 2015, XCO2 energy): This report assesses daylight and sunlight levels received by the adjoining residential properties (including amenity space where applicable) surround subject application sites.
- 3.10 Arboricultural Impact Assessment (February 2015, Middlemarch Environmental): The accompanying Arboricultural Impact Assessment details identifies the canopy and root protection zones of both trees onsite which are subject to Tree Protection Orders. The assessment details the methodology by which the proposed development could be carried out in order to protect the existing trees onsite.
- 3.11 Sustainability Statement (January 2015, XCO2 energy): This document provides details of the proposed sustainability measures to be included as part of the subject application
- 3.12 Energy Statement (January 2015, XCO2 energy): This document provides detail as to how the proposed development will comply with relevant policy requirement as detailed within the London Plan and Council Core Strategy.
- 3.13 Preliminary Ecological Assessment (December 2014, Middlemarch Environmental): The report details that the scale and nature of the proposed development will not give rise to any negative impacts to any designated site for nature conservation.
- 3.14 Flood Risk Assessment (February 2015, pba): This document, which was reviewed by the Environmental Agency, states that the site lies within Flood Zone 1. The report recommend that Sustainable Drainage (SuDS) techniques are implemented to mitigate the impact of the proposed development.
- 3.15 Air Quality Assessment (February 2015, Air Quality Consultants): This document assesses existing baseline air quality conditions and the impact of construction, for example the risk of dust and the significance of effects. Proposed mitigation measures during the construction are detailed, such as utilising suitable site management, waste management, site storage and controlled demolition. The document concludes that operational air quality mitigation measures are not required and the development would have no adverse impact on air quality
- 3.16 Heritage Statement: This document provides an overview of the heritage assets within the surrounding area and assess the impact of the proposed development on these assets.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of this application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Thames Water Development Planning, Lewisham Tree Officer, the Ecological Regeneration Manager and the Council's Highways Officer were also consulted and the responses are detailed below.

4.3 Following submission of the application, the following internal consultee responses were received:

Highways:

5.1 Council's Highway's officer has not raised any objection to the proposed development however additional detail was sought from the applicant regarding the traffic management during construction phase of the proposed development and the management and storage of the refuse.

5.2 Following the receipt of additional information the application is considered acceptable subject to conditions securing a Construction Management Plan which is to be submitted and approved in writing prior to the commencement of any development.

Ecological Regeneration Manager:

5.3 The Ecology Officer commented that the Ecological Survey and the Bat Report were acceptable in principle subject to conditions. Ecology is discussed in the relevant section below.

Parks Regeneration Manager:

5.4 In principle, no objection was raised to the use of a portion of Luxmore Gardens during construction works. This is subject to the reinstatement of the park to its previous condition, following construction works.

Responses from External Consultees:

Environment Agency:

5.5 No objection raised to the proposed development

Thames Water:

5.6 No response received

Written Responses received from Local Residents and Organisations

5.7 In response to the proposed development 16 letters of objection in were received by the Council including one objection from the Brockley Society. In accordance with paragraph 6.13 of the Council's Statement of Community Involvement a drop in session was held between 7- 9pm on 18th November 2015. This session was attended by 7 members of the public.

5.8 At the drop in session, the applicant presented details of the proposed scheme and proposed measures to mitigate potential negative impacts of the development (including the during the construction phase). This drop in session was also attended by the case officer.

5.9 Comments raised within the written submissions can be categorised into the following subsections;

Overlooking/Loss of Privacy

5.10 Residents of the surrounding properties have commented that the proposed development would create opportunities for overlooking into adjoining properties.

Design of the proposed development

5.11 Concern is raised that the buildings are too high, would have considerable mass, and be out of keeping with the adjoining properties. Concerns have also been raised regarding the design and sitting of the single storey dwelling in relation to the adjoining properties;

Impact of the proposed construction works

5.12 Concerns have been raised regarding the potential impact of proposed construction. Particular concern is raised that the proposed use of Luxmore Gardens would negatively impact residential amenity in terms of noise and dust pollution and upon pedestrian safety;

Impacts upon Highways/ Parking Stress

5.13 Objections have been raised that the proposed development would lead to parking congestion on the surrounding streets as a result of the proposed development. Additionally concern has been raised that the level of cycle parking is insufficient.

