

Committee	PLANNING COMMITTEE C	
Report Title	Brockley Social Club, 240-242 Brockley Road, London, SE4 2SU	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	6 AUGUST 2020

Reg. Nos. DC/19/114244

Application dated 04/10/2019

Applicant Ravensgate (Brockley) Limited

Proposal Demolition of existing social club at 240-242 Brockley Road SE4 and the construction of a part four/part five storey building including basement comprising new social club with 9 residential units above (7 x 2 bedroom & 2 x 3 bedroom), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden.

Background Papers

- (1) Case File DE/92/41/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)

Designation PTAL 4  
Local Open Space Deficiency  
Air Quality Management Area

## 1 SUMMARY

1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as permission is recommended to be approved and there are 10 or more valid planning objections from residents. Under the temporarily amended Statement of Community Involvement (SCI), schemes with more than 10 objections will proceed to planning without a Chair's Review Meeting.

## 2 SITE AND CONTEXT

### *Site description and current use*

2 The application site is the Brockley Social Club, a two storey property located on the west side of Brockley Road. The site occupies a prominent corner plot at the junction with Foxberry Road; it is not only highly visible but there is a significant amount of public traffic passing the site.

- 3 The building dates from the Victorian period but has been subject to extensive later alterations and additions. It is built in yellow stock brick with pebbledash render to the front elevation, and has a part hipped, part gabled roof profile with single storey projections to the rear and side, which are built up to the pavement. The social club is arranged over basement, ground and first floors, with the main bar area at ground floor level, and offices and ancillary storage space above. The social club currently has 211 members and is also available for non-member bookings for weddings, parties and other social events as well as meetings for local community groups.

**Figure 1. Site plan**



### ***Character of area***

- 4 The surrounding character of the area is predominantly residential however; there are a variety of architectural styles and scale of development. On the opposite corner of Foxberry Road is a petrol station, which is adjacent to a four storey block of flats known as Foxberry Court. Foxberry Road is predominantly comprised of Victorian two storey terraced properties, with Victorian two storey semi-detached villas along the stretch of Brockley Road immediately to the north of the site that adjoins the social club.
- 5 To the east of the building, on the opposite side of Brockley Road is Pear Tree House, a part five / part six storey block of flats. Pear Tree House forms part of a wider development, which features two further seven storey blocks, fronting Brockley Road, known as Conifer House and Holly Tree House.

### ***Heritage/archaeology***

- 6 The building is not listed and it is not within a conservation area. The closest designated heritage asset is the Grade II Listed Church of St Andrew Presbyterian, located approximately 120m to the south-east of the site at the junction of Wickham Road and Brockley Road. Brockley Conservation Area lies to the east of Brockley Road, and the relationship between the application site and the conservation area boundary is shown in Figure 2 below (Brockley Conservation Area shaded pink, the application site outlined in red).

Figure 2. Map of the Brockley Conservation Area



#### ***Surrounding area***

- 7 The surrounding area has a mix of uses, which contribute towards the character of the area. Brockley Road has a commercial character with shopping parades located to the north and south of the site. The parades feature a mix of uses including retail, cafés, restaurants and bars, typically with residential uses above. These are interspersed with areas of residential properties. The roads that adjoin Brockley Road to the east and west are predominantly residential, including Foxberry Road. The nearest park is Hilly Fields located approximately 500m to the east of the site.

#### ***Transport***

- 8 The social club has no dedicated off-street parking however there are no parking restrictions in the surrounding roads. The site is considered a sustainable urban location; the PTAL of 4 indicates a good level of accessibility owing to its proximity to Brockley Station (approximately 450m). Brockley Road is also served by a number of bus routes.

### **3 RELEVANT PLANNING HISTORY**

- 9 None relevant to this application.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 10 The proposed development would involve the demolition the existing social club and redevelopment of the site to re-provide the social club (sui generis) and nine residential units (C3 Use), with associated refuse and cycle storage, and landscaping.
- 11 The proposed building would be five storeys in height together a basement level and would contain nine residential apartments with a mix comprising five x 2b3p units, two x 2b4p units and two x 3b4p units. The residential accommodation would be arranged over part of the ground floor and all of the levels above. The building would feature balconies to its front and rear elevations and a communal amenity space at ground floor level providing external amenity for the residential accommodation. There would be two residential entrances, one in the front elevation with access from Brockley Road, and one in the rear elevation accessed from Foxberry Road.
- 12 The main entrance for the social club would be from Foxberry Road in the side (southern) elevation of the building. The main bar area for the social club would remain at ground floor level with the kitchen, storage and function room at basement level. The social club would have a sunken terrace to the front of the property, providing a small outdoor area for patrons. Servicing for the social club would take place from the rear via Foxberry Road.
- 13 The building would feature facing yellow bricks up to the third floor with darker coloured bricks on part of the ground floor to distinguish the social club entrance. The top storey would be set in from the elevations and would be clad in a dark coloured metal. The windows would be aluminium in a dark grey colour. The front balconies would be brick with metal balustrades. The rear balconies would be enclosed winter gardens with dark coloured metal frames.

## **5 CONSULTATION**

### **5.1 PRE-APPLICATION ENGAGEMENT**

- 14 The applicant arranged a public meeting featuring a public exhibition, presentation and meeting at the social club on 11 June 2019 for local residents and amenity societies. The applicant also made a presentation at a meeting of the Brockley Society held on 2 July 2019.

### **5.2 APPLICATION PUBLICITY**

- 15 Site notices were displayed and a press notice was published on 27 November 2019.
- 16 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22 October 2019.
- 17 18 responses were received, comprising 18 objections. The concerns raised are summarised below.

#### **5.2.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
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Lack of affordable housing	42
Design and materials	79, 80
Overbearing visual impact	76, 77, 78
Loss of daylight and sunlight	111, 112, 113, 114
Loss of outlook	102, 103
Loss of privacy	105, 106, 107, 108
Increased noise and disturbance <ul style="list-style-type: none"> <li>▪ intensifying use of the club</li> <li>▪ opening hours</li> <li>▪ use of the outside space</li> </ul>	61, 62, 63, 64, 89, 118, 119
Security	58
Parking	95, 96
Deliveries and servicing	89
Highways safety	89
Disruption from construction	97

18 A number of the objections raised concerns with the consultation process and stated that they were not consulted. Officers note that more than 300 neighbouring addresses were notified of the planning application including all of the adjoining properties and properties on Foxberry Road and Foxberry Court. In addition, site notices were displayed in the vicinity. Therefore, Officers are satisfied that publicity of the planning application was carried out in accordance with the statutory requirements and the Council's Statement of Community Involvement.

