

Committee	PLANNING COMMITTEE A	
Report Title	1 and 1a Malpas Road, London, SE4 1BP & 110 Lewisham Way, London, SE14 6NY	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	7 January 2020

Reg. Nos. DC/20/116014

Application dated 03.03.20 [as revised on 18.12.20]

Applicant Mr Billy Grainger

Proposal Demolition of the ancillary storage buildings, change of use and the construction of a part single/part 2 storey building to provide 1 one bedroom flat and 1 one bedroom house at 1 Malpas Road SE4, together with the retention of the existing ground floor retail unit and the construction of an extension to the existing flat at second floor level at 110 Lewisham Way SE4.

Background Papers

- (1) Case File DE/100/1/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)

Designation PTAL 6
Air Quality Management Area

1 SUMMARY

1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before Committee for a decision on the request of a local Ward Councillor.

2 SITE AND CONTEXT

Site description and current use

2 The application site is located on a corner plot at the junction of Lewisham Way (south-western side) and Malpas Road (north-western side). The site is comprised of a three storey mixed-use Victorian property (110 Lewisham Way) fronting Lewisham Way with a single storey extension (1a Malpas Road) fronting Malpas Road.

3 110 Lewisham Way is comprised of a second hand furniture shop at ground floor with two one-bedroom flats located on the floors above. The building is constructed from London stock bricks and retains timber sash windows with white painted decorative

lintels and cills. To the rear, the building has a two-storey projection with a door fronting Malpas Road providing access to the residential units above. 1a Malpas Road provides storage space for the furniture shop. The building is rendered and painted white with a large painted fascia sign.

Figure 1. Site Location Plan



Character of area

- 4 The site adjoins 1b Malpas road, which is in use as a carpentry workshop (Use Class B1c). The second storey of the building is believed to have been constructed in 2016, without the benefit of planning permission, and has subsequently been converted to provide a residential dwelling. The partial conversion to residential accommodation is subject to an enforcement investigation (ENF/18/00144). 1b Malpas Road does not form part of the application site.
- 5 The site is bound by the gardens of 104-108 Lewisham Way to the west. 108 Lewisham way is of similar architectural character to 110 Lewisham Way. However, the ground floor was converted to residential accommodation in the early 2000s. Nos 104 and 106 Lewisham Way are larger and feature a lower ground floor level and raised entrances, forming part of a terrace that extends to Shardeloes Road to the north-west. The opposite side of Lewisham way features a two-storey parade of shops and the Flower of Kent public house.

Heritage/archaeology

- 6 The site is not located within a designated conservation area and neither is the building nor any of the buildings in the vicinity listed at local or national level.

Surrounding area

- 7 Lewisham Way has a mixed character comprised of shopping parades with residential accommodation above as well as terraces of residential properties. Malpas Road is residential other than at the junction with Lewisham Way. New Cross District Centre is located approximately 500m to the north of the application site

Transport

- 8 The site has a PTAL of 6a, which is the excellent and is served by 24 hour transport including several night-bus routes, New Cross and New Cross Gate Train Stations and Deptford Bridge DLR Station. Lewisham Way forms part of the A20 and is a designated red route.

3 RELEVANT PLANNING HISTORY

Application Site

- 9 The following historic application included land at 1B Malpas Road, which is not included in this application currently before Members. DC/18/108080: Change of use, alteration and conversion and extension above 1A & 1B Malpas Road SE4 to provide a self-contained studio flat, 1, two bedroom and 1, three bedroom houses, extension to first floor level at the rear of 110 Lewisham Way SE14 to provide 2, two bedroom self-contained flats and conversion of 1 Malpas Road SE4 to provide a one bedroom bungalow with roof garden above – refused on 9 November 2018 for the following reasons:

- 1) *The proposed residential building, by reason of its scale and proximity to adjoining residential properties and their gardens, would be visually overbearing and would have a detrimental impact on outlook, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan (November 2014) and the Lewisham Residential Development Standards SPD (Updated May 2012).*
- 2) *The overall standard of accommodation, by reason of the undersized Gross Internal Area proposed for Flat A, Flat B and House C, would fail to represent an acceptable standard of residential accommodation as required by National Technical Standards, Policy 3.5 of the London Plan (March 2016), the London Plan Housing SPG (March 2016) DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).*
- 3) *The proposed residential building would, by reason of its design and materials, represent an incongruous addition, failing to respect the architectural characteristics of the surrounding area and would be detrimental to the surrounding streetscene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and policies DM 30 Urban design and local character of the Development Management Local Plan (November 2014) and the Residential Standards Supplementary Planning Document (2012).*
- 4) *Insufficient supporting information has been provided to demonstrate that the loss of the site for a use providing employment would not have a significant harmful impact on the vitality and viability of the local economy, contrary to Policy 5 Other employment locations of the adopted Core Strategy (June 2011) and DM Policy 11 Other employment locations of the Development Management Local Plan (2014).*