Access for emergency services

5.14 Concern has been raised by adjoining residents in relation to the ability of fire services to access the proposed development via the Malpas Road entrance. This is a matter for building control and therefore has not been considered any further.

Loss of existing green space

- 5.15 An objection has been received in regard to the loss the existing vacant site as a green space and the ecological benefit that it currently provides.

Impact upon property prices

- 5.16 An objection has been raised that the proposed development would negatively impact property prices of the surrounding development. As this is not a valid planning consideration, no further consideration has been given to this issue.

Conditions of previous consents in regarding the use of the subject site

- 5.17 A number of objections have made reference to previous conditions imposed by the Council in regard to the subject site. Particularly reference is made to conditions of development consents DC/12/81618 and DC/03/54733 that pertain to the use of the subject site. This is addressed the report below.

- 5.18 A copy of all representations are available to members.

6.0 Policy Context

Introduction

- 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:-

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

A local finance consideration means:

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

- 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'. The development plan for Lewisham comprises the Core Strategy, the Development

Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2015)

- 6.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- 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 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.13 Sustainable drainage
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
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 7.6 Architecture
Policy 7.14 Improving air quality
Policy 7.15 Reducing and managing noise, improving and enhancing
the acoustic environment and promoting appropriate
soundscapes
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

6.7 The London Plan SPG's relevant to this application are:

Housing (November 2012)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 11 River and waterways network
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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

6.10 The following policies are considered to be relevant to this application:

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- DM Policy 27 Lighting
- DM Policy 28 Contaminated land
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 31 Alterations/extensions to existing buildings
- DM Policy 32 Housing design, layout and space standards
- DM Policy 33 Infill, backland, back garden and amenity area development
- DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Planning Obligations Supplementary Planning Document (February 2015)

6.11 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Planning Considerations

6.12 The main issues to be considered in respect of the proposed applications are:

- a) Principle of Development
- b) Design
- c) Quality of Accommodation
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties including existing heritage assets
- f) Sustainability and Energy
- g) Ecology and Landscaping
- h) Land Contamination

i) Planning Obligations

Principle of Development

- 6.13 Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.14 Policy 3.4 'Optimising housing potential' of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.15 DM Policy 33 of the Development Management Local Plan states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the streetscape, and sensitive to the setting of heritage assets. This includes the importance of spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.16 DM Policy 33 defines Back gardens "private amenity areas that were the entire back garden of a dwelling or dwellings as originally designed". Gardens used to be considered previously developed land (PDL) with a presumption in favour of development. Gardens are no longer considered to be PDL which means that there is no longer a presumption in favour of development. This policy further states that the development of back gardens for separate dwellings in perimeter form residential typologies will not be granted planning permission.
- 6.17 NPPF (paragraph 53) supports the setting out of policies to resist inappropriate development of residential gardens which would cause harm to the local area. The London Plan also supports a presumption against development on back gardens or other private residential gardens (Policy 3.5, Quality and design of housing developments).
- 6.18 The Lewisham Character Study identifies various urban typologies where the built form relies on more or less regular street forms, building facades, and garden areas where developments on back gardens are likely to have a negative impact on the design integrity of the street scene.
- 6.19 The application site is considered to be back garden land and accordingly there is a presumption that the development of the subject site for the provision separate dwellings should be refused.
- 6.20 In assessing the suitability of the subject site for development, consideration must be given to the character of the applicant site and the urban design function the space fulfils. Officers understand that the subject site has been separated from the surrounding back garden land

for a significant time period and therefore the proposal would not involve the loss of any dedicated private garden land.

