

Committee	PLANNING COMMITTEE B	
Report Title	17 Brandram Road, SE13 5RT	
Ward	Blackheath	
Contributors	Jan Mondrzejewski	
Class	PART 1	01 FEBRUARY 2018

Reg. Nos.

(A) DC/17/103409

Application dated

05 September 2017

Applicant

E F Planning on behalf of Baron Homes

Proposal

The demolition of the existing buildings at 17 Brandram Road, SE13 and the construction of a two storey block to provide 2 two bedroom and 2 one bedroom self-contained flats.

Applicant's Plan Nos.

EFP/17085 – 1; EFP/17085 – 2; EFP/17085 – 3; EFP/17085 - 4a; EFP/17085 – 4; EFP/17085 – 5; EFP/17085 – 6; EFP/17085 – 7; EFP/17085 – 8; Site Plan; Cil; Mumford & Wood; Planning & Heritage Statement (ralp Semi - August 2017), Sustainability & Energy Statement & Conservation Box Sash Window – flush reveal within structure, rebated reveal within structure;

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/732/17/TP
- (3) The London Plan
- (4) The Core Strategy
- (5) Development Management Local Plan.
- (6) Residential Design Standards SPD
- (7) Blackheath Conservation Area Character Appraisal and SPD
- (8) Planning Obligations SPD

Designation

Core Strategy, Site Allocations Local Plan - Existing Use.
Blackheath Conservation Area
Archaeological Priority Area
PTAL 3

OBSERVATIONS

1.0 Property/Site Description

- 1.1 The site is located on the eastern side of Brandram Road at its junction with Dacre Gardens and to the north of its junction with Fludyer Street. Lee High Road runs from east to west at the southern end of Brandram Road. The party wall to No. 17a appears to be the external wall of a much older building probably associated with a nearby large Georgian House known as Dacre House, which was demolished in the 1890s. This building appears to have had a rendered finish with stuccoed quoins and the dimensions of the building is suggestive of an entrance lodge, coach house or stable. Part of the front wall to the site fronting the street also appears to belong to a stable yard, possibly associated with Dacre House.
- 1.2 The site is occupied by two adjoining buildings comprising a single storey brick building with corrugated roof and a double height building, which has had its roof removed. The building was historically used as a motor vehicle body repair and spray painting workshop with a gross floor area of approximately 380 m² but has been vacant for about 10 years.
- 1.3 The area is predominantly residential in character with two ground floor commercial units in the adjacent terrace, comprising a hairdressers and a newsagent. The upper floors of the terrace are in use as residential flats. Other ground floor commercial units within this terrace have been converted to residential flats but still retain ground floor street elevations suggestive of shops. Whilst this terrace comprises both two and three storey buildings, the road slopes away from the application site to the south and all of the properties appear as approximately the same height. The three storey part of this terrace (No. 19, 21 & 23) is of identified heritage value and is locally listed.
- 1.4 To the north, on the opposite corner of Dacre Gardens, is a two-storey block of flats. To the east is 4 Dacre Gardens which is a three-storey brick Victorian residential property, sub-divided into flats, with a large Plane tree in the garden at the front of the building. This building, as well as the remaining houses in Dacre Gardens (1, 2 & 3) are locally listed. On the opposite side of Brandram Road is a terrace of two-storey dwellings and further to the south west on Glenton Road are three-storey residential terraces.
- 1.5 The site is located in the Blackheath Conservation Area and is located in an Archaeological Priority Area. It has a PTAL rating of 3 and is within a Controlled Parking Zone (CPZ).

