

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 30 AUGUST 2018 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Suzannah Clarke (Chair)
Tom Copley (Vice-Chair)
Obajimi Adefiranye
Tauseef Anwar
Andre Bourne
Liz Johnston-Franklin
Silvana Kelleher
John Muldoon
John Paschoud
James Rathbone**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Ian Thomas
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 21 August 2018**

**For further information please contact:
Samuel James Committee Co-ordinator
2nd Floor Civic Suite
Lewisham Town Hall
SE6 4RU**

**Telephone No: 0208 314 3722
Email: planning@lewisham.gov.uk**



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	Order Of Business		
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 12
3.	NORTHWEST GARAGES, KNAPDALE CLOSE, LONDON, SE23 3XG	Forest Hill	13 - 56
4.	34 ST MARGARETS PASSAGE, LONDON, SE13 5BS	Blackheath	57 - 84
5.	DEPTFORD CREEK ADJACENT TO PHOENIX WHARF, NORMAN ROAD, LONDON, SE10	New Cross	85 - 116

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 30 AUGUST 2018

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 30 AUGUST 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 19th July 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in COMMITTEE ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 19th July 2018 at 19:30.

PRESENT: Councillors Clarke (Chair), Anwar, Franklin, Kelleher, Muldoon, John Paschoud and Rathbone.

OFFICERS: Suzanne White – Planning Service, Kheng Chau – Legal Services, Samuel James – Committee Co-ordinator

APOLOGIES: Councillor Copley, Councillor Bourne, Councillor Adefiranye

Meeting Commenced at 19:31.

1. DECLARATION OF INTERESTS

No declarations of interest.

2. MINUTES

Members approved the minutes for Committee B held on 26th April.

Members approved minutes for Committee B held on subject 7th June to some minor amendments.

3. Mayfield's Hostel, 47 Burnt Ash Hill, SE12 (DC/17/103886) (Item 3 on the agenda)

The presenting Planning Officer Suzanne White (SW) explained the details of the existing site which is currently a 2/3 storey building in Council ownership, used as a hostel for emergency accommodation for homeless families.

SW outlined the details of the proposal would comprise the demolition of the existing building, and the construction of a five/six storey building comprising 24x two bedroom, 16x three bedroomed self-contained flats, a two storey commercial space (flexible use classes

A1 / A2 / A3 / B1(a) / D1 (crèche, education, museum, art gallery) and 7x two storey houses at Mayfields 47 Burnt Ash Hill.

The scheme would result in 47 self-contained, 100% socially rented residential units. 66 new trees would be planted, and photo voltaic panels would be installed on the roof.

SW went on to mention that the Council had received 18 letters of objection and 4 letters in support of the proposal. A local meeting was held on 13th December 2017. The Council's housing team are in support of the proposal.

The proposal was recommended for approval, subject to 26 conditions.

Questions from Councillors followed:

Councillor Rathbone (CR) noted that Lewisham Homes were not yet present, and stated that he would save some of his questioning for them.

Councillor Kelleher (CK) sought clarification on the number of trees to be planted, to which SW replied it would be 66.

Councillor Johnston-Franklin (CJF) asked whether the ground floor would be in commercial, community or flexible usage. SW clarified that it would be mixed or flexible usage, which could change over time.

CJF expressed interest in conditioning the use to be for community only, and stated that since the applicant was Lewisham Homes this should be possible. SW stated that there were no policies in place to allow a preference of one use over another in this location.

CR noted that Lewisham Homes had previously said that the ground floor use would be community usage, and this appears to have changed, a question for Lewisham Homes.

Chair Councillor Clarke (CC) noted that 10m² of playspace per child had been calculated as being provided, and queried whether this space included the bin storage and parking spaces that could not be used for play in reality.

SW clarified that 690m² of playspace would be provided in total over 2 areas. The London Plan SPG (*Providing for Children and Young People's Play*) sets guidelines which would require 700m² to be provided. The figure of 690m² did not include parking spaces, landscaping or bin storage areas. However it was noted that this did include a hard landscaped area, which would occasionally be used by vehicles accessing or leaving the disabled parking spaces.

CC asked about the Controlled Parking Zone (CPZ), and whether the Council had any control over it. SW stated that a condition could be added requiring consultation with local residents regarding the CPZ, but this would be difficult to enforce. It was noted that there was sufficient funding for this in the scheme's costing.

CC asked what rooms the windows facing Swallow Court would serve. SW stated that officers had sought to confirm this through the planning records but no plans were available, but added that they would likely serve as secondary windows.

Councillor Anwar (CA) asked how many commercial units were proposed and SW clarified 1 with a floor space of approximately 260m². CA asked whether the unit could in theory be occupied by whoever successfully applied to use it, and SW confirmed this was true.

CJF stated that the CPZ appeared to be committed to, but noted that in reality we cannot promise it, so it should be removed from the proposal.

The applicant (Lewisham Homes Representative) and their architect were then invited to speak in support of their scheme.

The Architect started by stating 500 new Council homes are required to be built in 2018. He stated the existing building is in a poor condition, but the site has excellent transport links and then went on to discuss the merits of the application.

He stated that it was an innovative design and that modern construction methods would be used – 90% of the construction works to be completed off-site.

Kevin Barker (KB) of Lewisham Homes (LH) stated that the proposal is key to delivering the Mayors housing targets, it complies with all space standards policies, and that local residents have been engaged, and will continue to be informed of progress.

Questions from Councillors followed.

CR welcomed the design of the proposal and stated that he was happy with the way LH engaged with the community. He then expressed disappointment that the ground floor unit would no longer be solely for community usage and questioned why.

KB stated that he wasn't aware this had changed as the development team are not involved in that, rather the communications team were. He stated that maybe it was down to concerns that a suitable user for the space would be difficult to find if the use class was restricted.

CR stated that there had been previous communications between councillors and LH regarding the community usage, and asked again why the use hadn't been limited to community uses, CA shared these concerns.

Councillor Paschoud (CP) asked who would manage the freehold of the commercial unit. KB stated that this was not known at this stage and Councillor Rathbone stated that this was in a pre-negotiation stage between the charity and LH and that nothing had yet been agreed.

KB stated that he would take the councillors concerns regarding community usage back to the LH office.

Councillors queried the details of the Photo-Voltaic panels, it was concluded that discussions are still ongoing regarding the specifics, but that they would result in a reduction in energy bills for the building.

CC expressed concern that some of the play spaces could result in anti-social behaviour on site, would also be used by vehicles, and that the 4m deep amenity areas are too small for children's play. The architect replied that the only parking would be for disabled users, so vehicle movements would be limited. He stated that anti-social behaviour had been considered at the formal design stage.

CC asked whether the units would eventually be available as Right to Buy homes, and KB stated that this was currently the case because there was no alternative. CC raised concern over the long-term provision of temporary accommodation, as the existing hostel would be lost. KB stated that the Edward Street Hostel provides 50% more than the existing Mayfields Hostel.

Mr Kirk, the objector and representative of the Pitfold Resident's association was then invited to speak against the proposal.

He stated that he supports the need for social housing but not this scheme in particular. His concerns include the lack of parking and insufficient play space for a large volume of families with children; the design of the proposal being too high and massive – dwarfing the neighbouring church; loss of a large number of mature trees; lack of servicing/social infrastructure in local area including schools and hospitals; stated the proposal only meets half of the policy requirements for new homes in Lewisham.

CR thanked Mr Kirk and stated that Cllr Mallory had been working with LH and had negotiated for less trees to be lost and more replaced, as well as for the overall build height to be reduced. He stated that due to the semi-judicial nature of planning committee decisions, the proposal could only be assessed against relevant legal requirements and material planning considerations, including policies.

Deliberations followed regarding the suitability of the children's play space, the parking issues and suitability of CPZ proposal.

CR stated that this was clearly a contentious case and could go either way. Considering the context, and the issues raised it would be unreasonable to refuse the application on the marginal 10m² failure on provision of playspace, where 47 high quality socially rented homes would replace the existing poor quality accommodation where there is a clear need.

Councillor Rathbone then raised a motion to accept the officers' recommendation, on the condition that Lewisham Homes are held to account on the issues raised, and grant planning permission, this was seconded by Councillor Paschoud.

Members voted as follows:

FOR RECOMMENDATION: Councillors Clarke (Chair), Anwar, Franklin, Kelleher, Muldoon, Paschoud and Rathbone.

AGAINST RECOMMENDATION: None

ABSTAINED: None

RESOLVED: Unanimously accept officer's recommendation and grant planning permission.

4. 159a Upper Brockley Road, SE4 (DC/17/101182) (item 4 on the agenda)

SW outlined the facts of the case as the demolition of the existing buildings and the construction of a 3-storey plus basement development comprising 4x two bedroom, 2x one bedroom and 1 studio self-contained flats/maisonettes. The site is located within the Brockley Conservation Area, and subject to an Article 4 direction.