- 6.21 Officers note that several objectors to the current application have referenced the loss of use of the site as amenity space for the existing residential properties at 10 Malpas Road. The application site would have historically formed part of the garden area for 10 Malpas Road and some of the adjoining properties. It is noted that following the approval of Development Consent DC/03/54733, a condition was imposed securing the availability of the rear garden for communal open space by the occupants of 10, 10 A and 10 B Malpas Road.
- 6.22 It is noted however that in a subsequent application for 10 Malpas Road (DC/12/81618), the assessing officer discounted the potential use of the application site as an amenity area for these residents, noting that the subject site had become overgrown, unused and unsuitable for communal open space.
- 6.23 The subject site also has several physical characteristics which would distinguish it from traditional back garden land. In particular it is noted that the site has direct access and frontage onto Luxmore Gardens while access to the highway is provided via Malpas Road. The development therefore would provide passive surveillance onto Luxmore Gardens without causing unacceptable overlooking of neighbouring properties.
- 6.24 The subject site would be primarily accessed via the existing gated communal entrance on Malpas Road, that currently provides access to 10A and 10B Malpas Road and therefore would not change the highway frontage of the host property. The impact of the proposed development upon the amenity of the adjoining properties is detailed below, in the relevant section of this report.
- 6.25 It is therefore considered that the proposed development would not result in the loss of any dedicated private garden land, but would rather involve the redevelopment of a land parcel which has been separated from the surrounding properties for a significant length of time. Officers therefore consider that the redevelopment of the subject site could be acceptable, subject to a suitable design.
- 6.26 Officers further note that DM Policy 33(2) states *“If a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets.”* When considering the objectives of this policy and the attributes it seeks to protect, it is considered that the subject site is considered to be suitable for development, subject to high quality, sensitive design.
- 6.27 In regard to the current scheme, the proposal has been specifically designed to fit the subject site and surroundings well and to respect the

character of the surrounding properties. The details of the application demonstrate how the proposal seeks to address issues of design, highways and impact on residential amenity and this is discussed in the relevant section below. It is considered however that, in light of the site context and planning policy, the principle of residential development on the site is acceptable subject to high quality sustainable design and a layout which responds to the site context, and which takes account of the amenities of neighbouring properties

Design

- 6.28 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.29 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.30 In relation to Lewisham, Core Strategy Policy 15 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.
- 6.31 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.32 Further to this, DM Policy 32 of the Development Management Local Plan seeks to apply the above design principles more specifically to individual proposals. It seeks to ensure that the siting and layout of all new-building housing responds positively to the site specific constraints and opportunities as well as to the existing and emerging context of the site and surrounding area.
- 6.33 The proposed development utilises site specific design responses to redevelop existing backland site to provide additional residential units. As detailed above, the principle of the provision of residential units upon the existing site is considered to be acceptable and to have the

capacity to support additional development in the form of dwelling houses.

- 6.34 The proposed development would be comprised of two elements, the first being 3 three storey (3B 6P) dwellings and the second a detached, single storey dwelling. The proposed three storey properties would be located between 2- 4.2 metres from the boundary with Luxmore Gardens, 5 meters from the property boundary of 6 and 8 Malpas Road, 3.5 metres from the boundary of 124 and 126 Lewisham Way and 8.33 metres from the side property boundary with 132 Lewisham Way.
- 6.35 The proposed single storey dwelling would be situated adjoining the shared boundary with 128 and 130 Lewisham Way, between 1.8m and 3.5 m for the boundary with 132 Lewisham Way and between 3.1 to 4.5 metres from side boundary of 126 Lewisham Way.
- 6.36 In terms of height, scale and massing, the proposed development is considered to be suitable. In particular the scheme is considered to successfully respond to the adjacent development by positioning the three storey dwellings adjacent to the park and the single storey element towards the rear of the site. Officers are therefore satisfied that the proposed design would suitably position the massing of the proposed development away from adjoining residential properties, hence limiting potential negative impacts.
- 6.37 Officers note that the proposed development has a simple design approach that is considered to have merit but makes the detailing of the building and proposed use of materials of vital importance to support such an approach. It is therefore necessary for the applicant to demonstrate how high quality materials and detailing will be delivered. During the course of the application, Officers have sought additional information on the proposed materials and their detailing to support the application. These details confirm the use of a good quality brick (Mystique) and a Glass Reinforced Concrete cladding system which will complement surrounding properties. The use of aluminium windows and doors in addition to Zinc window surrounds are supported by officers. The colour of the mortar used will also be an important consideration. A condition is therefore proposed requiring sample panels of the brick to be constructed on site so that the mortar colour and pointing can be agreed with officers.
- 6.38 Concern has been raised from adjoining properties' owners regarding the height and massing of the proposed development. The three, 3 storey properties, would face onto Luxmore Gardens which would be one storey higher than the surrounding properties situated on Malpas Road. They would be of similar height as the part two/ part three storey buildings located on Lewisham Way, situated to the north of the site.
- 6.39 The proposed three storey dwellings would be positioned between 12m and 27 metres from the rear facades of the properties that address

