

Committee	PLANNING COMMITTEE C	
Report Title	Land at Church Grove, London, SE13 7UU	
Ward	Lewisham Central	
Contributors	Louisa Orchard	
Class	PART 1	18 th February 2021

Reg. Nos.

(A) DC/20/119250

Application dated

18th November 2020

Applicant

Lichfields on behalf of (RUSS Rural Urban Synthesis Society)

Proposal

An application submitted under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to the planning permission DC/17/104264 dated 14 December 2018 as amended by DC/20/119249 dated 03rd February 2021 for ' The construction of a part three/part four storey building incorporating balconies on vacant land at Church Grove SE13 comprising self build residential units (Use Class C3) together with community facilities, shared landscaping space, car parking, secure cycle and refuse storage, alterations to access and other associated works;- **in order to make the following amendments:**

- Increase the number of dwellings from 33 to 36
- Increase the maximum height of the building by 450mm
- Simplify the building form
- Replace the external and structural combustible materials
- Associated amendments to landscaping and other works

In addition to providing details to amend the following conditions to compliance conditions:

- Condition 3- Archaeology;
- Condition 4- Outline Construction Logistics Management Plan;
- Condition 10- Tree Protection Plan;
- Condition 20- Window and Door Reveals;
- Condition 36- Design Code; and
- Condition 37- Noise mitigation on Walkways.

Background Papers

- (1) Case File DC/20/119250
- (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted

Designation

PTAL 5
Flood Risk Zone 3
St Mary's Conservation Area (adjoining) Area of
Archaeological Priority
Local Open Space Deficiency Major District
Centre
Not a Listed Building

Screening

N/A

1 SUMMARY

- 1 The application is brought before planning committee as it has received 1 objection from the Local Amenity Society and 15 individual objections.
- 2 Due to the number of objections, a local meeting was held on 28th January 2021 the minutes of which are appended to this report.

2 SITE AND CONTEXT

Site description and current use

- 3 The site is a 0.33 hectare site located on vacant land at Church Grove, a residential cul-de-sac off Ladywell Road within the Lewisham Central Ward and Lewisham Town Centre Boundary. It is an irregular shaped parcel of land bound by the River Ravensbourne to the north-west with rail and industrial uses beyond (Lewisham Council Depot). Two (2) storey existing residential developments are located along Wearside Road to the east, which is separated by a mature green belt and Church Grove and St Mary's Conservation Area to the south.
- 4 The site is generally flat and is currently vacant, however due to being vacant for an extended period of time it is overgrown.
- 5 Church Grove consists of two (2) storey Victorian terraced residential houses.

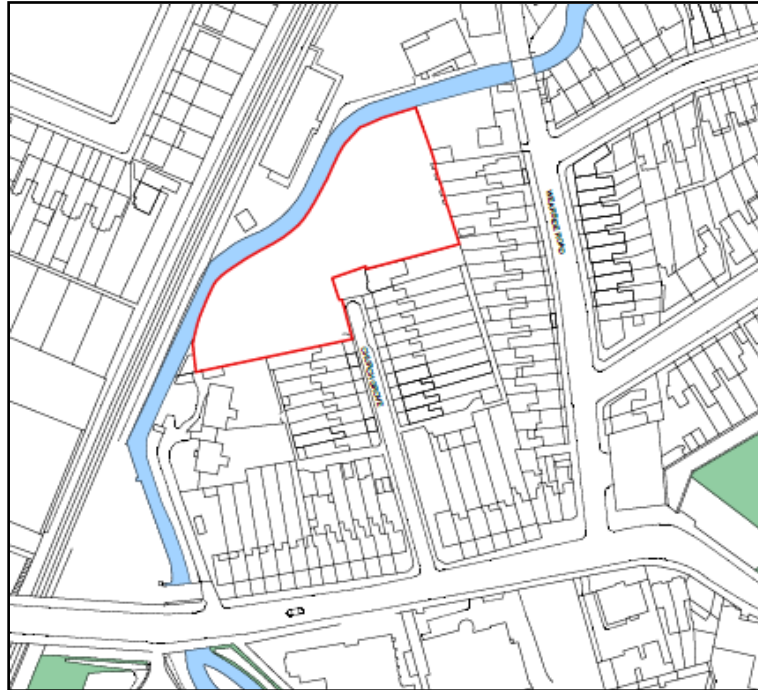


Figure 1: Site Location Plan

Character of area

Heritage/archaeology

- 6 The site does not lie within a protected viewing corridor and does not contain any statutory listed buildings on or within close proximity to the site. It is not located within a conservation area, however it is directly adjoining St Mary's Conservation area. The site is within an archaeological priority area.

Surrounding area

- 7 Ladywell Fields is a twenty-two (22) hectare recreation ground located south-west of the development site, being the largest existing area of open space within one (1) mile of the subject site. Hilly Fields Park, Lewisham Park, Brockley Cemetery and Ladywell Cemetery are also located within close proximity to the site.

Local environment

- 8 The site is split between Flood Risk Zone 3 and 2, and therefore has a high risk of flooding. It is also within an air quality management area.

Transport

- 9 The site and surrounding area has a Public Transport Accessibility Level (PTAL) rating of 5, where 0 is worst and 6b is best. It is less than 5 minutes walk to Ladywell Station and is

served by a number of frequent bus services along Ladywell Road. It is therefore considered to be well connected to surrounding public transport routes.

3 RELEVANT PLANNING HISTORY

- 10 The site is currently vacant following the demolition of the Watergate School, which was relocated to Bellingham in 2003.
- 11 An application was subsequently lodged to the London Borough of Lewisham on 30 November 2007 (Council Ref: DC/07/067610) for a travellers site (5 pitches), which was granted a three (3) year permission on 3 April 2008, however this was not implemented and subsequently lapsed in 2011.
- 12 The site contains a number of scattered trees, which are protected by a Tree Preservation Order (TPO). This was confirmed with modifications on 12 August 2008 (Council Ref: DC/17/103111).
- 13 On 24 October 2012, Mayor and Cabinet agreed that London Borough of Lewisham Officers should explore the proposals for a community led self-build scheme on the site and work with Lewisham Homes on the selection of a local organisation or community group to work on the proposal.
- 14 A report to the Housing Select Committee on 3 February 2014 set out the key issues for consideration and differing approaches for a self-build scheme. As a result it was concluded that the procurement of a community-led consortium or organisation to act as 'enabling' developer would be the most appropriate way of balancing financial, delivery, and legal issues whilst creating the opportunity to achieve new affordable housing within an innovative and community-led project.
- 15 On 11 November 2014, another report to Housing Select Committee set out how, in principle, such a development could work and outlined a proposal to take the potential development forward.
- 16 On 4 March 2015, Mayor and Cabinet agreed to the initiation of an EU compliant competitive dialogue process to select a not-for-profit community led organisation or consortium to act as the development partner to the Council for the site. It was agreed the organisation will bring together and organise residents to self-build a range of housing. This process allows the Council to balance the opportunity of an innovative community-led development whilst mitigating the potential risks to the Council by maintaining some form of control until completion of the project.
- 17 On 30 September 2015, Mayor and Cabinet (Contracts) were recommended to approve the selection of the Rural Urban Synthesis Society (RUSS) Community Land Trust (CLT) as the winning bidder for a community led self-build scheme on the Church Grove site.
- 18 The site is owned by London Borough of Lewisham and RUSS holds a Development Agreement over the site, which is linked to a 250 year lease agreement.

Extant planning permission

- 19 Planning permission was granted on 14 December 2018, (under reference DC/17/1042640 for "the construction of a part three/part four storey building incorporating balconies and a roof garden on vacant land at Church Grove SE13 comprising thirty three (33) self-build dwellings (13 x 1 bed flats, 10 x 2 bed flats, 2 x 3 bed flats, 5 x 3 bed houses, 3 x 4 bed houses), together with community facilities, shared landscaping space, car parking, secure cycle and refuse storage, alterations to the access and other associated works".

- 20 The S.106 Agreement attached to the extant planning permission secures the development as 100% affordable housing. Additionally, amongst other things, it includes an Allocations Policy at Appendix 4. The allocation policy sets out that in order to be eligible to apply for a dwelling within the Church Grove scheme, RUSS members must have a local connection to Lewisham by having lived there for at least two (2) of the last five (5) years, or currently work or study in the borough. For social rented dwellings, applicants must be on the Lewisham Council waiting list. Applicants must also be a member of RUSS at the time of the ballot and must be unable to afford to purchase a suitable home on the open market.
- 21 A number of planning conditions have been discharged against the extant planning permission (Refs: DC/19/112829 and DC/19/112091) and are set out in table 1 below.
- Temporary planning permission: Community Hub*
- 22 On 11 June 2018 planning permission was granted for “the erection of a temporary single storey building for the purpose of a shared office space and multi-use community space on land at Church Grove” (Ref: DC/18/105951). This temporary structure was constructed in 2019 and is required to be removed from the site by March 2022.
- 23 Following grant of planning permission for the main residential development in December 2018, two Non Material Amendment applications were approved (Refs: DC/19/11428 and DC/19/111594) to amend the operation hours, building materials, siting and omit the living roof from the temporary community hub.
- 24 The temporary community hub does not form part of the current application, and would remain temporary pursuant to its temporary planning permission.
- Application under s.96a (Non Material Amendment)*
- 25 A non-material amendment application (ref: DC/20/119249) in order to amend the description of development, which is not able to be achieved through the use of a s.73 application to vary conditions (as set out in section 6 below) was approved on 03 February 2021.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 26 The current application has been submitted under s.73 of the TCPA (1990) (as amended) (set out further in section 6 below). It proposes a number of amendments to the scheme consented under DC/17/104264.

The main amendments include:

- Increasing the number of units from 33 to 36 (The development would remain 100% affordable housing.)
- Simplification of the building’s form and layout
- Removal of the community space
- Elevational and other changes to accommodate the internal alteration to the units
- Replacement of the timber elements of the building’s façade and detailing with predominantly fibre cement

- Increase the height of the building by c.450mm

- 27 The principle of the development, in addition to its height, massing and design remain established and approved under the extant planning permission. The extant planning permission would not be impacted by the proposed amendments. If approved, the current application would issue a whole new planning permission with the amendments that would sit alongside the existing planning permission. The commencement date of the development would not be amended, and would remain at 14th December 2021 within a new planning permission granted under s.73 of the TCPA (1990) (as amended).
- 28 As set out above, the temporary planning permission for the community hub remains intact and its status is not impacted by the current s.73 application.

Conditions

- 29 These amendments would require a number of conditions to be updated.
- 30 In addition to the proposed amendments to the building itself, the current application also provides the details that are required for five conditions attached extant planning permission (Ref DC/17/104264)(identified with an * in table 1 below).
- 31 A number of planning conditions have been discharged, and these conditions would be updated as part of the current application to reflect those approved and revised details.
- 32 A three conditions are currently under determination as part of a separate application and as such they would remain unamended as a part of the current application, as set out below.
- 33 The details to support Condition 5 and Condition 24 were original submitted in support of the current application but were withdrawn and are being dealt with separately.

Table 1

Number	Title	Status of condition under consented scheme	To be updated as part of current application
1	Time limit	Compliance	To be implemented before expiry of three years of 14 th December 2018
2	Develop in accordance with approved plans	Compliance	N
3*	Archaeological Programme of Work	Not discharged	Y
4*	Construction Logistics Plan (Revised)	Not discharged	Y
5	Piling Operations	Not discharged	N
6	Materials and Design Quality	Compliance	Y
7	Refuse Storage	Not discharged	Y
8	Cycle Parking Provision	Not discharged	Y
9	Hard Landscaping	Not discharged	N
10*	Tree Protection Plan	Not discharged	Y
11	Soft Landscaping	Not discharged	N
12	Boundary Treatment	Compliance	Y
13	Bat/Bird Boxes	Not discharged	N
14	Electric Vehicle Charging Points	Not discharged	N

15	Living Roof	Not discharged	Y
16	External Lighting	Not discharged	Y
17	Delivery and Servicing Plan	Not discharged	N
18	Wheelchair Dwellings	Not discharged	Y
19	Car Club	Not discharged	N
20*	Window Reveals	discharged (ref:DC/19/112091)	Y
21	Plumbing and Pipes	Compliance	N
22	Construction and Delivery Hours	Compliance	N
23	Opening Hours (community centre)	Compliance	Y
24	Flood Water Storage	Under determination (ref:DC/20/119685)	N
25	Management Plan	Discharged (ref:DC/19/112829)	Y
26	Remediation Strategy	Under determination (ref:DC/20/119685)	N
27	Finished Floor Levels	Compliance	N
28	Verification Report	Not discharged	N
29	Building Separation	Compliance	N
30	River Wall	Under determination (ref: DC/20/119685)	N
31	Surface Water Drainage	Compliance	N
32	Flood Risk Assessment	Not discharged	N
33	Environment Agency Correspondence	Under determination (ref: DC/20/119685)	N
34	Contaminated Land	34a discharged (ref:DC/19/112091)	Y
35	Phase 1 Report	discharged (ref:DC/19/112091)	Y
36*	Design Code	discharged (ref:DC/19/112091)	Y
37*	Elevated Walkway Noise Mitigation	discharged (ref:DC/19/112091)	Y

* Details submitted as part of the current application.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 34 Four formal pre-application meetings took place to discuss the proposed amendments to the extant planning permission (ref: DC/17/1042640) granted on 14th December 2018.
- 35 **PRE/20/115368** – Concept meeting for possible design/density amendments to DC/17/104264 - 33 self build dwellings. Formal response sent 18.02.2020
- 36 **PRE/20/116246** – Pre-application meeting 1 for possible design/density amendments to DC/17/104264 – 33 self build dwellings. Formal response sent 01.05.2020
- 37 **PRE/20/117540** – Pre-application meeting 2 for design/density amendments to DC/17/104264. Formal response sent 05.08.2020.