2.0 Relevant Planning History

- 2.1 2005 – Planning application (DC/05/60243) for the construction of a part three/part four storey building to provide 2 one bedroom and 6 two-bedroom and 1 three-bedroom self-contained flats. The application received over 50 objections from local residents and was withdrawn following concerns raised by planning officers with regard to the loss of the employment use, the design scale and bulk of the proposed building and its impact on the amenities of neighbouring residential occupiers.
- 2.2 2006 – Planning (DC/06/062513) and conservation area consent (DC/06/0623009) applications were submitted for the demolition of the existing buildings and redevelopment to provide a three storey building comprising 3 one bedroom and 3

two bedroom self-contained flats. These applications were considered by the Council's Planning Committee B on 15 March 2007. Although recommended for approval, the Committee resolved that planning permission be refused by reason of design, and residential density. The associated conservation area consent application was refused by reasoning that demolition without an approved scheme of redevelopment would be detrimental of the character and appearance of this part of the Blackheath Conservation Area. Appeals against these refusals were submitted and withdrawn in 2007.

2.3 2007 – Planning (DC/07/065979) and conservation area consent (DC/07/065975) applications were submitted for the demolition of the existing buildings and redevelopment to provide a part single/part three storey block comprising 4 one bedroom and 2 two bedroom self-contained flats, together with the provision of a bin store, storage units for bicycles and recycling. Planning Committee (C) on 8 November 2007 resolved that subject the completion of a satisfactory Section 106 Agreement, the Head of Planning would be authorised to grant planning permission subject to conditions. The Section 106 Agreement required officers to secure the following:

- The provision of a £20,000 contribution towards employment in the Borough.
- The exclusion of future residents of the building from applying for a permit within the CPZ.
- The developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

2.4 Following the signing of the Section 106 Agreement, planning permission and conservation area consent was granted in September 2008. This scheme was never implemented

2.5 2015 - A planning application (DC/15/094878) with an external shell essentially the same as the 2008 planning and conservation area consent approvals was submitted for the demolition of the existing buildings and redevelopment to provide 3 x two bedroom units and 1 x three bed unit.

2.6 As in the 2007 approval, the building was primarily finished in painted white render, with the second floor of the building contained within a mansard roof with dormer windows to the front and rear. The ground floor of the proposed building was arranged as 2, two bedrooms with the first and second floors arranged as a two and a three bed roomed duplex flats. Although the majority of structures on the site would be demolished, the proposal, in common with the 2007 approval, included the retention of the remaining front wall which is believed to be part of the original Dacre House.

2.7 This application was refused in April 2016 for the following reasons:

The proposed development by reason of its scale, massing & architectural detailing does not provide a high standard of design quality and fails to take the opportunities available for improving the character and appearance of the area, to the detriment of the streetscape and wider Conservation Area. The development is thereby contrary to Policies 7.6 Architecture & 7.8 Heritage Assets & Archaeology of the London Plan

(adopted 2011, consolidated with amendments March 2015), Policies DM30 Urban design and local character and DM36 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 of the Development Management Local Plan (November 2014), as well as Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011).

- 2.8 This decision was the subject of an appeal (APP/C5690/W/17/3169325) which was dismissed in May 2017. In her report, the Inspector makes the following points:

Par 8: Roofs in the area are mainly of a traditional pitched or hipped simple design and are subservient to the host building. While dual pitched, the use of a mansard roof would conflict with that simplicity and instead would give the building a top heavy imposing appearance further reinforcing its prominence when viewed with the adjacent terrace. This would be emphasised by the introduction of uncharacteristic dormers and balconies. While such features may be common traits of Georgian and Victorian buildings none were drawn to my attention in the vicinity of the appeal site.

Para 10: The materials to be used in the development would match those on the existing terrace. Nevertheless, the design of the adjacent terrace responds to the incline of the street from south to north through the stepping up of the fenestration and detailing. The proposed building makes no reference to the topography of the street. This would be exacerbated by the retention of the front wall of part of the existing building. I appreciate the sentiment behind its retention, but its relative lack of architectural merit, together with its position obscuring part of the ground floor of the proposed building significantly detracts from the scheme.

Par 12: The combination of the above factors means that the appeal proposal would be an amalgamation of design features that would be uncharacteristic of the surrounding area. This together with the proposed height of the building means it would fail to integrate and have a positive relationship with the adjacent terrace. As a result, while the CA as a whole consists of a mix of development styles and ages, in this instance the proposal would be a visually obtrusive and discordant building within the streetscene. There would be material harm in this regard and, as a consequence, the character and appearance of the CA would not be preserved.