Over 3 separate consultations 20 objections were received, and 6 letters in support of the proposal. Subsequently the application has been revised considerably following a local meeting. The Brockley Society withdrew their objections to the scheme following these revisions.

It was acknowledged by SW that there is a loss of employment space in the form of an existing MOT garage, however this is vacant, in poor quality, and located in a residential area. She stated that the scheme has been recommended for approval by officers, subject to 18 conditions. Questions from Councillors followed:

CJF raised concern over the pavement width along Geoffrey Road that would be left as a result of the proposal as well as concerns over the amount of traffic. She also queried the proposed cycle path, and how this would be paid for.

SW stated that the pavement width would be acceptable, and that the developer is committed to delivering the cycle lane as well as removing the redundant vehicle crossover with a £6000 payment.

The applicant, Steven Seiver (SS) was then invited to speak in support of his proposal. He stated that following refusal and dismissal at appeal of the previous scheme they had responded to the issues raised, including removing provision of office space, relocating refuse and cycle storage and submission of daylight/sunlight report. He also stated that the Brockley Society are in support of the scheme.

CK asked why there was no longer provision of 3 bedroom units, to which SS responded the reduction in footprint of the proposal had resulted in less floorspace, and the 2 bedroom units now proposed were more financially viable.

CC asked about the proposed materiality, specifically why London stock brick was not proposed. SS stated that this material had been negotiated, but if required could be amended.

The local objector Ali Williams (AW) was next invited to speak against the scheme. She raised concerns over the loss of employment space; the design of the proposal (and its impact on the Conservation Area); impact on neighbouring properties; traffic issues; the specific use of S106 funds and the limited number of trees proposed. Questions from councillors followed:

CP stated that he did understand some of the concerns raised, however that lots of the objections relate to the proposal before substantial revisions were made. He stated that the proposal would look better than the existing garage buildings.

AW stated that in her opinion the building would be overbearing, would overlook neighbours at a distance of less than 20m, is too close to the pavement especially considering the amount of station footfall that uses the street.

CP asked SW what the pavement width would be, she measured it from the plan and replied it would be just less than 2m wide, which is greater than the minimum 1.2m usually sought by Highways and therefore acceptable.

Deliberations between members followed, and CP started to raise a motion but CC asked SW whether the materials condition could be strengthened. SW stated that an informative could be added and stated that the wording of the construction management plan condition would need to be amended to require the developer to develop in accordance with the plan.

Councillor Paschoud raised a motion to accept the officers' recommendation and grant planning permission, this was seconded by Councillor Muldoon.

Members voted as follows:

FOR RECOMMENDATION: Councillors Clarke (Chair), Anwar, Franklin, Kelleher, Muldoon, Paschoud and Rathbone.

AGAINST RECOMMENDATION: None

ABSTAINED: None

RESOLVED: Unanimously accept officer's recommendation and grant planning permission.

Councillor Paschoud left the meeting at 21:20.

5. The Glasshouse, 2A Morley Road, SE13 (DC/17/104640) (item 5 on the agenda)

SW outlined the facts of the case as the construction of an additional storey roof extension to The Glasshouse, 2A Morley Road, SE13, to provide a two bedroom self-contained flat, together with provision of bin and bicycle storage. She stated that the application has been revised to remove a balcony, and the scheme was now considered acceptable, and is therefore recommended for approval by officers.

CK noted that the extension would make the building taller than No.4, one of the adjoining properties and also queried the overlooking impact on that property. SW stated that this was true but that the impact would be acceptable, as there are no windows affected at that property, regarding the overlooking issue, the windows to that side would be high level and serve a kitchen/diner.

CR queried how planning policy has changed since 1996 when the original building was granted permission. SW replied that there is a new context of policies and built form now, with a greater emphasis on the delivery of new homes so if an additional residential unit can be achieved within a new storey that is well designed, then it would be supported in principle.

CJF raised safety concerns regarding fire escape from the new flat, and queried whether there would still only be 1 escape route with an additional storey being added. SW replied that fire safety is a building control matter so not a material planning consideration, and that yes, there would still only be 1 means of escape.

CC asked whether hours of construction could be conditioned, and SW stated that they could should the application be approved.

The architect of the scheme, Richard Hodgekinson and the developer Barry McKevey were then invited to speak in support of the scheme. They stated that they had strived to improve the proposal based upon previous refusal reasons. They claimed there would be no overlooking and that they wanted to work with existing residents, whilst ensuring there is no cost to them.

CR asked the applicants to clarify how the previous refusal reasons had been addressed, they answered that the revised scheme is more in keeping, steps back, has smaller balconies – concluded that it is a very different scheme this time.

Michael Park, the owner of the existing top floor flat and the tenants of the flat were then invited to speak. He stated that the consultation had been flawed and biased, giving just 3

weeks to comment on the proposal. He stated that his property would be the most impacted during construction works and by the addition of a new flat above his, ruining the general enjoyment of the flat. Also that the flat would not be suitable for a family.

He stated that the previous refusal reason had not been overcome, and that it was unfair that he would suffer the brunt of the impacts for a development of which the sole purpose is to make money for a private developer.

CR queried whether the applicants could come back for questions, CC stated that would be irregular.

CR stated that only material planning considerations could be considered when making a decision, and asked which conditions could ease the construction period for the applicants.

The objector expressed concern at the planning process, stated that they do not understand the process, but the planning department and developers do, making it unfair. CC replied that unfortunately that is how the planning process works nationally.

The objector stated that the impact on neighbours had not been considered, i.e. additional noise and disturbance from having people live above, and during construction.

Councillors deliberated over the controls that could be put in place by the construction management plan, and how this could manage the impacts during construction although noted they could not consider the impacts during construction when coming to a decision.

CC noted that standing orders had been suspended at 21:50. The applicants were called back to answer some questions on the construction management plan, and how they would mitigate impacts on other residents of the building.

The applicant stated that the construction management plan could detail everything down to specific time-scales. They noted that as it is not a planning issue, they hadn't worked out specific construction timings yet, but can add as much details as required prior to starting construction. The architect added that they have a good track record, but was cut off by CC who stated that only the current application is to be discussed.

CC asked what the disruption of taking the roof off would be. The applicant stated that the roof would not be open, there would be weather proofing in place, and they would be very careful, as they do not want unhappy neighbours.

CC then asked about soundproofing and the applicant confirmed it would be installed.

Further deliberations between members followed, where they noted that there didn't appear to be any material considerations to refuse the proposal on, although it would surely be disruptive and expressed their sympathy.

Members stated that they would leave the construction management plan in the hands of officers, but that they wanted to require the developer to engage existing residents at every stage. SW stated that the condition could be strengthened to require the developer to notify residents prior to commencement of the works and to provide a programme of works.

CR stated that the strongest possible conditions were required, and CC stated that members would entrust this to officers.

Councillor Rathbone moved to accept the officers' recommendation, which was seconded by Councillor Johnston-Franklin.

Members voted as follows:

FOR RECOMMENDATION: Councillors Clarke (Chair), Anwar, Franklin, Kelleher, Muldoon, Paschoud and Rathbone.

AGAINST RECOMMENDATION: None

ABSTAINED: None

RESOLVED: Unanimously accept officer's recommendation and grant planning permission.

Meeting Closed at 21:25

Committee	PLANNING COMMITTEE B	
Report Title	NORTHWEST GARAGES, KNAPDALE CLOSE, LONDON, SE23 3XG	
Ward	FOREST HILL	
Contributors	HOLLY LUCAS	
Class	PART 1	30 TH AUGUST 2018

<u>Reg. Nos.</u>	(A) DC/18/106452
<u>Application dated</u>	20.03.2018
<u>Applicant</u>	Lewisham Homes on behalf of Lewisham Council
<u>Proposal</u>	The demolition of eight (8) existing garages, surface carpark and tarmac drying area at Knapdale Close, SE23, to allow for the construction of seventeen (17) dwellings comprised of three (3) dwelling houses and fourteen (14) flats, together with the provision of landscaping, refuse store, thirty-four (34) car parking spaces and forty-eight (48) cycle spaces
<u>Applicant's Plan Nos.</u>	15.215/D(00)001 (REV A); 15.215/D(00)003 (REV A); 15.215/D(00)004 (REV B); 15.215/D(00)005 (REV C); 15.215/D(00)006 (REV B); 15.215/D(00)007 (REV C); 15.215/D(00)008 (REV B); 15.215/D(00)009 (REV B); 15.215/D(00)010 (REV A); 15.215/D(00)011 (REV A); 15.215/D(00)012 (REV A); 15.215/D(00)013; 15.215/D(20)101 (REV C); 15.215/D(20)102 (REV C); 15.215/D(20)103 (REV B); 15.215/D(20)104 (REV A); 15.215/D(20)105 (REV A); 15.215/D(20)201 (REV B); 15.215/D(20)202; 15.215/D(20)203 (REV A); 15.215/D(20)204; 15.215/SK124; 15.215/SK125; 9106-1; TM235L01 (REV B); TM235L02 (REV A); TM235L03 (REV #); TM235L04 (REV #) TM235L05 (REV #) ARBORICULTURAL IMPACT ASSESSMENT (MARCH 2018 (REVISED JULY 2018)); DAYLIGHT AND SUNLIGHT ASSESSMENT (MARCH 2018 (REVISED JUNE 2018)); DESIGN AND ACCESS STATEMENT (REV B) (MARCH 2018 (REVISED JULY 2018)); ECOLOGICAL APPRAISAL (MARCH 2018); ENERGY AND SUSTAINABILITY STATEMENT (FEBRUARY 2018); INITIAL GEOTECHNICAL AND LAND CONTAMINATION STUDY (DECEMBER 2015); LANDSCAPE DESIGN REPORT (REV B) (MARCH 2018); OUTLINE CONSTRUCTION MANAGEMENT PLAN (MARCH 2018); PLANNING STATEMENT (MARCH 2018); PLANNING OBLIGATIONS STATEMENT (MARCH 2018); TRANSPORT STATEMENT (MARCH 2018); TRANSPORT STATEMENT ADDENDUM (JULY 2018); UTILITY STUDY (FEBRUARY 2016)
<u>Background Papers</u>	(1) Case File LE/959/H21/TP (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	PTAL 2-4 Not a Listed Building Not in a Conservation Area