19 The Brockley Society commented in support of the application subject to clarification of the green roof strategy and solar panel at the roof level, and these matters are assessed in paras 126 and 129. The Brockley Society also commented that consideration should be given to the provision of street trees.

### 5.3 LOCAL MEETING

20 Due to the number of submissions received, a Local Meeting was held on Thursday 23<sup>rd</sup> January 2020 at Brockley Social Club. The meeting was chaired by Councillor Stephen Penfold and attended by 30 people. A record of the Local Meeting is contained in Appendix 1 of this report.

### 5.4 INTERNAL CONSULTATION

21 The following internal consultees were notified on 8 November 2019.

22 Highways: raised no objections subject to a legal agreement securing improvements to the public realm and a financial contribution to a Controlled Parking Zone (CPZ) consultation. See paras 95 and 96 for further details

23 Urban Design: raised no objections subject to a condition securing details of the architectural treatments and materials.

24 Flood Risk: raised no objections subject to conditions. See para 133 for further details

- 25 Sustainability: raised no objections subject to conditions securing details of the proposed energy strategy and details of the PV panel installation. See para 126 for further details.
- 26 Environmental Health: raised no objections subject to a condition securing the recommendations of the Noise Impact Assessment. See paras 61-64 for further details.

## **5.5 EXTERNAL CONSULTATION**

- 27 The following external consultee was notified on 11 November 2019.
- 28 Thames Water: raised no objections subject to a condition securing the submission of a piling method statement prior to commencement of the development.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

- 29 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

### **6.2 MATERIAL CONSIDERATIONS**

- 30 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 31 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 32 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

### **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

- 33 The Development Plan comprises:
- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
  - Core Strategy (June 2011) (CSP)
  - Development Management Local Plan (November 2014) (DMP)
  - Site Allocations Local Plan (June 2013) (SALP)

- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

34 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

35 London Plan SPG/SPD:

- Housing (March 2016)
- Culture & Night Time Economy (November 2017)
- Energy Assessment Guidance (October 2018)

## **6.6 OTHER MATERIAL DOCUMENTS**

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public was held between 15 January and 22 May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9 December 2019. On 13 March 2020 the Secretary of State wrote to the Mayor to direct a series of changes to the Intend to Publish London Plan that are required ahead of publication. The Intend to Publish London Plan now has some weight as a material consideration when determining planning applications, notwithstanding that more limited weight should be attached to those policies where the Secretary of State has directed modifications. The relevant draft policies are discussed within the report (DLPP).

## **7 PLANNING CONSIDERATIONS**

36 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

- 37 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 38 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

### *Housing*

- 39 The Core Strategy Spatial Policy 1 defines the location of the site as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that the Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for approximately 14% of the borough's requirement in order to meet local housing need and contribute towards meeting and exceeding London Plan targets. This will be achieved by making the best use of previously developed land in the borough through infill development provided that it is designed to complement the character of surrounding developments, the design and layout make for suitable residential accommodation, and it provides for garden and amenity space.
- 40 The current London Plan sets an annual target of 1,385 new homes until 2025. The Intend to Publish London Plan identifies a ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham. 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 the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 41 Housing is therefore a priority use for the borough. Accordingly, the provision of nine new residential units is considered a planning merit. In addition, the South East London Strategic Housing Market Assessment identifies a need for family sized dwellings (3+ bedrooms). A contribution to family housing is not a policy requirement as the number of dwellings does not meet the trigger (10+) set by CSP 1. Nevertheless, the contribution of two family sized dwellings is welcomed and is considered a planning merit.
- 42 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e. development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more). As such, the application proposal falls below the threshold for seeking affordable housing provision.

### *Social club*

- 43 LPP 3.1 seeks to ensure equal life chances for all. As a means of tackling inequality across London, development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Loss of these

facilities without adequate justification or replacement should be resisted. Boroughs are encouraged to consider the needs of specific groups such as those who experience particular disadvantage and social exclusion.

- 44 LPP 3.16 Protection and enhancement of social infrastructure affords protection to existing social infrastructure and identifies that development proposals which provide high quality social infrastructure will be supported. The policy confirms that social infrastructure covers a wide range of facilities, including community facilities. It identifies that proposals which would result in a loss of social infrastructure in areas of defined need without realistic proposals for re-provision should be resisted. The principles of this policy are reflected in Policy S1 of the Intend to Publish London Plan.
- 45 DMP 41 Innovative community provision, states that the Council will encourage the use of innovative solutions to the provision of community meeting space. The aim of this policy is to promote the provision of community facilities. These facilities can form the heart of communities and neighbourhoods and can be important to promoting social cohesion and opportunities to meet, socialise, learn and develop interests and skills. DMP 41 is also clear that community facilities refer not only to community halls and centres, but to all other spaces where people can meet, such as rooms above shops and pubs, as well as sports and leisure space.
- 46 The applicants, within both the Planning Statement (DHA, September 2019) and the Management Strategy, emphasise that the social club has developed strong ties within the community since its foundation and regularly provides facilities for social and community groups. The re-provision of the social club facilities as part of the proposed development would be broadly commensurate with the extent and nature of the club's existing facilities, comprising a club room and bar, function room, kitchen and associated facilities, together with an outdoor area, and would result in a qualitative improvement in the quality of the facilities. As such, Officers consider that the social club would meet the definition of a community facility and therefore the re-provision of the social club would accord with the principles of LPP 3.16 and DMP 41.
- 47 The Management Strategy includes a Community Access Plan that proposes making the facilities open to local groups for 20 – 25 hours per week charged at a nominal fee (£10 - £20 per hour) for community groups or free of charge for official charities. This is considered to be a significant planning merit, which would be secured via legal agreement.
- 48 The re-provision of the social club would also secure the retention of an employment use on the site. It is anticipated that the improved facilities would result in an increase to the number of staff employed at the social club from 6 full time equivalent (FTE) to 9 FTE members of staff.

#### **7.1.1 Principle of development conclusions**

- 49 In summary, redevelopment of the site for the proposed mix of uses is supported. The development would see the existing social club retained and employment on the site potentially increase. Additionally, the proposals would see the offer to local community groups expanded and formalised, which would accord with the principles of LPP 3.16 and DMP 41 and is considered a planning merit. The provision of nine residential units, including two family sized dwellings, would contribute towards the borough's housing requirement.

