

Committee	PLANNING COMMITTEE C	
Report Title	LAND ADJACENT TO 26 MARNOCK ROAD, LONDON, SE4 1EU	
Ward	CROFTON PARK	
Contributors	Russell Brown	
Class	PART 1	23rd November 2017

<u>Reg. Nos.</u>	DC/17/102317
<u>Application dated</u>	13.06.2017
<u>Applicant</u>	Lewisham Homes
<u>Proposal</u>	Demolition of the existing garage blocks on land adjacent to 26 Marnock Road, SE4 and construction of 6, three storey terraced houses, together with the provision of 12 car parking spaces, associated landscaping and a single storey refuse shelter.
<u>Applicant's Plan Nos.</u>	1540_PL_010 Rev A; 1540_PL_011 Rev B; 1540_PL_110 Rev B; 1540_PL_210 Rev B; 1540_PL_211 Rev A; L0430R01; Wastewater Plan; Design and Access Statement; Environmental Desk Study; Environmental Noise Assessment; Planning Statement; Transport Statement Received 29th June 2017
<u>Background Papers</u>	(1) Case File LE/19/A/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Core Strategy – Area of Stability and Managed Change

## **1.0 Property/Site Description**

- 1.1 This application has made by Lewisham Homes in behalf of the Council. The application site is located on the south side of Marnock Road, and also south of the railway line running from Crofton Park to Catford stations and north west of the junction with Brockley Grove and Crofton Park Road. Marnock Road is one-way with traffic travelling in a north-western direction.
- 1.2 The site is to the rear of a three storey block of flats fronting Brockley Road (Flats 1-27 Brockley Grove) and comprises an outdoor laundry drying enclosure and two garage blocks (for 11 vehicles) which are accessed via a central access road leading from Marnock Road. There are also small grassed areas and semi-mature trees.

- 1.3 The surrounding area comprises low-rise terraced or semi-detached properties, defined as an urban terrace typology by Table 2.1 *Urban Typologies in Lewisham* contained within DM Policy 30, and a three storey linear residential block along Brockley Grove to the south.
- 1.4 The property is not within a Conservation Area, not subject to an Article 4 direction, nor is it a listed building or in the vicinity of any listed buildings. However, it is close to a Green Corridor formed by the train line and the site has a PTAL rating of 3 with a Local Open Space Deficiency.

## **2.0 Relevant Planning History**

- 2.1 None.

## **3.0 Current Planning Application**

- 3.1 Planning permission is sought for the demolition of the two existing garage blocks (for 11 vehicles) on land to the west of 26 Marnock Road to facilitate the construction of six, three storey, four-bedroomed terraced houses.
- 3.2 The properties would measure 11.15m high by 5.75m wide by 10.15m deep. The gable-roofed properties would feature a flat-roofed element to the north west side of each, which would be 8.75m high and which would be where the front door would be located. The buildings would form the continuation of the existing two storey terrace fronting onto Marnock Road with their front gardens projecting beyond the building line of Marnock Road. They would also have rear gardens, beyond which would be a shared alleyway with access to the rear of each unit.
- 3.3 The front boundary treatment would be a dwarf wall of at least 60cm high with 40cm high railings on top and a 1.75cm high wall with a 1.65cm high gate to the rear boundary. The materials would be mainly light coloured brick complimented by grey coloured brick with dark mortar joints for the external walls, aluminium framed windows and slate tiles for the roof.
- 3.4 All houses would be four bedroom, seven person units over three storeys with the kitchen, dining and a WC / shower room on the ground floor, the living room, a double bedroom and bathroom on the first and three bedrooms (a double, a single and a twin) and a bathroom on the second floor. Their total internal floor space would be 142.9m<sup>2</sup>, which is broken down as follows:
- Kitchen: 10m<sup>2</sup>  
Dining: 18m<sup>2</sup>  
Living room: 18m<sup>2</sup>  
Bedroom 1 (double): 12m<sup>2</sup>  
Bedroom 2 (double): 12m<sup>2</sup>  
Bedroom 3 (twin): 14m<sup>2</sup>  
Bedroom 4 (single): 8m<sup>2</sup>
- 3.5 The development would also involve the provision of 12 car parking spaces (of which six would be allocated to the proposed houses), associated landscaping and a single storey refuse shelter in the front garden.