1.0 Property/Site Description

Existing Site and Location

- 1.1 This is an application by Lewisham Homes on behalf of Lewisham Council. Knapdale Close, Forest Hill SE23 3XG is located within the wider Forest Estate, which is approximately 0.72ha and is managed by Lewisham Homes. Forest Estate has been identified as a potential site for estate infill as part of the New Homes, Better Places programme led by Lewisham Homes in conjunction with Lewisham Council to provide affordable housing across the borough.
- 1.2 Knapdale Close currently supports eight (8) existing garages, surface carpark and a tarmac drying area as well as two (2) existing 1960's residential tower blocks (both greater than five (5) storeys), being 14-33 and 34-53 Knapdale Close (Refer to Figure 1.0). The tower blocks will remain unchanged by the proposal; however, the garages, carpark and drying area are proposed to be demolished.
- 1.3 Vehicular access into the site is from Eliot Bank, which stems from London Road.



Figure 1.0: Existing Site and Location

Surrounding Context

- 1.4 The site and its surrounding context is predominately residential in character, consisting of 2-3 storey residential development.
- 1.5 The site slopes by approximately 13m from north-east to south-west and is framed by London Road to the north, existing residential development to the east and west and Eliot Bank Primary School to the south.
- 1.6 The Horniman Museum and Horniman Play Park are located approximately 0.5 miles to the north-west of the site. Tarleton Gardens, Baxter Field, Dulwich and Sydenham Hill Golf Course are also located within close proximity to the site.

- 1.7 The subject site is approximately 500m from Forest Hill Overground Station, which provides Overground services and trains to London Bridge, Highbury and Islington and West Croydon/Crystal Palace. A number of frequent bus services (122 to Crystal Palace, 185 to Victoria, 176 to Tottenham Court Road, 197 to Peckham and the 356 to Upper Sydenham) also service the area.
- 1.8 The site and surrounding area has a Public Transport Accessibility Level (PTAL) rating of 2-4, where 0 is worst and 6b is best. The site is on the border of two different PTAL zones, with the area immediately to the north west of the site falling within a PTAL zone 4 and the area including the site falling within a PTAL zone 2. The PTAL score changes suddenly from a 2 to a 4, directly to the north west of the site due to the fact that Forest Hill train station is not included in the calculation for the lower PTAL cell as the PTAL tool perceives that Forest Hill Rail Station is outside of a 960 metre walk distance. It also fails to take into account the pedestrian cut-through to the south east of the site via Shackleton Close and two additional bus services (the 122 and the 356). When manually re-calculated, the true PTAL score for the site is confirmed as 'good' with a rating of 4.

Site Designations and Constraints

- 1.9 The site does not contain any statutory Listed Buildings on or within close proximity. It is not located within a Conservation Area, however is located in close proximity to the Forest Hill Conservation Area.

2.0 Relevant Planning History

- 2.1 No relevant planning history.

3.0 Background

- 3.1 Lewisham Homes is acting as the development agent of Lewisham Council as part of the Council's strategy to deliver as much new affordable housing as possible. In 2012 the Council agreed its New Homes, Better Places programme to deliver 2,000 new affordable homes for Lewisham residents in housing need, including 500 new Council homes at social rent.
- 3.2 This programme responds to the on-going housing crisis in London that is felt most acutely by those with the lowest incomes and the least recourse to access market products. In Lewisham this is expressed most clearly in the fact that 1,900 Lewisham households are homeless and housed in temporary housing of varying kinds. This number has doubled since 2010/11 and has been driven principally by the withdrawal of Government capital funding for new affordable homes, leading to a drop in supply and fewer homes for the Council to use to meet its duties to homeless households.
- 3.3 It was in that context that Lewisham Council initiated its own housebuilding programme to deliver the first new Council homes in the borough for a generation. It is backed by £100m of Council investment, with the new homes being delivered on the Council's behalf principally by Lewisham Homes on a number of small "infill" sites around the borough.
- 3.4 This application is one of the schemes that contribute to this programme, and if approved will contribute seventeen (17) new homes as part of the 500 Council homes target.

4.0 Current Planning Application

The Proposal

- 4.1 Planning permission is sought for the demolition of eight (8) existing garages, surface carpark and tarmac drying area at Knapdale Close to allow for the construction of seventeen (17), 100% affordable residential dwellings for social rent within three (3), part

two/part three storey dwelling houses and one (1) part four/part five storey flat block supporting fourteen (14) flats. In addition to the proposed residential dwellings, planning permission is requested for associated landscaping, refuse store, thirty-four (34) car parking spaces and forty-eight (48) cycle spaces.

- 4.2 The proposed residential dwellings will be owned and managed by Lewisham Homes on behalf of Lewisham Council.
- 4.3 The three (3) proposed dwelling houses will be 3 bed/5 person and the flats block will include 10 x 2 bed/4 person and 4 x 3 bed/5 person flats (Refer to Table 1.0).
- 4.4 The proposed development does not include any wheelchair accessible units due to the gradient of the site (1:12), which is supported by Lewisham Council's Occupational Therapy Officer who advised the site is not suitable for Wheelchair users.
- 4.5 The scheme also proposes a landscape masterplan, which aims to mitigate the loss of the existing landscaped areas and redeliver lost amenity spaces. The proposal specifically includes paved frontages to the proposed dwelling houses, drying area replacement, shared surface paving throughout Knapdale Close, new planting and surfacing around the existing blocks, terraced amenity spaces, informal play features, community growing space and refuse stores.
- 4.6 Thirty-four (34) car parking spaces and forty-eight (48) cycle spaces are proposed in addition to a new, shared surface road, a redefined access to the south and s278 highways improvements. The three (3) dwelling houses will each have secure bicycle storage for four (4) bikes in their respective gardens.
- 4.7 Sixteen (16) car parking spaces will be lost due to the proposal being sited on existing hardstand and the estimated demand of the proposed housing is calculated to be seventeen (17) additional car parking spaces. Three (3) of the eight (8) garages to be demolished have been re-provided as only three (3) are occupied by Forest Estate residents. Three (3) of the garages are used solely for storage (or are unoccupied) and two (2) are let to residents living outside of the estate and therefore have not been re-provided. The car parking demand generated by the proposal is calculated as thirty-six (36) spaces.
- 4.8 The parking re-provision shortfall due to the proposed development is therefore two (2) spaces, which is supported by Highways Officers and further reinforced by the London Plan Policy.

Building

- 4.9 The proposal includes one (1) part four/part five storey residential flat block (14 x flats) amongst the two (2) existing flat blocks within the north-east corner of the subject site. The three (3) part two/part three storey dwelling houses will be located in the north-west corner of the site.
- 4.10 The proposal includes 3 x 3 bed/5 person houses, 10 x 2 bed/4 person flats and 4 x 3 bed/5 person flats.
- 4.11 The proposed dwelling houses would be comprised of predominately brick and cedar cladding with grey roofing. The proposed flat block would be comprised using a combination of predominately masonry brick with grey roof, metal windows (clear or obscure glazing), timber (or similar) vertical screening/fins and metal and timber cladding. Photovoltaic panels proposed on the roof.
- 4.12 All of the proposed dwellings would meet or exceed the minimum Gross Internal Area (GIA) and amenity area requirement stipulated within the London Plan & SPG as identified in Table 1.0 below.