## 7.2 HOUSING

50 This section assesses the standard of residential accommodation.

### 7.2.1 Residential Quality

#### *General Policy*

51 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

52 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

#### **Internal space standards**

##### *Policy*

53 DMP 32 states that the standards in the London Plan and Technical Housing Standards will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meets the criteria relating to minimum space standards, floor to ceiling heights and storage space.

##### *Discussion*

54 The table below sets out proposed dwelling sizes.

**Table 1: Internal space standards**

Dwelling	Layout	GIA m <sup>2</sup>	B1 m <sup>2</sup>	B2 m <sup>2</sup>	B3 m <sup>2</sup>	Amenity m <sup>2</sup>	Floor
Flat 1	3b/4p	75.7	14.1	8.1	7.8	12	Ground
Flat 2	2b/3p	62.9	12.8	8	-	6	1st
Flat 3	2b/3p	62.2	12.5	7.5	-	-	1st
Flat 4	2b/3p	61.1	12.5	7.5	-	7	1st
Flat 5	2b/3p	62.1	14.4	8.1	-	15	2nd
Flat 6	2b/4p	77.7	13.5	11.5	-	13	2nd
Flat 7	2b/3p	62.1	14.4	8.1	-	10	3rd
Flat 8	2b4p	77.7	13.5	11.5	-	14	3rd
Flat 9	3b/4p	75	11.9	9.9	8	25	4th

55 Table 1 demonstrates that the proposed residential accommodation would exceed the Technical Housing Standards, given that all of flats would exceed the required gross internal area (GIA) of 61sqm for a 2b3p unit, 70sqm for a 2b4p and 74sqm for a 3b4p.

Additionally the bedroom sizes would all either meet or exceed the 11.5sqm requirement for a double bedroom and 7.5sqm for a single bedroom. The widths of the bedrooms would also be policy compliant. The floor to ceiling height for each unit would be a minimum of 2.5m in accordance with the requirement of the London Plan and DMP 32. The provision of storage is considered to be adequate and would meet the requirements of the Technical Housing Standards.

### ***Outlook, Privacy, Daylight and Sunlight***

#### *Policy*

- 56 DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.

#### *Discussion*

- 57 All of the proposed residential units would have triple aspect as a minimum with the windows providing a good standard of sunlight, daylight and outlook. The windows are also considered to provide good levels of ventilation preventing the need for a mechanical system and providing adequate mitigation against overheating. The shape of the units provide efficient layouts, which contribute to the overall good standard of outlook, light and ventilation provided by the windows. Most bathrooms and kitchens would be naturally lit and ventilated. Additionally, the stair core is naturally lit and ventilated. All these elements serve to demonstrate that this is a well designed scheme delivering a good standard of accommodation.
- 58 Privacy is not considered to be a significant issue given that the majority of the units are on upper floors with sufficient distance maintained to the surrounding properties. The Proposed Site Layout (L2551/05 Rev E) also shows that care has been taken with the landscaping and layout of the ground floor external areas to ensure that the social club and ground floor flat (Flat 01) are afforded a suitable level of separation. However, the gaps in the planting around the external terraces for Flat 01 mean there is some potential for direct views into the terraces and windows from the communal areas at the front and rear. These areas contain the cycle stores so are likely to be used frequently. There is also a passage adjacent to the windows on the northern side elevation that does not appear to be gated. Officers, consider that these issues would be easily overcome by minor alterations to the planting and partitions. The details will therefore be secured as part of the landscaping condition.

### ***Noise and Disturbance***

#### *Policy*

- 59 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Paragraph 180 of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 60 The Intend to Publish London Plan Policy D13 Agent of Change places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It identifies that development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. Planning controls the effect of noise from external sources on

residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night – time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T

### *Discussion*

- 61 The applicant has submitted two reports by Clement Acoustics; a Noise Exposure Assessment (NEA) and Noise Impact Assessment (NIA). The NEA provides an environmental noise survey for the external environment at the site, which found that background noise levels are dominated by traffic and pedestrian activity from Brockley Road. Table 6.2 of the NEA details the glazing and ventilation specification required to mitigate background noise and ensure that levels are within acceptable levels.
- 62 The NIA models the noise impact of the Social Club to the nearest noise sensitive receptors, which in this case would be the ground floor and first floor residential accommodation (Flats 1 to 4). On page 12 of the report the NIA summarises a number of recommendations that would need to be implemented in full in order to ensure noise levels would be within acceptable limits. These are set out below:
- Ensuring noise levels inside the function room do not exceed the predicted source noise levels;
  - Music noise levels in the social club should not exceed a ‘background’ noise level;
  - It should be ensured that loudspeakers are resiliently fixed to the building structure, such that structure borne noise is minimised;
  - External glazed elements should be selected to provide the specified sound reduction performance;
  - Proposed separating floor constructions should be implemented to the identified specification;
  - Staff should be instructed to ensure that entrance doors are kept closed where possible;
  - The lobby area should be used to ensure at least one door stays closed at all times;
  - Staff should remind patrons using the venue of the residential nature of surrounding premises and behaviour outside the premises should be monitored accordingly; and
  - The outdoor terraces should not be used after 22:30 and the glazed doors should be kept closed after this time.
- 63 Both reports have been reviewed by the Council’s Environmental Health Officer, who accepted the methodology and recommendations of the reports. Conditions are recommended to secure the levels of sound insulation and glazing specification recommended in the NIA and NEA. The proposed floor plans show a lobby area at the entrance of the social club with an internal door providing access to the bar area. There are also internal doors within the stair core at each level of the building, in compliance with the recommendation of the NIA.
- 64 The recommendations that relate to the management of the social club will be included in a Management Strategy to be secured by condition. In addition, a welcome pack for

residents would be secure by condition explaining the management strategy to residents of the residential accommodation prior to the occupation of each flat. However, the welcome pack cannot restrict a resident's right to report noise disturbances as that is a statutory right.

- 65 Officers are satisfied that, subject to the provisions identified above, the new noise sensitive uses would not be unduly affected by noise and nuisance from the social club nor would the operation and viability of the social club be unreasonably restricted by the proposed mitigation measures.

### ***External space standards***

#### *Policy*

- 66 The London Plan recognises the importance of private amenity space as a means of retreat to withdraw from the daily activity of London life. For that reason, all new development should have private amenity space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5m<sup>2</sup> is required with an extra 1m<sup>2</sup> for each extra occupant.