3.6 All of the proposed dwellings would be retained as affordable rent, managed by the applicant, Lewisham Homes on behalf of Lewisham Council.

#### **4.0 Consultation**

4.1 Pre-application advice was sought on three occasions with the last response prior to submission being in August 2017 stating that the layout, scale and massing are acceptable.

4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.3 A site notice was displayed and letters were sent to 38 adjoining addresses, Crofton Park Ward Councillors and the Council's Environmental Protection, Environmental Sustainability, Highways and Housing Officers.

#### **Written Responses received from Local Residents**

- 4.4 Nine objections and two comments were received, raising the following concerns:
- The proposals would have a negative impact upon the residents of flats 1-27 at 39 Brockley Grove.
  - The height of the proposals would not align with the adjoining buildings. A sloped or flat roof would be more in proportion with the surrounds. The pointed gable feature only serves to increase the height and seems a particularly unnecessary architectural feature.
  - The development would overshadow and overlook the block of flats on Brockley Grove, particularly of bedrooms that face onto it.
  - The site is not generous and is in use as a laundry area. It does not make sense to take away this, the car parking space and the landscaping in order to build new homes and amenities for others.
  - The site should be developed for amenity space for the existing flats, for example green space with a play area for children.
  - The demolition of the garages would add to the chronic shortage of garages available to rent from Lewisham Council.
  - The proposed parking spaces could be used by the users of the existing garages, the proposed occupiers of the units or by non-residents / commuters.
  - The loss of the existing private driveway used by the residents of the flats on Brockley Grove would add to parking stress, especially given that Marnock Road is already over-used by local residents, shoppers and train users.
  - The proposals restrict access for service vehicles to the flats to the south.
  - The proposals intrude too far into the curtilage of the flats on Brockley Grove, thereby restricting their view northwards and levels of light.
  - If the space between the development and no. 26 is not blocked off then security would be compromised.
  - All front doors of the flats on Brockley Grove are visible from Marnock Road, which will not be the case if the development goes ahead.
  - The summary and recommendations of the Environmental Desk Study are concerning.
  - Marnock Road suffers from fly tipping so some enhanced street lighting and improved sight lines to the south side of the street would not go amiss.
  - The landscaping to the rear creates an isolated space between the flats on Brockley Grove and no. 27, which is susceptible to fly tipping and graffiti.

- The proposed landscaping to the rear could lead to a loss of privacy and security. There are inconsistencies regarding tree planting, and those to the northern boundary of the site should be retained, if not re-planted, ideally within the Crofton Park ward.
- There is an absence of cycle parking facilities proposed by the scheme, and in the local area in general.

4.5 Councillor Roy Kennedy responded, stating that he had no objection to raise.

#### Responses received from Internal Consultees

- 4.6 The Council's Highways Officer stated that there was a lack of details submitted and that the following issues needed to be addressed:
- A Construction Management Statement should be submitted, including details of the demolition phase.
  - The applicant should submit evidence that the existing garages are no longer in use.
  - The applicant should provide swept path drawings for the proposed car parking spaces and explain how the spaces would be managed to ensure the new parking spaces are only for the proposed residential units. Confirmation is required of how many spaces will be associated with the new units. A car management plan would be helpful.
  - The parking survey showed high percentages of parking stress on the surrounding streets. A plan with the used and empty car parking spaces on the surrounding streets within 200m of the site should be provided.
  - 12 covered, secure and fully enclosed cycle parking spaces will need to be provided. These cycle parking spaces will need to be shown on a plan, including the type of cycle stand to be used and dimensions.
  - A condition will need to be secured to ensure bins will not be left out on the highway after collection.