- 2.9 Regarding the Council's decision to grant planning permission and Conservation Area Consent for a very similar scheme in 2007, the Inspector states:

Para 22: while in 2007 a subjective assessment of the proposals by the Council, together with consultation with local residents, at that time resulted in permission being granted, some 10 years later in the context of a different policy background where the importance of design has been elevated, a different decision has been made. My findings have supported that decision. Accordingly, therefore I give limited weight to the previous consents. Those previous permissions, which have expired without

implementation, are not, therefore a consideration of sufficient weight to outweigh the harm that I have identified.

2.10 A pre-application (PRE/17/102234) in respect of the current scheme was submitted in June 2017 (fee invoice sent 13th July 2017). This took account of the points made by the inspector in relation to the appeal application featuring a mansard roof and retention of part of the presumed old boundary wall of Dacre Place. The applicant and his architect met with planning and conservation officers on 2nd August 2017. Officers, raised no the objection to the principle of a wholly residential development and considered that the scale of the two storey buildings now proposed was more appropriate to position of the site which is located uphill of a terrace of similar height. On the subject of the retention of the section of old wall, the applicant was advised that on previous occasions considerable local support had been expressed for the retention of this feature. However, officers were aware of the Inspector's comments in relation to the retention of this structure and agreed that its omission would improve the outlook of the flat which would be located behind it. It would also give the period facade of the proposed building a symmetry more suited to this style of architecture. This would be subject to a detailed survey and recording of both this wall and the flank wall with No 17a, being undertaken. Although the latter would be retained, it would be concealed by the new building. This flank wall was considered to be of considerable heritage interest at it appears to incorporate fabric from a curtilage building within the grounds of the former Dacre Place which had an external stucco finish incorporating quions. Following the pre-application meeting with officers, the applicant chose to submit the application for planning permission for the proposed development without waiting for a written reply.

3.0 Current Planning Application

- 3.1 The development proposed is the demolition of the existing buildings at 17 Brandram Road, SE13 and the construction of a two storey block to provide 2 two bedroom and 2 one bedroom self-contained flats. It is proposed that the remnant of old boundary wall fronting Brandram Road is recorded and demolished rather than retained. The narrow forecourt of the proposed flats fronting Brandram Road would be separated from the street by traditional style 1.1m high metal railings in a black finish.
- 3.2 The proposed front elevation takes the form of two wings, each of two bays, on either side of a recessed entrance bay. Although there is a slight variation in the degree of projection and the width of each of the wings, the front elevation is otherwise symmetrical. The proposed building would have a white painted rendered finish to match adjoining buildings. The ground floor elevation would have horizontal incised jointing to create the impression of a plinth with a string course above this to correspond to those of the adjoining buildings, which appear to have originally been constructed as shops. Windows will be double hung timber sashes with external reveals to match adjoining properties, those on the ground floor front elevation would have Georgian style glazing bars to reflect the glazing bar pattern of adjoining properties.
- 3.3 The larger ground floor two bedroom flats have an external amenity space at the rear associated with the master bedroom of each unit. All units exceed the minimum floor space standards of the Technical housing standards – nationally described space standard. In terms of the one bed first floor units, the increased floorspace over and above that required by the Technical housing standards compensates for the fact

that these units do not have an external balcony or roof terrace. This is due to overlooking and neighbour privacy issues at the rear of the proposed building and streetscene considerations at the front.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the applications 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, councillors and businesses in the surrounding area.

Comments received from Internal & External Consultations

Highways

Cycle Parking

- 4.3 Fully enclosed, covered and secure cycle parking spaces will need to be provided, in accordance with Table 6.3 of the London Plan. The cycle storage for the first floor flats should be located on the ground floor and not the first. This is to avoid bikes having to be carried up stairs.

Waste Management

- 4.4 The applicant should be required by condition to ensure bins will not be left out on the highway after collection.

Crossover

- 4.5 The applicant should be required by condition to remove the redundant crossover and reinstate the footway outside the building.