Neighbouring Site

- 10 ENF/16/00361: Enforcement investigation into un-authorized development - Shed at rear of Foster Carpentry 1b Malpas Road, also encroaches into the property of 106a Lewisham Way – still open.

11 ENF/18/00144: Enforcement investigation into the construction of a building as a self-contained residential unit – still open.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

12 The proposed development would see the demolition of the ancillary storage buildings on Malpas Road (1 and 1a Malpas Road) and replacement with a part one-, part two-storey residential building. The building would provide two dwellings comprising a one-bedroom two-person house (Unit 1a) and a one-bedroom, one-person flat (Unit 1c). Unit 1c would be accessed via the communal entrance to the flats above 110 Lewisham Way.

13 The building would feature facing yellow stock bricks with aluminium casement windows and a dual pitched aluminium roof at first floor level. The roof space would provide habitable floor space for both dwellings facilitated by the provision of dormers in the front roof slope. The single-storey section of the building would feature a flat roof. Both residential units would feature external amenity spaces at the rears. At the front, there would be a shallow area of front garden used for the storage of bins.

14 A second floor extension is proposed to the rear of 110 Lewisham Way. The extension would be built on the footprint of the existing two-storey projection and would provide additional floorspace for the existing one-bedroom second floor flat. The extension would feature materials to match the existing property. The ground floor retail unit would be retained as part of the scheme.

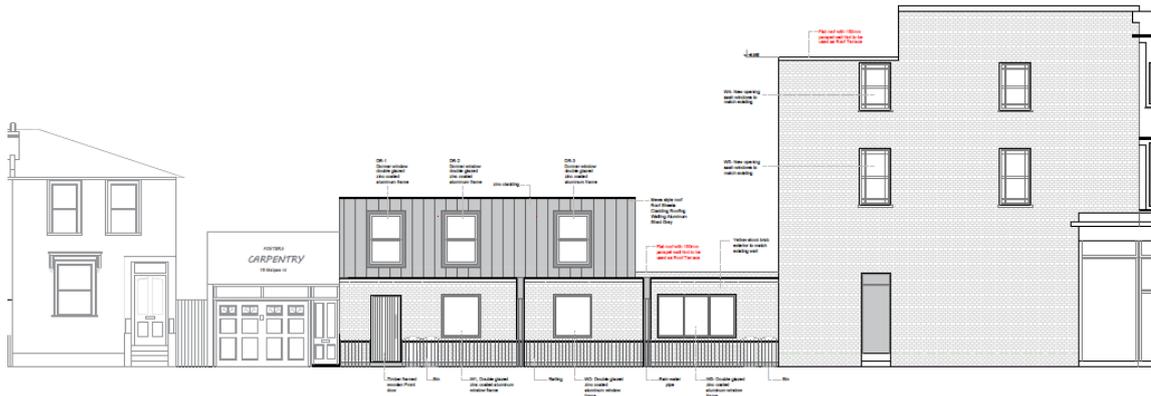
4.2 COMPARISON WITH PREVIOUS SCHEME

15 The key difference compared to refused application DC/18/108080 is that the workshop at 1b Malpas Road no longer forms part of the application site. In addition, the height of the building has been reduced and the design of the building has change at first floor, see Figures 2 and 3 below.

Figure 2. Front Elevation of refused scheme (DC/18/108080)



Figure 2. Proposed Front Elevation (Current Scheme)



16 Further changes include the removal of a first floor terrace and screening and the proposal no longer includes an increase to the number of bedrooms for the existing flats above 110 Lewisham Way.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

17 Site notices were displayed on 11 May 2020. Letters were also sent to residents and business in the surrounding area and the relevant ward Councillors on 11 May 2020.