## **5.0 Policy Context**

### Introduction

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

A local finance consideration means:

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

- 5.2 Section 38(6) of the Planning 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,

Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

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

### Other National Guidance

- 5.5 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 2016)

- 5.6 The London Plan was adopted on 14th March 2016. The policies relevant to this application are:

Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.3 Sustainable design and construction  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.15 Water use and supplies  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.21 Contaminated land  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
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 8.3 Community infrastructure levy

### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together 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

Spatial Policy 5 Areas of Stability and Managed Change

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 12 Open space and environmental assets

Core Strategy Policy 13 Addressing Lewisham's waste management requirements

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

### Development Management Plan

- 5.8 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 25 Landscaping and trees

DM Policy 26 Noise and vibration

DM Policy 27 Lighting

DM Policy 28 Contaminated land

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

DM Policy 35 Public realm

### Residential Standards Supplementary Planning Document (updated May 2012)

- 5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## **6.0 Planning Considerations**

6.1 The relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the surrounding area
- c) Impact on the amenities of adjoining properties
- d) Trees
- e) Proposed standard of residential accommodation
- f) Traffic and parking issues
- g) Contamination
- h) Sustainability and energy
- i) Community infrastructure levy

*Principle of development*

- 6.2 This site is currently used as garages, parking and an outdoor laundry drying enclosure with an access running through the middle. There are no regional or local planning policies that protect garages, although any subsequent impact on the local area, particularly on the availability of parking spaces, through the loss of parking spaces, whether in garages or not, must be acceptably mitigated.
- 6.3 When the application was submitted, the occupancy rate of the 11 garages on site was 100%, and these are largely rented out to people living in the Borough. They are approximately 5.3m deep by between 2.75m and 2.8m wide so are large enough to accommodate most motor vehicles. The occupancy rate of the garages remains at 100%.
- 6.4 In this case, the surrounding roads (those within a 200m radius of the site) have capacity, backed up by the submitted Transport Assessment. This document states that a minimum of 39 vacant car parking spaces (out of 279 spaces) are available between 1am and 5am on a weekday, which is the most critical time of the day for residential parking assessment (when people are most likely to be at home, compared to the say when they would be at work). Within these times on Marnock Road itself, there were a minimum of 40 spare spaces (out of 86 spaces).
- 6.5 As such, the average parking stress (cars parked divided by capacity) is 86% overall and 53% on Marnock Road. Planning and Highways Officers therefore consider that, even though the garages are currently all occupied, there is sufficient capacity on Marnock and surrounding roads such that it can be demonstrated that the loss is acceptable provided that the requirements of DM Policy 33 are met, which is considered below.
- 6.6 It is noted that the scheme proposes the provision of six car parking spaces for non-residents. This will be discussed in more detail within the highways section.
- 6.7 Housing is a priority use for all London boroughs with the need for family-sized dwellings being particularly acute in Lewisham, and the Core Strategy (June 2011) welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides garden and amenity space.

- 6.8 The evidence for Lewisham shows an overwhelming housing need which is spread across the borough and for a mix of housing tenures as well as housing size. The main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms – this proposal would provide 6, 4 bedroom affordable rented family dwellings.
- 6.9 The National Planning Policy Framework (NPPF) sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. Furthermore, the Framework (para. 17) also encourages the effective use of land by reusing land that has been previously developed (brownfield land).
- 6.10 In light of the above, Officers recognise that housing is a priority use in the borough and infill sites are a sustainable use of land to help meet housing targets. DM Policy 33 is relevant here and it states that development on infill sites will only be permitted in the following circumstances:
- a. make a high quality positive contribution to an area
  - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
  - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
  - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
  - e. retain appropriate garden space for adjacent dwellings
  - f. repair the street frontage and provide additional natural surveillance
  - g. provide adequate privacy for the new development and
  - h. respect the character, proportions and spacing of existing houses.
- 6.11 The principle of infill development is generally supported by the Council where the loss of the garages in this case is justified. However, the details of the application must also be acceptable in relation to the above criteria. In addition to this, Officers will have regard to the design, standard of accommodation, impact on neighbours, sustainability and highways / transport impacts of the proposal, which will be fully considered in the relevant sections of the report.

### *Design*

- 6.12 Urban design is a key consideration in the planning process. The NPPF (para. 56) 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 positively contribute to making places better for people. The NPPF (para. 57) also 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 space and wider area development schemes.