#### *Discussion*

- 67 Eight of the nine flats would benefit from private external amenity space that would either meet or exceed the requirements of the Housing SPG. However, Flat 3 located on the first floor would not have a balcony. This is due to flat's location above the external terrace and canopy for the social club. The canopy has a use beyond its function of providing shelter for the terrace beneath given that it helps to identify the social club from Brockley Road due to the signage. Further, it contributes to the distinct architectural treatments that have been used to differentiate the social club from the residential accommodation. It would therefore not be desirable to remove the canopy and provide a balcony on the front elevation. Nor would it be desirable to include a balcony on the side elevation as this would appear incongruous in the context of the elevation as a whole.
- 68 Officers are therefore satisfied that it would not be possible to provide a balcony for the Flat 3. This is regrettable but balanced against the benefits of providing an additional dwelling, the clear planning merits of the scheme as a whole and the overall high standard of residential accommodation, this is considered to be acceptable.

### ***Residential Quality Conclusions***

- 69 Overall, the proposed building would provide a good standard of residential accommodation subject to conditions securing the recommendations of the NEA and NIA reports.

## 7.3 URBAN DESIGN

### *Policy*

- 70 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF therefore requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 71 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.
- 72 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement
- 73 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.

### 74 *Discussion*

- 75 The existing building is of similar typology to the neighbouring Victorian properties on the western side of Brockley Road. However, it is not of any special architectural merit and the original building has been subject to extensive later alterations and extensions. As such its demolition and replacement is not objectionable.
- 76 Although the existing building is two storey in height there are larger buildings in the immediate vicinity. These include the four storey Foxberry Court located to the south on the opposite side of Foxberry Road and the six and seven storey blocks located on the eastern side of Brockley Road known as Pear Tree House, Conifer House and Holly Tree House.
- 77 In townscape terms there is some precedent within the townscape for larger buildings on corner plots at the junctions with Brockley Road. Historically, this is exemplified by the siting of St Andrew's Church at the junction of Brockley Road and Wickham Road to the south of the application site. There are also more contemporary examples at the northern end of Foxberry Road, which features a large four storey building and the three storey Brockley Barge at the junction with Brockley Road, which contrast with the two storey terraces which characterise the majority of Foxberry Road. A five storey building would therefore be appropriate within this context and would not be out of character with the variety of building heights within the local townscape.
- 78 In terms of massing, the building is stepped in from the northern and south elevations at third and fourth storey level with the top floor inset from all sides to offer a more lightweight appearance. The stepping also helps mediate the contrast in height with the adjoining two storey properties to the north of the site. Officers consider that the stepped design and inset top level would prevent the building from appearing overly dominant and visually overbearing.

- 79 The building would feature facing bricks, which is considered appropriate and would create a good quality contextual development that respects its surroundings. In particular, the differentiation between the social club and the residential units in terms of the different colour material, architectural treatments and signage is considered a positive feature of the building, which would provide a welcome sense of identity for the social club. The detailing in the brickwork would add articulation and visual interest to the elevations.
- 80 Turning to the design features, the building would have dark coloured metal external doors, windows, balconies and balustrades, which are considered to be high quality and appropriate for a contemporary building. This would be in keeping with the appearance of the top floor, which would feature grey metal cladding.
- 81 The proposed development would introduce soft landscaping to a site that at present has limited areas of planting. The most significant improvement would be to the south-western elevation that addresses Foxberry Road. At present the site features extensions with an 3m blank brick wall facing Foxberry Road. The introduction of a garden with planted areas is considered to represent a welcome improvement to the streetscene on this corner. The front of the site facing Brockley Road would also see the level of planting increased in the communal area for the residential accommodation and on the sloped bank for the basement terrace area for the social club. The existing hedges on the front boundary would be retained.
- 82 The landscaping is also considered to be successful in maintaining the distinction between the social club and residential accommodation established by the architectural treatments and materials. The planting and partitions help to separate the servicing and entrances for the residential and social club uses. The details of the species and specification for paving and boundary treatments would be secured by the landscaping conditions.
- 83 The prominence of the site and the height of the building demand that a very high level of architectural quality and finishing is required. As such, Officers consider that a more textured dark brick should be used for the social club and some variety introduced within the yellow brick of the upper floors. The materials will be secured by condition, in addition to specification of all external features and junction details.

### **7.3.1 Urban design conclusion**

- 84 Overall, Officers are satisfied that the proposed building would represent a high quality and contextual addition to the area that responds positively to the surrounding architecture and townscape. Therefore, the proposed development is considered compliant with the relevant national, regional and local urban design policies.

## **7.4 TRANSPORT IMPACT**

### *General policy*

85 Chapter 9 of the NPPF sets an expectation that transport issues will be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be addressed and opportunities from existing or proposed transport infrastructure are realised. The NPPF also emphasises that opportunities to promote sustainable transport and address the environmental impacts of traffic and transport are identified and pursued.

### **7.4.1 Local Transport Network**

86 The application site is located within a sustainable location with a good level of public transport accessibility (PTAL 4) due to its proximity to Brockley Station and the bus routes serving Brockley Road. As such, Officers are satisfied that nine additional residential units could be comfortably accommodated within the local transport network. This is also true of any intensification to the use of the social club resulting from the redevelopment. It should also be recognised that use of the social club could be intensified without the need for planning permission.

### **7.4.2 Servicing and refuse**

#### *Policy*

87 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

#### *Discussion*

88 The proposed development would provide independent refuse storage for the residential accommodation and the social club that meets the Council's requirements in terms of capacity. Both refuse stores would be within the curtilage of the site, to be located in the rear yard facing Foxberry Road, which would prevent clutter and obstruction to the public highway. The stores would also be within 10m of the kerb in accordance with Council guidelines. A condition is recommended securing the provision of the refuse storage prior to the occupation of the building.

89 The social club would retain its existing servicing arrangement, with servicing from Foxberry Road via a new cellar hatch to be installed within the curtilage of the site. The Management Strategy states that deliveries would continue to take place during normal working hours 08:00 – 18:00 Monday – Saturday limited to a maximum of two per week, which is not considered likely to result in any significant disturbances to the surrounding residential properties. The modest number of deliveries proposed mean it would be unlikely that there would be any significant obstruction to the highway or adverse impact to highway safety. The provision of a loading bay is not considered to be necessary given that the social club can continue to operate without requiring further planning permission and no such bay existed in the past or exists now.

### **7.4.3 Transport modes**

#### ***Walking and cycling***

#### *Policy*

90 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in

accordance with the requirements of table 6.3 of the London Plan. Further to the London Plan requirements, Transport for London's (TfL's) 'London Cycling Design Standards' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.

- 91 LLP 6.10 states that development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance.