18 Representations were received from four local residents, comprising four objections.

5.1.1 Comments in objection

Comment	Para where addressed
Loss of floorspace for the shop	40-41
Outlook for proposed residential units	53-54
Privacy for proposed residential units	53-54
Overbearing visual impact	74
Materials & design quality	75
Waste management	86
Servicing of the shop	87
Cycle parking	90
Parking stress	93-95
Impact to outlook level	104-108
Impact to privacy levels	110-112
Impact to light levels	117-118
Noise and disturbance	121

Construction phase (noise and disturbance)	122
Loss of trees	130
Land contamination	133

19 Matters raised by the objections in relation to the party walls are subject to separate legislation and are not a material planning consideration.

20 Cllr Penfold requested that the application be determined at planning committee

5.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 11 May 2020:

22 Highways: raised concerns with parking capacity in the surrounding area as the parking stress levels identified with the Parking Survey are very close to the upper limit of 85%. Also requested additional details for the cycle parking and bin storage and that the redundant vehicle crossover be restored to footway. See Section 7.4.3 for more details.

5.3 EXTERNAL CONSULTATION

23 The following External Consultees were notified on 11 May 2020:

24 TfL: requested a condition securing a construction logistics plan. See Section 7.4.3 for more details.

6 POLICY CONTEXT

6.1 LEGISLATION

25 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

26 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.

27 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.

28 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

29 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

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

31 London Plan SPG/SPD:

- Housing (March 2016)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. The Mayor wrote to the SoS on 9 December 2020, stating his intention to publish his Plan with some modifications to reflect the March Directions. The SoS replied on 10 December with some further Directions. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.

7 PLANNING CONSIDERATIONS

32 The main issues are:

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

- Natural Environment

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 33 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.
- 34 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.

Policy

- 35 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. Housing is therefore a priority use for the borough.
- 36 DM Policy 32 paragraph 4e states that single person dwellings will not be supported other than in exceptional circumstances and that they will be required to have an exceptional design quality and be in highly accessible locations.
- 37 DMP 16 seeks to protect shops in retail use within the local shopping parades in order to provide for the day-to-day needs of local residents and supplement the facilities available in other larger shopping centres.

Discussion

- 38 The proposed development would result in the addition of two residential units, which would make a modest contribution to local housing targets. This is a planning merit that would carry weight within the overall planning balance. However, that weight is limited by the modest scale of development and size of the units.
- 39 The proposed development would include the provision of a single person dwelling. Single person dwellings are subject to the requirement that they would have an exceptional design quality and be in highly accessible locations. The site has a PTAL of 6a indicating a highly accessible location. Officers considered that the development would meet the policy criteria in terms of exceptional design given the quality of the materials and appropriate scale and form, this is addressed in more detail within Section 7.3 of this report. The internal design of the unit is also considered to meet the criteria given that the unit is oversized with a separate bedroom, dual aspect and has private external amenity space. As such, it is judged that the requirements of DM Policy 32.4.e have been satisfied.

- 40 The application site is not located within a designated town centre nor is it a designated primary or secondary shopping frontage. However, retail uses within local shopping parades are considered to make a vital contribution towards provision of services and vitality of the surrounding area. As such, their loss would be resisted without sufficient evidence to demonstrate the retail unit is no longer viable.
- 41 The proposed development does not propose the loss of the retail unit at 110 Lewisham Way, but would include the demolition and change of use of the single storey extension to the rear of the retail unit that is currently utilised as storage space. In this case, Officers are satisfied that the loss of the storage facilities would not compromise the viability of the retail unit given that the shop would retain storage space on the opposite side of Malpas Road and the existing operating floorspace would be retained. As such, the proposed development would not result in any harm to the provision of services within the local area and would be compliant with DMP 16. Officers also note that the shop is now in use Class E (Commercial, Business and Service) and could change uses within that Class without planning permission.

7.1.1 Principle of development conclusions

- 42 The proposed development would contribute two residential units, which would constitute a planning merit of the scheme. The loss of the storage facilities to the rear of the shop is considered to be acceptable, given that the shop retains alternative storage space in close proximity to the site and that there would be no loss of operational floorspace.

7.2 HOUSING

7.2.1 Residential Quality

General Policy

- 43 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).
- 44 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

- 45 DMP 32 states that the standards in the London Plan and Technical Housing Standards – Nationally Described Space 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

- 46 The proposed building would be comprised of a one-bedroom, two-person residential unit (1a) and a one-bedroom, one-person unit (1c). Both residential units would be arranged over two storeys. The first floor level for both units includes floorspace within a dual pitched roof. The *Technical housing standards – nationally described space*

standard provides guidance on calculating floorspace within residential units featuring constrained floor to ceiling heights. The guidelines state that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area (GIA) unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1sqm within the GIA). The minimum floor to ceiling height should be 2.3m for at least 75% of the GIA.