- 6.13 Core Strategy Policy 15 seeks to optimise the potential of sites, whilst also ensuring that proposed schemes are sensitive to the local context and respond to local character.
- 6.14 DM Policy 33 states that if the site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality design and relates successfully and is sensitive to the existing design quality of the streetscape.
- 6.15 DM Policy 35 states that public spaces should be designed to be safe, inclusive, accessible, attractive and robust, enhancing existing connections and providing new connections as appropriate. Existing local and historic connections that are valued and contribute to the distinctiveness of the area's public realm and streetscape should be enhanced. Trees are an important part of the street scene and should be accommodated wherever possible and carefully sited.
- 6.16 The application site fronts Marnock Road, but is land associated with the existing development that fronts Brockley Grove, which is a three storey flatted block that is arranged to respond in the curve in Brockley Grove. The Brockley Grove streetscene does not provide a consistent building line in the same way that Marnock Road does. Rather, it presents suburban housing where the building design and configurations vary, but a consistent building line and scale of development is maintained. This is defined as an urban terrace typology by Table 2.1 of DM Policy 30 and is characterised by a regular street form and a strong unity of architecture, reflected by the long two storey terrace of period housing.
- 6.17 The proposed development is a three storey terrace with a pitched roof that seeks to continue the existing terrace on Marnock Road and Officers consider this approach to be appropriate. Although it would be taller than the existing terrace at Marnock Road, with the roof pitch of the proposed dwellings extending higher than the Brockley Grove flats to the rear, this is considered to be acceptable as the flat part of the roof would match the ridge line of the existing terrace and the pitched element would respond well to the front-facing gable ends.
- 6.18 Furthermore, the proposed arrangement of the elevations would create gaps between the gables to break up the massing and would provide vertical articulation to slim the profiles of the proposed buildings, which would be taller and wider than the existing terrace. The gap between the existing and proposed buildings would provide a visual break between the old and the new, and could be fenced or walled off to prevent access to the private rear gardens. This is recommended to be secured by condition.
- 6.19 The proposed buildings would present a contemporary style that seeks to adopt architectural cues from the neighbouring terrace on Marnock Road, which is considered to be a typical Victorian façade. This approach is considered to establish a strong character and the buildings would relate well to the surrounding existing development, which is therefore acceptable.
- 6.20 The proposed brickwork of mostly light coloured brick and grey coloured brick with dark mortar joints for elements of the ground and second floors would complement the existing street and draw from the neighbouring terrace which feature different types and tones of brick. The establishment of a more continuous façade is deemed acceptable. The other materials are considered to be

acceptable in principle, subject to physical samples, and can be secured by condition.

- 6.21 The interface between the existing and the new development is considered to be fundamental to the integration of this proposal into the existing site. A coloured landscape plan has been provided and an annotated version of this is within the Design and Access Statement. However, Officers do not consider it to be fully detailed and therefore drawings that show the exact type of hard or soft landscaping, together with a maintenance plan, are recommended to be secured by condition. Officers do, however, consider that the proposed landscaping can be supported on the current level of detail provided.
- 6.22 Therefore, the proposals in their current form are considered to be acceptable in design terms and comply with London Plan Policies 7.4 and 7.6, Core Strategy Policies 1 and 15 and DM Policies 30, 33 and 35.

#### *Impact on the amenity of neighbouring occupiers*

- 6.23 The proposals have the potential to have the most impact on 26 Marnock Road, 37 Brockley Grove and Flats 1-27, 39 Brockley Grove. The issues of relevance are levels of daylight, outlook, privacy, security, sense of enclosure and noise.

#### The flats at 39 Brockley Grove

- 6.24 A daylight and overshadowing assessment is contained within the Design and Access Statement submitted by the applicant to support the view that the proposed dwellings would not adversely impact on levels of daylight to the flats at 39 Brockley Grove. None of the one bed flats at 39 Brockley Grove have habitable rooms facing the proposed development, only hallways, kitchens and bathrooms according to the information submitted. However, the two bed flats that bookend the block, so flats 1, 9, 10, 18, 19 and 27, could have a bedroom facing the development. It has been calculated that, on a worst-case scenario basis, the Vertical Sky Component (VSC) would be 28%, which would exceed the required figure of 27% relating to the amount of daylight reaching a window. Any loss of sunlight or overshadowing would be to the road.
- 6.25 Flats 1-4, 10-13 and 19-23 at 39 Brockley Grove are situated between 17.5m and 18m from the rear of the proposed buildings whilst the other flats are further away. Therefore, it is not considered that the outlook either for the existing occupiers or for the new residents would be unacceptable. Officers consider that the proposed landscaping, including the rear gardens, would improve visual amenity. This separation distance would also not give rise to any overlooking between the existing and the new flats. Any privacy concerns would be alleviated by boundary treatment at the southern edge of the rear gardens, details of which is recommended to be secured by condition.
- 6.26 As previously noted, it is essential that the gap between the proposed dwellings and the existing terrace is blocked off and Officers would expect further landscaping details to ensure that existing levels of security are maintained. It is, however, acknowledged that this is an open site containing garages so Officers would require that the existing situation is not made worse.