Table 1.0: Amenity Area Compliance with The London Plan & SPG

Dwelling	No of Beds/Persons	GIA (m2)	London Plan Min GIA (m2)	Amenity Area Proposed (m2)	Housing SPG Minimum (m2)	Comply
House 1	3bed/5person	101.5	99	39.5	8	✓
House 2	3bed/5person	103.2	99	33.1	8	✓
House 3	3bed/5person	103.2	99	67.6	8	✓
Flat 1	2bed/4person	71	70	8.2	7	✓
Flat 2	2bed/4person	71	70	23.5	7	✓
Flat 3	3bed/5person	86	86	8.7	8	✓
Flat 4	2bed/4person	71	70	8.2	8	✓
Flat 5	2bed/4person	71	70	8.2	8	✓
Flat 6	3bed/5person	86	86	8.7	8	✓
Flat 7	2bed/4person	71	70	8.2	8	✓
Flat 8	2bed/4person	71	70	8.2	8	✓
Flat 9	3bed/5person	86	86	8.7	8	✓
Flat 10	2bed/4person	71	70	8.2	8	✓
Flat 11	2bed/4person	71	70	8.2	8	✓
Flat 12	3bed/5person	86	86	8.7	8	✓
Flat 13	2bed/4person	71	70	8.2	8	✓
Flat 14	2bed/4person	71	70	8.2	8	✓

- 4.13 The proposed buildings incorporate a pitched roof design, with a small portion of flat roof proposed on the three (3) dwelling houses. A flat roof design on the flats block was explored throughout the design and pre-application process, however was deemed inappropriate by Council Urban Design Officers as it was out of context with the existing tower blocks within the estate.
- 4.14 The ground floor of the flats block incorporates two (2) ground floor flats (2 bed/4 person) with associated amenity, two (2) secure bicycle storerooms, recycling and refuse store, plant and cleaners store. The first to fourth floor plans repeat three (3) flats per floor, each with London Plan compliant amenity space.
- 4.15 The proposed parking areas would be formalised and scattered throughout Knapdale Close, accessed from the existing crossover stemming from London Road. All proposed parking would be unallocated.

- 4.16 Forty-eight (48) cycle spaces are proposed at the Ground Floor of the flat block, within nine (9) secure, compartmentalised secure lockers. Additionally, the three (3) dwelling houses would each have secure bicycle storage for four (4) bikes each within their respective gardens.
- 4.17 The means of fire escape for the upper floors of the dwelling houses would be via a protected staircase of 30-minute fire resistant construction leading to the escape.
- 4.18 The means of fire escape from each flat would be via the ventilated lobby into a protected staircase of 60-minute fire resisting gyproc. Each lobby would also be ventilated automatically by an opening vent (1.5m²). A 1m² vent is also proposed to the staircase at roof level for use by the fire department. All flats would also be protected by 30-minute fire resistant entrance halls.

5.0 Supporting Documents

Planning Statement – Prepared by Fuller Long (March 2018)

- 5.1 This statement outlines the proposal, which intends to contribute to housing targets by providing seventeen (17), 100% affordable dwellings for social rent.

Design and Access Statement - Prepared by bptw partnership (March 2018 (Revised July 2018))

- 5.2 This statement provides a comprehensive description of the subject site. It assesses and evaluates the existing site, outlines the project, tenure, consultation and design development, building layout, scale, appearance, landscape design, movement and access, sustainability, safety and security. The statement is supported by massing information, indicative visualisation images and Computer Generated Images (CGI) of the completed development within the context of the existing surrounds.

Landscape Design Report - Prepared by TurkingtonMartin (March 2018)

- 5.3 This report provides an overview of the public realm approach for the site including landscape proposal and strategy, community space proposal, materials, street furniture, lighting, tree species, planting palette and proposed tree removal strategy.

Arboricultural Impact Assessment - Prepared by Tamla Trees (March 2018 (Revised July 2018))

- 5.4 A total of twenty-eight (28) trees or groups of trees have been identified on site, twelve (12) of which are required to be removed to facilitate the development. Four (4) are Category U, five (5) are Category C and three (3) are Category B.
- 5.5 Trees to be removed include T4, T7, T8, SG1, T10, TG2, T11 and T15 as well as the removal of Cat U trees (T1, T6, T9 and T19).

Table 2.0: Proposed Tree Removal

Tree Ref	Species	Category	Comments
T1	Willow (Goat	U	Severely topped with V included basal union. Close to wall. Poor condition.
T4	Maple (Norway)	B1	Surface roots and evidence of sheer cracks low on stem which have stabilised. Removal required to facilitate proposal.
T6	Cherry	U	Thinning canopy suggests health is declining. Remove due to poor condition.

T7	Cherry	C1	Thinning canopy suggests health is declining. Removal required to facilitate proposal.
T8	Acer	C1	Large surface roots. Removal required to facilitate proposal.
T9	Acer	U	Stem wound. Remove due to poor condition.
T10	Sycamore	C1	Removal required to facilitate proposal.
T11	Ash	C1	Removal required to facilitate proposal.
T15	Ash	B2	Predominate amenity tree. Removal required to facilitate proposal.
T19	Birch (Silver)	U	Thinning canopy suggests health is declining. Remove due to poor condition.
TG2	2 x Maple	B1	Close grown trees of low individual quality but as a pair offer wider amenity and screening. Surface roots. Level change (down) at 4.3m on southern side.
SG1	Laurel (Cherry)	C1	Multi stemmed shrubs with various lower stem defects. Remove to facilitate proposal.

- 5.6 The proposal requires foundation excavation within the RPA of T13 and landscape works within the RPA of T17.
- 5.7 None of the trees on site are subject to a Tree Preservation Order (TPO).
- 5.8 The development also proposes extensive (hard and soft) landscaping in addition to extensive planting, including appropriate diversity (in terms of age, class and species) tree replacement.

Initial Geotechnical & Land Contamination Assessment – Prepared by LBH Wembley Geotechnical & Environmental (December 2015)

- 5.9 Possible soil contamination has been identified as being low to medium risk. Pollutant linkages being of a medium or high risk ranking typically warrant some degree of further investigation or mitigation.

Daylight and Sunlight Assessment – Prepared by Herrington Consulting Limited (January 2018 (Revised June 2018))

- 5.10 The impact of daylight and sunlight enjoyed by neighbouring properties has been analysed and found that of the two-hundred and twenty-six (226) windows tested, six (6) will notice minor to moderate transgression impact, however will not represent a notable impact and will be in line with BRE guidance.

Energy and Sustainability Statement – Prepared by STROMA Tech (February 2018)

- 5.11 Solar Photovoltaics (PV) mounted on the roof will achieve an annual reduction in carbon emissions of 12.35 tonnes. Five (5) solar PV arrays are incorporated within the design, which include two (2) arrays on the apartment block and one (1) on each dwelling house. The dwelling house PV arrays will be approximately 6m² each on the proposed houses and 116m² each on the apartment block.

- 5.12 CO2 targets can be achieved through a combination of high performance building fabric (including high levels of insulation), energy efficient gas boilers and solar Photovoltaic arrays (22 kilo-Watt peak).
- 5.13 The five (5) PV Arrays will cover a 250m² area and contribute to CO₂ emission reduction of 36.4%. Given that the proposed CO₂ emission reduction is greater than 35%, no further assessment or offset is required.

Ecological Appraisal (inc. Bat Survey Report) - Prepared by SLR (March 2018)

- 5.14 A field study was undertaken on the site to record habitats and potential protected species, which are outlined as follows:
- Bats: No evidence of roosting bats were recorded.
 - Other Mammals: A fox was recorded in 2015 and it is possible that hedgehogs and other small mammals use the site.
 - Birds: Woodpigeons, urban pigeons and magpies were observed during the 2018 site visit in trees and scrub which may provide nesting habitat and winter food sources, however are relatively small and disturbed by people.
 - Reptiles and Amphibians: The site is considered to be unsuitable for reptiles and amphibians.
 - Plants: No rare plants were recorded on the site.
- 5.15 The site is not covered by any statutory or non-statutory nature conservation designation and the site presents limited potential to support rare, notable or legally protected flora and fauna. The development footprint is therefore identified as having low ecological value.

UCML Level 1 Utility Study – Prepared by Utilities Connections Management Limited (February 2016)

- 5.16 The utilities connection report identifies utility constraints and potential cost and timescale risks that may potentially impact on the delivery of the project proposed.
- 5.17 It is envisaged that there is sufficient capacity in the existing networks to provide supply of electricity, gas, water, BT openreach and virgin media.

Transport Statement – Prepared by Paul Mew Associates (October 2017)

- 5.18 All roads within a 200m radius of the site were surveyed including Derby Hill Crescent, Eliot Bank, Featherstone Avenue and Knapdale Close. Overnight surveys were carried out on Tuesday 14th March and Wednesday 15th March at 0400 and 0100, respectively, which identified 121 unrestricted kerb side parking opportunities, 36 of which were vacant (71% parking stress).
- 5.19 Daytime parking surveys were carried out on Monday 19th October, hourly from 0700 to 1800. The area was most heavily parked at 1800 with 49 available spaces within 200m radius (68% stressed).

Outline Construction Management Plan – Prepared by Paul Mew Associates (March 2018)

- 5.20 The Outline Construction Management Plan details the demolition and construction details, traffic management, monitoring, compliance, reporting and review and CMP management.