38 **PRE/20/118252** -Pre-application meeting 3 for design/density amendments to DC/17/104264. Formal response sent 01.10.2020

5.2 APPLICATION PUBLICITY

39 Site notices were displayed on 21 January 2021 and a press notice was published on 09th December 2020.

40 Due to travel restrictions associated with Covid 19, a site notice was sent to a Planning Officer who resides in the local area on 08 December 2020. That notice was not received by the planning officer before they went on annual leave for Christmas period. As a result, a site notice was provided to the Applicant to display at the site on 21 January 2021 setting out the consultation period expiry for 14th February 2021. The Local Planning Authority accepts representations up to the determination period of an application.

41 163 letters were sent to residents and business in the surrounding area on 08th December 2020 and the relevant ward Councillors on 02nd December 2020.

42 39 representations were received at the time of this reports publishing comprising 15 objections and 24 comments in support.

43 Additionally, an objection from the local amenity society, the Ladywell Society.

44 Summary of themes of individual objections

Comment	Section where addressed
Traffic and parking stress would increase due to the increase in occupiers and during the construction phase due to the change in construction material which would impact the 200 year old road	7.4
The community hub is now permanent	Paragraphs 22-24
The proposals should be reconsidered by the council's conservation team	7.3.2
Proposed amendments would be aesthetically detrimental to the conservation area	7.3.2
a new application is required for listed building consents and conservation area consents	7.3.2
Over looking would increase due to the amended scheme	7.5.1
The scale of the development is not proportionate to its surroundings.	7.3 (only the amendments are subject to assessment)
The development would significantly increase in height	7.3
The increase in the building's height and density further increases loss of light and light pollution, increased over shadowing and negative impact on privacy	7.5.1
Open spaces have been reduced and less space would be publically accessible and	7.3.3

gates would remove access to the local community	
The current proposal is vastly removed from the original accepted application and the amendments are not minor	6 (and assessed throughout report)
Roof terraces should not be used for amenity as they would cause overlooking and potentially dangerous for children	Paragraph 145 and 7.5.1
Lack of suitable access for emergency services with incorrect documents being submitted, and oversight in relation to fire regulations or consultation with LFB, also taking into account vulnerable residents	223-227
The changes have been rushed through without the correct notice period and consultation was not long enough	5.2
The risk of flooding has not been appropriately addressed	7.6.3
There are land contamination issues outstanding at the site	7.7.3
The daylight and sunlight report that has been submitted is inaccurate	7.5.2
There would be a conflict of road users on church grove	7.4
There is not attempt to address noise or light pollution or impact on ecology at the site	7.7
Boundary details are unclear in terms of how they relate to the conservation area	7.3.2
The applicant has requested to discharge all pre-existing conditions	Condition are located at the end of the report.

45

A number of other comments were also raised as follows:

- The houses do not have foundations and the road is narrow which could cause damage to the properties, which would increase as a result of the change in construction material
- Silver birch trees can cause allergies
- An underground storage facility for the storage of flood water would necessitate heavy plant with the potential to damage houses
- Concern regarding the operation and conduct of RUSS and their engagement with the wider community
- The development is no longer self-build
- The council is financially invested in the site and should not be determining the application
- Residents would put laundry on their balcony which could create a 'slum' like appearance
- The project is not viable and there is a shortfall in funding
- People could still be working from home on the commencement of construction due to Covid 19 and would be disrupted.
- The fibre cladding proposed is only durable for 60 years.
- The provision of a concrete is unacceptable and impacts the scheme's environmentally friendly credentials

- 46 The Ladywell Society have also objected to scheme. Their comments are identified in the table below:

Comment	Para where addressed
Objection consistent with objection to the 2017 scheme due to the height of the building, and the increase in height proposed. Four storeys would be an overbearing presence in the streetscape.	7.3 (only the amendments are subject to assessment)
The bridges linking the two buildings is considered to be inappropriate.	7.3 (only the amendments are subject to assessment)

5.2.1 Comments in support

- 47 24 comments were received in support of the scheme.

- The development would bring much needed affordable housing in perpetuity above the amount previously approved
- The development is well considered an inclusive
- It would be for local people
- It is community led housing
- The river area would be improved
- The amendments ensure the scheme would be built within the tight budget.

5.2.2 Local Meeting

- 48 Due to the number of objections received, a local meeting was held on 28th January 2021. The minutes of that meeting are attached to this letter at Appendix 1.

5.3 INTERNAL CONSULTATION

- 49 The following internal consultees were notified on 02 December 2020.

Environmental Protection

- 50 Land Contamination – raised no objections.

- 51 Noise – raised no objections.

- 52 Air Quality- raised no objections.

- 53 Sustainability – raised no objections subject to clarifications being provided (see section 7.6 below)

- 54 Ecology – raised no objections subject to condition being amended and an informative added (see section 7.7.1 below)

- 55 Flood Risk and Drainage – This is to be dealt with under condition 24 of ref:DC/17/104264, and an application is currently under determination DC/20/119685 (see section 7.6.3 below)

- 56 Highways – raised no objections that are material to the proposed amendments (see section 7.4 below)
- 57 Conservation - raised no objections subject to clarifications regarding hard and soft landscaping. (see section 7.3.2 below)
- 58 Urban Design – raised no objections subject to conditions pursuant to material quality. (see section 7.3 below)
- 59 Housing – support the increase in proposed affordable housing. (see section 7.2 below)
- 60 Trees – no objection material to the proposed amendments subject to slight alterations to the tree protection plan and hard landscaping surrounding temporary community hub, and general hard and soft landscaping scheme. (see section 7.7.2 below)

5.4 EXTERNAL CONSULTATION

- 61 The following External Consultees were notified on 02 December 2020 and 07 January 2021:
- 62 Environment Agency – Remaining issued to be dealt with under condition 24 approved under DC/171042640, and an application is currently under determination DC/20/119685 (see section 7.6.3 below)
- 63 Thames Water – The piling condition has been withdrawn and therefore a response from Thames Water is not required.
- 64 Historic England (Archaeology) GLAAS – No objection subject to compliance with the submitted written scheme of investigation (see section 7.3.2 below)
- 65 Met Police – Update to secure by design informative requested.
- 66 London Fire Brigade – set out that part B5 of the current building regulations should be complied with.

6 POLICY CONTEXT

6.1 LEGISLATION AND MATERIAL CONSIDERATIONS

- 67 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).
- 68 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

Applications under s.73 of the TCPA

- 69 S.73 of the Town and Country Planning Act (1990) (as amended) allows for applications for planning permission to be made for the development of land without complying with conditions subject to which a previous planning permission was granted. There is no definition within legislation that limits the scope of an application under s.73. Guidance for determining S.73 applications set out in the National Planning Practice Guidance (NPPG) states that an application under s.73 is an application for a “minor material amendment”,

“whose scale and nature results in a development which is not substantially different from the one which has been approved”¹ (emphasis added).

- 70 It is further stated within the NPPG that the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered. Having said that, when determining the application the Local Planning Authority (LPA) has to consider the application in the light of current development plan policy. The LPA therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.
- 71 In this case, there has been no relevant shift in adopted planning policy and the adopted development plan. The Publication London Plan (PLP) (December 2020) is further progressed than at the time of the original planning permission and is now post examination and as of 29th January 2021 the Secretary of State has confirmed that the PLP is in a position to be Adopted. As a result substantial weight can be applied to its policies where no amendments are sought by the Secretary of State. However, until it is adopted it remains a material consideration, rather than development plan policy. As such its weight is relative to its non- adopted status, unless it is adopted by the date of the planning committee on 18th February 2021, in which case its policies shall have full weight.
- 72 The proposed changes will therefore be assessed in accordance with the relevant national, regional and local policy and guidance, detailed within the Committee Report for the original planning permission, London Borough of Lewisham (LBL) reference DC/17/104264 dated 7th June 2018.
- 73 Returning to the scope of applications under s.73 of the TCPA (1990) (as amended), there exists a large amount of case law. The most recent relevant Judgement was handed down from the court of Appeal in November 2019; ‘Finney v Welsh Ministers & Ors’². In this judgement, Lewison J refers to the correct interpretation of s.73 as that by Collins J, in the 2017 ‘Vue’³ judgement, who at paragraph 19 states “*It is, I suppose, possible that there might be a case where a change of condition, albeit it did not seek to vary the permission itself on its face, was so different as to be what could properly be described as a fundamental variation of the effect of the permission overall.*” (emphasis added).
- 74 The ‘fundamental variation’, reiterated by Lewison J in the ‘ Finney’ Judgement further clarifies that this test should be applied when assessing the scope of amendments proposed through the use of a s.73 application.

Description of development

- 75 In the ‘Finney’ judgement, Lewison J also sets out that s.73 only confers the power to vary conditions and not to alter the operative part of the planning permission ie. The description of the development. However, Lewison J goes on to set out that s.96a can use to alter the description of development, provided the alteration to the description of development is not material. As a result a separate application has been submitted and approved (ref:DC/20/119249 as identified above to amend the description of development.

1.1 ¹ 017 Reference ID: 17a-017-20140306

1.2 ² Finney v Welsh Ministers & Ors (Rev 1) [2019] EWCA Civ 1868 (05 November 2019)

1.3 ³ Vue Entertainment Ltd, R (on the application of) v City of York Council [2017] EWHC 588 (Admin) (18 January 2017)

6.2 MATERIAL CONSIDERATIONS

- 76 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. The NPPG is a material consideration in the determination of applications.
- 77 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.
- 78 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

- 79 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

- 80 Lewisham SPG/SPD:
- Planning Obligations Supplementary Planning Document (February 2015)
 - St Mary's Conservation Area Supplementary Planning Document (2006)
 - River Corridor Improvement Plan SPD (2015)
- 81 London Plan SPG/SPD:
- Sustainable Design and Construction (April 2014)
 - Character and Context (June 2014)
 - The control of dust and emissions during construction and demolition (July 2014)
 - Housing (March 2016)

- Homes for Londoners: Affordable Housing & Viability (August 2017)

6.6 OTHER MATERIAL DOCUMENTS

- Publication London Plan (December 2020): As set out above, on 29th January 2021, the Secretary of State wrote to the Mayor of London confirming all necessary directed modifications to the Intent to Publish London Plan (December 2020) had been conformed with, and confirmed the new London Plan could now be published. The Publication London Plan (December) is now a material consideration with very substantial weight when determining planning applications.

7 PLANNING CONSIDERATIONS

82 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy and Statutory Context

- 83 The statutory and policy context of an application under s.73 of the TCPA (1990) (as amended) is set out above in section 6.

Discussion

- 84 The principle of development has been established by the extant planning permission (ref: DC/17/104264) that this application seeks to vary.

- 85 The only assessment to be made is in relation to the proposed amendments and whether they;

- Comply with the Development Plan and any relevant material considerations.
- Do not represent a fundamental variation from the extant planning permission.

Removal of community 'hub'

- 86 The community hub would be removed as part of the proposed amendments. This was not a requirement in order to make the extant scheme acceptable in principle and its removal has facilitated the provision of more affordable homes, and an improved building form (addressed below).