#### 26 Marnock Road

- 6.27 No. 26 Marnock Road adjoins the application site to the north east. The proposed dwellings would extend past the rear building line of 26 Marnock Road by 2m at a height of 8.7m. In this instance, it is considered that the aforementioned gap (of 1.4m) and the offset of the new building at a slight angle away from 26 Marnock Road would not lead to a significant impact upon the property that would warrant refusal of this application. It is noted that the owner / occupier of 26 Marnock Road has not raised an objection.

### 37 Brockley Grove

- 6.28 37 Brockley Grove adjoins the south west corner of the application site. The dwellinghouse itself is sited approximately 19.9m from the nearest proposed dwelling while the rear garden of 37 Brockley Grove would be 13.39m away. Therefore, it is not considered that the development would have an overbearing impact, nor would it impact on outlook from the rear windows of 37 Brockley Grove. The separation distance of 19.9m between the rear elevations, which would be located back-to-back as they would be set away at an angle, is not considered to give rise to any significant overlooking. As previously mentioned, boundary treatment details are recommended to be secured by condition to prevent any concerns being had over security.
- 6.29 Construction working hours, noise and dust pollution is covered by Lewisham's Good Practice Guide - Control of Pollution and Noise from Demolition & Construction Sites. The introduction of a residential use to a predominantly residential area is not considered to cause a significant problem. Compliance with this document within a Construction Management Plan is recommended to be secured by condition.
- 6.30 Therefore, the scheme is deemed acceptable in terms of neighbouring amenity.

### *Trees*

- 6.31 The proposals would result in the removal of three trees, with one retained. None of the trees within the site boundary are subject to a Tree Preservation Order, nor is the site within a Conservation Area. No details were given on their ecological value and no justification was submitted with the application as to why they should be removed. However, at least 16 trees are proposed to be planted. Given the net gain in trees, together with the benefit of providing additional homes, this is considered to be acceptable in this instance. It is recommended that details of the trees to be planted be secured within a soft landscaping condition.

### *Standard of accommodation for proposed occupiers*

- 6.32 London Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.33 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours as well as meet the functional

requirements of future residents. An assessment of whether the proposals provide accommodation that provides an appropriate level of residential quality and amenity must meet the criteria including:

- Accommodation is to be of a good size, have a good outlook with acceptable shape and layout of rooms with main habitable rooms receiving direct sunlight, daylight and adequate privacy. It also states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.
- The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in new development to ensure the long term sustainability and usability of the homes.

- 6.34 The minimum gross internal floor area for a four bed, seven person dwelling over three storeys is 121m<sup>2</sup> including 3m<sup>2</sup> storage. The total proposed internal floor space of the unit would be 142.9m<sup>2</sup> including 5.7m<sup>2</sup> storage space, which is therefore compliant. The floorspace and room widths for the double and single bedrooms complies with the standards. Having a dual aspect (north - south) would provide the unit with adequate outlook, ventilation and daylight. The head heights at ground, first and second floors are in excess of 2.3m throughout and therefore the application is compliant on this aspect.
- 6.35 The amenity space provided for each dwelling in the form of the 9m deep rear gardens would be in excess of the size requirements set out in the London Plan Housing SPG and the depth requirement in paragraph 3.10 of Lewisham's Residential Standards SPG, and is therefore acceptable.
- 6.36 In terms of noise insulation, the living rooms are proposed to have 4/12/4mm double glazing and hit & miss trickle ventilators whilst the bedrooms would feature 16.8/16/16.8mm double glazing and passive through wall ventilators. The submitted Environmental Noise Assessment confirms that this would sufficiently mitigate against any noise or vibration from the nearby railway line. As such, this and the standard of accommodation in its entirety are deemed to be acceptable.
- 6.37 Core Strategy Policy 1 requires that 10% of all housing is to be wheelchair accessible or easily adapted for those using a wheelchair. Therefore, for this scheme, the requirement would be rounded up to one dwelling. However, given that the proposed dwellings are to be family sized units on a narrow plot of land, then Officers deem that a wheelchair unit is not required in this particular instance. Furthermore, it is noted that Lewisham Homes are undergoing a programme of providing new residential units and are providing wheelchair units in excess of the 10% policy requirement, families with particular accessibility requirements would therefore be allocated in suitable development.