- 47 Based on the guidelines officers have calculated that Unit 1a would have a GIA of 60sqm and that Unit 1c would have a GIA of 48sqm, exceeding the London Plan standards of 58sqm and 39sqm. The double bedroom for Unit 1a would measure 12sqm and the single bedroom for Unit 1c would measure 9sqm both exceeding the relevant policy requirements of 11.5sqm and 7.5sqm respectively. It is also noted that both units would meet the policy requirement in terms of storage provision.
- 48 The floor to ceiling height at ground floor level would be 2.5m, which would be compliant with the London Plan and DMP 32. However, as noted above the floor to ceiling height at first floor is constrained due to the pitch of the roof and the maximum floor to ceiling height is 2.3m. Unit 1a would meet the requirements of the Nationally Described Space Standard to have floor to ceiling heights of 2.3m for at least 75% of the GIA but not the requirement of LPP 3.5, which increased the height to 2.5m. Unit 1c would be compliant with both standards.
- 49 The proposed development would also include an extension to the second floor flat at 110 Lewisham High Street. The extension would increase the size of the flat from 35sqm to 50sqm and facilitate an increase to the size of the bedroom from 10sqm to 13sqm. The flat would therefore meet the space standard for a one-bedroom two-person dwelling. This is a significant improvement on the existing situation given that the flat would be undersized based on the requirement for a single person dwelling with bathroom (39sqm).
- 50 Overall, the scheme would broadly comply with the internal space standards of LPP 3.5. However, Unit 1a does fall short of the London Plan standard in terms of floor to ceiling height. This is balanced by the provision of an oversized unit and the improvements to the internal space standards of the existing second floor flat and is therefore not considered to warrant the refusal of the scheme. Should Members be minded to grant planning permission, it is recommended a condition be imposed requiring the completion of the second floor extension prior to the occupation of the new residential accommodation, to secure that planning merit.

Outlook & Privacy

Policy

- 51 Emerging DLPP D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’
- 52 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

- 53 Both of the new units (1a and 1c) would be dual aspect with windows in the front and rear elevations at both ground and first floor level. The design would provide acceptable levels of outlook for both units. The shallow front garden would provide 0.6m of separation between the footway and the ground floor windows. Officers recognise that this is modest and would not provide a significant amount of defensible space. However, Officers consider that the space could be utilised to provide additional mitigation to increase privacy such as planters.

54 The proposed second floor extension would feature windows in the rear elevation retaining the existing levels of outlook. Therefore, the proposed development is considered to be compliant with DLPP D1 and DMP 32 in terms of outlook and privacy.

Overheating

Policy

55 DLPP D6 states that housing development should be designed to achieve adequate levels of ventilation and avoid overheating.

Discussion

56 The proposed new residential units would both be dual aspect providing adequate levels of passive ventilation. Officers consider that this would assist in providing mitigation against overheating. A condition is recommended securing details of the opening method for the rear rooflights in order to ensure that they would provide ventilation without allowing intrusive views to the gardens of Nos 106 and 108 Lewisham Way. The second floor extension to No.110 Lewisham Way would feature windows maintaining similar levels of ventilation.

57 The proposed development is considered to provide significant mitigation against overheating subject to condition regarding the opening style and glazing type for the rear rooflights at first floor level.

Daylight and Sunlight

Policy

58 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

59 The new residential units would both be dual aspect with additional natural light provided by the rooflights in the flat sections of the roofs. Officers consider that provision of windows and rooflights would ensure that the Units 1a and 1c received adequate levels of daylight and sunlight in accordance with DMP 32. The rear windows in the proposed extension to the rear of 110 Lewisham Way would ensure the similar levels of daylight and sunlight levels are maintain for the existing flats.

60 In summary, the proposed scheme is considered to be complaint with DMP 32 in terms of daylight and sunlight levels.

Noise & Disturbance

Policy

61 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

Discussion

62 The proposed scheme would see the provision of additional residential accommodation within an area with a mixed commercial and residential character. As such, the proposal would be in keeping with the existing pattern of land uses within the local area. The dual aspect and windows in the rear elevation would allow ventilation providing mitigation against the noise and disturbance from the main road. As such, Officers are satisfied that the proposal would be acceptable in terms of noise levels for the new residential units.