Malpas Road and a minimum of 20 metres from the rear elevations of the properties which front Lewisham Way. Officers are satisfied that the design would be of a high quality and through the introduction of vertical articulation and the use of a mixture of complementary materials and finishes, would suitably reduce the massing of the proposed development. Additionally, the detailing of the façade itself includes generous openings to provide texture and visual interest which would further reduce the scale and bulk of the proposal.

- 6.40 The proposed brick finished flat roofed, single storey dwelling would have a maximum height of 2.9 meters, that would reduce to 2.5 meters on the boundary with 130 Lewisham Way. The development would be setback from the side boundary of 132 Lewisham Way by between 2 - 3.8 metres.
- 6.41 Subject to securing the quality of the materials and detailing as set out above, it is considered that the scheme as designed would result in a high quality design response.

Quality of Accommodation

Standard of Residential Accommodation

- 6.42 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. It outlines that the design of all new dwellings should include adequately sized rooms, convenient and efficient room layouts and meet the changing needs of Londoners' over their lifetimes.
- 6.43 New residential development is no longer required to meet the Lifetime Homes Criteria at planning stage which is to be delivered through Building regulations, however this remains a matter to consider to ensure that a scheme is capable of meeting this standard. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The scheme has been designed to achieve compliance with the Lifetimes Homes Standard for all units. An objection has been received that the proposed development would not comply with building regulations, in regard to access, however the application has been reviewed by a member of Councils Building Control section who has confirmed that the proposed development would comply with the required standards.
- 6.44 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it

provides detail on how to carry forward the Mayor’s view that “providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.

- 6.45 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 6.46 The national housing standards are roughly in compliance with the space standards of the London Plan. However there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent.
- 6.47 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and include space suitable for children’s play.
- 6.48 The Mayor of London published the Minor Alterations to the London Plan 2015 which states that reduces the minimum ceiling height from 2.5 metres to 2.3 meters for at least 75% of the gross internal area of the dwelling. It is noted however that 2.5 meters would become the recommended floor to ceiling height.

Table 1.1 : Residential Internal Floor Areas

Unit type	No. of units	Policy requirement (GIA sq m) National Technical Standard	Proposed GIA (sq m)
2B4P	1	70	70
3B6P (3 storey)	3	111	Min: 119.3 - 120.8 sqm

- 6.49 As detailed above all dwellings would meet the minimum internal floor area requirements and would have floor to ceiling heights of 2.5m at all levels. Accordingly the proposed development, is considered to be acceptable and would provide a high standard of internal accommodation.
- 6.50 In terms of private open space, Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5 sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. All units

would be provided with generous private open spaces. The proposed three storey dwellings would be provided with rear courtyards of between 39.2 sqm - 74 sqm while the rear single storey dwelling would be provided with 120 sqm of private amenity space. Additionally the proposed development also seeks to provide an additional 31.5 sqm of communal open space for the residents of the proposed development along with the existing residents at 10 A, B and C Malpas Road.

- 6.51 The subject application is supported by a Daylight and Sunlight report prepared by XCO2 Energy. The accompanying report provides an assessment of the daylight, sunlight and overshadowing impacts of the proposed development upon the adjoining properties, in addition to assessing the levels of daylight received by the proposed development.
- 6.52 The accompanying report confirms that the proposed units would provide a suitable level of outlook and amenity. Officers therefore consider that the proposed development would be provided with an acceptable standard of accommodation.