- 87 There remains a temporary community 'hub' which would be unaffected by the proposals.

- 88 An ancillary officer area for use by residents would be available at first floor.

7.1.1 Principle of development conclusions

- 89 For completeness, the principle of development has already been established and its assessment is not relevant to this application under s.73 of the TCPA (1990) (as amended).

7.2 HOUSING

- 90 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

7.2.1 Contribution to housing supply

Policy

- 91 National and regional policy promotes the most efficient use of land. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 92 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.
- 93 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality matrix.
- 94 The London Plan is clear that it is not appropriate to apply the matrix mechanistically (para 3.28). The Mayor's Housing SPG (2016) elaborates that the density matrix should be a starting point and a guide rather than an absolute rule (para 1.3.8). DMP 32 reflects this approach. The emerging Draft London Plan takes this approach further, removing the density matrix and focusing on a design-led approach in accordance with the PLP Policy D2.
- 95 The PLP Policies H1 and D6 support the most efficient use of land and development at the optimum density. Defining optimum density is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.
- 96 The current London Plan sets an annual target for Lewisham 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, which equates to an annualised average of 1,667 new homes per year.

Discussion

- 97 As set out above, the planning assessment only relates to the acceptability of the proposed amendments. In terms of the proposed amendments contribution to housing supply, an additional three affordable units would be provided. This a material benefit of the proposed amendments.
- 98 This would represent an 8% increase (from 33 to 36 units), and officers consider this would not be a fundamental variation from the extant planning permission.

7.2.2 Affordable housing

Percentage of affordable housing

Policy

- 99 The NPPF expects LPAs to specify the type of affordable housing required (para 62).
- 100 LPP 3.10 defines affordable housing. LPP 3.12 states the maximum reasonable amount of affordable housing should be sought, having regard to several criteria in the policy.
- 101 CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.
- 102 PLP H5 sets a threshold level of affordable housing at a minimum of 35%, increasing to 50% for public sector land or Strategic Industrial Locations This applies to the entire site which is in the ownership of the London Borough of Lewisham.

Discussion

- 103 The proposed amendments would continue to provide 100% affordable accommodation, and would increase the affordable provision by three units. This a material benefit of the proposed amendments as set out above.

Affordable housing tenure split and dwelling size mix

Policy

- 104 The tenure split and dwelling size mix of affordable housing is prescriptive. LPP 3.9 promotes mixed and balanced communities. LPP 3.11 sets a tenure split of (i) 60% Social or Affordable Rent and (ii) 40% intermediate housing. The PLP at H6 differs with (i) 30% low cost rented homes – Social Rent or London Affordable Rent; (ii) 30% intermediate products – London Living Rent or London Shared Ownership; and (iii) the final 40% to be determined by the LPA based on identified need, with an expectation that will focus on Social Rent/London Affordable Rent).
- 105 CSP1 expects 70% to be Social Rent and 30% intermediate housing. This is consistent with PLP H6. The Lewisham Planning Obligations SPD (2015) allows for some flexibility to reflect site context (para 3.1.52).
- 106 CSP1 also expects 42% of the affordable housing offer to be family dwellings (3+ bedrooms). DMP7 gives priority to providing family dwellings in the rented housing. The Lewisham Planning Obligations SPD (2015) states 16% of any intermediate housing is family-sized (para 3.1.47) with the remainder as socially rented. It also sets affordability thresholds for intermediate housing (para 3.1.64 and table 3.1).

Discussion

- 107 The proposed amendments in comparison to the extant planning permission are set out in tables 2 and 3 below.

Table 2: Proposed Tenure Mix by Dwelling Size*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	0	0	0	0	0
Social Rent	4 (2)	2 (1)	0	0	6(3)
London Living Rent (LLR)	0	0	2	0	2
Shared Ownership	1	4	4	3	12

Shared Equity	9	7	0	0	16
Total	14 (2)	13 (1)	6	3	36 (3)

*M4(3) units shown in ()

Table 3: Extant Tenure Mix by Dwelling Size*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	0	0	0	0	0
Social Rent	4(2)	0	0	1(1)	5(3)
London Living Rent (LLR)	0	0	2	0	2
Shared Ownership	1	4	5	2	12
Shared Equity	8	6	0	0	14
Total	13 (2)	10	7	3 (1)	33 (3)

*M4(3) units shown in ()

108 The proposed development would make the following amendments

- Replace the 1(1) x four bedroom social rented unit with 2(1) x two bedroom social rented units (increase of +1 unit).
- Reduce the size of one of the shared ownership units from four bedroom to three bedroom. (increase of +0 units)
- Provide an additional 1 x 1 bedroom and and 1 x 2 bedroom shared equity unit. (increase of +2 units).
- The LLR mix and number would remain unchanged.

109 The translation of this into the dwelling size mix is set out at table 4 below. This shows that the mix of units would transfer from 30% family sized dwellings, to 21% family sized dwellings. Whilst the mix would be skewed towards smaller dwellings, of the greater proportion of two bedroom dwellings (3 more in total), one would be 2 bedroom 4 person (And would be M4(3)) and as such could suitable for a small family.

Table 4: Dwelling Size Mix*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
No. (proposed)	14	13	6	3	36 (3)
%	39%	36%	17%	8%	100% (8%)
No. (extant)	13	10	7	3	33 (3)
%	39.4%	30.3%	21.2%	9.1%	100% (9%)

*M4(3) units shown in ()

110 Whilst larger units are preferred by development plan policy, it is not considered that the transfer of one 3 bedroom unit to become a two bedroom unit would result in a fundamental variation to the proposed scheme. Furthermore, the Council's housing team are fully supportive of the proposed increase of affordable units and mix arrangement.

Summary of Affordable housing

- 111 The proposed amendments would still provide 100% affordable housing, and increase the number of units by 8% from 33 to 36 units through rationalising the scheme's floor plans and slightly altering the unit mix.
- 112 Whilst the mix now favours smaller units, the proposals are supported by the Council's housing team and the PTAL 5 location is also judged suitable. Additionally for the reasons set out above, the proposed amendments are not considered to be a fundamental variation to the extant scheme.

7.2.3 Residential Quality

General Policy

- 113 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 SPG2016, GLA; Alterations and Extensions SPD 2019, LBL).
- 114 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

- 115 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and includes space suitable for children's play.
- 116 With regard to private amenity space, Standard 4.10.1 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

- 117 The residential units within the extant scheme exceeded minimum space standards.
- 118 The proposed units would still exceed minimum space standards.

Outlook & Privacy

Policy

- 119 Standard 29 in the Mayor's Housing SPG identifies that developments should minimise the number of single aspect dwellings, and states that single aspect dwellings that are either north facing, exposed to significant noise levels, or contain three or more bedrooms should be avoided.
- 120 Emerging DLPP D1(8) requires development to achieve "appropriate outlook, privacy and amenity".
- 121 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

- 122 The proposed amendments would not result in a materially different situation in terms of outlook at privacy for future residents given their arrangement within the buildings form takes the same approach as the extant scheme

Daylight and Sunlight

Policy

- 123 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 124 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 125 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

- 126 The extant scheme achieved, of the 107 rooms tested, 103 rooms (over 96%) in compliance with the BRE guidelines for DD while 102 rooms (over 95%) would comply with the BS/BRE guide levels for ADF.
- 127 109 rooms were tested in respect of the proposed amendments across both blocks. The ADF analysis shows a total of 80 (73%) rooms would fully comply with the BRE Report guidance for their room uses. This includes 38 rooms in multiple use (LKD's) and 71 bedrooms. Review of the proposed development floorplans shows that the living spaces are often in combined use with the dining space and the kitchens. Rooms inclusive of living space, kitchens and diners (LKDs), particularly in urban areas, can be assessed against an ADF target of 1.5% (target for living space).
- 128 Applying the alternative ADF guidance would increase the overall compliance rate to 88 (81%) of the rooms tested. Transgressions, where they are noted, are predominantly attributable to the provision of balconied amenity space.
- 129 Whilst there would be a slight reduction of the daylight received by some units, this is due to the increased in private balcony space. As such this is considered acceptable in this instance, and a satisfactory level of natural lighting would be provided. Furthermore, as a result of this it is not considered to represent a fundamental variation from the extant scheme.

Noise & Disturbance

Policy

- 130 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.
- 131 With regard to internal noise levels, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.
- 132 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 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night (2300-0700).

- 133 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

- 134 The council's environmental protection officer raised no objection to the proposed amendments in terms of future occupiers. They are satisfied that there would therefore be no fundamental variation to the scheme in terms of the noise environment.

Accessibility and inclusivity

Policy

- 135 LPP 3.8 and PLP D7 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'

Discussion

- 136 The number of M4(2) units would remain unchanged.
- 137 The proposed amendments would not change the number of M4(3) units, however rather than providing 2 x 1 bedroom units and 1 x 4 bedroom units, the scheme would provide 2 x 1 bedroom units and 1 x 2 bedroom units as M4(3) (2 bedroom 4 person). This has enabled the provision of an additional 2 bedroom social rented unit (although not to M4(3)) standard.
- 138 Due to the number of units increasing to 36 from 33, the percentage of M4(3) units would reduce marginally to 8% from 9%.
- 139 The M4(3) units would be let out social rent, which is unchanged from the consented scheme. Blue Badge parking spaces would be provided for these units.
- 140 The proposed amendments are therefore considered acceptable and not considered to result in a fundamental variation to the consented scheme in respect of accessibility and inclusivity.

External space standards and children's play space

Policy

- 141 LPP 3.6 states that housing proposals should make provision for play and informal recreation.
- 142 Standard 4 within the Mayor's Housing SPG identifies that where communal open space is provided, it should be well overlooked, accessible to those who require level access and wheelchair users, designed to take advantage of direct sunlight, and have suitable management arrangements in place.
- 143 The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divide the requirements of children's play space into three categories: (i) under 5s, described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) children 12 plus.

Discussion

- 144 In terms of private external amenity space, this would predominantly be located at the entrance to the dwellings along the deck access. This is the approved situation and is unique to the scheme, which is seeking to promote interaction between residents. The remaining private external amenity space would be provided as balconies, again, as it the situation with the extant scheme.
- 145 The amount of open communal space has decreased as a result of the location of the temporary community hub which is on the north eastern corner of the site, and removal of the roof garden. The location of the playground would therefore be adjusted to the developments northern elevation closer to the Ravensbourne River.
- 146 The site is also located adjacent to Ladywell Fields which has extensive play and informal recreation opportunities. Furthermore, the temporary hub is required to be removed by 2022.
- 147 This slight decrease in the amount of communal open space in the context of the temporary nature of the hub and the proximity to Ladywell Fields would not therefore result in a fundamental variation to the extant scheme.

Summary of Residential Quality

- 148 Taking into account the assessment above, Officers do not consider the proposed amendments would be acceptable would not result in a fundamental variation to the consented scheme in terms of residential quality.

7.2.4 Housing Conclusion

- 149 Taking into account the assessment above, Officers consider that the proposed amendments would comply with the development plan as a whole.
- 150 Furthermore T, Officers do not consider the proposed amendments would result in a fundamental variation to the consented scheme in terms of housing.

7.3 URBAN DESIGN AND HERITAGE ASSETS

General Policy

- 151 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.

7.3.1 Appearance and character

Policy

- 152 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 153 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.
- 154 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.

Discussion

- 155 The appearance and character of the building in relation to the local area would be amended only in respect of the matters set out below.

Form, Siting, Scale and Layout

Policy

- 156 LPP 7.1(d) states the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.
- 157 LPP 7.4 states that buildings, streets and open space should provide a high-quality design that has regard to pattern and grain of the existing building spaces and street, scale, proportion and mass. LPP 7.6 states that buildings should be of proportion, composition, scale and orientation that enhances activates and appropriately defines the public realm and further states that the building form and layout should have regard to the density and character of the surrounding development.

Discussion

- 158 The Council's principal urban design officer was consulted in respect of the application and was heavily involved in pre-application discussions for the proposed amendments. Their comments are incorporated into the assessment below.
- 159 The form of the building has been simplified particularly on the elevation facing the Ravensbourne River. This would result in less visual interest on that elevation. However, this is not considered to represent a fundamental variation from the approved scheme. The extant scheme is identified on the image below using a red dotted line to enable comparison to the proposed amendments.

160 In terms of siting, the proposed eastern block is proposed to sit further away from Church Grove. This is as a result of the community space being removed from the internal building envelope of the eastern block, and it currently being provided in the temporary community hub. As set out previously, the temporary community hub does not form part of this application and shall remain temporary.