Further details such as a Construction Method Statement, Parking Management Plan, Travel Plan and Delivery and Servicing Plan will be secured by condition.

Transport Statement Addendum – Prepared by Paul Mew Associates (July 2018)

- 5.21 A Transport Statement Addendum has been prepared to respond to the issues raised by residents and the Council including the site's PTAL score, existing and proposed refuse and emergency vehicle access, and existing and proposed parking conditions.
- 5.22 An additional parking survey was undertaken on Saturday (14th July 2012 from 1000-1800), which identified 55 cars parked and 28 available spaces (66% stress) with the busiest period from 1400 to 1500 with 75% stress.
- 5.23 Refuse vehicle (collection activity) was observed on Monday 9th July 2018, which identified there are three key areas where parked cars are causing access issues (the Knapdale Close junction with Eliot Bank, the bend in Knapdale Close adjacent to flats 14-33, and the turning head at the end of Knapdale Close adjacent to flats 34-53), however it is concluded the proposed highways works and improvements (s278 agreement) will address the existing issues.

6.0 Consultation

- 6.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.

Pre Application Consultation

- 6.2 The submission of this application follows a number of formal and informal pre application discussions held between the applicant and London Borough of Lewisham Officers in 2016/2017.

Planning Application Consultation

- 6.3 In April 2018 four (4) site notices were displayed and letters were sent to two hundred and eighty-six (286) residents and businesses in the surrounding area (approximate 50m radius). The relevant Lewisham Councillors, Environmental Protection, Drainage, Thames Water, Met Police, Ecological Regeneration, Environmental Health, Housing, Highways, Strategic Waste and Forest Hill Society were consulted.
- 6.4 Twenty-seven (27) letters of objection and one (1) letter of support were received, which therefore triggered the requirement for a Local Meeting to be held in accordance with the London Borough of Lewisham Statement of Community Involvement. The responses can be summarised as follows:

Written Responses received from Local Residents and Organisations

- Emergency and refuse access is an existing problem
- Development will impact on existing quality of housing and safety of current residents
- The estate is already heavily congested and used inappropriately for parking by Horniman Museum, local schools etc
- Emergency vehicle access is already a concern and is going to be made worse by the development
- Refuse collection is a concern and Lewisham Council are already unable to successfully manage refuse collection on the estate

- Water supply is under constant strain with regular burst mains causing loss of water supply and icy conditions in winter
- The estate has been neglected by Lewisham Council and Lewisham Homes for many years including lack of maintenance to landscape, roads, water supply, fences, handrails, pavements and refuse areas
- Pitched roof design is not appropriate
- Overlooking and height
- Overshadowing/daylight/sunlight analysis – loss of light to surrounding area
- Glare from solar panels
- Traffic issues during construction
- Separation distances
- Loss of visual amenity
- Lack of disabled facilities
- Noise disruption
- Eliot Bank School have no concern with the principle of development, however are concerned about the increased traffic and conflict with vehicles and pedestrians. They have recommended delivery and construction vehicle hours.

6.5 The Local Meeting was held on 4th June 2018 as an informal drop-in session. Thirty-one (31) residents signed the attendance sheet at the door and raised their concerns with regard to the proposed development. Existing estate management, sunlight/daylight/overlooking, design and service vehicle access were raised by residents as points of concern (Refer to Appendix A for Local Meeting Minutes).

Written Responses received from External Statutory Agencies

London Fire

6.6 London Fire Brigade have not objected to the proposal, however advised the scheme should comply with the Fire Safety Guidance Note (GN29).

Thames Water

6.7 Thames Water have no objection to the proposed development, however have provided informatives relating to waste and water to be attached to the Decision Notice, should the development be approved.

Written Responses received from Non-Statutory Agencies

Highways and Transportation

6.8 Highways initially raised an objection to the proposal based on the refuse and emergency vehicle servicing arrangements. A delivery and servicing plan to outline further details of the waste and recycling strategy and additional swept paths with the correct size refuse vehicle (11.2m) and Saturday parking surveys were requested to determine if the Horniman Museum contributes to parking congestion on the estate. A Transport Statement Addendum was submitted in lieu of a Delivery and Servicing Plan (as agreed), which satisfied the concerns raised by Highways officers. Highways now raise no objection subject to appropriate conditions and s278 agreement, outlined below:

- The introduction of double yellow lines (waiting/parking restrictions) at the Knapdale Close junction with Eliot Bank, the bend in Knapdale Close adjacent to flats 14-33, and the turning head at the end of Knapdale Close adjacent to flats 34-53 to improve service vehicle access;

- The installation of dropped kerbs and tactile paving on all pedestrian crossing points and/or junctions along Eliot Bank and Knapdale Close (between London Road and the application sites) to improve pedestrian accessibility;
- The installation of measures to calm traffic along Knapdale Close;
- The creation of a shared surface design and reconfiguration of the existing parking layout;
- Creation of a turning head area to facilitate forward gear access and egress for service vehicles.

Ecological Regeneration

- 6.9 The Council's Ecology Regeneration Manager considers the application unobjectionable, however has requested living roof to be incorporated on any roof area (30 degree slope or less) and the installation of bat/bird bricks.

Environmental Health

- 6.10 In principle, Environmental Health are satisfied with the Outline Construction Management Plan.

Environmental Protection

- 6.11 Environmental Protection raise no objection to the scheme, however have requested a Land Contamination Condition to be attached to the Decision if approved.

Housing

- 6.12 Strategic Housing comments for the demolition of eight (8) existing garages, surface carpark and tarmac drying area at Knapdale Close, SE23, to allow for the construction of seventeen (17) dwellings comprised of three (3) dwelling houses and fourteen (14) flats, together with the provision of landscaping, refuse store, thirty-four (34) car parking spaces and forty-eight (48) cycle spaces.

Housing need

- 6.13 There is currently is a housing crisis and it has become incumbent on Councils to re-engage with the direct delivery of Council homes. The homelessness Charity, Crisis, have just announced that 100,000 homes would need to be built, each year over the next 15 years in order to resolve the homelessness problem, and that a significant amount of tax payers money is being spent on temporary accommodation, which if re-directed to home building, would be better placed to home people permanently.
- 6.14 In July 2012, the Council took the initiative to embark on an ambitious programme to build new Council homes in response to the series of on-going housing policy and delivery challenges, most notably an enduring under-supply of new affordable homes available to the Council to meet housing demand.
- 6.15 Endorsed by the previous Mayor, the New Homes, Better Places programme is to comprise 500 new Council homes and the current application forms part of this programme.
- 6.16 Running concurrently with the delivery of the 500 homes, the New Mayor of Lewisham has pledged to create an additional 1,000 Council homes within his 4 year term. A further tranche of planning applications will therefore follow in the coming months and years in order to deliver the Mayor's bold, but absolutely necessary ambitions.

The Proposal

- 6.17 Lewisham Council's Housing Strategy and Programmes Team **strongly support** the proposed development of **social rent homes** at Knapdale Close comprising seventeen (17) dwellings made up of three (3) dwelling houses and fourteen (14) flats.
- 6.18 The proposal contributes to the Council's New Homes Programme by creating 17 new social rent Council homes. 100% of the new homes provided at Knapdale Close will be let at social rent on secure tenancies to households on Lewisham's Housing Register. Currently, there are almost 10,000 households on the register, and over 500 households in 'bed and breakfast' temporary accommodation. This application helps to address this demand and is in line with the Council's Housing Strategy. The Strategy states that 'In particular we need to ensure that there is an increase in the supply of affordable homes for those who have least capacity to pay unaffordable market rents' and from this, a key objective of the Strategy is to build the homes the borough's residents need.

Policy Position

- 6.19 The scheme has been designed to meet housing need as identified through the Council's Housing Strategy. Core Strategy Policy 1: Housing provision, mix and affordability requires schemes to provide 50% of new homes to be affordable, of which 30% should be intermediate and 70% should be social rent.
- 6.20 Overall, the proposal has been designed to provide the optimum mix of dwellings given the housing need and the constraints of the site.
- 6.21 The scheme will be providing 100% social rent homes, which is significantly over the 50% required by policy. No intermediate housing is to be provided through this development, but given the high level of residents living in temporary accommodation, social rent housing is provided when feasible. Notwithstanding this, across the 1,000 home programme, a mixture of social rent, intermediate and private housing will be provided across the borough and therefore the programme will be policy compliant overall.
- 6.22 Core Strategy Policy 1 also requires a housing mix of 42% of all social units to be 3+ bed. The proposal is for 3 x 3 bed, terraced houses, 4 x 3 bed and 10 x 2 bed flats; 17 units in total. The policy requires only 50% social rent homes (9, rounded up) to be provided of which 4 (rounded up), 3+ bed homes would be required. As 7 3+ bed, family sized units are being provided, officers are satisfied that the proposals remain policy compliant.
- 6.23 In light of the above, Strategic Housing officers fully support the proposal to create 17 social rent , Council homes in the dwelling and tenure mix proposed.