Highways and Traffic Issues

- 6.53 The London Plan (2015) states that in locations with good public transport accessibility, car-free developments should be promoted.
- 6.54 The subject site benefits from a PTAL rating of 6a (excellent). The existing walking and cycling links to and from the site are adequate and the level of traffic likely to be generated by the proposal is minimal. There are a number of bus services that operate in the vicinity of the site on a regular basis as demonstrated in the Transport Statement which accompanies the planning application.
- 6.55 No additional off-street parking would be provided for the proposed development. It is proposed that all car-parking needs of the development are to be met on-street. The application has been accompanied by Transport Statement (TS) prepared ADL Transportation Ltd and has been reviewed by Council's Highways Officer.
- 6.56 Objections have been received by adjoining owners regarding the capacity of the surrounding streets to absorb the additional parking demand caused as a result of the proposed development.
- 6.57 The Transport Statement states that the proposed development would generate a maximum demand of two on-street spaces. The accompanying parking survey contained within the Transport Statement details that there were a total of seven unrestricted on-street spaces available on Rokeby Road and 14 spaces available on Malpas Road.
- 6.58 Officers are therefore satisfied that there is sufficient capacity on Rokeby Road and Malpas Road to accommodate the likely additional

demand during both the construction phase and the projected additional on-street parking demand as a result of the proposed development. Furthermore, the Highways officers have not objected to the proposal.

- 6.59 Secure and dry parking for a total of 8 bicycles are detailed on the proposed plans. This meets the necessary standard and would be secured by condition.

Servicing and Refuse

- 6.60 In regard to refuse and servicing, a dedicated communal waste storage area would be provided for the proposed development which would be located along the eastern site boundary, adjacent to the main entrance to the site. The applicant has advised that the proposed development would be serviced by a private waste contractor who could collect and return all bin to this communal storage area. This would be secured within the Section 106 agreement. This is considered to be acceptable.
- 6.61 A condition is also proposed, should the application be recommended for approval, requiring the submission of the details of the communal waste storage area prior to commencement of development.

Construction

- 6.62 The Council's Highways Officer has reviewed the Outline Construction and Logistics Plan along with the additional Transport Note issued on 18 August 2015 which was submitted in support of the application. The draft Construction Management Logistics Plan outlines details of the management of traffic during the construction period and seeks to provide a robust construction strategy that will minimise the potential for disruption to local residents and other users of the adjacent highway network.
- 6.63 The applicant has advised that in order to construct the proposed development, the northern most portion of Luxmore Gardens, which is adjacent to the subject site would be required as a site compound area. The subject application has been referred to the Parks Regeneration Manager who has not raised any objection to the use of a portion of the park during construction, provided that the area is reinstated to its previous condition following construction works. An informative has been recommended, should the application be approved, highlighting the requirement for the applicant to apply for a licence to temporarily use a portion of Luxmore Gardens. It is further noted that the applicant has agreed to make a contribution of £30,000 towards the regeneration of the park following construction works.
- 6.64 It is proposed that construction deliveries, in addition to loading and unloading would operate primarily via Rokeby Road and the existing

stepped access into the Luxmore Gardens. Luxmore Street would also be utilised, but for pre booked deliveries only and would be directed using banks men.

- 6.65 The submitted plan has been reviewed by Highways Officers and is considered to be acceptable in principle however a condition has been recommend to be imposed upon any consent requiring a Construction Management Plan be submitted and approved by Council prior to the commencement of development.

Impact on Adjoining Properties

Access to the subject site

- 6.66 Paragraph 6 (b) of DM Policy 33 states that Backland Development should result in *“no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens”*
- 6.67 The development would be primarily accessed via an alleyway located between Nos 10 and 12 Malpas Road. This access path currently serves two properties being 10A and 10B Malpas Road. Habitable windows in addition to private open space area for both of these properties is located adjacent to this access way along with the side boundary wall and rear private open space of 12 Malpas Road.
- 6.68 The proposed development would result in an intensification of the use of the existing access way however, it is also proposed to utilise the existing gated access to Luxmore Gardens, when the park gates are open, which would provide alternative arrangements for both future residents of the proposed development as well as and existing residents of 10A , 10B and 10 C Malpas Road.
- 6.69 The access path would also be utilised to service refuse however, a private waste management strategy is to be secured for the site by s106 agreement and would ensure refuse would be collected from and returned to a storage area within the site and not presented in front of the existing windows of 10 Malpas Road, as originally proposed.
- 6.70 Officers note that the proposed development would increase activity via the side access way and hence have an additional impact on adjoining properties. The proposed use of this access way is deemed to be acceptable as it is considered that this is currently a communal entrance, in use by the residents of two properties. Accordingly officers do not consider that the likely level of disturbance and impact on the privacy of the properties at 10 and 12 Malpas Road would not be such that would warrant refusal of the application. The development is therefore, on balance, is considered to be acceptable.