161 As a result of these amendments, it is considered that the site layout of the eastern block has improved from the extant scheme as there is less of a 'pinch point' at its entrance due to the block being set back.



162 The amendments to the elevational treatment are set out at sections 8.11-8.14 of the Design and Access Statement. There are a number of 'tweaks' as a result of amendments to the layouts of the units within, which have been rationalised.

163 The increase in height of c.450mm would not have an increased impact in terms of urban design.

164 Officers therefore consider that the amendments to the elevational treatment would not result in fundamental variation to the approved scheme in respect of form, siting, scale and layout. Furthermore, although the form of the northern elevation has been simplified it is in fact considered that the building frontage on its southern elevation has improved from the extant scheme and as a result would continue.

Detailing and Materials

Policy

165 Attention to detail is a necessary component of high quality design. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. Materials should be practical, durable, affordable and attractive. The colour, texture, grain and reflectivity of materials can all support harmony (NPPG).

166 Paragraph 130 of the NPPF sets out that Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

167 LPP 7.6 expects the highest quality materials and design appropriate to context

Discussion

168 One of the main reasons for the submission of the subject application for amendments to the extant permission is due to the materiality of the approved development which is predominantly timber on the elevations facing Church Grove and the flank elevations of the two buildings. Officers acknowledge that there is currently some legislative uncertainty regarding the approach to the cladding of flatted development in terms of fire safety.

169 Notwithstanding this, amendments to a scheme's materiality would only be considered acceptable by officers if it is considered that the quality of the building's appearance is maintained as a result of the proposed replacement per paragraph 130 of the NPPF. Any such change to a lesser quality would be considered a 'fundamental variation' to the extant scheme.

170 During the three detailed pre-application meetings the proposed materiality was discussed at length specifically in terms of how a non-timber material could achieve the subtle hues that would be present through the use of timber as part of the consented scheme. For clarity, the profiled metal cladding for the northern elevation is not proposed to be amended.

171 As a result of these discussions, three different shades of fibre cement panels have been proposed. Small samples were provided to officers during the determination period of the application. Officers consider that the 3 types of panels proposed (identified below) have subtle variation from each other in terms of their texture and colour and it is considered that they could be suitable replacement to timber for the building's elevations (depicted below).



172 The regular stretcher bond pattern is supported for the design of the fibre cement panels as this allows the facades to have a subtle appearance. Nails as shown on one of the

precedents of fibre cement cladding on page 2 of the design and access statement should not be visible as they would create a cluttered appearance. Invisible fixings would be required.

173 Whilst the fibre cement panels are considered acceptable in principle, it is considered that further information is required regarding the proposed location of each of the 3 textured panels on the façade. As a result of this, the provision of 2 x 1m by 1m sample panels would be secured through the use of an updated materials condition for these to be provided prior to above ground works, in addition to other elevational details.

174 Taking into account the assessment above, officers consider that the detailing and materiality of the scheme would be acceptable, and would not result in a fundamental variation from the approved scheme.

Conditions 36 (Design Code) and 20 (window reveals)

175 These conditions have already been discharged (DC/19/112091). The amendments to these details are as a result of the proposed amendments to the extant scheme's cladding. Officers have reviewed the revised details in this context and consider them to be acceptable.

7.3.2 Impact on Heritage Assets

Policy

176 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

177 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

178 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

179 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

180 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

181 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

182 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

Discussion

- 183 The Council's senior conservation officer has reviewed the proposed amendments. It is important note the conservation officers did not object to the extant scheme.

Significance

- 184 In terms of significance, the site lies outside but adjacent to the northern boundary of St Mary's Conservation Area, focussed on the area around the parish church which lies on the east bank of the Ravensbourne, and Edwardian civic development at the junction with Lewisham High Street.
- 185 As a result the development would impact on the setting of residential houses on either side of Church Grove. These are unlisted but make a positive contribution to the CA and as such are Non-Designated Heritage Assets (NDHA).
- 186 The development would also be partly visible from Ladywell Playtower, and vice versa. Church Grove creates an axis with these two sites at either end. Whilst this site could be said to be in the setting of Ladywell Playtower, it is considered that the significance of it to the Listed Building's significance is marginal and that townscape impact is more relevant.

Proposed amendments to the building

- 187 As set out above, the southern elevation would be pulled away from the end of Church Grove on both sides, slightly increasing the distance between the NDHAs and the new building. This would have a minor impact but nonetheless will help mediate between the heights of the two groups.
- 188 The 450mm increase in height would not result in unacceptable impact on the setting of the NDHAs on Church Grove. The previously proposed height difference was not considered harmful and sufficient gap exists for this small increase in height not to result in an uncontextual response to the terraced houses.
- 189 In terms of the proposed amendment to the materiality of extant scheme from timber to fibre cement is considered that, as revised through pre-app discussions, small modules in varied natural tones would not harm the setting of the nearby heritage assets.
- 190 The retention of the stepped footprint of the bridge link is beneficial as this provides architectural interest in the key location where the structure will be most visible at the end of the Church Grove axis and prevents this structure appearing too flat.

Proposed amendments to hard and soft landscaping

- 191 The Conservation officer considered the provision of urban greening would additionally help in creating a natural setting for the development, as befits its riverside location. However it was noted that the landscaping proposed around the entrance of the site looks rather hard as approved and it is consider that more lush and verdant planting that reflects the riverside context of the site and the adjacent CA should be proposed.
- 192 A mature tree on the river bank is currently visible in views towards the north end of Church Grove, and this contributes significantly to greening of the street, along with the many small but well planted front gardens. The tree will remain but will be substantially obscured from view by the bridge link. The landscaping plan doesn't show a tree that would re-provide this effect on Church Grove and it is therefore suggested that a new tree at the entrance to the site should be investigated (In the area marked 7 on the landscaping plan. This is considered to mitigate the loss from view of the existing tree, effectively signalling the green credentials of the site and would also contribute positively to the appearance of Church Grove and the setting of the heritage assets.
- 193 The entrance area marked 7 (revised as 6 on most up to date plan rev D) on the landscape plan is a large area proposed to be resin bound gravel. Concern was raised that this would

result in an unnecessary transition from the existing streetscape materials that could end up appearing messy and unconsidered. It would be preferable if there was seamless surface treatment here so as to reinforce the existing streetscape and better knit the new into the historic.

- 194 Officers note that hard and soft landscaping details are already secured through the use of the hard and soft landscaping conditions. As a result of the Conservation Officers feedback the applicant was asked to remove materials and species specifications from the approved plans.

Archaeology

- 195 The applicant submitted details in support of the application to address the details requested as part of condition 3.
- 196 GLAAS were consulted and confirmed that the details submitted were acceptable. The condition would therefore be amended to secure compliance with the WSI, and the submission of the reporting to the LPA.

Summary

- 197 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of St. Mary's Conservation Area.
- 198 However whilst the council's senior conservation officer has no in principle objection to the proposed amendments, details would be secured ensuring the hard and soft landscaping relates to Church Grove and the riverside characteristics of the CA.
- 199 The proposed amendments are not therefore considered to be a fundamental variation from the extant scheme in terms of their impact on the surrounding Heritage Assets.

7.3.3 Public Realm

Policy

- 200 Streets are both transport routes and important local public spaces. Development should promote accessibility and safe local routes. Attractive and permeable streets encourage more people to walk and cycle.
- 201 LPP 7.5 relates to public realm and expects public spaces to among other things be secure, accessible, inclusive, connected, incorporate the highest quality design and landscaping. LPP 7.18 and PLP G4 support the creation of new publicly accessible green and open space, and London Plan policies on the Blue Ribbon Network seek to improve access to the waterways, which is reflected in PLP SI16 'Waterways – use and enjoyment'.
- 202 DM Policy 35 'Public realm' requires that public spaces should be designed to be safe, inclusive, accessible, attractive and robust, enhancing existing connections and providing new connections as appropriate. Existing local connections that are valued and contribute to the distinctiveness of the area's public realm and streetscape should be enhanced. The policy requires that street paving and furniture, public art and street signage should be well designed using high quality materials, be sited to minimise visual clutter, provide legible signage and allow level and safe passage for all including people with disabilities including the careful design of shared surfaces with cyclists.
- 203 DM Policy 25 'Landscaping and trees' requires that all major applications are accompanied by a landscape scheme comprising a landscape plan and a five year landscape

management plan detailing the provision, management and maintenance of high quality hard and soft landscapes and trees.

Discussion

- 204 The council's urban design, conservation, and tree and landscape Officers made comments on the proposed amendments in respect of the hard and soft landscaping proposed and access arrangements. There is a commitment that new developments facing the river provide public access to and along the river frontage as stated in the River Corridor Improvement Plan SPD (2015).
- 205 The applicant has stated that public access would be preserved, but unlocked gates would be provided as a secure by design feature, increasing defensible space.
- 206 It is considered that all other details that were not approved under the extant scheme can be secured through the existing hard and soft landscaping conditions, and an amendment to the boundary treatment condition to secure the details of the gates.
- 207 It is noted that the EA requires to know the areas of permeability, and therefore the details would be preserved specifications only. It was requested that specifications were removed from the submitted plans to allow this consideration under the existing planning conditions.

7.3.4 Urban design and heritage conclusion

- 208 Taking into account the assessment above, Officers consider that following the extensive pre-application engagement the proposed amendments would maintain the design quality of the extant scheme and would preserve the setting of St Mary's Conservation Area relative to its significance.
- 209 Furthermore, as a matter of planning judgement officers do not considered the proposed amendments would result in a fundamental variation to the extant permission in terms of urban design and impact on heritage assets.

7.4 TRANSPORT IMPACT

General policy

- 210 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.
- 211 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”.
- 212 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.
- 213 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

7.4.1 Access

Policy

- 214 The NPPF requires safe and suitable access for all users. Paragraph 108 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.
- 215 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will adopted; and that car-free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street.
- 216 DMP 29 identifies that car limited major residential will be supported in areas with a PTAL of 4 or above and that amongst other factors development should not have a detrimental impact on on-street parking provision in the vicinity. It outlines that measures such as car-clubs and cycle storage will be expected to ensure that sustainable transport modes are encouraged.

Discussion

- 217 The Councils Highways and Transport team made comments on the proposed amendments and these comments are incorporated below.

Courtyard

- 218 Access would not be altered as a result of the proposed development.
- 219 The applicant set out that swept path diagrams have been provided for use of the parking spaces by a large car and for the turning of a 7.5T box van. These manoeuvres require vehicles to reverse across the courtyard space which is the only entrance to the site for pedestrians and cyclists. There is no separate entrance or segregated path which could

lead to conflict and has potential safety implications. As a result Highways Officers commented that consideration to the redesign of the entrance and courtyard should be given.

- 220 However, the proposed amendments to the extant scheme do not proposed any amendments to the approved access. As a result, it is not considered within the scope of this application to seek amendments to the proposed access. Officers therefore consider that this access remains acceptable.
- 221 Notwithstanding this, the applicant has proposed to the following measures to assist in the safe operation of the courtyard; road markings, colour changes and signage can be used to demarcate the likely pedestrian/cyclist desire lines and alert drivers to the presence of possible pedestrian/cyclist movements. These are considered reasonable and would be secured through the hard landscaping condition.

Fire access

- 222 A number of objections to the scheme raised concern regarding access for emergency vehicles along Church Grove. Whilst access is not proposed to be amended as part of the proposed amendments, the applicant has provided additional information to further satisfy the Council that satisfactory access can be achieved.
- 223 This assessment was undertaken for both the extant planning permission and the proposed amendments at Church Grove. Swept path analysis was requested with both applications to demonstrate that a fire appliance and refuse vehicle can access the application site. The swept path analysis was provided for a 7.9m fire appliance (that is 2.5m wide), and a 11.2m refuse vehicle (that is 2.45m wide). The swept path analysis provided for the applications demonstrated that a fire appliance, and a refuse vehicle are able to access the application site.
- 224 In Highways terms, the access arrangements for both the extant and proposed amendments are required to comply with the design standards in Government's The Manual for Streets guidance document. The Manual for Streets requires 'new streets' to be a minimum of 3.7m wide (kerb to kerb measurement), this is required to provide operating space at the scene of a fire. But, the guidance states "to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances";
- 225 Measurements of the Church Grove carriageway that were provided (along the length of the fire appliance route) confirm the 'existing street' design does comply with the minimum 2.75m width requirement referred to in the Manual for streets guidance. The width of Church Grove is 4.6m (kerb to kerb), but the width has been reduced for most of its length to 2.8m to provide on-street parking for existing Church Grove residents.
- 226 Therefore, for the reasons outlined above and in consideration of the Highways assessment of the scheme, the access strategy for the application site is unobjectionable.