External space standards

Policy

63 Standard 26 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

Discussion

64 Both of the proposed residential units would benefit from private external amenity space. Unit 1a would feature a rear garden measuring 9sqm, which would exceed the required 5sqm. Unit 1c would feature an integral courtyard measuring 4sqm, which is undersized. The London Plan Housing SPG makes provision for the size of the units to be increased to mitigate a lack of outdoor amenity space in exceptional circumstances. Officers consider that the site constraints would meet this requirement and therefore the GIA 9sqm above the 39sqm required by LPP 3.5 is assessed to be adequate compensation for the undersized courtyard.

7.2.2 Housing conclusion

65 Overall, the proposal development would provide acceptable living conditions for future residents with modest transgressions against London Plan standards for floor to ceiling height and external amenity space balanced by the oversized GIA for Unit 1c and the improvements to the internal space standard within the second floor flat. Conditions are recommended securing details of the opening method for the rear rooflights at first floor level and completion of the second floor extension prior to the occupation of the residential accommodation.

7.3 URBAN DESIGN

Policy

66 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.

67 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.

68 LPP 7.4 expects development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. LPP 7.6 states architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape.

- 69 LPP 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design appropriate to the context.
- 70 CSP 15 repeats the necessity to achieve high quality design.
- 71 DMP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 72 DMP 31 states that Development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, and detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

Discussion

- 73 The proposed development would see the demolition of the existing structures at 1 and 1a Malpas Road and their replacement with a new residential building. The existing buildings are poor quality and as such their replacement is not objectionable. However, the single storey height of the buildings provide an important break in the townscape between the larger buildings that front Lewisham Way and the terraces that characterise Malpas Road.
- 74 The proposed building is a contemporary take on a mews house, which melds historic contextual materials, notably the London stock brick, with contemporary design features such as the aluminium roof covering and windows that help to create a semi-industrial appearance. The materials are considered to be high quality and contribute towards a contextual building typology that would reference the Victorian architecture that typifies the area and the commercial character of the junction. At two storeys, including the roof form, the building would maintain subservience and a similar visual break in the townscape being lower in height to the adjacent terrace and 110 Lewisham Way. As such, Officers consider that the building would successfully mediate the space between the historic buildings and land uses, resulting in a good quality and contextual addition to the townscape.
- 75 The prominence of the site, both in terms of the proximity to the junction with Lewisham Way and lack of set back from the footway demand a high level of design quality and detailing. For that reason, a condition is recommended securing the details of the materials and detailed drawings of the roof junctions and window reveals. The condition would also secure details of the boundary treatment for the front of the site and the external doors and windows.
- 76 The proposed development would also include the construction of an extension to the existing two-storey projection at the rear of 110 Lewisham Way at second floor level. The extension would feature London stock bricks and timber windows to match the existing and the depth and form would integrate successfully with the existing rear projection and the neighbouring extension at No.108 Lewisham Way. The extension would also be set down below the level of the London roof ensuring that the distinctive butterfly form is retained to the rear.

7.3.1 Urban design conclusion

- 77 The proposed building and extension are considered compliant with the design principles articulated within DMPs 30 and 31 by virtue of the subservient scale and massing and combination of historically appropriate and high quality contemporary

design features. A condition is recommended securing the materials and detailed drawings.

7.4 TRANSPORT IMPACT

General policy

- 78 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 79 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 80 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 81 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

7.4.1 Local Transport Network

Policy

- 82 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

- 83 The application site is located within a highly accessible area within walking distance of 24 hour bus and train services. This is reflected in the PTAL rating of 6a, which is the second highest. Therefore, Officers are satisfied that the addition of two residential units could be absorbed within the existing transport network.

7.4.2 Servicing and refuse

Policy

- 84 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.

- 85 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

Discussion

- 86 Both new residential units (1a and 1c) would be provide with two bins to be located within the front garden. This is an acceptable arrangement, meeting the waste needs of

the development in terms of refuse and recycling. A condition will be imposed requiring that the refuse and recycling facilities are provided prior to the occupation of the residential units.

- 87 Officers do not anticipate that any changes would be required to the existing delivery and servicing arrangement for the retail unit at 110 Lewisham Way as a result of the proposed development given that the storage facilities located on the opposite side of Malpas Road are already in use.