*Discussion*

- 92 18 semi-vertical cycle parking spaces equating to two per flat would be provided within two covered and secure cycle stores to be located within the front and rear yard areas. This would meet the requirements of the London Plan and as such is considered acceptable. It is recognised that semi-vertical cycle parking is not fully accessible to all, however due to the specific constraints of the site it is considered acceptable in this particular case given that revisions were secured increasing the space around the entrances to 1.8m. A condition is recommended securing the provision of the cycle stores prior to occupation of the building.

- 93 Turning to walking and the pedestrian environment, improvements would be required to the footway around the boundary of the site in order to encourage walking and improve accessibility. These should include dropped kerb and tactiles across Foxberry Road at the junction with Brockley Road and raising of the kerb height at the nearest bus stops on Brockley Road in order to improve accessibility. The alterations to the footway will be secured by legal agreement.

***Cars parking***

*Policy*

- 94 Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision. 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 one space per unit.

*Discussion*

- 95 The Parking Survey (Highway Planning Ltd, February 2020) submitted with the application demonstrates that there some capacity within the surrounding roads to accommodate for the likely increase in parking before the area experiences an unacceptable level of parking stress. The roads adjacent to the social club are the most congested and the proposals have the potential to impact on the available parking within Foxberry Road. The streets with the greatest spare capacity are Breakspears Road, Wickham Road and St Margaret's Road, on the opposite side of Brockley Road.

- 96 Given the findings of the Parking Survey, it is considered reasonable to a secure a contribution towards a future CPZ consultation along with other improvements to the pedestrian environment as mitigation for the likely parking impacts of the development. The financial contribution and improvements to the footway will be secured by legal agreement.

**7.4.4 Construction**

- 97 The site is located at the junction of a busy B Road serving several bus routes (Brockley Road) and a residential street (Foxberry Road). As such, there is significant potential for

disruption to traffic and disturbance to residential properties from the construction phase of development. Limited information regarding the construction phase has been provided with this submission so it is not possible to fully assess those impacts. For this reason a condition is recommended securing the submission of a Construction Management Plan prior to commencement of the development.

#### **7.4.5 Transport impact conclusion**

98 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to securing the identified measures via legal agreement and the imposition of the conditions recommended above.

## 7.5 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 99 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 100 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

### 7.5.1 Enclosure and Outlook

#### *Policy*

- 101 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours

#### *Discussion*

- 102 The proposed development would introduce a scale of development that is clearly greater than the existing two storey building. The nearest buildings directly opposite the site on the south-western side of Foxberry Road (Nos 132-146) are located between approximately 16m and 23m from the proposed development. Officers acknowledge that the proposed five storey building would represent a significant change to the existing outlook from these properties. However, the separation distance to these properties is considered sufficient to prevent this impact from being overbearing, given that it would ensure that views either side of the site would be retained. Furthermore, the full impact of the height is mitigated in part by the top floor being inset from elevations below.
- 103 The site adjoins No.238 Brockley Road to the north-west. At the front, the proposed building broadly maintains the established building line preventing any adverse impact to the front gardens and windows of properties on Brockley Road. At the rear the building projects approximately 2.5m beyond the rear elevation of No.238. The building would be set in 1m from this boundary and the massing above two storey level would be set in by a further 1.7m. Officers as a matter of planning judgement consider that the set in from the boundary and the stepping of the massing would ensure that any harm would be within acceptable levels. There would also be some improvement to the existing situation given that existing 3m high extension that projects along the full length of the boundary with the rear garden of No. 238 would be demolished.

### 7.5.2 Privacy

#### *Policy*

- 104 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.

#### *Discussion*

- 105 The proposed building would not directly face any main rear elevations and as such the 21m guidance stipulated within DMP 32 does not apply. The main impacts in terms of

privacy would be from overlooking from the rear balconies to the front elevation windows of properties on the south-western side of Foxberry Road and the rear gardens of the properties located to the north on Brockley Road, principally Nos. 236 and 238.

- 106 The winter garden design of the balconies on the rear elevation, which are enclosed by glazing, have been designed to reduce the impact to the privacy of neighbours. The glazing towards the north would be obscured to prevent overlooking towards the gardens of Nos. 236 and 238 Brockley Road so that there would be not be any perceptible loss of privacy. The enclosed design of the balconies would assist in reducing the prominence of the internal area of the balcony. As such, views from the balconies are not considered to be as intrusive as they would be from a balcony with an open design. It is also entirely typical to have directly facing front elevation windows and this reflects the relationship which exists between facing properties further west along Foxberry Road.
- 107 At roof level the top floor flat would feature two areas of external amenity space; one at the front and one to the side (south-east). The remaining area of the flat roof would be utilised as green roof. There is potential that the roof terrace could result in overlooking of neighbouring properties and therefore a condition is recommended to secure details of the screening for the roof terrace. The green roof would not be accessible to residents and should therefore not afford any overlooking. A condition is recommended to prevent any future use of the green roof as amenity space.
- 108 The upper floor windows in the side elevation (north-western) would be obscure glazed preventing overlooking to the adjacent properties on Brockley Road.

### **7.5.3 Daylight and Sunlight**

#### *Policy*

- 109 LLP 7.6 states that residential development should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to overshadowing.
- 110 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours

#### *Discussion*

- 111 A Daylight, Sunlight and Overshadowing Impact Assessment (Hawkins Environmental, June 2019) accompanied the application. The report sets out the impact of the proposed building to the closest residential properties in terms of daylight and sunlight levels to windows and overshadowing of amenity spaces. The modelling was carried out in accordance with BRE Guidelines and provides an assessment against the relevant criteria.
- 112 The report demonstrates that the impact to the nearest garden and amenity spaces would be negligible and as such would comply with BRE Guidelines. However, the assessment with regard to daylight and sunlight levels to windows identifies one transgression beyond the acceptable levels proposed within the BRE Guidelines. The window in question is located in the side elevation of No.238 Brockley Road and serves the loft space. The impact to this window would be assessed to be minor adverse, which is the least severe adverse impact below moderate, and major adverse.
- 113 It is not clear from the report whether this window serves a habitable room. Notwithstanding the use of the room, Officers consider the following guidance at paragraph 1.3.45 of the London Plan SPD to be relevant

*“An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.”*

- 114 The application site is located within an accessible urban location on a main road. Accordingly, it is considered appropriate to apply BRE Guidelines pragmatically in this case, given the relatively modest transgression and weighed against the considerable planning merits of providing nine good quality housing units and increased employment and community contribution of the re-provided social club.