7.4.2 Local Transport Network

Policy

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

Discussion

- 228 The development would be car free, and therefore the increase in the number of residents as a result of the additional three units would not have a material impact on the local transport network.

7.4.3 Servicing, refuse and emergency vehicle access

Policy

- 229 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 230 LPP 6.13 requires schemes to provide for the needs of businesses and residents for delivery and servicing and LPP 6.14 states that development proposals should promote the uptake of Delivery and Service Plans.
- 231 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.
- 232 CSP 13 requires all major development to submit and implement a site waste management plan, and to provide well designed recycling facilities for all proposed uses.

Discussion

- 233 The proposed development would provide 6 Eurobins. The Council's Highways and Transport team commented that one bin storage area for 3 x Eurobins has been provided for each block and that this would be insufficient for 18 households on the basis that each household requires 180L for refuse and 240L for recycling. They also commented that there is no detail in the application to explain who will move the Eurobins to/from the temporary holding area.
- 234 Following this the applicant clarified the calculations that led to the refuse calculations. As a result the Highways officer agreed that these are acceptable.
- 235 In terms of waste management, the applicant responded that RUSS would be maintaining the site in conjunction with a resident led management group, as part of RUSS's community-led housing principles. The Eurobins would be part of this management plan, and would be moved by a site caretaker (who would either be a resident or a paid employee).
- 236 This would be the situation with extant scheme and has not been amended as part of the proposed scheme. As result, it is not considered within the scope of this application to seek amendments to the proposed access. Officers therefore consider that this access remains acceptable.

7.4.4 Transport modes

Walking and cycling

Policy

- 237 PLPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

238 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

239 The number of cycle parking spaces is proposed to be increase from 62 to 66 cycle parking spaces which would comply with the PLPP Policy T5.

240 It was clarified on request of the Highways and Transport team that the scheme's landscape architect is aware that the majority of cycle parking are required to be Sheffield stands, in accordance with the London Cycle Design Standards. A planning condition require these details is attached to the extant planning permission and would also be attached to a permission granting the proposed amendments.

Car clubs and Private Cars (include disabled and electric charging points)

Policy

241 LPP 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.

242 PLPP T6 states that 20% of parking spaces should be provided with Electric Vehicle Charging points with the remaining spaces providing passive provision

243 CSP 14 states that the Council will take a restrained approach to parking provision. DMP 29 requires wheelchair parking to be provided in accordance with best practice standards and London Plan Standard 18 requires designated wheelchair accessible dwellings to have a designated disabled car parking space.

Discussion

244 Three blue badge spaces would be provided in accordance with the requirements of the M4(3) units. An additional space would be provided which would act as a 'car club' for occupiers of the proposed.

245 LBL's Highways and Transport team requested further information on the nature of the car club space, given it is indicated that there has not been take up so far from a car club operator.

246 The applicant confirmed that the intention remains to provide a Car Club space at this location, whether it be a private car club or a known operator. Confirmation was provided that, until a Car Club vehicle is in place, the space will be marked/blocked off by Travel Plan Coordinator to prevent its use. An updated plan has been provided to clarify this.

247 The Design & Access Statement mentioned that the temporary refuse holding area could "double up" as an area for electric vehicle charging. These uses are conflicting and would be inappropriate for a car free development. If electric vehicle charging is to be provided, this could be installed at one or more of the blue badge bays.

248 The applicant has responded to this by stated that it would not be possible for a resident to park their car within the car club bay (or elsewhere) due to the car free nature of the scheme secured under schedule 4 of the s106 Agreement. However officers note that the car free covenant restricts the ability for future occupiers to receive a parking permit. It does not restrict their ability to park on private land (such as the subject site).

249 It is therefore considered necessary to impose a condition requiring a parking management plan to be submitted setting out that the no other car parking is permitted within the

development, other than the car club bay (for car club use only), and the three blue badge spaces.

Construction logistics management plan

Policy

- 250 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).

Discussion

- 251 The construction logistics management plan required under condition 4 has been submitted in support of the application. The highways and transport team confirmed that these details are acceptable and the condition would therefore be amended to compliance accordingly.

7.4.5 Transport impact conclusion

- 252 Taking into account the assessment above, the proposed development would be acceptable and the additional three units would not result in a fundamental variation to the extant scheme in terms of their impact on Highways and Transport matters

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 253 PF 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.
- 254 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).
- 255 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. LPP 7.7 states that tall buildings should not affect their surroundings adversely in terms of (amongst others) microclimate or overshadowing.
- 256 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 257 Further guidance is given in the Mayor's Housing SPG (2017) and Lewisham's Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly

7.5.1 Enclosure, Outlook and Privacy

Policy

- 258 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.
- 259 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 260 Standard 28 in the Mayor's Housing SPG states that designers should consider the position and aspect of habitable rooms, gardens and balconies, and avoid windows facing each other where privacy distances are tight. The SPG recognises that in the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing habitable room windows. The SPG highlights that whilst these can still be useful yardsticks for visual privacy, adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can unnecessarily restrict density.

Discussion

- 261 The proposed amendments would result in the building being set back from the closest dwelling at 11 Church Grove by a further 4 metres (from c6m to c10m). This is due to the removal of the community hub from the building envelope. As such this would slightly reduce the sense of enclosure to the dwellings on Church Grove, and as such would be considered a slight improvement.
- 262 Due to the proposed internal amendments, the height of the building would increase by c.450mm to accommodate the larger building frame. This would be 450mm taller than the approved railing height, rather than the built form which is 11.3-14.5m as measured by

officers using the 'proposed south elevation' drawing (0121). For the extant scheme the height of the building would be 10.80- 13.10 metres for the height of the building, with a total height of 13.85m including the balustrades. Officers do not consider that the additional height of c700mm from the height of the extant scheme would have a material impact on the sense of enclosure for the dwellings on Church Grove. Any daylight and sunlight implications are set out below.

263 The layout of the site would remain the same with deck/walkway access located on the southern elevation facing Church Grove. The entrance to units would remain located here, and access between the two buildings would be through the walkway, however the fenestration would be amended to reflect the amended layouts of the proposed building. The roof garden proposed at the northern end of the eastern block has been removed. The building would be angled slightly closer towards 55-57 Ladywell Road towards its southern end.

264 This increase to the potential for overlooking is not considered to have materially altered from the extant scheme, if anything it has improved due to the removal of the roof garden.

7.5.2 Daylight and Sunlight

Policy

265 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards.

266 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.

267 The Mayor's Housing SPG states that '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.' (GLA, 2017, Housing SPG, para 1.3.45).

268 Alternatives may include 'drawing on broadly comparable residential typologies within the area and of a similar nature across London' (ibid, para 1.3.46).

269 It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.

270 In the first instance, if a proposed development falls beneath a 25 degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.

271 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sun rise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.

Discussion

272 The applicant has submitted Daylight, Sunlight and Overshadowing Assessment Report (prepared by Lichfields, October 2020) in support of the application. It considers the levels of daylight and sunlight received by the existing neighbouring residential properties on

Church Grove, Ladywell Road, Marsala Road and Wearside Road as well as the levels of sunlight and shadow received by their private amenity spaces. It also considers the levels of natural light within the proposed residential units and their associated amenity spaces.

- 273 As with the extant scheme, it specifically focuses on the development's effects on existing residential accommodation within Nos. 7-11 and 13-14 Church Grove, No. 57 Ladywell Road, Nos. 135-143 (odd) Marsala Road and Nos. 28-32 (even), 36, 38A and 38B-C Wearside Road.

Nos. 7-11 and 13-14 Church Grove

- 274 As indicated at table 4.1 all rooms would comply with the BRE Guidelines for daylight and sunlight on Church Grove other than 3 rooms at 11 Church Grove and 1 room at 10 Church Grove. DD was only assessed at 11 and 8 Church Grove, where the floor plans could be obtained. At these properties it is only VSC that would be impacted and window W1 in 10 Church Grove retaining 0.79 times its former value and windows W1 and W2 of 11 Church Grove being 2 of 4 windows serving the ground floor living space where the remaining windows retain full compliance.
- 275 A resident who raised objections to the proposed amendments scheme noted that the daylight and sunlight report incorrectly labelled some of the properties on church grove, and as such it was amended. This did not however change the findings of the report.
- 276 Additionally the objection noted that a window serving a study at first floor on the front elevation had not been included as part of the assessment, in addition to a skylight serving a utility room. BRE guidelines do not require detailed assessment of office space, and utility rooms are not considered to be habitable rooms.
- 277 However an addendum letter has been provided to the applicant's daylight and sunlight report extrapolating the data of nearby rooms that have been assessed to understand the likely impact on the rooms omitted (even though this is not required by the guidance). Given the directly adjacent windows exceed BRE requirements, it is considered that these are likely to achieve the BRE standards.

Ladywell Road

- 278 VSC analysis shows all but one of the 8 windows tested will see full compliance with the BRE Report guidance. The one noted transgression occurs to a window at the ground floor (W2) which serves a bedroom. The window will retain over 25% VSC with a retention factor of 0.71 times its former value. 4.12 DD analysis again shows near full compliance with only one (room R2 at ground floor) room seeing a slight transgression of the guidance. The transgression is again limited to the bedroom.

Nos. 135-143 (odd) Marsala Road

- 279 VSC analysis shows that all of the 24 windows tested will maintain full BRE Report compliance. APSH analysis shows all but one of the windows will see full sunlight compliance also.
- 280 4.17 The one APSH transgression sees a small secondary window (W3) at the ground floor of 139 Masala Road with a transgression of its winter sunlight amenity. However, the overall retention sees that the reduction is less than 4% annually and as such the window would comply with the overall sunlight guidance.

- 281 *28 to 32 (evens inclusive), 36, 38A and 38B-38C Wearside Road*

- 282 Again, it is the rear elevation of these two/three storey properties that have a view of the proposed development. Internal arrangement details were obtained for 36 Wearside Road and used in DD analysis of that property. Once more, VSC analysis shows that all of the 28

windows tested will see full BRE Report compliance. DD analysis of 36 Wearside Road confirms that daylight amenity will see little impact. APSH analysis shows that 2 (30 and 36 Wearside Road) of the 23 windows will see minor transgressions of the winter sunlight targets but that the reductions annually are less than 4%. As such, all windows tested will comply with the BRE Report guidance.

Overshadowing

- 283 All tested spaces would remain compliant with BRE standards.

Comparison with extant scheme

- 284 The table below, taken from the Assessment, gives an indication of the comparison of impact against the existing scheme. Whilst this cannot be applied broadly in terms of percentages (due to the types of rooms where the infringements occur not being identified), it gives an indication of the comparison.

Table 5.1 Summary of overall compliance rates for 2017 analysis and current analysis

Assessment Date	VSC	DD	APSH
October 2017	81/86 (94.2%)	3/3 (100%)	75/76 (98.7%)
September 2020	95/100 (95%)	16/17 (94%)	72/77 (94%)

Summary

- 285 Taking into account the assessment above the proposed amendments are not considered to cause a fundamental variation to the proposed scheme in terms of daylight and sunlight.

7.5.3 Noise and disturbance

Policy

- 286 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.
- 287 With regard to internal noise levels, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.
- 288 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 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night (2300-0700).
- 289 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

- 290 The council's environmental protection officer has raised no objections to the scheme.

7.5.4 Impact on neighbours conclusion

- 291 Taking into account the assessment above, it is acknowledged that there would be a small reduction in the daylight and sunlight received by some of the nearby properties above that of the extant permission. However, these would still be within BRE Guidelines. Whilst the

guidelines are required by development plan policy, it is considered that they are a good indication that a satisfactory level of daylight and sunlight would be retained.

292 Furthermore, the building would be pulled away on the southern elevation as a result of the removal of the community space from the building envelope, and the roof garden has been removed. These amendments are considered to slightly reduce the impact on neighbours. For these reasons the proposed development would be considered acceptable.