Loss of garages

- 6.24 With regard to the loss of garages, officers are satisfied that the provision of 17, new social rent homes and the addition of 9 additional car parking spaces, 48 cycle spaces, and landscaping significantly outweighs the loss of 8 garages and would provide overall, greater benefit to the borough's residents awaiting new homes.

Conclusion

- 6.25 Strategic Housing strongly support the planning application to demolish 8 garages and the construction of 17 social rent council homes at Knapdale Close.

Drainage

- 6.26 The Lead Local Flood Authority (LLFA) have agreed to secure further SuDS detail by condition.

Occupational Therapist

6.27 Confirm that due to the slope of the site, it is not suitable for Wheelchair users.

Metropolitan Police

6.28 No response received.

Strategic Waste

6.29 No response received.

7.0 Policy Context

Introduction

7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

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

7.2 A local finance consideration means:

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

7.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework – 'NPPF' (2018)

7.4 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

7.5 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

7.6 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 7.7 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in different subject areas.

Other National Guidance

- 7.8 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

- 7.9 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:

- Policy 2.9 Inner London
- Policy 2.13 Opportunity areas and intensification areas
- Policy 2.14 Areas for regeneration
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.13 Affordable housing thresholds
- Policy 4.1 Developing London's economy
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.13 Safety, security and resilience to emergency

- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.3 Community infrastructure levy
- Policy 8.4 Monitoring and review for London

London Plan Supplementary Planning Guidance (SPG)

7.10 The London Plan SPG's relevant to this application are:

- Accessible London: Achieving an Inclusive Environment (2004)
- Affordable Housing and Viability (2017)
- Housing (2012)
- Sustainable Design and Construction (2006)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- The Control of Dust and Emissions during Construction and Demolition (2014)

London Plan Best Practice Guidance

7.11 The London Plan Best Practice Guidance's relevant to this application are:

- Development Plan Policies for Biodiversity (2005)
- Wheelchair Accessible Housing (2007)

Core Strategy

7.12 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 1 Lewisham Spatial Strategy
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 13 Addressing Lewisham's waste management requirements
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
- Core Strategy Policy 21 Planning obligations

Development Management Local Plan

7.13 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

7.14 The following policies are considered to be relevant to this application:

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 7 Affordable rented housing
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- DM Policy 27 Lighting
- DM Policy 28 Contaminated land
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 32 Housing design, layout and space standards
- DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas
- DM Policy 35 Public realm
- DM Policy 41 Innovative community facility provision

Residential Standards Supplementary Planning Document (August 2006, Updated 2012)

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

Planning Obligations Supplementary Planning Document (2015)

- 7.16 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

8.0 Planning Considerations

- 8.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology
- h) Trees and Landscaping

a) Principle of Development

- 8.2 The proposed development includes the demolition of eight (8) existing garages, surface carpark and tarmac drying area at Knapdale Close to allow for the construction of seventeen (17), 100% affordable residential dwellings for social rent within three (3), part two/part three storey dwelling houses and one (1) part four/part five-storey flat block supporting fourteen (14) flats. In addition to the proposed residential dwellings, planning permission is requested for landscaping, refuse store, thirty-four (34) car parking spaces and forty-eight (48) cycle spaces.

- 8.3 The application site is not located within a town centre, a designated shopping frontage nor within any of the defined Strategic Industrial Locations, Local Employment Locations or Mixed Use Locations as defined by Core Strategy.
- 8.4 Knapdale Close currently supports eight (8) existing garages, surface carpark and a tarmac drying area as well as two (2) existing 1960's residential tower blocks (both greater than five (5) storeys), being 14-33 and 34-53 Knapdale Close. The tower blocks will remain unchanged by the proposal; however, the garages, carpark and drying area are proposed to be demolished.
- 8.5 DM Policy 33 resists residential development on existing amenity areas of landscaped open space attached to existing residential development, unless it is of the highest design quality and it relates successfully to the existing design quality of the streetscape. In addition to being exceptional quality and design, the proposed development will repair active street frontages, increase natural surveillance, re-provide lost private and amenity space and retain all natural features where possible.
- 8.6 The London Plan, London Plan Supplementary Planning Guidance (SPG), Core Strategy, Development Management Local Plan, Residential Standards Supplementary Planning Document and other national planning guidance emphasise the importance of high quality design that complements the existing development and establishes suitable character. The proposal will be assessed in relation to housing and accommodation standards in the following sections of this report.
- 8.7 The proposed development forms part of a Council strategy to provide 500 new, affordable homes across the borough.
- 8.8 Providing housing, particularly affordable housing, is a priority in the Borough and wider London. The site will make a valuable contribution towards meeting housing needs as identified in the London Plan Policies 3.3 and 3.4 to increase housing supply and optimising housing potential, taking into account local context and character, the design principles and public transport capacity. Furthermore, the London Plan Policy 3.8 identifies the need for Londoners to have a genuine choice of high quality affordable housing, which is considered to be in line with this proposal. The proposal will make use of previously developed land and officers therefore do not raise an objection to the principle of development, subject to securing a high quality design.

Residential Density

- 8.9 Core Strategy Policy 15 seeks to ensure high quality development in Lewisham, including residential schemes and densities in accordance with the London Plan. Policy 3.4 of the London Plan 2016 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 8.10 The site is located within an existing residential area which has a PTAL rating of 4, indicating a 'good' level of accessibility to public transport connections. The scheme proposes seventeen (17) dwellings on a 0.72ha site, which already supports forty (40) residential dwellings. With consideration to the seventeen (17) additional dwellings, the density will be approximately seventy-nine (79) dwellings (191 habitable rooms) per hectare. The London Plan states a density range of 55-225 units or 200-700 habitable rooms per hectare is sustainable for such a location. Officers therefore consider the proposed density to be acceptable.

b) Design

- 8.11 Paragraph 131 of the National Planning Policy Framework (2018) states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 130 states that ‘permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions’.
- 8.12 Urban design is a key consideration in the planning process. Chapters 8 of the NPPF (2018) makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF (2018) states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 8.13 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

Demolition of existing garages

- 8.14 The eight (8) existing garages are not of historic nor architectural merit and therefore, subject to a high quality residential development, there is no objection to their demolition.
- 8.15 Three (3) of the eight (8) garages to be demolished have been re-provided as only three (3) are occupied by Forest Estate residents. Three (3) of the garages are used solely for storage (or are unoccupied) and two (2) are let to residents living outside of the estate and therefore have not been re-provided.

Scale and layout

- 8.16 Planning permission is sought for demolition of eight (8) existing garages, surface tarmac and drying area at Knapdale Close within the existing Forest Estate. The proposal includes fourteen (14) flats (10 x 2bed/4person and 4 x 3bed/5person) and three (3) dwellings houses (3bed/5person).
- 8.17 The scale, massing and articulation of the proposed flats block and dwelling houses have been the subject of extensive discussion between officers and the applicant during pre-application stage as well as public consultation and input from local residents. The proposed redevelopment of the site considers the immediate surroundings and wider context. It is considered to be of a comparable proportion, composition, scale and orientation of the surrounding buildings and successfully transitions between the scale of the proposed development and the adjoining buildings.
- 8.18 The flats block has a proposed height of part four/part five storeys, ranging in height from 12.5m at its lowest point (northwest elevation) to 18.0m at its highest point (southeast elevation), which is considered to be in keeping with the existing five (5) storey tower blocks within the estate.
- 8.19 The proposed flats building presents 2 x 2B/4P flats and associated amenity space at Ground Floor in addition to lift core, plant, refuse and recycling store and forty-eight (48) compartmentalised, secure cycle lockers. Eighteen (18) of the cycle stores are allocated to the existing flats, which currently do not provide cycle storage. The first to fourth floor layout proposes three (3) flats per floor (2 x 2B//4P and 1 x 3B/5P).
- 8.20 The houses have a proposed scale of part two/part three storeys, ranging in height from 3.4m at their lowest point (southeast elevation) to 10.4m at their highest point (southwest elevation), which is considered to be in keeping with the existing two (2) storey residential houses to the south-west of Knapdale Close and to the west of the existing garages.

- 8.21 The three proposed dwelling houses present living at ground floor (living room/kitchen/dining, WC and rear garden), 2 x bedrooms, storage and bathroom at first floor and a third bedroom on the second floor.
- 8.22 All proposed dwellings will be double or triple aspect.
- 8.23 The development has carefully considered designing out crime in accordance with DM Policy 32, London Plan Policy 7.3 and Core Strategy 15 and fear of crime also identified within paragraph 91 of the NPPF (2018). The entrance of the buildings will be safe as they are clearly defined and visible from the street through the use of materiality contrast and lighting in accordance with DM Policy 27.