Car Parking

- 4.6 Car free development in this location should be conditional on a Section 106 Agreement which takes away the right of future occupiers of the proposed flats to obtain Resident parking permits within the CPZ as well as a car club subscription for all residents of the proposed development for a period of 3 years following the completion of the scheme.

Construction Management Statement (CMS)

- 4.7 A CMS, including details of the demolition, should be required by condition..

Written Responses received from Local Residents

- 4.8 Five written representations were received from local residents. Matters which are relevant to the assessment of the planning application are summarised below:

4.9 Reply received from 54 Belmont Park which states that the current scheme is by far the best design to date. However, attention is drawn to the following points:

- Arrangements for recyclable waste omitted from the Application Form, 7, Waste Storage and Collection. One of the reasons for refusing the previous application was lack of provision for bins. Since then new food waste disposal bins have been introduced. On the present plan, there appears to be insufficient space allocated for waste storage and collection.
- On the Application Form, section 14 dealing with Contamination is marked as a 'No'. However, the property was formerly a motor repair centre and there would therefore be the possibility of contamination from oil, petrol, paint, and possibly other chemicals.
- There is a large amount of Japanese Knotweed in the adjacent property in Dacre Gardens, which by now has probably spread to within the site. This was previously taken very seriously by Lewisham Council and was a reason for refusal.
- English Heritage were consulted over previous applications, and it was established that the wall fronting the property is the last remnant of Dacre House (the property was originally the stables for Dacre House), and that it was important that the wall should be retained. Although the present plan for the front elevation looks good and fits in well with the rest of the terrace (the earliest row of shops in the borough, dating back to the early nineteenth century), it does not include the wall.
- In the previous application a window in the side elevation of the adjoining property in Brandram Road was going to be obscured. Care should be taken that this is not happening again

4.10 Reply received from the occupier of 21 Brandram Road which welcomes the proposed design, which is considered to now fit in much better with the adjoining houses and the applicant should be congratulated on this aspect of the proposal. However, no mention is made in the application of dealing with contamination from the previous garage use of the site and the existing Japanese Giant Knotweed on the site. An objection is also raised to the failure of the current scheme to retain the original surviving section of the boundary wall of Dacre House. The retention of this feature is vital for the preservation of the existing historic urban street plan and to preserve the subtle curve of the existing terrace.

4.11 Reply received from the Basement Flat at 47 Glenton Road also praises the applicant for the more appropriate scale of the current proposal but objects to the loss of the existing historic section of 18th Century boundary wall which was a feature of previous schemes for the redevelopment of this site

4.12 Reply received from the occupier of 10 Heathwood Gardens, Charlton, SE7 (outside the Borough) objecting to the loss of the last portions of the wall of Dacre House, one of Lee's historic estates. Officers are referred to 'Two Old Lee Houses: Dacre House and Lee House' by Edwin and Josephine Birchenborough (1968), 'History of Lee and its Neighbourhood' by F H Hart (1882 & 1971) and 'The Story of Lee' by R R C Gregory and F W Nunn (1923). The importance of boundaries for landscape and local historians is emphasized along with the loss that this would cause to future generations, who would be deprived of yet one more physical link to the past.

4.13 Reply received from 28A Brandram Road giving Support for the principle of a residential development of this site but requesting that consideration be given to dealing with parking on this busy road.

Officer Response to Resident Comments.

4.14 Officer's take the preservation of the Boroughs Heritage Assets very seriously and the approach for dealing with the surviving remnants of Dacre House are outlined in the Planning Considerations section of this report. The issue of contamination can be dealt with by means of a pre-commencement condition attached to a planning permission. This will require the site to be investigated for potential contamination and if this is present, a programme for the decontamination of the site to be submitted to and approved by the Council prior to the occupation of the proposed dwellings. The issue of parking is also dealt with in the Planning Considerations section of this report and as in the case of other car free schemes which have been approved within this CPZ, will involve a planning obligation to secure the restricted use of the CPZ. This will be done amending the existing traffic management order to exclude the proposed properties from obtaining Resident Parking Permits. To secure this a financial obligation is sought from the applicant to fund the amendment to the TMO along with funding of car share membership for residents for an initial 3 year period.