293 For the same reasons, officers do not consider the proposed amendments result in a fundamental variation to the extant scheme in terms of amenity impact to neighbours.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

- 294 LPP 5.1 seeks an overall reduction in CO2 emissions whilst LPP 5.2 (Minimising Carbon Dioxide Emissions) states that major development proposals should make the fullest contribution to minimising CO2 in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.
- 295 In addition, LPP 5.2 sets targets for CO2 reduction in buildings, expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The target for residential buildings is zero carbon from 2016 and non-domestic buildings from 2019.
- 296 LPP 5.7 presumes that all major development proposals will seek to reduce CO2 by at least 20 per cent through the use of on-site renewable energy generation wherever feasible.
- 297 PLPP SI2 requires major development to be net zero carbon, through reducing emissions and minimising energy demand in accordance with the energy hierarchy. The policy requires a minimum on-site reduction of at least 35% beyond Building Regulations for major development, and where it is clearly demonstrated that the zero-carbon target cannot be full achieved on site, and shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund or provided off-site.
- 298 CSP8 seeks to minimise the carbon dioxide (CO2) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 299 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

7.6.1 Energy and carbon emissions reduction

Policy

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305 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy

Discussion

306 The extant scheme's energy strategy was comprised of gas combi boilers combined with Photo Voltaic (PV) panels. The revised energy strategy used a communal air source heat pump (ASHP) and PV panels. The scheme would no longer seek to achieve passivhaus accreditation.

307 The council's sustainability manager raised no objections to the approach, subject to clarifications regarding payment of bills and construction.

Be Lean, Be Clean, Be Green

308 Energy efficiency measures have been proposed, including through thermal insulation, air tightness, lighting and attention paid to thermal bridging. The latter would be focussed on during detailed design stage.

309 The strategy would utilise a communal air source heat pump at roof level and PV roof panels.

Carbon Offset

310 As a result of the changes to the energy strategy, the carbon offset contribution would increase from £62,026 to £80,864, which would be updated through the use of a deed of variation to the S106 Agreement.

Overheating

Policy

311 LP5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft PLPP SI14 echoes this.

312 DMP 22 reflects regional policy.

313 Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

Discussion

314 A assessment of the scheme against TM59 has been submitted and finds that TM59 would be achieved provided that the g-value of the glazing proposed is reduced to 0.4 from 0.5. Whilst there would be an increase in energy demand as a result of this change it is considered necessary in order to prevent over heating to the units.

7.6.2 Urban Greening

Policy

- 315 LPP 5.10 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.
- 316 LPP 5.11 encourages major development to include planting and especially green roofs and walls where feasible, to deliver as many of the policy's seven objectives as possible.
- 317 DLPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 318 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

- 319 The approach to urban greening has not changed as part of the proposed amendments. The removal of the roof terrace has meant that a larger area would be preserved for the living roof, in addition to a larger bike storage area with green roofs. The living roof would increase from 465sqm to 535sqm.

7.6.3 Flood Risk and Sustainable Urban Drainage

Policy

- 320 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 321 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding.
- 322 LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.
- 323 PLPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 324 CSP 10 requires developments to result in a positive reduction in flooding to the Borough. CSP 11 'River and waterways network' complements this, and identifies that the Council will work with the Environment Agency and community organisations to ensure that Deptford Creek is preserved and enhanced and contributes to the Blue Ribbon Network principles, which includes its water quality, landscape, biodiversity, amenity and historical value together with wider recreational and health benefits, as its potential as a transport route.
- 325 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

Discussion

- 326 The current application originally proposed to include details to discharge Condition 24, which relates to flood mitigation and storage. However a full package of details was submitted following the submission of the current application as part of a separate

application to discharge planning conditions, as set out at Table 1. The details have therefore have been withdrawn from the current application.

327 That application (DC/20/119685) also proposes to discharge a number of other flood related planning conditions requiring input from the Environment Agency.

328 The proposed amendments would not amend those conditions required by the Environment agency in respect of flood risk and drainage.

7.6.4 Sustainable Infrastructure conclusion

329 Taking into account of the assessment above, it is considered that proposed amendments would comply with the relevant policies and would not result in a fundamental variation to the extant scheme.

7.7 NATURAL ENVIRONMENT

General Policy

- 330 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 331 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 332 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.
- 333 LPP 2.18 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

7.7.1 Ecology and biodiversity

Policy

- 334 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 335 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.
- 336 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 337 CSP 12 seeks to preserve or enhance local biodiversity.
- 338 DMP 24 require 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

- 339 A revised Preliminary Ecological Appraisal and reptile survey were submitted in support of the application. The Council's ecological regeneration manager reviewed the updated materials and is satisfied with their findings. This is provided the lighting condition is updated to secure a Lighting Method Statement for bio-diversity. In addition to an informative avoiding works during bird nesting season or if in nesting season having a qualified ecologist present.

7.7.2 Green spaces and trees

Policy

- 340 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees. This includes a duty to, wherever it is appropriate, that in granting planning permission for

any future development adequate provision is made, by the imposition of conditions, for the preservation and planting of trees.

- 341 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.
- 342 Core Strategy Policy 12 (Open Space and Environmental Assets) recognises the importance of trees and details the arboricultural considerations required during the planning process. It states that the Council's targets to conserve nature and green the public realm will be achieved by "protecting trees, including street trees, and preventing the loss of trees of amenity value, and replacing trees where loss does occur".
- 343 DM Policy 25 (Landscaping and Trees) 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

- 344 An arbouritcultural assessment was submitted in support of the proposed amendments. The Council's Tree and Landscape Officer's comments Are incorporated in to the response below.

Site entrance into parking area

- 345 The tree and landscape officer commented that the access into the site has a wide entrance into the parking area which not an attractive site entrance and does not enhance the street scape of Church Grove which is characterised by enclosed vegetated front gardens. The entrance to the former Watergate School had incurving walls to reduce the view into the site car park. The current entrance plan does not show such careful design consideration and needs to be amended.
- 346 However, as set out above, the existing car park area is approved as part of the extant scheme, as result it is not considered appropriate to request as part of the amendments application. Officers consider that these can be secured through the use of the existing hard and soft landscaping condition.

Riverside

- 347 The tree and landscape officer commented that more new trees are required along the river bank to develop a riverine landscape character with alder, birch, willow, poplar, dogwood etc, to include coppice and pollard management of willows. The raised planting beds beside the river should be removed. Remove gates on riverside path/road to allow public access as always intended for the riverside walk.
- 348 Officers consider that these details were not approved under extant permission can be secured through the use of the existing hard and soft landscaping condition.

South and east boundaries

- 349 The tree and landscape officer commented that the development and/or ancillary buildings and path/roads are immediately adjacent to the boundaries of neighbouring land on Church Grove and Wearside Road preventing adequate boundary planting and screening such as predominantly native species hedges

350 Officers consider that these details can be secured through the use of the existing hard and soft landscaping condition

Temporary Community Hub

351 The tree and landscape officer commented that the path/road behind the Community hub is within RPAs of TPO trees and needs to be omitted. Self-binding gravel areas should be included in addition to the proposed resin bound gravel hard surface in front of the temporary Community hub being replaced for a more natural surface and less urban character close to the river. Planting beds in front of the community hub building for climbers to grow on the walls.

352 The applicant amended the proposals to ensure that the root protection areas of the buildings are not proposed to have footpaths located on them. The community hub building remains temporary and as such it is not considered necessary to secure the introduction of climbers to its façade.

Building elevations

353 The tree and landscape officer commented that the elevations are long and high and need to be covered in climbers to complement the riverside setting, to reduce their visual impact on amenity, for urban greening and for climate change mitigation. The elevations indicate climbing plants on some wire mesh screens but there is no indication of how the climbing plants will be established, watered and maintained. There are no planting beds at the base of the building on the south elevation due to the extending ramped access and decking so the scheme does not provide for climbers on the south side of the building facing nearby dwellings. There is no indication of climbers proposed for the north side of the buildings which faces the river, or east and west end elevations.

354 Officers consider that as climbers are referred to within the design and access statement, the details of the climbers can be secured through as part of the soft landscaping condition in addition to their maintenance

Tree Protection Plan

355 A tree protection plan was submitted and the Council's Tree officer tree and landscape officer raised no objection to the plan provided it is updated to ensure the Trees with TPOs are protected on the eastern boundary. Condition 10 can therefore be amended to become a compliance condition.

Summary

356 It is considered that the proposed amendments are acceptable and do not cause a fundamental variation to the extant scheme and the details of species and locations could be dealt with through the existing hard and soft landscaping condition.

7.7.3 Ground pollution

Policy

357 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). 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 soil pollution. Development should help to improve local environmental conditions.

358 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.

359 DMP 28 'Contaminated land' provides the policy basis for assessing development proposals in terms of site contamination.

360 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.

361 The test is that after remediation, land should not be capable of being determined as "contaminated land" under Part 2A of the EPA.

362 If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. DEFRA has published a policy companion document considering the use of '[Category 4 Screening Levels](#)' in providing a simple test for deciding when land is suitable for use and definitely not contaminated land.

363 The risk assessment should also identify the potential sources, pathways and receptors ('pollutant linkages') and evaluate the risks. This information will enable the local planning authority to determine whether further more detailed investigation is required, or whether any proposed remediation is satisfactory.

364 At this stage, an applicant may be required to provide at least the report of a desk study and site walk-over. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant linkages can be broken.

365 Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined.

Discussion

366 The land contamination situation remains unchanged from the extant scheme, the details have been submitted pursuant to the applications set out at Table 1.

7.7.4 Air pollution

Policy

367 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.

368 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.

369 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.

370 Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

371 The application site lies within an Air Quality Management Area (AQMA).

372 The Council's environmental protection Manager has raised no objections to the proposed amendments.

7.7.5 Natural Environment conclusion

373 Taking into account the assessment above, it is considered that proposed amendments would comply with the relevant policies and would not result in a fundamental variation to the extant scheme.

8 LOCAL FINANCE CONSIDERATIONS

- 374 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).
- 375 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 376 The CIL is therefore a material consideration.
- 377 The proposed development would qualify for affordable housing relief and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

- 378 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.
- 379 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.
- 380 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.
- 381 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>
- 382 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
- 383 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 not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

385 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

386 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.

387 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.

388 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 are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

389 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

390 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.

391 An existing agreement is in place pursuant to the extant scheme. A deed of variation would be required in order to regularise the proposed amendments.

Namely;

- Amend the unit number, mix and tenure
- Amend the carbon offset contribution to £80,864
- Update references to plans and descriptions where relevant

392 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

- 393 This application has been considered in the light of policies set out in the development plan
and other material considerations.
- 394 The proposed amendments were developed in the context of extensive pre-application
discussions with the Council.
- 395 The proposed amendments would provide 3 additional much needed affordable dwellings
and would retain the overall quality and appearance of the extant scheme.
- 396 Taking into account the assessment above, the proposed amendments are not considered
to be a fundamental variation of the approved scheme, and would comply with the relevant
development plan policies and material considerations.

RECOMMENDATION

- 397 That the Committee resolve to **GRANT** planning permission subject to a deed of variation the following conditions and informatives:

12.1 CONDITIONS

1.	<p>Full Planning Permission Time Limit</p> <p>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of planning permission DC/17/104264 dated 14 December 2018.</p> <p>Reason: As required by Section 91 of the Town and Country Planning Act 1990.</p>
2.	<p>Develop in Accordance with Approved Plans</p> <p>CHG-SEH-E-XX-DR-A-0133 P01; CHG-SEH-E-XX-DR-A-0134 P01; CHG-SEH-W-XX-DR-A-0131 P01; CHG-SEH-W-XX-DR-A-0132 P01; CHG-SEH-XX-XX-DR-A-0001 P01; CHG-SEH-XX-XX-DR-A-0002 P01; CHG-SEH-XX-XX-DR-A-0003 P01; CHG-SEH-XX-XX-DR-A-0004 P01; CHG-SEH-XX-XX-DR-A-0138 P01; CHG-SEH-XX-XX-DR-A-0139 P01; CHG-SEH-ZZ-01-DR-A-0102 P01; CHG-SEH-ZZ-02-DR-A-0103 P01; CHG-SEH-ZZ-03-DR-A-0104 P01; CHG-SEH-ZZ-04-DR-A-0105 P01; CHG-SEH-ZZ-XX-DR-A-0135 P01; CHG-SEH-ZZ-ZZ-DR-A-0121 P01; CHG-SEH-ZZ-ZZ-DR-A-0122 P01; CHG-SEH-ZZ-ZZ-DR-A-0123 P01; CHG-SEH-ZZ-ZZ-DR-A-0124 P01; CHG-SEH-ZZ-XX-DR-A-0141 P01; CHG-SEH-ZZ-XX-DR-A-0142 P01; CHG-SEH-ZZ-ZZ-DR-A-0301 P01; 0177_101; 0177_102; 0177_103; 0177_104; 0177_105 Received 18th November 2020</p> <p>Addendum to Design and Access (including Landscaping) Statement Rev 01 (prepared Shephard Epstein Hunter, dated November 2020); Construction Method and Logistics Plan Addendum (prepared by WYG, November 2020); Review of FRA for appropriateness of application to Church Grove development with MMA (prepared by EdenvaleYoung, dated 10th November 2020); Energy Statement Planning Rev C (prepared by Ritchie and Daffin, dated 05 November 2020). Briefing Note Church Grove: Heritage Addendum (prepared by Lichfields, November 2020); Noise Addendum (prepared by WYG, dated 03rd November 2020); Church Grove Planning Statement Addendum: Minor Material Amendment (prepared by Lichfields, dated November 2020); Preliminary Ecological Appraisal (prepared by Middlemarch Environmental, dated September 2020); Reptile Survey (prepared by Middlemarch Environmental, dated September 2020); Transport Statement Addendum (prepared by WYG, November 2020); Travel Plan Addendum (prepared by WYG, dated November 2020); Cover Letter (prepared by Lichfields, dated 18 November 2020); Air Quality Assessment Statement (prepared by WYG, dated 11 November 2020); Project specification for archaeological evaluation (Thames Valley Archaeological Services,</p>