#### *Highways and traffic*

- 6.38 London Plan Policy 6.3 Assessing effects on development on transport capacity states that development proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Development should not

adversely affect safety on the transport network. Furthermore, transport assessments will be required in accordance with TfL's Transport Assessment Best Practice Guidance.

- 6.39 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).
- 6.40 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.
- 6.41 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.
- 6.42 Officers have regard to the proposed provision of 12 car parking spaces (six of which would be allocated to the residents of the proposed dwellings), how these would be allocated and managed, the type of spaces and their size and access to the site for both vehicles and pedestrians.
- 6.43 Table 6.2 within London Plan Policy 6.13 states that the maximum parking standard for four bed dwellings is up to two car parking spaces. The applicant, however, has stated that each unit would be restricted to one each. They have not specified how the other six spaces would be allocated, and to whom. As such, Officers require a parking management strategy and this is recommended to be secured by condition.
- 6.44 No details have been submitted for spaces with electrical charging points or those that would be for disabled car users. London Plan Policy 6.9 requires 20% of the spaces (rounded up to three) to be fitted with an electrical charging point, which shall be secured in perpetuity via planning condition. Given that no disabled units are to be created, Officers do not consider that a disabled space is required.
- 6.45 Swept path analysis is required for each of the proposed car parking spaces and again, these details may have an impact on the landscaping and details of these are also recommended to be secured by condition.
- 6.46 The existing vehicular access to the site is proposed to be repositioned further along Marnock Road to the east, and Highways and Planning Officers do not consider that it would have an adverse impact on highway safety on this one-way road.
- 6.47 Pedestrian access would also be repositioned, but much closer to the junction with Brockley Grove than the existing vehicular access. Details of the treatment of this pathway and to the rear of the development have not been provided.

However, Officers consider that this can form part of the wider landscape strategy, the finer details of which as previously mentioned is to be secured by condition. Following advice given, the proposed route would not create a dead-end and it appears as a clearly legible route, although an appropriate level of lighting would help in this regard. This is recommended to be secured by condition.

- 6.48 Each proposed house has been provided with two cycle parking spaces in the form of lockable, secure sheds within their rear gardens. It is therefore vital that access is given to these gardens to the rear via the communal pathway as shown. This meets London Plan standards, and is therefore considered acceptable.
- 6.49 Refuse is proposed to be located within the front gardens of each proposed dwelling and this is considered to be acceptable given the proximity to the street for collection. In terms of the refuse storage for the flats at 39 Brockley Grove, this needs to be reprovided as the proposed development would involve the removal of the existing provision. Officers raise no objection to its proposed location, but details of its appearance are recommended to be secured by condition given its prominence in the streetscene. This condition would be pre-commencement in order that the occupiers of the existing flats are not without refuse storage facilities.
- 6.50 Apart from Officers recommending that another condition being added in respect of a Construction Method Statement, Highways and Planning Officers raise no objection on highways or traffic grounds.

#### *Contamination*

- 6.51 London Plan Policy 5.21 Contaminated land states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 6.52 DM Policy 28 Contaminated land states that the Council will use the following steps to ensure that contaminated land is fully investigated and remediated, to minimise and mitigate any harmful effects to human health and the environment. This is applicable wherever development is proposed on contaminated land, land suspected of being contaminated, or if a sensitive use is proposed, to ensure contamination is properly addressed. Applicants are required to:
- a. Complete a Preliminary Risk Assessment, consisting of a desk top study and site walkover report that shows all previous and existing uses of the site and adjacent land, and which assesses what the potential contamination risks to identified receptors are.
  - b. Undertake a Site Intrusive Investigation, where necessary, to provide sufficient information to characterise the site and provide for a detailed assessment of the risks to all receptors that may be affected, including those off site.
  - c. Obtain a Remediation Strategy, where contamination exists, for the Council's approval, to deal with the identified hazards to ecosystems, humans, property and controlled waters and subsequent management and monitoring arrangements.
  - d. Submit a Verification Plan for any remediation works, completed by a suitably qualified person, that would be fully implemented and verified before occupation of the site to ensure effective measures would be taken to treat, contain or control the contamination in order to protect:
    - i. the occupiers of development and neighbouring land uses

- ii. the structural integrity of new and existing buildings and
- iii. any watercourse, water body or aquifer.
- e. Submit a Verification Report, before occupation of the site, demonstrating completion and validation of works set out in the approved Remediation Strategy and the effectiveness of the remediation, for approval in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met.