Architecture and Materials

- 8.24 The flats block will be comprised of predominately masonry brick with grey slate roofing, a combination of clear and obscure glazing metal windows, vertical timber fins for screening and metal balustrade. The proposed houses will be comprised of primarily masonry brick, cedar cladding, grey slate cladding, obscure and part obscure windows, timber doors and timber fencing. The proposal makes an effort to tie in with the surrounding materiality by proposing brick and window treatments in line with the existing blocks along Knapdale Close. Officers consider this to be a high quality design solution which suitably responds to the surrounding context.
- 8.25 All new development within Lewisham is expected to be neighbourly, attractive, private and functional as outlined in DM Policy 32. The proposed development will be suitably landscaped with areas of soft landscaping and trees in accordance with the London Plan Policy 7.6.

c) Housing

a) Size and Tenure of Residential Accommodation

- 8.26 The provision of housing has been identified by the Lewisham Mayor as a key priority for London and the borough. Policy 1 of the Core Strategy seeks to provide a mix of dwellings and provide affordable housing. It confirms that the maximum level of affordable housing would be sought by the Council, with a strategic target of 50%, as a starting point for negotiations and subject to an assessment of viability. The policy seeks provision at 70% social rented and 30% intermediate housing (based on total unit numbers) and family housing (three+ bedrooms) in development of more than 10 units. Where existing areas have a high concentration of social rented housing, different proportions of affordable housing could be sought.
- 8.27 The proposal will provide seventeen (17) 100% affordable dwellings for social rent, within an existing estate comprising a high density of social rented housing. Whilst the proposed development would not achieve the 70% social rented and 30% intermediate housing split as specified by the Core Strategy; officers consider this mix to be acceptable in this instance given the urgent need for socially rented dwellings within the borough. As such, officers consider that the proposed development therefore meets the requirements of Core Strategy 1 and significantly provides housing for families currently homeless in the borough.

Table 3.0: Residential Tenure and Size Mix

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Social Rent	0 (0)	10 (0)	7 (0)	0 (0)	0 (0)
Total	0 (0)	10 (0)	7 (0)	0 (0)	17 (0)

8.28 Due to the slope of the site, no wheelchair user dwellings are proposed.

b) Standard of Residential Accommodation

8.29 The Technical Housing Standards (2015), London Plan's Housing Supplementary Planning Guidance (SPG) and London Plan Policy 3.1 of the London Plan set out the minimum space standards required for dwelling types and amenity space. Policy 3.1 refers to the garden and amenity space required for residential dwellings.

8.30 All proposed dwellings exceed the appropriate recreation space identified in the London Plan as identified below in Table 2.0 above and all residents will have access to the communal central courtyard and children's play space, which is considered to be in accordance with the London Plan Policy 3.6 and LTCP 18.

8.31 The proposals meet, and exceed in places, the minimum internal housing standards as set out in the National Standards, London Plan, Core Strategy and DM Policy 32 and are therefore considered acceptable in this regard.

8.32 The proposal is for 100% affordable housing in accordance with DM Policy 7 and 32, and London Plan Policies 3.10, 3.11 and 3.13. The development will provide a mix of homes (including accessible and adaptable) and meet the needs of the community by creating inclusive environments and communities.

d) Highways and Traffic Issues

The applicant has submitted a Transport Statement (including parking surveys), Transport Statement Addendum and an Outline Construction Management Plan to address highways and traffic issues.

a) Access

8.33 Access to the site can be gained from Eliot Bank, which stems from London Road. The site is located in close proximity to train services from Forest Hill and benefits from a number of frequent bus services. It has a Public Transport Accessibility Level (PTAL) of 4, where '1' is rated as Poor and '6' is rated as Excellent.

8.34 The proposed development is not considered to adversely affect the safety of the surrounding transport network and is therefore considered to be in accordance with the London Plan Policy 6.3.

b) Refuse and Servicing

8.35 Refuse storage would be provided at ground floor of the proposed flats block and screened within the landscape for the houses. Details of such would be secured via condition.

8.36 There are existing refuse collection issues on the estate, which were not adequately assessed within the initial submission, however the Transport Statement (Addendum) submitted in July 2018, identifies that from a physical refuse collection inspection, in all instances the issues regarding access for the refuse collection vehicles is as a result of parked cars. Highways officers consider the proposed s278 works will adequately address refuse issues.

8.37 In accordance with the stipulation from The London Fire Brigade, all new dwellings are generally in accordance with the requirements for fire tenders as per the GEN29 Guideline. The Transport Statement also illustrates that a LFB pump appliance will be able to access

the site, three-point-turn in the turning head provided, and get comfortably within 45 metres of every point on the building as required by GEN29.

c) Cycle Parking

8.38 The London Plan Housing SPG Standard 20, London Plan Policy 6.9 and DM Policy 29 state that all developments should provide dedicated storage space for cycles at the following level:

- 1 per studio and one bed
- 2 per all other dwellings

8.39 In addition, one short stay cycle parking space should be provided for every 40 units.

8.40 A total of forty-eight (48) cycle spaces are proposed for the houses and flats, which will be contained within the ground floor of the proposed flats block and within the amenity space of the houses. All proposed cycle storage will be secure and dry.

8.41 The number of cycle spaces is in accordance with the London Plan and as such is considered acceptable.

d) Car Parking and Highways

8.42 Thirty-four (34) car parking spaces and forty-eight (48) cycle spaces are proposed in addition to a new, shared surface road, a redefined access to the south and s278 highways improvements. The three (3) dwelling houses will each have secure bicycle storage for four (4) bikes in their respective gardens.

8.43 Sixteen (16) car parking spaces will be lost due to the proposal over existing hardstand and the estimated demand of the proposed housing is calculated to be seventeen (17) additional car parking spaces. Three (3) of the eight (8) garages to be demolished have been re-provided as only three (3) are occupied by Forest Estate residents. Three (3) of the garages are used solely for storage (or are unoccupied) and two (2) are let to residents living outside of the estate and therefore have not been re-provided. The carparking demand generated by the proposal is calculated as thirty-six (36) spaces.

8.44 The parking re-provision shortfall due to the proposed development is therefore two (2) spaces, which is supported by Highways Officers and further reinforced by the London Plan Policy.

8.45 The Transport Statement Addendum also considers that even with the proposed s278 agreement (yellow lines), there will be sufficient capacity to accommodate the parking demands within the estate as all parking surveys (Monday, Tuesday and Saturday) all identify significant capacity.

8.46 Officers therefore conclude that based on the parking survey data there is sufficient capacity on-street to accommodate, any displaced parking that occurs as a result of the loss of the lock-up garages. Furthermore, Highways Officers do not consider the proposed development will have an impact on highway capacity or safety.

8.47 The parking strategy is considered to be in accordance with Core Strategy 14, DM Policy 29, London Plan Policy 6.12 and 6.13.

8.48 Further to the above, the applicant must agree with the Highway Authority to secure the highways works, through a s278 agreement, which includes:-

- i) The introduction of double yellow lines (waiting/parking restrictions) at the Knapdale Close junction with Eliot Bank, the bend in Knapdale Close adjacent to flats 14-33, and

the turning head at the end of Knapdale Close adjacent to flats 34-53 to improve service vehicle access;

ii) The installation of dropped kerbs and tactile paving on all pedestrian crossing points and/or junctions along Eliot Bank and Knapdale Close (between London Road and the application sites) to improve pedestrian accessibility;

iii) The installation of measures to calm traffic along Knapdale Close;

iv) The creation of a shared surface design and reconfiguration of the existing parking layout;

v) Creation of a turning head area to facilitate forward gear access and egress for service vehicles.

8.49 Additional documents to be secured via Condition include:

Delivery & Servicing Plan

- It should include further details of the site's waste and recycling strategy, and include further swept-path analysis to determine if parking restrictions or passing spaces are required to enable service vehicle access/egress through the estate.

Construction Logistics Management Plan

- It should specify how the impacts of construction activities and associated traffic will be managed.

Parking Management Plan

- It should provide details of how informal parking will be enforced/managed within the site.