	<p>dated 28 October 2020), Walkway Acoustics Technical Notes (prepared by iON acoustics, dated 04th November 2020) ; Planning condition 4 investigation of use of Wearside Depot for construction access (prepared by Rural Urban Synthesis Society, dated 06th November 2020), ; Received 18th November 2020</p> <p>Daylight, Sunlight and Overshadowing Assessment Report (prepared by Lichfields, dated October 2020); Daylight and Sunlight Letter (prepared by Lichfields, 02 February 2021), Arboricultural Report (prepared by GRS, dated 23 October 2020); 0177_001 Rev D; Fire Appliance Technical Note (Prepared by Fire Ingenuity, dated February 2021), Fire Strategy Statement (prepared by Shephard Epstein Hunter, dated February 2021), CHG - SEH - ZZ - 00 - DR - A - 0101 Rev P02, received 02 February 2021</p> <p>Revised Design Code: planning condition 036 rev 02 (prepared by Shephard Epstein Hunter, dated February 2021), received 04 February 2021</p> <p>Approved under Condition 2 of DC/17/ 104264;</p> <p>Arboricultural Report (including Arboricultural Impact Assessment & Tree Survey & Tree Location Plan, Tree Constraints Plan and Tree Protection Plan), dated 24 October 2017 (Prepared by GRS Arboricultural Consultant); Air Quality Assessment, dated 18 October 2017 (Prepared by WYG); Archaeological Desk-based Assessment, dated May 2017 (Prepared by Thames Valley Archaeological Services Ltd); Design and Access Statement, dated 16 October 2017 (Prepared by Architype); Energy Assessment, dated 23 October 2017 (Prepared by Ritchie + Daffin); Fire Strategy Statement, dated March 2018 (Prepared by Architype); Flood Risk Assessment, dated 11 May 2018 (Prepared by Price & Myers); Ground Investigation, dated 18 November 2014 (Prepared by AP Geotechnics Ltd); Heritage Impact Assessment, dated October 2017 (Prepared by Lichfields); Internal Layout and Vehicle Movement Strategy, dated 14 February 2018 (Prepared by WYG); Noise & Vibration Assessment, dated 13 October 2017 (Prepared by WYG); Outline Construction Logistic Plan, dated 14 February 2018 (Prepared by WYG); Parking Demand Assessment (Technical Note 01), dated 14 February 2018 (Prepared by WYG); PERS-Style Audit (Technical Note 01), dated 14 February 2018 (Prepared by WYG); Planning Statement, dated October 2017 (Prepared by Lichfields); Preliminary Ecological Appraisal, dated 08 June 2017 (Prepared by Middlemarch Environmental); Reptile Survey, dated 08 June 2017 (Prepared by Middlemarch Environmental); Transport Statement, dated 18 October 2017 (Prepared by WYG); Travel Plan, dated 5 October 2017 (Prepared by WYG); Unexploded Ordnance Desk Study, dated 08 May 2017 (Prepared by MACC International Limited)</p> <p><u>Reason:</u> 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>
3.	Archaeological Programme of Work

	<p>(a) No development other than demolition to existing ground level shall take place until a programme of archaeological evaluation has taken place in accordance with the document "Project specification for archaeological evaluation" (Thames Valley Archaeological Services, dated 28 October 2020).</p> <p>(b) A report of the evaluation results will be submitted for approval by the local planning authority which will be given in writing.</p> <p>(c) Under part (b) of this condition, the applicant shall implement any recommended programme of archaeological mitigation in accordance with the report</p> <p>(d) The site investigation and post-investigation assessment will be completed prior to one year post the completion date of the development as defined by the borough building regulation officer, in accordance with the programme set out in the documents approved under parts (a) and (b) of this condition, and the provision for post-investigation assessment, analysis, of the results and archive deposition has been secured.</p> <p>Reason: To conserve, protect and enhance the archaeological heritage of Lewisham in accordance with <i>Development Management Local Plan</i> (November 2014) DM Policy 37 Non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest</p>
4.	<p>Construction Logistics Plan (Revised)</p> <p>a) The development shall be constructed in accordance with "Planning condition 4 investigation of use of Wearside Depot for construction access (prepared by Rural Urban Synthesis Society, dated 06th November 2020)", "Construction Method and Logistics Plan Addendum" (prepared by WYG, November 2020) and Outline Construction Logistic Plan, dated 14 February 2018 (Prepared by WYG);</p> <p>b) 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>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).</p>
5.	<p>Piling Operations</p> <p>a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the Local Planning Authority in consultation with Thames Water.</p>

	<p>b) Details of any such operations (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 damage to subsurface sewerage infrastructure, and the programme for the works) must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.</p> <p>c) Any such work shall be carried out only in accordance with the details approved under part b).</p> <p>Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and Waterways Network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated Land.</p>
6.	<p>Materials and Design Quality</p> <p>Notwithstanding the details hereby approved, no development above ground level shall commence until:</p> <ul style="list-style-type: none"> (a) A detailed schedule, specifications, and samples (where deemed necessary by the local planning authority) of the materials set out as “RAL TBC” on page 33 of “Addendum to Design and Access Statement Rev 01” (prepared Shepherd Epstein Hunter, dated November 2020) has been submitted to and approved in writing by the local planning authority. (b) 1m x 1m sample panels of the non-customisable fibre cement cladding hereby approved have been provided to the local planning authority for inspection alongside the submission of drawings at a scale of 1:10 and approved in writing. <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.</p>
7	<p>Refuse Storage</p> <p>a) The storage of refuse and recycling facilities as approved shall be provided in full prior to occupation of the development as indicated on the plans hereby approved (CHG - SEH - ZZ - 00 - DR - A - 0101 Rev P02 and shall thereafter be permanently retained and maintained.</p>

	<p>b) No occupation shall occur until the applicant has submitted further details (elevations) of the proposed sheltered timber storage housing for the refuse and recycling bins.</p> <p>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).</p>
8	<p>Cycle Parking Provision</p> <p>a) A minimum of sixty-six (66) cycle parking spaces shall be provided within the development as indicated on the plans hereby approved CHG - SEH - ZZ - 00 - DR - A - 0101 Rev P02)).</p> <p>b) No development above ground level shall commence on site until such time as the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.</p> <p>c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.</p> <p>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).</p>
9	<p>Hard Landscape</p> <p>a) No development above ground level shall commence on site until such time as showing hard landscaping or any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>b) No occupation shall occur until such time as all hard landscaping works which form part of the approved scheme under part a) have been completed.</p> <p>Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and Trees, and DM Policy 30 Urban Design and Local Character.</p>
10	<p>Tree Protection Plan</p> <p>The development hereby approved shall be carried out in accordance with Arbouricultural Report (prepared by GRS, dated 23 October 2020)</p>

	<p><u>Reason:</u> 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).</p>
11	<p>Soft Landscaping</p> <ul style="list-style-type: none"> a) No development above ground shall commence until such time as a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years has been submitted to and approved in writing by the Local Planning Authority. b) The scheme under part (a) shall include exploration of providing a tree near to the area set as 6 on the approved landscaping plan 0177_001 Rev D c) No trees shown as being retained on the permitted plans shall be lopped or felled without prior written consent of the Local Planning Authority. d) 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><u>Reason:</u> 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 and DM Policy 30 Urban Design and Local Character of the Development Management Local Plan (November 2014).</p>
12	<p>Boundary Treatment</p> <ul style="list-style-type: none"> a) Details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. b) These details submitted under a) must include details of the riverside gates and any associated fencing c) The development shall be carried out in accordance with the details approved under part a) and retained in perpetuity. <p><u>Reason:</u> 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</p>

	character of the Development Management Local Plan (November 2014).
13	<p>Bat/Bird Boxes</p> <p>No development above ground shall commence until such time as details of the number and location of the bird/bat boxes to be provided as part of the development have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Bat/bird boxes as approved shall be installed prior to first occupation and maintained in perpetuity thereafter.</p>
14	<p>Electric Vehicle Charging Points</p> <p>a) No development above ground shall commence until such time as details of the number and/or location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>b) No occupation shall occur until such time as the electric vehicle charging points as approved have been installed and shall thereafter be retained and maintained in accordance with the details approved under a).</p> <p>Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).</p>
15	<p>Living Roof</p> <p>a) The development shall be constructed with 535sqm living roof laid out in accordance with the Roof Plan (CHG-SEH-ZZ-04-DR-A-0105 P01) hereby approved, and maintained thereafter.</p> <p>b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.</p> <p>c) A Living Roof section (to scale), access and watering provision arrangements for the proposed green roof along with details for management/establishment guarantees for a minimum of two growing seasons shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved and maintained in perpetuity.</p> <p>d) Evidence that the roof has been installed in accordance with a) shall be submitted to the Local Planning Authority for its approval in writing prior to the first occupation of the development hereby approved and thereafter maintained in perpetuity.</p> <p>Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing</p>

	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).
16	<p>External Lighting</p> <p>a) Prior to first occupation of the development, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy under shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their territory or having access to their breeding sites and resting places.</p> <p>b) All external lighting shall be installed in accordance with the specifications and locations set out in the document , and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority</p> <p>Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM policy 24 and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).</p>
17	<p>Delivery and Servicing Plan</p> <p>a) A Delivery and Servicing Plan must be submitted to and approved in writing by the Local Planning Authority prior to first occupation.</p> <p>b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.</p> <p>c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved with the approved details and shall be adhered to in perpetuity.</p> <p>Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).</p>
18	<p>Wheelchair Dwellings</p> <p>a) The three (3) wheelchair dwellings (Units W.00.01 (2B), W.00.06 (1B) and W.01.12(1B) hereby approved shall be constructed as Wheelchair user (adaptable) in accordance with the required</p>

	<p>standard of the Approved Document M (Part M4(3)(2)(a) of the Building Regulations (2015).</p> <p>b) No development above ground shall commence until written confirmation from the appointed Building Control Body has been submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with part a).</p> <p>c) The development shall be carried out in accordance with the approved details under part</p> <p>Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
19	<p>Car Club</p> <p>One (1) car club space as identified within the Transport Statement hereby approved shall be provided and made available for use prior to first occupation.</p> <p>Thereafter the space shall be retained and used only for parking cars associated with the Car Club.</p> <p>Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policies Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).</p>
20	<p>Window Reveals</p> <p>All windows and doors shall be constructed in accordance with the plan CHG-SEH-ZZ-ZZ-DR-A-0301 P01 and shall have a minimum reveal depth of 175mm.</p> <p>Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).</p>
21	<p>Plumbing and Pipes</p> <p>Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building.</p> <p>Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and</p>

	DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).
22	<p>Construction and Delivery Hours</p> <p>a) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.</p> <p>b) No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.</p> <p>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).</p>
23	
24	<p>Flood Water Storage</p> <p>Before the development commences, a scheme for the flood water storage/conveyance void structures below the buildings and the soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:</p> <ol style="list-style-type: none"> 1. Detail extent and type of new planting (NB planting to be of native species); 2. Details of treatment of site boundaries (including all walls, gates and fencing) and buffers around water bodies; <ul style="list-style-type: none"> • Maintenance plan; • Tree root containment where close to the river wall; • Details of the bars/grilles to control access to the void areas; and • Calculations and hydraulic flood modelling to demonstrate that the void structures and landscaping have been optimised to minimise flood risk to the existing built environment at risk of flooding that could be affected by changes to the floodplain on the site. <p>Reason: To maintain operational access to the river and the river wall, to prevent damage to the river wall, to prevent an increased risk of flooding, to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the national planning policy.</p>
25	<p>Management Plan</p> <p>The development hereby permitted shall be carried out in accordance with Management Plan – void areas and boundary fence (prepared</p>