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:-

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

5.2 A local finance consideration means:-

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

5.3 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

5.4 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)’.

- 5.5 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

- 5.6 The Technical housing standards – nationally described space standard (March 2015)

London Plan (March 2015)

- 5.7 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 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.3 Sustainable design and construction
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.21 Contaminated land
- Policy 6.13 Parking
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.2 An Inclusive Environment
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate sound-scapes

Housing Supplementary Planning Guidance (March 2016)

Core Strategy

- 5.8 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:- [delete irrelevant policies]

- 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 5 Other employment locations
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 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

- 5.9 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:- [delete irrelevant policies]

DM Policy 1 Presumption in favour of sustainable development
DM Policy 11 Other employment locations
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
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 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
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets.

Planning Obligations Supplementary Planning Document (January 2011)

- 5.10 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.

Residential Standards Supplementary Planning Document (August 2006)

- 5.11 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.

Blackheath Conservation Area Character Appraisal and SPD (2007)

- 5.12 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of the application for planning permission are:
- a) Principle of development
 - b) Design and impact on heritage assets
 - c) Quality of accommodation
 - d) Impact on adjoining properties
 - e) Highways & Traffic
 - f) Environment & Sustainability

Principle of Development

- 6.2 The National Planning Policy Framework though its core planning principles encourages the effective re-use and development of previously developed (brownfield) land. The NPPF also speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 6.3 The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment. Policy 7.8 Heritage assets and archaeology sets out that development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.
- 6.4 Locally, Core Strategy Policy 5 which protects employment uses outside of designated employment locations and centres sets out that other uses (including

residential) will be supported if it can be demonstrated that the site specific conditions including accessibility, adjacent land uses, building age, business viability and viability for redevelopment show that the site should no longer be retained in employment use. Development Management Policy 11 outlines that where development does not involve any job creation or retention, the Council requires evidence of a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects that the market value has been undertaken. This policy also outlines that where appropriate the Council will seek contributions to training and/or local employment schemes where there is a loss of local employment as a result of redevelopment or change of use.

- 6.5 In this instance the application is not supported by evidence of active marketing of the building for re-use or redevelopment for business uses. While the loss of employment against DM Policy 11 is not normally satisfied without a marketing strategy, the facts and degrees of the specific proposal must be considered. As the building was vacant at the time that the last application, which was granted planning permission, was submitted (2007) and has not been occupied since, it could be argued that the use has been abandoned, particularly as the asbestos roof, which once covered much of the building, was removed some years ago. The site could therefore not be reused for employment purposes without both planning permission and considerable investment in the building/site. The former use, as a vehicle repair garage is also considered an inappropriate use for a prominent site in a residential area forming part of the Blackheath Conservation Area and therefore the loss of the site for employment uses raises no objection from officers.
- 6.6 The previous planning permission for a wholly residential development of the site (granted in 2008) was subject to the securing a contribution to assist in the delivery of alternative employment initiatives elsewhere in the Conservation Area. However, this contribution of £20,000.00 was never paid as the scheme was never implemented. The scale of the proposed development has also now been reduced from 6 to 4 units. Officers consider that since the site has been vacant for over 10 years and is in a particularly poor state of repair that it would require quite significant investment to bring it back to an employment use. Therefore the use of the site for employment uses is not considered to be lost as a result of this proposal, given that the site has been vacant for such a period of time. It is also considered that this site would be more appropriately used for residential than a financial payment in this case and considering the scale of the proposed development is not necessary.
- 6.7 In consideration of the above, officers are satisfied that on balance a wholly residential development of the site is acceptable in principle.

Design and impact on heritage assets

- 6.8 The NPPF through Chapter 7 addresses good quality design as a key aspect of sustainable development, which is indivisible from good planning, and should contribute positively to making places better for people. It also states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and function of an area and the way it functions. Paragraph 137 of the NPPF sets out that local planning authorities should look for opportunities for new development within Conservation Areas within the setting of heritage assets to enhance or better reveal their significance.