#### **7.5.4 Noise and disturbance**

##### *Policy*

- 115 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 116 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;
  - an adverse effect is occurring or likely to occur; and
  - a good standard of amenity can be achieved.
- 117 Intend to Publish London Plan Policy D14 states that residential development should avoid significant adverse impacts to quality of life.
- 118 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.

##### *Discussion*

- 119 As detailed in the Housing Section of this report under *Noise and Disturbance*, the applicant has submitted two acoustic reports by Clement Acoustics; a Noise Exposure Assessment (NEA) and Noise Impact Assessment (NIA). These reports set out a number of recommendations in terms of noise and design to ensure that the noise impact of the social club would be acceptable to the new residential accommodation. These recommendations were deemed acceptable by the Council’s Environmental Health Officer and would be included within the management plan to be secured by condition. The introduction of residential units into an area comprising a high proportion of residential accommodation would not result in any issues of noise or disturbance.

120 Accordingly, Officers are satisfied that the proposed development would have an acceptable impact in terms of noise and disturbance and is likely to be an improvement on the existing situation given that no such Management Plan relating to the operation of the social club currently exists.

#### **7.5.5 Impact on neighbours conclusion**

121 The proposed development is considered to have an acceptable impact on the living conditions of neighbouring properties, with the adverse impacts considered to be relatively modest. The adverse impacts have been weighed against the benefits of the proposal and as a matter of planning judgement are assessed to be acceptable.

## **7.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

- 122 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 123 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### **7.6.1 Energy and carbon emissions reduction**

#### *Policy*

- 124 LLP 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 125 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

#### *Discussion*

- 126 An Energy Strategy (Blue Burton Ltd) has been submitted with the application as required by CSP 8. The report sets out the strategy to minimise emissions in accordance with the energy hierarchy established by LLP 5.2. The Energy Strategy has been reviewed by the Council's Sustainability Officer who was broadly satisfied with the proposed strategy. This is subject to a condition securing details of how the proposed scheme will achieve the 35% reduction in CO2 emissions targeted in their energy strategy, which requires the submission of SAP data sheets or EPCs as evidence. A condition is also recommended to secure the details of the proposed PV installation to ensure it achieves or exceeds the 8.5 and 6.5kWp arrays specified in the Energy Strategy.

### **7.6.2 Urban Greening**

#### *Policy*

- 127 LLP 5.10 states that development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include tree planting, green roofs and walls, and soft landscaping.
- 128 DMP 24 states that new living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such a base is not feasible and achievable.

#### *Discussion*

- 129 The proposed development would make a positive contribution to urban greening via increased planting within the soft landscaping scheme and the provision of green roofs

at second and fourth floor level. Additionally, the south-eastern elevation at the entrance to the social club would feature a living wall, the cycle stores would have green roofs and the bin store would incorporate a pergola to increase the level of planting. The flat roof of the top floor would not feature a green roof as it has been designed to be a lightweight structure and as such would not be structurally able to support a living roof. As such, the proposal is considered to maximise the potential for urban greening and is considered acceptable. A condition is recommended securing the specification of the green roof system to ensure that the green roof spaces would provide an acceptable contribution to biodiversity.

### **7.6.3 Sustainable Urban Drainage**

#### *Policy*

- 130 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.
- 131 202 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 132 203 CSP 10 requires applicants to demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

#### *Discussion*

- 133 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) have requested the submission of additional information in terms of submission of detailed drainage design and groundwater investigation. This is required as the proposal includes development at basement level. If groundwater is found to be present the drainage strategy would need to include measures to mitigate the risk of groundwater flooding both to and from the development. This information will be secured by condition prior to the commencement of any works.

### **7.6.4 Sustainable Development Conclusion**

- 134 The recommended conditions are considered to be sufficient to prevent any unacceptable impacts in terms of sustainable development. As such, the development is considered to be compliant with the relevant national, regional and local policies.

## **7.7 NATURAL ENVIRONMENT**

### *General Policy*

- 135 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 136 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 137 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

### **7.7.1 Ecology and biodiversity**

#### *Policy*

- 138 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 139 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 140 CSP 12 seeks to preserve or enhance local biodiversity.
- 141 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

- 142 The application site currently makes a very limited contribution to biodiversity due to being occupied by buildings and hardstanding. The proposed development would create additional opportunities for biodiversity through the introduction of living roof areas, a living wall and soft landscaping. Therefore, the proposal is likely to result in a net gain in biodiversity in accordance with the principles of the NPPF and other relevant policy guidance.

### **7.7.2 Air Pollution**

#### *Policy*

- 143 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

- 144 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.
- 145 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

*Discussion*

- 146 The proposed development does not feature any off-street car parking but could result in a limited increase in vehicle movements. This increase would be limited given that this is a minor residential development comprising just nine dwellings. As such, officers are satisfied that any associated increase in vehicle movements would have a negligible impact in terms of local air quality.
- 147 The proposed development would introduce sensitive receptors (the residential accommodation) to a site within an Air Quality Management Area. The site is not located adjacent to significant sources of emissions, with traffic levels on Brockley Road not considered to justify a requirement for windows to be fixed closed. Furthermore, the residential accommodation is of a high standard featuring triple aspect units with sufficient windows to allow for cross-ventilation of the apartments. As such, Officers are satisfied that the residential dwellings would not require any form of additional mitigation such as mechanical ventilation.

**7.7.3 Noise pollution**

- 148 The assessment of impacts arising from noise and disturbance from the social club to the residential units is discussed above under 'Noise and Disturbance' with the Housing and Living Conditions of Neighbours sections of this report. The introduction of residential units into an area comprising a high proportion of residential accommodation would not result in any issues of noise pollution.

**7.7.4 Natural Environment conclusion**

- 149 In summary, Officers are satisfied that there would be any significant adverse impacts to the natural environment. In addition, the proposal is likely to result in a net gain in biodiversity due to the additional soft landscaping and increased levels of planting that would be introduced within the site.

## **8 LOCAL FINANCE CONSIDERATIONS**

150 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).

151 The weight to be attached to a local finance consideration remains a matter for the decision maker.

152 £35,983.54 Lewisham CIL and £23,774.84 MCIL for the residential accommodation and £17,010.01 Lewisham CIL and £9,833.91 MCIL for the social club is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 9 EQUALITIES CONSIDERATIONS

153 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.

154 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.

155 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.

156 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

157 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

158 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

The planning issues set out above do include some factors that relate to the equalities categories set out in the Act given that the current community offer does include the provision of facilities and events for over 50s and church groups. Therefore, it is acknowledged that there is a potential impact on equality given the fact that the existing social club would be demolished. However, this would be mitigated by the re-provision of the social club and the intention to continue the provision of the existing events and potentially extend this offer, as made clear in the Management Strategy submitted with the application. The community offer would be formalised within the legal agreement which would secure a Community Access Plan, see para 166 below for details of the heads of terms.