7.4.3 Transport modes

Cycling & Walking

Policy

- 88 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.
- 89 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

- 90 Two cycle parking spaces would be required to meet the requirements of Table 6.3 of the London Plan. Indicative details of the cycle parking have been provided that would meet this requirement. However, further details would be required to ensure that the facilities would be fit-for-purpose, secure and dry as required by TfL. A condition is recommended securing the details of the cycle storage prior to the occupation of the development.
- 91 The area to the front of the site on Malpas Road features a vehicle crossover used to service the existing storage facilities. The proposed development would mean that the cross over is redundant. As such, a condition is recommended to ensure that the crossover is restored to footway and kerb in order to improve the pedestrian environment, prior to occupation of the development.

Parking

Policy

- 92 Core Strategy Policy 14 and DMP 29 require developments to 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

- 93 The proposal does not include any off-street parking, which is supported given the high PTAL rating. There is not CPZ in operation on Malpas Road and therefore it is not possible to restrict cars from being parked in the surrounding area. Therefore, a Parking

Stress Survey Report (Alpha Parking, November 2020) was submitted in order to give an indication of parking capacity in the surrounding area.

- 94 The assessment of parking capacity has been reviewed by the Highways Department who have identified some errors in the survey. Firstly, the suggested capacity on Luxmore Road is not considered to be accurate, given that vehicles park partially on the footway on both sides, which is not legal practice. The maximum number of vehicles that should park on this street would be six on one side of the road. If, at any point, waiting restrictions were introduced in order to regulate parking and allow pedestrians unobstructed access to the gardens, the result would be displacement of vehicles on to Malpas Road. Secondly, there is a counting error on Vulcan Road. The plans show 29 vehicles parked on both nights, but the tables show 28. Thirdly, Car Club bays and disabled bays can be discounted from the overall figures as they can only be used by Car Club vehicles or Blue Badge holders while the Red Route bays are not viable for residents' use as vehicles would have to be removed before 7am, 6 days a week.
- 95 Recalculating to take the above points into account results in parking stress percentage of 84.73% and 83.65% over the two days, which is very close to the upper limit of 85%. In response, the applicant has agreed to provide an alternative sustainable means of transport by providing cycle storage in accordance with London Cycle Design Standards, to be secured by condition. Given that these would be one bedroom units, this is considered sufficient to prevent an unacceptable impact to parking stress within the surrounding roads. In reaching this conclusion, Officers have had consideration of the provisions of the NPPF para 109.

7.4.4 Construction

- 96 The application site is located close to a busy junction of Lewisham Way and Malpas Road. Lewisham Way forms part of the A20 and therefore there is significant potential for the construction works to cause disruption to the road network. Therefore, a Construction Logistics Plan would be required to ensure that disruption is minimised. The Construction Logistics Plan will be secured by condition prior to the commencement of the development.

7.4.5 Transport impact conclusion

- 97 In summary, the proposed conditions and improvements to the pedestrian environment identified above are considered to be sufficient to ensure that the impact to local transport infrastructure is acceptable and compliant with national, regional and local policy objectives.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 98 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.
- 99 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).

- 100 LPP 7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 101 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 102 Further guidance is given in Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

7.5.1 Enclosure and Outlook

Policy

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

Discussion

- 104 The proposed development would increase the scale of development due to the addition of a pitched roof at first floor level at 1 Malpas Road and the second floor extension to the rear elevation at No.110 Lewisham Way. The second floor extension would be constructed adjacent to the existing three-storey extension at No.108, with a broadly similar depth. As such, the visual impact of the proposed extension would be negligible to the neighbouring properties.
- 105 The replacement building at 1 Malpas Road would have a maximum height of 5.3 at first floor level. The first floor would be set back from the rear building line of No.108 by 4.5m. The roof would also be pitched away from the side and rear boundaries towards the centre with the maximum height set in 2.1m from the boundary. The height at the boundary would be 3m, which represents a reduction on the existing which ranges from 3.2m to 3.7m closest to the rear building line with No.108 Lewisham Way.
- 106 Officers acknowledge that the building would result in a change to the existing outlook, both from inside No.108 and from the garden, given the addition of a first floor level. However, the roof has been designed in way that would mitigated the visual impact as far as is possible given that it is set away from the rear building line and pitched away from the boundaries. The first floor level would also project less than half the width of the garden of No.108 at the rear boundary. The proposed development would therefore result in some improvements to the existing situation, principally in terms of the reduced height at the boundary, and the development has been designed in a way that would mean that No.108 would retain the existing aspect immediately to the east and to the south-west over the majority of the rear boundary. As such, Officers consider that the proposed development would not be visually overbearing to No.108.
- 107 Officers similarly consider the impact to No.106 Lewisham Way would be acceptable. The first floor level would not project as far as the rear boundary of No.106. No.106 would benefit from the creation of a garden for Unit 1a resulting in removal of built form from part of the rear boundary.
- 108 The proposed development is therefore considered to be acceptable in terms of outlook and enclosure as required by DMP 32.