- 6.9 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. London Plan Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, and that development should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 6.10 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment repeats the necessity to achieve high quality design and requires new developments to conserve and protect heritage assets (including Conservation Areas). Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting sets out that planning permission will not be granted where new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. This policy also sets out that the Council will require bin stores to be located at the side or rear of properties where access to the side and rear exists.
- 6.11 In terms of its height, scale, external appearance and compatibility with the existing street scene, the proposed building is considered by officers to be of far better design than the one granted planning permission in 2007 as well as the near identical proposal dismissed at appeal last year. This point is acknowledged by many of the objectors to the current application.
- 6.12 The main reason for the objections to the proposal is therefore the failure on this occasion to retain a section of wall on the front of the property, which is believed to be part of the 18th Century Dacre House.
- 6.13 Officers consider that the section of wall to the right of the existing access gates onto Brandram Road, which features an external buttress with curved top, is clearly of some age and likely to predate the former Garage use. Given that Dacre House was only demolished in the late 1800s it is reasonable to suppose that the wall in question was connected with the building which formerly occupied the site. The party wall to No. 17a also appears to be the external wall of a much older building associated with Dacre House. This building appears to have had a rendered finish with stuccoed quoins and the dimensions of the building are suggestive of an entrance lodge, coach house or stable.
- 6.14 The applicant was advised at pre-application stage that there was likely to be considerable local support for the retention of the section of old boundary wall fronting Brandram Road. However, officers were aware of the Inspector's comments in relation to the retention of this structure and agreed that its omission would improve the outlook of the flat which would be located behind it. It would also give the period facade of the proposed building a symmetry more suited to this style of architecture.
- 6.15 However, demolition of the wall would be subject to a detailed survey and recording of both this wall and the party wall with No 17a, which would be concealed by the new building. This is likely to be further informed by archaeological investigation of the site prior to development. Both the recording and the archaeological investigations of the site would be secured by pre-commencement planning conditions attached to any planning permission which might be granted. The

information which would be gained from this process would considerably to our knowledge of this part of the Borough.

- 6.16 With regards to the impact of the proposal the conservation Officers acknowledge that the existing workshop premises, although currently in a state of disrepair, form a much modified and comparatively recent group of utilitarian buildings. Officers do not consider that the current buildings are particularly attractive or add any value to the character and appearance of the conservation area and therefore their loss from the terrace is supported.
- 6.17 The site is located within Character Area 13 of the Blackheath Conservation Area Appraisal. The Character Area assessment notes that the terrace adjoining the application site makes a positive contribution to the conservation area and as such in accordance with DM 36, in respect of conservation area, Officers have considered the special interest of the conservation area in this location. The adjoining terraces have a strong architectural language and scale, the proposal is considered to respect both the scale and architectural detailing of these properties, without seeking to replicate them. Therefore, given that the proposed scale, design and massing are felt to be acceptable, it is considered that subject to the use of high quality materials, the proposed building would be likely to enhance the character and appearance of the conservation area.

Residential Amenity

- 6.18 Paragraph 17 of the NPPF details within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives. London Plan policy 3.5 'Quality and Design of Housing Developments' sets out minimum space standards which should be applied to all new housing developments. London Plan Policy 3.5 also seeks convenient and efficient room layouts to meet the changing needs of Londoners over their lifetimes.
- 6.19 Guidance on the implementation of London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016), which responds to the Department for Communities and Local Government's publication Technical housing standards – nationally described space standard (in March 2015).
- 6.20 Specifically regarding housing developments, Policy DM32 of the Lewisham Development Management Local Plan expects development to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. Policy DM32 also reinforces the prescribed minimum standards for housing development as set out in London Plan Policy 3.5. and notes shape and layout of rooms as indicators of housing quality.
- 6.21 All of the proposed residential units have been assessed in accordance with the standards associated with the policies above and are deemed to meet the required minimum values, although additional details such as refuse arrangements and screening between private open spaces would need to be secured by condition.