Daylight and Sunlight

- 6.71 As previously stated a Daylight and Sunlight Assessment prepared by XCO2 Energy was submitted in support of the subject application. This report has been prepared in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight".
- 6.72 This report assesses the impact of daylight and sunlight as a result of the proposed development upon the following residential properties and associated amenity areas:
- 12,14, 16 Malpas Road (situated to the southwest of the site)
 - 10 Malpas Road (situated to the west)
 - 2- 8 Malpas Road (situated to the north west)
 - 128-130 Lewisham Way (situated to the north east)
 - 132 Lewisham Way (situated to the north east)
- 6.73 The overall impacts in terms as a result of the proposed development indicate full compliance with the BRE guidance.

Amenity Space

- 6.74 The south facing amenity spaces of the adjoining properties which face Malpas Road and Lewisham Way have been assessed for sunlight amenity. The accompanying report demonstrates that in the instance of each adjoining rear garden, a minimum of 50% of the overall area would receive two or more hours of sunlight on the 21 March. Accordingly the development would comply with the BRE guidelines and therefore would not result in a considerable negative impact upon the adjoining properties.

Overlooking

- 6.75 In regard to the creation of opportunities for overlooking into adjoining properties, it is noted that primary habitable rooms and associated windows would either be located at ground floor level or situated towards the front, Luxmore Garden, facade. All proposed rear facing windows situated at first and second floor level, would serve bedrooms only.
- 6.76 All windows upon the side elevations of the three storey dwellings would either be fixed closed and obscure glazed or high level so as to mitigate any potential overlooking issues.
- 6.77 As detailed above the subject site is adjoined by the rear gardens of several adjoining properties which adjoin Malpas Road and Lewisham Way. The applicant has provided annotated plans which

detail the separation distances from the surrounding properties. This has been included below.



ORIENTATION



- 6.78 To the northwest of the proposed three storey dwellings, the development would be setback by a minimum of 5.5 meters from the rear boundaries of the properties fronting Malpas Road therefore resulting in a building to building separation distance of between 12.5 and 25 meters. All windows along this elevation would be opaque glazed and fixed closed to a height of 2 metres above floor level to mitigate overlooking between adjoining properties.
- 6.79 The western most dwelling of the proposed row of three 3 storey dwellings would be positioned approximately 4.4 metres away from the rear boundary of 124 -126 Lewisham Way however, due to the large rear gardens, a building to building separation distance of between 31.5 metres - 37.5 metres would be maintained. It is further noted that the rear of this property is heavily vegetated, including several mature trees which would further mitigate any potential overlooking.

- 6.80 To the east, the proposed three storey development would be setback by 8.5 meters from the adjoining property boundary of the ground floor unit of 132 Lewisham Way, known as the 'East Courtyard'. The side elevation would contain one window at first floor level which would overlook the proposed communal area. This is considered to be acceptable.
- 6.81 The proposed detached single storey dwelling, would be located to the north (rear) of the site. The proposed dwelling would be located adjoining the site boundary, however it is noted that this would be forward of the current positioning of the boundary fence and would align with rear elevation of the extension to 132 Lewisham Way.
- 6.82 The proposed 2b4p dwelling would have a maximum height of 2.9 metres and would be located between 2.2 and 3.6 meters from the adjoining boundary with 132 Lewisham Way. It is noted however that there is a 400 mm variation in site level, with the subject site lower than the neighbouring properties.
- 6.83 The proposed dwelling would not have any openings facing onto the rear of 130 Lewisham Way, and have high level obscured glazing facing onto the rear of 132 Lewisham Way. The primary habitable windows of the proposed bedrooms and the kitchen/ living area would be west and north west facing, adjoining the land to the rear of 128 Lewisham Way, positioned between 3.6 and 4.2 metres away from the boundary. This is considered to be acceptable.
- 6.84 As the proposed detached dwelling would be single storey, located lower than the adjoining site and would include the provision of replacement boundary fences which would be a minimum of 1.8 metres in height, the development is not considered to negatively impact the amenity of the adjoining properties.
- 6.85 It is therefore considered due to the layout of the proposed units proposed and the separation distances between adjoining facades, the proposed development would not result in the creation of opportunities for overlooking which would impact the residential amenity of the adjoining properties.