	<p>by Architype, dated 25 June 2019) approved under ref DC/19/112829, dated 06 November 2020.</p> <p>Reason: To prevent flooding elsewhere by ensuring that flood flow conveyance/storage is maintained/provided.</p>
26	<p>Remediation Strategy</p> <p>No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority.</p> <p>a) A preliminary risk assessment which has identified:</p> <ul style="list-style-type: none"> •All previous uses; •Potential contaminants associated with those uses; •A conceptual model of the site indicating sources, pathways and receptors; and •Potentially unacceptable risks arising from contamination of the site. <p>b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Reason: The ensure any remediation works are carried out in accordance with the approved details and in line with the aims of the National Planning Policy Framework to protect groundwater in the underlying principal aquifer</p>
27	<p>Finished Floor Levels</p> <p>Finished floor levels of residential accommodation are set no lower than 11.70m AOD.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants.</p>

28	<p>Verification Report</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure any remediation works are carried out in accordance with approved details and in line with the aims of the National Planning Policy Framework to protect groundwater in the underlying principal aquifer.</p>
29	<p>Building Separation</p> <p>No part of the buildings shall extend closer than 6 metres from the landward extent of the river wall, except that overhanging balconies from the second floor up may extend no closer than 5 metres from the landward extent of the river wall.</p> <p>Reason: To ensure operational access to the river and river wall and prevent an increased risk of flooding</p>
30	<p>River Wall</p> <p>A method statement and maximum loading plan for works within 8 metres of the river wall will be submitted to the Local Planning Authority and approved in writing before work commences within 8 metres of the river wall. The development will then only proceed in accordance with the approved method statement and loading plan.</p> <p>Reason: To prevent the river wall from being subjected to excessive loading and prevent an increased risk of flooding.</p>
31	<p>Surface Water Drainage</p> <p>No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.</p> <p>Reason: To protect groundwater in the underlying principal aquifer (within Source Protection Zone 1 of a public water supply) in accordance with the principles of the National Planning Policy Framework.</p>
32	<p>Flood Risk Assessment</p> <p>Prior to commencement of work above proposed ground floor level,</p>

	<p>the Flood Risk Assessment (revised May 2018) must be amended to:</p> <ol style="list-style-type: none"> 1. Provide a detailed breakdown of the permeable and impermeable areas on site. 2. Include calculations for post-development runoff-rate and storage volume, which must incorporate the 40% Upper End climate change allowance. 3. Consideration to the benefits that the proposed drainage strategy brings in terms of water quality, environmental and social benefits. 4. Consideration to the incorporation of complementary SuDS features which maximise multi-functional benefit and the operation of proposed SuDS under flooded outfall conditions and specification of additional storage volume or pumping requirements if necessary to avoid flooding on site or of the surrounding areas. 5. Include provision of a drainage layout (including dimensions, volumes, pipe size/cover/inlet levels, gradients and flow control features) in accordance with the submitted calculations. 6. Include provision of a detailed site specific maintenance plan for the proposed SuDS, including details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development. 7. Consideration of how exceedance flows for events greater than the 1 in 100 year + 40% climate change event will be managed and mitigated on site without significantly increasing flood risks (both on site and outside the development) with clear consideration of the performance of the drainage system during fluvial flood event. <p>Reason: 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 in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).</p>
33	<p>Environment Agency Correspondence</p> <p>No development shall commence until such time as the applicant provides evidence of correspondence with the Environment Agency agreeing consent for the proposed point of discharge and discharge rate into the River Ravensbourne.</p> <p>Reason: 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 in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).</p>

34	<p>Contaminated Land</p> <p>a) The development shall be carried out in accordance with ; Phase II Geoenvironmental Investigation (Prepared by AP Geotechnics dated 12th February 2019); Groundwater Contamination Assessment' (Prepared by GCA, dated 4th September 2019), and 'Piling Works Risk Assessment' (Prepared by PWRA, dated 23 September 2019) approved under DC/19/112091 dated 06 November 2020.</p> <p>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.</p> <p>c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.</p> <p>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.</p> <p>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.</p> <p>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 Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).</p>
35	<p>Phase 1 Report</p> <p>The development shall be carried out in accordance with Phase I Environmental Assessment (Prepared by AP Geotechnics dated 12th October 2018) approved under DC/19/112091, dated 06 November 2020.</p> <p>Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal.</p>
36	<p>Design Code</p>

	<p>The development shall be carried out in accordance with Revised Design Code: planning condition 036 rev 02 (prepared by Shephard Epstein Hunter, dated February 2021)</p> <p>Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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.</p>
37	<p>Elevated Walkway Noise Mitigation</p> <p>a) The development shall be carried out in accordance with Walkway Acoustics Technical Notes (prepared by iON acoustics, dated 04th November 2020).</p> <p>b) the details approved under a) shall be installed and maintained in perpetuity.</p> <p>Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policies DM 30 Urban design and local character and DM 32 Housing design, layout and space standards.</p>
38	<p>Parking Management Plan</p> <p>a. A car parking management plan shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development.</p> <p>b. The car parking management plan shall include details of how parking shall be restricted to the 3 approved blue badge bays and car club space within the development and how pick up and pick up and drop offs shall be managed.</p> <p>c. The car parking management plan approved under part a shall be adhered to in perpetuity.</p> <p>Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policies Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).</p>
39	<p>ASHP enclosure</p> <p>(a) No development above ground level shall commence until details of enclosure of the air source heat pump complying</p>

	<p>with paragraph (b) of this condition have been submitted to and approved in writing by the local planning authority.</p> <p>b) The rating level of the noise emitted from the ASHP on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.</p> <p>(c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).</p>
40	<p>An inventory of all Non-Road Mobile Machinery (NRMM) shall be kept on-site and registered on http://nrmm.London/ showing the emission limits for all equipment and shall be made available to Local Planning Authority offices if requested.</p> <p>Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).</p>

12.2 INFORMATIVES

1)	<p>Positive and Proactive Statement</p> <p>The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.</p>
2)	<p>Environment Agency</p> <p>Please be aware that the River Ravensbourne is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. Under the Environmental Permitting (England and Wales) Regulations 2016 any</p>

	works in, over, under or within 8 metres of the top of bank or river wall, where one exists, may require a permit from ourselves. Please be aware that we will not usually approve works which obstruct access to the watercourse. To apply for a flood risk activity permit the applicant should contact our Flood and Coastal Risk Management team
3)	<p>Thames Water</p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.</p> <p>Legal changes under the Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.</p> <p>'We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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. We would expect the developer to demonstrate what measures they will undertake 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 wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."</p> <p>CIL - Community Infrastructure Levy</p> <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 '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</p>

4)	Secure by Design Where possible the development should meet secure by design standards in accordance with those outlined in the Design and Access Statement.
5)	London Fire Brigade This proposal should conform to the requirements of part B5 of Approved Document B.
6)	Bird Nesting Season Vegetation and clearance should take place outside bird nesting season.

Appendix A - Church Grove – Local Meeting (Minutes)

Information:

Date: 28 January 2021, Time: 19:00 – 20:35, Location: Virtual (Zoom)

Chair: Councillor Patrick Codd (Lewisham Central Ward)

Attendees :

Councillor Patrick Codd **(PC)** (Chair & Lewisham Central Councillor)

Louisa Orchard **(LO)** (Senior Planning Officer, Lewisham Council)

Dinah Roake **(DR)** (Operations Director, RUSS) (Applicant)

Steven Pidwill **(SP)** (Director, Shepheard Epstein Hunter) (Architect)

Jennifer Wood **(JW)** (Associate Director, Lichfields) (planning agent)

Due to the virtual nature of the event attendance was not recorded but approximately 14 residents attended, and there were a number of other attendees who were provided with the link.

Summary:

The following elements of the application under s.73 are covered:

- 1. increase the number of units from 33 to 36**
- 2. increase the maximum height of the building by 450mm**
- 3. simplify the building form**
- 4. replace the external and structural combustible materials**
- 5. Other matters (fire and construction access)**

- PC opened the meeting.
- PC clarified the reason that RUSS's Zoom platform was being used was due to the Council not having their own platform to do so.
- A resident requested that the meeting was video recorded.
- A resident asked to view the minutes of the meeting in draft form, LO confirmed that the planning officer writes the minutes with neither RUSS or residents inputting into its drafting.
- PC, DR, SP, JW and LO introduced themselves.
- LO set out that the meeting was part of the consultation process.
- LO clarified a number of points and addressed some procedural questions raised by questions submitted prior to the meeting:
 - o Only the amendments proposed are being assessed as part of this application
 - o Nature of a s.73 application and that there is no statutory definition of its scope
 - o The consultation and determination period is the same as that for full planning permission

- The temporary community building would remain temporary
 - No additional or full planning consent or listed building consent is required for a site that is adjacent to a Conservation Area.
- SP provided a brief presentation in response to the objections received.
- Residents questioned the size of the walkways and the proposed development floorspace increase and increase in height.
- SP responded that he didn't know the exact proportional increase, but could provide it at a later date, one of the reasons for the increase is for an increase of floor to ceiling height.
- LO set out that proportional increase isn't necessarily an indication of whether an application would be considered a fundamental variation of the approved scheme.
- Residents questioned why the change in building material would be considered acceptable given it would be considerably worse for the environment
- LO set out that whilst policy is moving in the direction of emphasizing environmental sustainability there is no restriction on the use of concrete as a construction material.
- Residents questioned why windows had been missed off their house as part of the daylight and sunlight assessment conducted.
- JW set out the reason these rooms were omitted was due them not being considered habitable rooms under BRE guidance.
- The resident continued to express concern as to the impact on their property and that the windows had not been assessed.
- JW confirmed that a supplementary note was being provided to set out why these windows were omitted that could be provided to the resident.
- Residents expressed concern that the development was no longer self build and should not be acceptable on that basis.
- LO set out that the extant scheme was not found to be acceptable on the basis that it was self build, the planning benefit was that the scheme is 100% affordable housing and its design amongst other things.
- PC asked a question submitted by a resident regarding how can it be ensured the development it completed.
- LO set out that completion notices are very rarely used but are available to the council as a means of enforcement if absolutely necessary, and that RUSS should communicate with residents frequently regarding the status of the scheme.
- Residents raised questions regarding how the scheme was funded.
- LO set out that that was not a material planning matter.
- PC questioned who would be able to provide that information and it was set out that the council's housing team could, in addition to RUSS.
- PC asked a question that was submitted in advance regarding the removal of planning conditions.
- LO set out that no planning conditions would be removed, if anything they would be added, but some details have been provided up front as part of this current application.
- PC read out a question relating to whether the plans are to scale.
- LO set out that plans are measured as part of the determination process and the plans that have been submitted are to scale.
- Residents queried that they had spoken to someone who said they had been invited to live in a property and they were from Islington.
- DR set out that there's an allocation policy within the S106 agreement that prohibits those without a connection to the borough residing in the properties.
- Residents raised concern regarding the access that emergency vehicles would have and that it would not comply with building regulations.
- LO reiterated that it is only the amendments that are being assessed and access stays as approved.
- Residents questioned that because the access was approved previously doesn't mean it is acceptable this time.

- LO set out that it was found acceptable by highways previously
- Residents reiterated that Church Grove would not be wide enough to allow access from an emergency vehicle according to Approved document B.
- DR set out this was from their understanding only required at angles.
- LO set out that RUSS should provide an update to their fire strategy and provide additional information prior to the proposed amendments being determined at a planning committee.
- RUSS agreed that this information would be provided.
- Residents raised concerns regarding the disruption caused by construction traffic, in addition to the fact that it may compromise the construction of the Ladywell play tower.
- LO set out that the parameters of this would be secured within the construction logistic plan which had been submitted with the application and any breach of this during a construction period should be reported to the council. It would be assessed cumulatively and would not impact that construction.
- Residents expressed concern that the type of concrete construction material had not been decided.
- LO set out that this level of detail would never be requested by officers at planning stage and would be a question of detailed design.
- PC asked what the next steps would be for residents
- LO explained that residents would be able to express their concern at a planning committee and that a recommendation was still being made.
- PC drew the meeting to a close

END