Impact on Adjoining Properties

- 6.22 The NPPF states in its core principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan policy 7.6 additionally states that

development should not cause unacceptable harm to the amenity of neighbouring buildings in relation to loss of privacy or overshadowing.

- 6.23 Locally, Policies DM31 & DM32 of the Development Management Local Plan require that for development adjacent to dwellings, there should result in no significant loss of privacy, outlook, and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.24 The proposed development is not considered to give rise to unacceptable amenity impacts to adjoining residential occupiers. This was also the case with the previous planning applications in respect of this site which was for a bulkier building. The possible use of the flat roofs of the single storey elements at the rear of the building as roof terraces by the occupiers of the first floor flats, which would have an adverse impact on privacy for adjoining occupiers, can be prevented by means of an appropriately worded planning condition.

Highways and Traffic Issues

- 6.25 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular, it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
- 6.26 London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- 6.27 London Plan Policy 6.9 as reinforced by the Draft Interim Housing SPG requires that all residential development provide dedicated storage space for cycles at 1 one bed unit, and 2 for all other dwellings.
- 6.28 The proposed development is for a total of 4 residential units within a site which has a PTAL rating of 3, and is located within a controlled parking zone. Secure cycle storage is provided within the proposed building in the form of storage cupboards within the ground floor flats large enough to contain at least one full size adult bike in a horizontal position and a communal bike store for the two first floor flats on the landing of the building at first floor level. There is also an additional bike storage location under the stairs in the hallway of the proposed building.
- 6.29 Given the site's moderate accessibility to public transport, it is thought that a car free development is acceptable in this location, subject to a planning obligation to secure the following:
- (ii) The exclusion of future residents of the building from obtaining a permit within the CPZ.

(iii) The provision of car club membership to initial residents of the development for a three year period.

Environment & Sustainability

- 6.30 The National Planning Policy Framework states that there is a presumption in favour of sustainable development and acknowledges the role of planning in shaping places to provide resilience to the impacts of climate change and support the delivery of renewable and low carbon energy infrastructure. It is acknowledged at Paragraph 98 that even small scale projects can provide a valuable contribution to cutting greenhouse gas emissions.
- 6.31 London Plan Policy 5.3 encourages the highest standards of sustainable design and construction to improve the environmental performance on new development and to adapt to the effects of climate change. Policy 5.7 encourages the use of renewable energy sources on all new developments.
- 6.32 Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires that all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent. Although the Code for Sustainable Homes was revoked in March 2015, current building Regulations now require all new homes to be build to the equivalent of the previously applied Code 4.
- 6.33 A Sustainability & Energy Strategy was submitted with the application. The document sets out that the proposed development would include measures such as insulation, energy efficient boilers and low energy lighting to reduce energy use and carbon emissions.

7.0 Community Infrastructure Levy (CIL)

- 7.1 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge replaced a number of financial contributions currently required through Section 106 Agreements.
- 7.2 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. Under the CIL charging schedule, the amount of CIL payable for the SE13 postcode for new residential development is £70 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 7.3 It is expected that Mayoral and Local CIL payments will be derived from the proposed development.

8.0 Planning Obligations

- 8.1 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 NFFP 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

8.2 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.

8.3 The suggested planning obligations are discussed in the planning obligations section of the report and are considered necessary to mitigate the impacts of the development. The proposed planning agreements may be summarised as follows:

The provision of a £5,000 contribution towards an amendment of the existing Traffic Management Order to prevent the future residents of the building from obtaining a permit within the CPZ.

A three year subscription to a car club for all initial residents of the development.

The developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

8.4 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

9.0 Equalities Considerations

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

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

eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

advance equality of opportunity between people who share a protected characteristic and those who do not;

foster good relations between people who share a protected characteristic and persons who do not share it.

- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10.0 Conclusion

- 10.1 As detailed in this report, on the balance of policy considerations which seek both to protect employment land as well as deliver new housing, the principle of redeveloping the site is considered acceptable.
- 10.2 The new development would respond positively to the character and appearance of its context and with Conservation Areas. The scale and massing of the proposed building is now in keeping with the adjoining terrace and this point is accepted by all local residents who responded to the consultation letter
- 10.3 The proposed building would result in the loss of a section of an 18th Century wall, which was probably associated with Dacre House. However, its retention does little to enhance and is likely to detract from the quality of the proposed scheme. The

Borough's heritage would therefore be better enhanced by a thorough recording of the wall in conjunction with a scheme of archaeological investigation of the site.

10.4 As a result of the above, the proposed building represents a high quality of design which respects and better reveals the heritage significance of the area.

11.0 RECOMMENDATION A:

11.1 Authorise officers to negotiate a satisfactory Section 106 Agreement to secure the following:-

The provision of a £5,000 contribution towards an amendment of the existing Traffic Management Order to prevent the future residents of the building from obtaining a permit within the CPZ.

A three year subscription to a car club for all initial residents of the development.

The developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

12.0 RECOMMENDATION B

12.1 Following the satisfactory completion of the Section 106 Agreement, authorise officers to

GRANT 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:

EFP/17085 – 1; EFP/17085 – 2; EFP/17085 – 3; EFP/17085 - 4a; EFP/17085 – 4; EFP/17085 – 5; EFP/17085 – 6; EFP/17085 – 7; EFP/17085 – 8; Site Plan; Cil; Mumford & Wood; Planning & Heritage Statement (Eralp Semi - August 2017), Sustainability & Energy Statement & Conservation Box Sash Window – flush reveal within structure, rebated reveal within structure;

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 the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in

writing by the local planning authority. This shall include a recording of the existing wall fronting Brandram Road and the irregular party wall with the adjoining party wall at No 17a Brandram Road (where the presence of a rendered finish incorporating quoins suggests that this was once the external wall of a building pre-dating the existing garage). Recording of the standing structures should be to Level 3 Standard as set out in 'Understanding Historic Buildings: A Guide to Good Recording Practice (2016) by Historic England.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011).

4. No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

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 and Policy 7.14 Improving air quality of the London Plan (2015).

5. (a) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
- (b) Rationalise travel and traffic routes to and from the site.
- (c) 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.
- (d) Measures to deal with safe pedestrian movement.
- (e) 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 Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and 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).

6. (a) Apart from limited demolition in order to allow the work which is the subject of this condition to proceed, no development 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).

7. (a) Notwithstanding the details hereby approved, no above ground work shall commence until detailed plans at a scale of 1:5, 1:10 and 1:20 (as appropriate) details of cornice and string course to the external elevations of the building have been submitted to and approved in writing by the local planning authority.

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

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

8. (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities, including details of materials for the walls and doors as well as elevational details, have been submitted to and approved in writing by the local

planning authority.

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

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

- 9.
 - (a) A minimum of 6 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 method of securing cycles in communal areas of the building 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).

- 10.
 - (a) No above ground works shall commence on site until 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 and approved in writing by the local planning authority.
 - (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

- 11.
 - (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).

12. The proposed new windows shall be installed as timber framed double-hung sash windows, with frames and glazing bars having a painted finish, set within 113mm deep external reveals, which shall be retained in perpetuity unless the local planning authority agrees in writing to any variation.

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

13. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2005 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any external elevations or the roof of the building.

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).

14. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external elevations of the building.

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).

15. 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 roofs of the building 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 and DM Policy 32 Housing design, layout and space standards, of the Development Management Local Plan (November 2014).

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being

submitted through a pre-application discussion. As the proposal was in accordance with these discussions only limited contact was made with the applicant prior to determination. This was in relation to materials, local resident objections and the required Section 106 Agreement.

- B. It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- C. 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>
- D. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

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

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

- E. Japanese knotweed (*Fallopia japonica*) has been identified at the site. This species is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and as such it is an offence to plant or otherwise cause this species to grow in the wild. It is also classed as a controlled waste under the Environmental Protection Act (1990) and must be disposed of safely at licensed landfill. You are advised to follow the Environment Agency, 'Managing Japanese knotweed on development sites: the knotweed code of practice', available to download from their website. http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf
- F. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