6.53 An Environmental Desk Study and Preliminary Risk Assessment was submitted with the application and this identified a potential contamination concern due to on-site features, specifically the demolition (and / or bombing) of former building structures, the presumed presence of made-ground and the more recent vehicle garaging.

6.54 Considering the demolition of existing structures at the site there is a strong likelihood of made-ground and buried construction debris being present at or beneath the surface such that this could have led to localised ground contamination. The risk of existing contamination being found on site is considered to be moderate and a precaution approach has been taken.

6.55 As such, it recommended that an intrusive site investigation be undertaken on areas where either ground excavations are to take place or soft landscaping is to be introduced. This is recommended to be secured by condition.

#### *Sustainability and energy*

6.56 The NPPF (para. 94) requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF (para. 95) requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards. In determining planning applications, Local Planning Authorities should expect new development to comply with adopted policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

6.57 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction, to meet the highest feasible environmental standards during design, construction and occupation. All minor and major non-residential development will be required to achieve a minimum of Building Research Establishment Environmental Assessment Method 'Excellent' standard, or any future national equivalent.

6.58 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the following hierarchy:

- a) passive solar design to optimise energy gain and reduce the need for heating
- b) passive cooling design and natural ventilation to slow heat transfer and remove unwanted heat
- c) mixed-mode cooling, with local mechanical ventilation/cooling provided where required to supplement the above measures, using (in order of preference) low energy mechanical cooling followed by air conditioning, and
- d) full-building mechanical ventilation/cooling systems using (in order of preference) low energy mechanical cooling followed by air conditioning.

- 6.59 No details relating to sustainability or energy have been submitted. The proposed development is required to achieve:
- 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 portable water demand to a maximum of 110 litres per person per day.

- 6.60 This could be secured via condition and Officers recommend that this be done.

*Prevention of crime and disorder*

- 6.61 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:
- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
  - b) the misuse of drugs, alcohol and other substances in its area; and
  - c) re-offending in its area.

- 6.62 As a consequence of the public consultation undertaken in respect of this application, issues of fly tipping and graffiti were raised.

- 6.63 The Designing Out Crime Officer was not consulted on this application. However, Officers consider that these issues would be addressed by the proposed properties fronting onto Marnock Road, increasing natural surveillance. Furthermore, the proposal would incorporate the principles of Secured by Design by creating well lit public open spaces, good quality lighting, the enhancement of private defensible space for the flats at 39 Brockley Grove, privacy hedges and secure refuse and cycle storage, as outlined on page of the Design and Access Statement.

- 6.64 As such, Officers consider that the scheme would reduce the fear of crime and general anti-social behaviour in the immediate vicinity.

*Community Infrastructure Levy (CIL)*

- 6.65 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.

- 6.66 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL.

However, it should be noted that the applicant is required to apply for the exemption.

6.67 Under the CIL charging schedule, the amount of CIL payable for the SE14 postcode for new residential development is £70 per sqm. The Mayor CIL is charged at £35 per sqm of new development.

6.68 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

#### *Issues raised by consultation*

6.69 Issues regarding the chronic shortage of garages available to rent from Lewisham Council, fly tipping and graffiti are not planning considerations. Therefore, they have not been taken into account in the consideration of this application.

#### *Removal of permitted development rights*

6.70 Officers recommend that if this application is approved conditions are imposed to remove permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that "conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances". Officers in this case consider that exceptional circumstances exist to justify the removal of permitted development rights as set out in draft condition for the reasons stated therein.