Impact on the existing heritage assets

- 6.86 The subject is located adjacent to, but is not situated within the Brockley Conservation Area. The current application is accompanied by a Heritage Statement which was reviewed by the Council's conservation Officers. The proposed development was not found to have any impact on either the adjacent conservation area or the listed building situated at the corner of Rokeby Road and Lewisham Way. Accordingly, the application is deemed to be acceptable in terms of impact on existing heritage assets.

Sustainability and Energy

- 6.87 In the earlier stages of the preparation of the scheme, the applicant would have been advised to meet Code for Sustainable Homes (CSH) Level 4. This requirement has been withdrawn however the pre-assessment accompanying this application demonstrates that the design of the scheme will meet this standard.
- 6.88 In line with the Mayor's Energy Strategy, solar photovoltaic array (24sqm) would achieve a 22.5% reduction in carbon emissions which is in excess of the 19% minimum requirement. This together with the examples of water efficiency highlighted in the Code for Sustainable homes demonstrated that the proposal is compliant with London Plan policies 5.2 and 5.3, Core Strategy Policy 8 and Development Management Policy 22.

Ecology and Landscaping

- 6.89 Policy 5.10 'Urban Greening' of the London Plan outlines the importance of urban greening such as new planting in the public realm, recognising its role in adapting to and reducing the effects of climate change. Core Strategy Policy 12 'Open space and environmental assets' sets out the value of green in the public realm stating that local biodiversity should be preserved and enhanced whilst trees should be protected or replaced where loss does occur. As a result of this, Development Management Policy 25 'Landscaping and trees' requires all applications for major development to submit a Landscape Scheme.
- 6.90 There are no statutory designations of national or international importance within the boundary of the site however due to the current overgrown condition of the subject site, a Preliminary Ecological Assessment, prepared by Middlemarch Environmental was submitted with this application.
- 6.91 The report sought to establish the ecological value of the site and identify any associated impacts. The report concluded that the scale and nature of the proposed development would not give rise to any negative impacts upon nature conservation across the site. It did however provide a series of recommendations to enhance the biodiversity value of the site. These include a suitable schedule of planting, the provision of bird boxes and a sensitive external lighting. It is noted that the applicant has proposed to install Bat boxes as part of the development however as the Preliminary Ecological Assessment did not find the presence of bats on site, mitigation in the form of the installation of Bat boxes are not required in this instance. Accordingly relevant ecological commitments are proposed to be secured via condition.
- 6.92 As outlined earlier in the report, the application submission includes a detailed landscaping strategy which is considered to be acceptable and would be secured via condition.

Arboriculture

- 6.93 An Arboricultural Impact Assessment (AIA) prepared by Middlemarch Environmental accompanies the subject application. The report details that the site would be cleared, with the exception of the two existing trees, which are subject of Tree Protection Orders, which would be retained and protected throughout construction of the proposed development. The assessment has been reviewed and is considered to be acceptable by the Council's Arboricultural Officer. Conditions are recommended to be imposed to ensure the recommendations contained within the report are carried out.

Land Contamination

- 6.94 Policy 5.21 'Contaminated Land' states that the Mayor supports the remediation of contaminated sites and outlines that appropriate measures should be taken to ensure that development of previously contaminated land does not activate or spread contamination. In response to this, DM Policy 28 'Contaminated land' seeks to ensure that contamination is properly addressed.
- 6.95 It is noted that the subject site is currently a vacant site within a residential area with no known history of industrial or commercial use. The risk of contamination is therefore considered to be low. The proposed development would involve breaking ground works during construction in addition to the provision of areas of private and communal open space. Accordingly a condition has been recommended, that a Ground Condition Assessment (Contamination) be submitted to the Council, prior to the commencement of any building works.

Planning Obligations

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

- 6.97 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.98 Officers consider that the obligations outlined below under Recommendation A are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

- 8.3 In this particular case, it is not considered that the nature of the proposed development would result in a harmful impact upon equality.