## 10 HUMAN RIGHTS IMPLICATIONS

- 160 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including
- Article 8: Respect for your private and family life, home and correspondence
  - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 161 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 162 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 163 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 LEGAL AGREEMENT

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

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

165 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.

166 The following are the draft Heads of Terms to which the applicant has agreed in writing:

### ***Transport and Public Realm***

- S278 agreement to undertake improvements to the pedestrian environment in the local area.
- a financial contribution of £15,000 towards work to assess the potential to introduce a Controlled Parking Zone in the local area

### ***Community Access Plan***

- a Community Access Plan for the social club requiring the facilities to be made available for a minimum of 20hrs per week for community and voluntary groups at rates equivalent to similar Council facilities in the local area

### ***Monitoring and Costs***

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

167 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).

## 12 CONCLUSION

- 168 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 169 The principle of the proposed development is supported given that the existing social club would be re-provided as part of the redevelopment of the site, resulting in a qualitative improvement to the club's facilities and an expanded employment and community access offer. The proposal would also deliver nine dwellings, which would make a contribution to the borough's housing requirement. The standard of the accommodation provided by the nine dwellings is considered to be of good quality. In terms of design, the quality of the materials and detailing are considered to justify the increased bulk, height and massing, which is judged to be appropriate for this prominent corner plot at a junction with a busy main road.
- 170 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment and would deliver benefits in terms of a net increase in urban greening. The impacts to the local transport network are broadly acceptable and would be mitigated by the improvements to the pedestrian environment and contribution to a CPZ consultation secured by legal agreement. The development is not considered to result in any significant adverse impacts to the living conditions of neighbours. The one transgression against BRE guidance in relation to the daylight and sunlight received to one window within a neighbouring property, as identified by the Daylight, Sunlight and Overshadowing Impact Assessment, is not considered to warrant the refusal of the application when weighed against the considerable planning merits of the scheme.
- 171 Subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and in accordance with the Development Plan.

## 13 RECOMMENDATION

- 173 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the conditions and informatives set out below under ‘Planning Application (DC/19/111720)’, and authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.
- 174 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT** planning permission subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

### 13.1 CONDITIONS

<b>1)</b>	<p><b>FULL PLANNING PERMISSION TIME LIMIT</b></p> <p>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.</p> <p><b>Reason:</b> As required by Section 91 of the Town and Country Planning Act 1990.</p>
<b>2)</b>	<p><b>DEVELOP IN ACCORDANCE WITH APPROVED DRAWINGS AND DOCUMENTS</b></p> <p>The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:</p> <p>L2551/LP Rev A; L2551/03; L2551/07 Rev E; BON-2127-001; BON-2127-002; BON-2127-003; BON-2127-004; BON-2127-005 received 11 October 2019</p> <p>L2551/05 Rev F; L2551/06 Rev F; L2551/08 Rev F; L2551/09 Rev G; L2551/10 Rev F; 2551-RDJWL-XX-XX-DR-A-0050 received 26 February 2020</p> <p><b>Reason:</b> 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.</p>
<b>3)</b>	<p><b>CONSTRUCTION LOGISTICS PLAN</b></p> <p>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:-</p> <p>(a) Rationalise travel and traffic routes to and from the site.</p> <p>(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.</p>

	<p>(c) Measures to deal with safe pedestrian movement.</p> <p>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.</p> <p><b>Reason:</b> 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).</p>
<p>4)</p>	<p><b>FOUL AND SURFACE WATER DRAINAGE</b></p> <p>(a) Prior to commencement of groundworks (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings and supporting calculations to the Lead Local Flood Authority for review and approval, aligned with the Foul and Surface Water Drainage Statement (Revision B, March 2020) and associated drawings. This should include site specific ground investigations to determine the presence or absence of groundwater. If groundwater is found to be present measures must be included within the development to mitigate the risk of groundwater flooding both to and from the site. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.</p> <p>(b) No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.</p> <p><b>Reason:</b> To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage of the London Plan (March 2016) and Objective 6: Flood risk reduction and water management and Policy 10: Managing and reducing the risk of flooding of the Core Strategy (2011).</p>
<p>5)</p>	<p><b>NOISE INSULATION SCHEME</b></p> <p>(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.</p>

	<p>(b) No above ground works shall be carried out until a sound insulation scheme demonstrating achievement of the standards set out in paragraph (a) has been submitted to and approved in writing by the local planning authority.</p> <p>(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.</p> <p><b>Reason:</b> To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
6)	<p><b>NOISE MITIGATION MEASURES</b></p> <p>The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority confirming that the measures identified within the Noise Exposure Assessment (Clement Acoustics, Report 14563-NEA-01 (18 July 2019) and Noise Impact Assessment (Clement Acoustics, Report 14563-NIA-01 (18 July 2019) have been implemented in full.</p> <p><b>Reason:</b> To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
7)	<p><b>SOUNDPROOFING WORKS</b></p> <p>(a) No above ground works shall take place until full written details have been submitted to and approved by the local planning authority in relation to proposed soundproofing works, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet <math>D'nT,w + Ctr</math> dB of not less than 55 for walls and/or ceilings where residential parties non domestic use.</p> <p>(b) The development shall not be occupied until the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.</p> <p>(c) The soundproofing shall be retained permanently in accordance with the approved details.</p> <p><b>Reason:</b> To safeguard the amenities of the occupiers of the proposed dwellings and to ensure the continued viability of the social club and to comply with DM Policy 26 Noise and vibration, 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) and Intend to Publish London Plan Policy D13 Agent of Change.</p>
8)	<p><b>MATERIALS</b></p>

	<p>(a) No above ground works shall commence on site until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:</p> <ul style="list-style-type: none"> <li>i) bricks;</li> <li>ii) external cladding;</li> <li>iii) windows and external doors;</li> <li>iv) balconies, ballustrades and privacy screens;</li> <li>v) entrance canopies and signage;</li> <li>vi) paving and paths;</li> </ul> <p>has been be submitted to and approved in writing by the Council.</p> <p>(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.</p> <p><b>Reason:</b> 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 of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).</p>
<p>9)</p>	<p><b>LANDSCAPING</b></p> <p>(a) A landscaping scheme:</p> <ul style="list-style-type: none"> <li>I. including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits;</li> <li>II. partitions, gates or planting required to ensure acceptable levels of security and privacy are provided to the neighbouring properties and the ground floor flat hereby approved;</li> <li>III. and details of the management and maintenance of the landscaping for a period of five years</li> </ul> <p>shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.</p> <p>(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.</p> <p><b>Reason:</b> In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees, DM Policy 30 Urban design and local character and DM 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
<p>10)</p>	<p><b>BOUNDARY TREATMENT</b></p> <p>(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.</p>