### **Equalities Considerations**

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

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

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

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

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

with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 6.75 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.76 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.77 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

### **Human Rights Act**

- 6.78 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
  - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
- 6.79 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.
- 6.80 On balance, it is considered that the interference with the owners' human rights described in paragraph 6.76 are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

### **Conclusion**

- 6.81 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development

Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).

6.82 In summary it is considered that the proposal is acceptable in terms of the principle of development, design, standard of accommodation, impact on neighbouring properties, trees, highways, contamination and sustainability / energy. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

**7.0 RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

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

1540\_PL\_010 Rev A; 1540\_PL\_011 Rev B; 1540\_PL\_110 Rev B; 1540\_PL\_210 Rev B; 1540\_PL\_211 Rev A; L0430R01; Wastewater Plan; Environmental Desk Study; Environmental Noise Assessment; Transport Statement Received 29th June 2017

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

3) No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the following:-

(a) Rationalise travel and traffic routes to and from the site.

(b) 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 vehicle activity.

(c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policies 5.3 Sustainable design and construction, 6.3 Assessing effects of development on transport capacity and 7.14 Improving air quality of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 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 uses of the site, which may have included industrial processes and to comply with Policy 5.21 Contaminated land of the London Plan (March 2016) and DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

- 5) No development above ground shall take place until a detailed schedule and samples of all external materials and finishes, windows and external doors and roof coverings to be used on the buildings, as well as boundary treatments 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 buildings and to comply with Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), 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).

- 6) (a) No development above ground shall take place until details of proposals for the storage of refuse and recycling facilities for the flats at 39 Brockley Grove have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order that the Local Planning Authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), Policies 13 Addressing Lewisham waste management requirements and 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).

- 7) (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

(b) 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 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (2011).

- 8) (a) Drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to construction of the above ground works.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal and to comply with Policies 5.13 Sustainable Drainage, 7.4 Local character and 7.5 Public realm of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 9) (a) A scheme of soft landscaping (including a minimum provision of new 12 trees) and details of trees and hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal and to comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.13 Sustainable Drainage, 7.4 Local character and 7.5 Public realm of the London Plan (March 2016), Policies 12 Open space and environmental assets and 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

10) (a) Details of the location of the three electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The electric vehicle charging points as approved shall be installed prior to occupation of the development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions and to comply with Policies 6.13 Parking and 7.14 Improving air quality of the London Plan (March 2016) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

11) (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 any directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security purposes and that the proposals minimise light 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 and neighbouring properties and to comply with Policy 7.3 Designing out crime of the London Plan (March 2016) and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

12) The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new vehicular access as shown on drawing nos. 1540\_PL\_011 Rev B and 1540\_PL\_110 Rev B has been constructed in accordance with the permitted plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 13) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the building, including the insertion of windows (or other openings), shall be constructed in any of the elevation of the building other than those expressly authorised by this permission. Any further alterations shall require 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 in the interests of amenity and privacy of adjoining properties in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 14) The whole of the car parking accommodation shown on drawing nos. 1540\_PL\_011 Rev B and 1540\_PL\_110 Rev B hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

- 15) A parking management strategy and swept path analysis for the proposed car parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new residential units.

Reason: To ensure that existing local residents would still have sufficient space to park, in order to secure designation of each car parking space and to ensure that the use of the buildings does not increase on-street parking in the vicinity in compliance with Policy 6.13 Parking of the London Plan (March 2016), Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- 16) The gap between the proposed buildings and the existing terrace on Marnock Road shall be blocked off to prevent access to the rear and details of how this would be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new residential units.

Reason: To reduce crime and the fear of crime with the development and to comply with Policy 7.3 Designing out crime of the London Plan (March 2016),

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).

- 17) The buildings hereby approved shall achieve the following:
- (a) 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
  - (b) A reduction in portable water demand to a maximum of 110 litres per person per day.

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 of the London Plan (2016), Policies 7 Climate change and adapting to the effects and 8 Sustainable design and construction and energy efficiency of the Core Strategy (2011) and DM Policy 22 Sustainable design and construction of the Development Management Local Plan (November 2014).

### **INFORMATIVES**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. However, as the proposal was in accordance with the Development Plan, permission could be granted without much further discussion.

The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.

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

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

Conditions (3) and (4) details to be submitted prior to the commencement of works due to the importance of protecting residential amenity from construction impacts and to ensure appropriate remediation of potentially contaminated land.