9.0 Conclusion

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

10.0 RECOMMENDATIONS

10.1 RECOMMENDATION (A)

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) securing the following principal matters including other such amendments as considered appropriate to ensure the acceptable implementation of the development. The Heads of Term are to be as follows:

S106 items

- Servicing of the development by a private waste contractor including undertaking to collect and return all bin to this communal storage area. A Waste Management Plan is to be submitted to and approved in writing by the Local Planning Authority;
- Contribution of £30,000 towards the upgrade of Luxmore Gardens and would be paid on commencement of the development;

- Meeting the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

10.2 RECOMMENDATION (B)

Full Planning Permission Time Limit

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

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

Develop in Accordance with Approved Plan

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

D01 Rev A; D02; D03 Rev E; D04 Rev F; D05 Rev D; D06 Rev D; D07 Rev E; D08 Rev E; D09 Rev C; D10 Rev B; D11 Rev E; D15 Rev B; D16; D17; D20 Rev A; FHA-632-L-401-Planting Plan; FHA-632-D402 – Proposed Rainwater Gardens; Drawing FHA-P632-Planting Schedule

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.
- (d) Security Management (to minimise risks to unauthorised personnel).
- (e) Details of the training of site operatives to follow the Construction Management Plan requirements
- (f) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar demolition activities
- (g) Measures to ensure that debris, dust and equipment can not fall or be blown onto the adjacent properties or Luxmore Gardens.

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).

Land Contamination

- 4. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall

be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

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

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

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

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).

Protecting Residential Properties

- 5. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety.

Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Site Survey

6. No development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:
 - (a) A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site at regular intervals, site levels and floor levels of adjoining buildings, full details of the proposed finished floor levels of all buildings and hard surfaces.
 - (b) The development shall be carried out only in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to its surroundings 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.

Materials/Design Quality

7. No development shall commence on site until a detailed schedule of specifications and samples of all external materials and finishes including windows, external doors, roof coverings features to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in 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.

Cycle Parking

8. (a) A minimum of **8** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

Protection of Trees

9. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

Boundary Treatments

10. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the

interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

Bat and Bird Box Strategy

11. The development shall be carried out in accordance with the approved Bat and Bird Box Strategy, dated August 2015, prepared by Middlemarch Environmental, received by the Council on 03.09.2015. All bird boxes shall be installed before occupation of any building hereby approved and shall be maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

Biodiversity living roof

12. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. D15 Rev B hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

External Lighting

13. (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local

planning authority.

- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky, local ecology and neighbouring properties and to comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

Landscaping

- 14. All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 12 Open space and environmental assets, and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

Satellite Dishes

- 15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the south, east or west elevations or the roof of the buildings hereby approved.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for

Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

Plumbing or Pipes

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the external Southern elevations (facing Luxmore Gardens) of the buildings hereby approved.

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

Extensions

17. No extensions or alterations to the buildings hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

Windows and Openings

18. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the buildings other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill

sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Use of Flat roofs

19. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the buildings hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Hours of Construction

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

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

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

Retention of Trees

21. None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local

Plan (November 2014).

Energy and Water

22. (a) The residential units hereby approved shall be constructed in order to achieve the following requirements:
- a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
 - a reduction in potable water demand to a maximum of 110 litres per person per day
- (c) No development shall commence above ground level until a Design Stage Standard Assessment Procedure (SAP) Assessment and Water Efficiency calculations, prepared by suitably qualified assessors, shall have been submitted to and approved in writing by the local planning authority to demonstrate that the detailed design of each unit is in compliance with part (a).
- (d) Within 3 months of occupation of any of the residential units hereby approved, an As Built SAP Assessment and post-construction stage Water Efficiency Calculations, prepared by suitably qualified assessors, shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

Wheelchair Housing

23. (a) The detailed design for each dwelling hereby approved shall meet the M4(2) standard of the Approved Document M of the Building Regulations (2015)
- (b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

- (c) The development shall be carried out in accordance with the details approved under part (b).

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Materials/Design Quality

24. A sample panel of the proposed brick including proposed mortar and pointing work shall be built on site (using the proposed materials hereby approved), and shall be approved in writing by the local planning authority prior to construction of the above ground works.

The development shall only 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.