	<p>(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.</p> <p><b>Reason:</b> 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).</p>
<b>11)</b>	<p><b>REFUSE AND RECYCLING STORAGE FACILITIES</b></p> <p>(a) Prior to first occupation, full design details of the refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority.</p> <p>(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.</p> <p><b>Reason:</b> 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).</p>
<b>12)</b>	<p><b>CYCLE STORAGE FACILITIES</b></p> <p>(a) Prior to first occupation, full design details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.</p> <p>(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.</p> <p><b>Reason:</b> In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).</p>
<b>13)</b>	<p><b>TRAVEL PLAN</b></p> <p>a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.</p> <p>b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.</p> <p>c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).</p>

	Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).
<b>14)</b>	<p><b>LIVING ROOF SPECIFICATION</b></p> <p>(a) The development shall not be occupied until the specification for the proposed living roofs has been submitted to and approved in writing by the local planning authority.</p> <p>(b) The living roofs shall laid out in accordance with plan no L2551/05 Rev F hereby approved and maintained thereafter, and shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.</p> <p><b>Reason:</b> To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).</p>
<b>15)</b>	<p><b>SOCIAL CLUB MANAGEMENT PLAN</b></p> <p>The development shall not be occupied until a management plan for the social club, compiled in accordance with the recommendations set out in Section 10 of the Noise Impact Assessment (Clement Acoustics, Report 14563-NIA-01, 18 July 2019), has been submitted to and approved in writing by the local planning authority.</p> <p><b>Reason:</b> To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, Intend to Publish London Plan Policy D13 Agent of Change and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
<b>16)</b>	<p><b>RESIDENT WELCOME PACK</b></p> <p>No residential unit shall be occupied until a Welcome Pack for residents has been submitted to and approved in writing by the local planning authority. The Welcome Pack shall include but not be limited to:</p> <ol style="list-style-type: none"> <li>i. A clear notice stating that the property they will occupy shares a building with a social club and that a degree of noise and other disturbance can be expected</li> <li>ii. A copy and explanation of the Management Strategy for the social club</li> </ol>

	<p>iii. Set out a means by which residents may discuss the on-going management of the social club with the building's landlord and the social club operating company to resolves concerns</p> <p>The Welcome Pack shall be supplied to all new residents prior to occupation of their unit.</p> <p><b>Reason:</b> To ensure that all future residents are aware of the social club use and to ensure the continued viability of the social club in order to comply with Intend to Publish London Plan Policy D13 Agent of Change.</p>
<p><b>17)</b></p>	<p><b>ENERGY STRATEGY</b></p> <p>The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the measures identified within the Energy Strategy (Blew Burton Ltd, July 2019) have been implemented in full in order to reduce annual carbon emissions by 35% (based against 2013 Building Regulations standards) through the use of energy efficient design and low or zero carbon technologies. This should include details which demonstrate that solar PV arrays of at least 8.5kWp and 6.5kWp have been installed on the building.</p> <p>Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, and 5.7 Renewable energy of the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).</p>
<p><b>18)</b></p>	<p><b>BALCONY AND TERRACE SCREENING</b></p> <p>The residential units hereby permitted shall not be occupied until details of the siting and specification of screening to all balconies and external terraces has been submitted to and approved in writing by the local planning authority.</p> <p><b>Reason:</b> To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
<p><b>19)</b></p>	<p><b>CONSTRUCTION WORKING AND DELIVERIES</b></p> <p>No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.</p> <p>No construction work shall take place on the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.</p>

	<p><b>Reason:</b> In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
20)	<p><b>HOURS OF SERVICING AND DELIVERIES – OPERATIONAL</b></p> <p>No deliveries to the social club shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Saturdays and not at all on Sundays or Public Holidays.</p> <p><b>Reason:</b> In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
21)	<p><b>CONTAMINATION</b></p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority prior to occupation.</p> <p>Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, and to ensure that the local planning authority may be satisfied that any potential site contamination is identified and remedied to comply with the National Planning Policy Framework (Paragraph 170) and DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).</p>
22)	<p><b>PILING METHOD STATEMENT</b></p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p><b>Reason:</b> The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other</p>

## 13.2 INFORMATIVES

1)	<p><b>Positive and Proactive Statement:</b> 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 discussions took place which resulted in further information being submitted.</p>
2)	<p>You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on <a href="mailto:CII@lewisham.gov.uk">CII@lewisham.gov.uk</a>.</p>
3)	<p>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 '<b>assumption of liability form</b>' must be completed and before development commences you must submit a '<b>CIL Commencement Notice form</b>' 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: -  <a href="http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx">http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx</a></p>
4)	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.</p> <p>Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a> Application forms should be completed online via <a href="https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk&amp;d=DwlFaQ&amp;c=OMjwGp47Ad5otWl0_lpOq&amp;r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QM_u-6ha_RdQ&amp;m=d_zUGYxxDKjFqZ5BFdZcxOIZJ8TtQc8gRYzxcaPEJJw&amp;s=TRkGOFJczKkiqgdkOoKPf3U52l34nrKe-p4dv0ybCBE&amp;e=">https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk&amp;d=DwlFaQ&amp;c=OMjwGp47Ad5otWl0_lpOq&amp;r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QM_u-6ha_RdQ&amp;m=d_zUGYxxDKjFqZ5BFdZcxOIZJ8TtQc8gRYzxcaPEJJw&amp;s=TRkGOFJczKkiqgdkOoKPf3U52l34nrKe-p4dv0ybCBE&amp;e=</a> Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
5)	<p>The proposed development is located within 15 metres of Thames Water's underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <a href="https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-">https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-</a></p>

	<p>2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour- 2Dpipes&amp;d=DwIFaQ&amp;c=OMjwGp47Ad5otWI0__lpOg&amp;r=A6bK4sK7myXptjA_ua aZPj7OE6BO0ng5QMu- 6ha_RdQ&amp;m=d_zUGYxxDKjFqZ5BFdZcxOIZJ8TtQc8gRYzxcaPEJJw&amp;s=Rws4 Fnp0Dtq4T5VrJFxXwn FWIFMZ6GbYIH0bdUimPQ&amp;e= . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>