7.5.2 Privacy

Policy

- 109 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

- 110 The proposed building at 1 Malpas Road would introduce rooflights at first floor level at the rear. The drawings indicated that the rooflights would be obscure glazed, which would prevent intrusive viewing into the rear gardens of the neighbouring gardens on Lewisham Way. However, more detail would be required regarding the opening method for the rooflights so that the opening would be limited to allow ventilation but prevent overlooking. A condition is recommended to secure this detail and the glazing specification for the first floor rooflights.
- 111 The first floor window in rear elevation of Unit 1a would have outlook across the flat roof and rear garden, with views to the gardens of Nos 106 and 108 restricted to oblique angles preventing a harmful reduction in privacy. The windows in the rear elevation of the second floor extension would not materially add to overlooking beyond that already possible from the existing windows. A condition would be required to prevent the use of the first floor flat roofs as amenity terraces. Officers note that this is a dense, urban environment where a degree of overlooking into amenity space is to be expected, and already arises here from other upper floor windows of existing properties on Lewisham Way.
- 112 The buildings do not include any windows facing onto 1B Malpas Road and as such would not compromise any future development at the adjacent site.

7.5.3 Daylight and Sunlight

Policy

- 113 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.
- 114 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 115 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards, however, this is not formal planning guidance and should be applied flexibly according to context.
- 116 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

Discussion

- 117 A Daylight and Sunlight Report (Right of Light Consulting, February 2020) has been submitted to provide an overview of the impact. The report models the impact to Nos 106, 108 and 112 Lewisham Way against the BRE guidelines for daylight and sunlight

levels to the windows and overshadowing to the gardens. The report concludes that development would be compliant with the BRE guidelines for all of the windows and amenity spaces modelled. The impact to 1b Malpas Road was not modelled as the lawful use of the property is not residential.

- 118 The proposed development is therefore considered to be acceptable in terms of the impact to daylight and sunlight.

7.5.4 Noise and disturbance

Policy

- 119 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
- 120 Intend to Publish London Plan Policy D14 states that residential development should avoid significant adverse impacts to quality of life.

Discussion

- 121 The scheme would introduce additional residential units into an area with a mixed commercial and residential character and therefore would not introduce any adverse impacts in terms of noise and disturbance. Officers note the existing storage space could be used for a range of commercial or business uses under new Class E without further planning permission.
- 122 A condition is recommended to restrict the hours of work and deliveries for the construction phase of the development due to the proximity to residential accommodation.

7.5.5 Impact on neighbours conclusion

- 123 The conditions detailed above are considered to be sufficient to ensure that the development would be acceptable in terms of the impact to the living conditions of the neighbouring properties in accordance with the relevant national, regional and local policy requirements.

7.6 NATURAL ENVIRONMENT

General Policy

- 124 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 125 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.

7.6.1 Green spaces and trees

Policy

- 126 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 127 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species.
- 128 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 129 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

Discussion

- 130 The application site is comprised entirely of buildings and therefore does not feature any areas of planting or trees. However, the adjoining garden to the rear of the site at No.104 features a number of mature trees that make a positive contribution to the character and appearance of the surrounding area. The works are not anticipated to materially affect those trees and a condition is recommended securing a Tree Protection Plan (TPP) prior to the commencement of the development to ensure that would be the case.

7.6.2 Ground pollution

Policy

- 131 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 132 LPP 5.21 and DMP 28 reflect national policy and are relevant.

Discussion

- 133 The application lacks detail in terms of likely contaminants at the site and within the buildings. A condition is therefore recommended securing the desk based and site investigation reports prior to the commencement of the development and the completion of any remediation, if necessary, prior to occupation of the development.

7.6.3 Natural Environment conclusion

- 134 In summary, Officers are satisfied that the proposed development would be acceptable in terms of the impact to the Natural Environment subject to conditions securing a TPP and land contamination.

8 LOCAL FINANCE CONSIDERATIONS

- 135 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).

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

137 The CIL is therefore a material consideration.

138 Lewisham CIL and MCIL are material considerations for this application. An estimate will be provided at Committee, due to an error with the CIL form submitted with the application. Any estimate is subject to valid applications for relief or exemption. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

139 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.

140 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.

141 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.

142 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>

143 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

144 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>

145 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no /minimal impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

146 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

147 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.

148 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.

149 This application has the legitimate aim of providing a new building with 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 CONCLUSION

150 This application has been considered in the light of policies set out in the development plan and other material considerations.

151 The proposed development would provide two additional residential units, which make a modest contribution to local housing targets and provide a good standard of residential accommodation. The loss of the storage facilities is not considered to have a negative impact on the viability of the retail unit due to presence of additional storage on the

opposite side of Malpas Road. In urban design terms, the materials and detailing are considered good quality and combined with the subservient massing and contextual design approach, would contribute an appropriate building to the townscape. The potentially adverse impact to parking capacity in the surrounding area would be mitigated by the provision of cycle parking facilities that would meet the London Plan standard. Finally, the development would not result in any adverse impacts to neighbouring amenity or the natural environment subject to the recommended conditions.

152 Therefore, the proposed development is considered compliant with the relevant national and local policies and is recommended for approval.

12 RECOMMENDATION

153 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

KA/MLP-01; KA/MLP-02; KA/MLP-03; KA/MLP-04; KA/MLP-05; KA/MLP-06;
KA/MLP-07; KA/MLP-08; KA/MLP-09; KA/MLP-10 Received 4 May 2020;

KA/MLP-11 Rev 03; KA/MLP-12 Rev 03; KA/MLP-13 Rev 03; KA/MLP-14 Rev 03;
KA/MLP-15 Rev 03; KA/MLP-16 Rev 03; KA/MLP-17 Rev 03; KA/MLP-18 Rev 03;
KA/MLP-19 Rev 03; KA/MLP-20 Rev 03; KA/MLP-21 Rev 03 Received 18
December 2020;

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

3) CONSTRUCTION LOGISTICS PLAN

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:-

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

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with 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).

4) LAND CONTAMINATION

No development or phase of development (including demolition of existing buildings and structures) shall commence until :-

- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
- (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
- (iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council. This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full. The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

5) MATERIALS & DESIGN QUALITY

(a) No above ground works shall commence on site (excluding demolition) until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i. Brickwork, mortar and bonding (sample panel to be built on site);
- ii. roofing materials, fascias, soffits, and junctions (drawings at scale 1:10);
- iii. windows, external doors and reveals;
- iv. boundary treatments and hard surfacing materials;
- v. rainwater goods

have been submitted to and approved in writing by the Council.

(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.

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

6) REFUSE & RECYCLING

The refuse and recycling facilities hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

7) CYCLING FACILITIES

(a) Prior to the occupation of the residential units hereby approved, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

8) TREE PROTECTION PLAN

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

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

9) WINDOW SPECIFICATION

(a) No windows shall be installed within the building hereby approved, until details of the glazing type and opening style have been submitted to and approved in writing by the local planning authority. This shall include means to limit the opening of above ground floor north-facing windows.

(b) The windows shall be installed in accordance with the details approved under part (a) and shall be retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto while accommodating adequate ventilation for the residential accommodation and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

10) REMOVING PERMITTED DEVELOPMENT RIGHTS (EXTENSIONS)

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

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

11) REMOVING PERMITTED DEVELOPMENT RIGHTS (WINDOWS)

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

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

12) USE OF FLAT ROOFS

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

13) CONSTRUCTION HOURS

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

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

14) VEHICLE CROSSOVER

The residential accommodation hereby approved shall not be occupied until evidence has been submitted to and approved in writing by the Council demonstrating that the vehicle crossover to the front of Unit D shown on drawing KA-MLP/03 has been restored to footpath and kerb at the applicant's expense.

Reason: In order to improve the pedestrian environment and to be compliant with the requirements of Policy 6.10 Walking of the London Plan (March 2016), Policy 14 Sustainable movement and transport of the Core Strategy and paragraphs 102, 103 and 107 of the National Planning Policy Framework 2019.

15) REAR EXTENSION

The new residential dwellings hereby approved shall not be occupied until the second floor extension to the rear of 110 Lewisham Way has been completed.

Reason: In order to provide a high standard of residential quality and to comply with Policy 3.5 Quality and design of housing developments of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy

(June 2011), and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 4) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.