Travel Plan

- It should specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

8.50 Subject to the above, the proposed development is considered to be acceptable with regard to parking and highways matters.

e) Construction

8.51 Given the location of the site on a busy road with active bus lanes, and the existing bus stops adjacent the application site, a full Construction Logistics Management Plan is required to be secured by condition.

e) Impact on Adjoining Properties

8.52 The impact of the proposal on adjoining properties relates to siting, bulk and height with consideration to Core Strategy 15, which states that adverse impact on neighbouring amenity need to be addressed. The Council's Residential Development Standards, also outlines the expectation of developers in an effort to mitigate impact on adjoining properties.

a) Privacy

8.53 The proposed development takes into account the surrounding properties and has been carefully designed and positioned as such. The Council's Residential Development

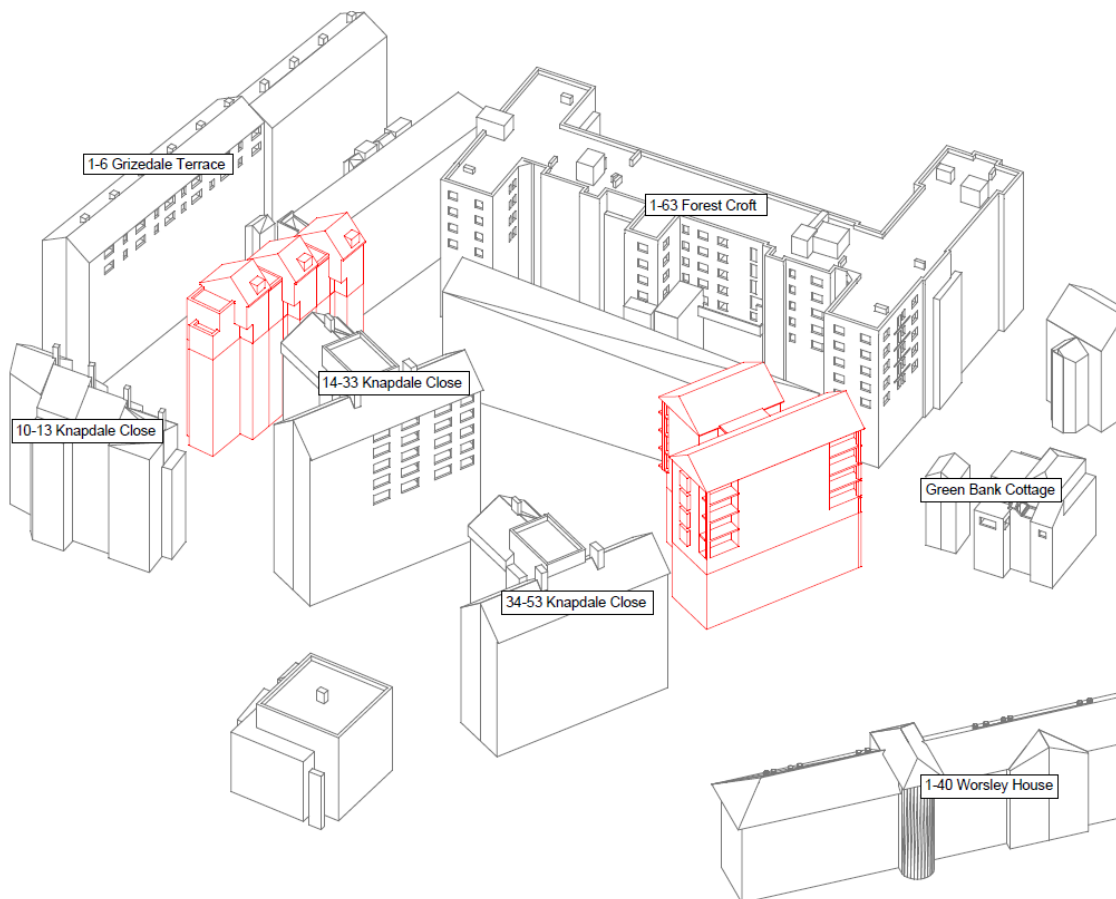
Standards SPD requires a flexible, minimum separation distance of 21 metres between directly facing habitable room windows on main rear elevations.

8.54 The areas proposed for development include the garages to the north and the car parking area to the south, both of which are accessed from Knapdale Close. The existing garages are single storey with associated hardstand and crossover and the existing car parking area is open, poor quality hardstand with no associated boundary treatment.

8.55 There is a significant number of mature trees throughout the site including along the northeast boundary, which provide amenity screening to the neighbouring Forest Croft building.

8.56 Figure 2.0 below illustrates the sensitive surrounding dwellings.

Figure 2.0: Surrounding Context



8.57 Existing flats (14-33 and 34-53 Knapdale Close) are five (5) storey blocks comprised of predominately brick and incorporating a pitched roof design.

8.58 1-63 Forest Croft is located to the north of the proposed flats block and is separated by a minimum of approximately 15m, however this is considered to be acceptable with consideration to the below analysis:

- Living/dining windows on the north-eastern elevation are located so that they have a direct view past Forest Croft and any view into 1-63 Forest Croft is separated by 15.1m to a secondary bedroom window

- Primary bedroom windows on the north-eastern elevation are located approximately 17.5m from 1-63 Forest Croft (secondary windows)
 - Secondary bedroom windows on the north-eastern elevation are located approximately 15-26m from 1-63 Forest Croft.
- 8.59 34-53 Knapdale Close forms a 'T' shape with habitable windows on the northeastern elevation. The proposed building has therefore been designed to sit diagonally adjacent to 34-53 Knapdale Close to avoid overlooking and ensure that most windows on the northeastern elevation of 34-53 Knapdale view directly past the proposed flats block. The proposed southwestern elevation is separated by 19.5m to existing habitable rooms within 34-53 Knapdale Close, however fins are proposed to screen oblique view.
- 8.60 14-33 Knapdale Close is located to the south-west of the proposed flats block, however is separated by a minimum of 24m and therefore no further assessment has been made.
- 8.61 Worsley House is located to the south of the proposed development, however is separated by a minimum of 48.5m and therefore no further assessment has been made.
- 8.62 Greenbank Cottage is located to the east of the proposed flats block, however windows of habitable rooms are separated by more than 21m and therefore no further assessment has been made. Additionally, the corner balconies nearest to Greenbank Cottage propose privacy screens.
- 8.63 1-6 Grizedale Terrace is located to the north-west of the proposed dwelling houses and is separated by 15m-17m, however the proposed layout only incorporates two small windows on the rear elevation (addressing Grizedale Terrace), which are small windows for the bathroom and stair (non-habitable). The entrance level to the new houses are also at least 2.0m lower than those at Grizedale Terrace and therefore their view would primarily be the roof of the proposed dwellings. On balance, the impact on Grizedale Terrace is therefore considered to be acceptable.
- 8.64 10-13 Knapdale Close is separated from the proposed dwelling houses by a minimum of 13m, however the southwestern elevation is flanked at ground floor and stepped back at first and second floor. The windows are also proposed as part obscure.
- 8.65 14-33 Knapdale (existing tower block) is located to the south of the proposed dwelling houses and is separated by approximately 15m, however given the angle of the existing tower block direct overlooking is not considered to be of concern. The dwelling houses also address the rear of the existing flats block, which contains predominately dual aspect dwellings.
- 8.66 1-63 Forest Croft is located to the north-east of the proposed dwelling houses, however the proposed northeast elevation is flank and therefore the 13m separation is considered to be acceptable.
- 8.67 Given the separation distances from surrounding residential uses, which largely are well in excess of the Council's recommended minimum standards it is considered that there would be no unreasonable impact on the occupants of neighbouring residential dwellings with regard to neighbour amenity.
- 8.68 It is accepted that there may be a degree of loss of privacy, however this is not uncommon for such an arrangement in an urban setting and is considered acceptable in this instance.

b) Daylight and Sunlight Assessment

- 8.69 Herrington Consulting Limited prepared a Daylight and Sunlight Assessment for the Development at Knapdale Close, which considers the level of daylight and sunlight received

by the existing neighbouring properties as well as the levels of sunlight and shadow received by their private amenity spaces. It also considers the level of natural light within the proposed residential units and their associated amenity spaces.

8.70 Specifically, it focuses on the development's effects on existing residential accommodation within:

- 1-40 Worsley House
- 1-63 Forest Croft
- 14-33 Knapdale Close
- 34-53 Knapdale Close
- 10-13 Knapdale Close
- 1-6 Grizedale Terrace
- Green Bank Cottage

Daylight Impacts

- Vertical Sky Component Assessment (VSC)

8.71 The BRE Guidelines operate on the general principle where the retained VSC is 27% or greater, or where the VSC is below 27% and is not reduced to less than 0.8 times its former value, then the reduction in daylight is unlikely to be noticeable to the building's occupants and thus the impact is considered to be negligible. Six (6) of the two-hundred and twenty-six (226) windows that have transgressional results, four (4) of which will have minor transgression and two (2) moderate transgression within 34-53 Knapdale Close and 1-63 Forest Croft, respectively. These results should be assessed in conjunction with the other daylight assessments.

- No Sky Line Assessment (NSL)

8.72 The BRE Guidelines state that the area of the working plane within the room that has a view of the sky should not be reduced to less than 0.8 times its former value as a result of new development. None of the one-hundred and sixty-nine (169) windows assessed identified transgression results as the reduction in the area of the working plane that has a direct view of the sky will be less than 20% and therefore occupants are unlikely to notice any change.

- Average Daylight Factor (ADF)

8.73 The ADF method calculates the average illuminance within a room as a proportion of the illuminance available to an unobstructed point outdoors under a sky of known luminance and luminance distribution and takes into account the size and number of windows serving each room and therefore allows a quantitative assessment to be undertaken. The rooms served by the windows that represent transgressional results (VSC) have been assessed, which include 1-63 Forest Croft, 34-53 Knapdale Close and Greenbank Cottage.

8.74 Of the ADF results, there is one (1) room for which the use is unknown and the ADF value is below the adopted average value of 1.5%. If the room is a bedroom, it is concluded that the daylight will be adequate, however if it is a living room or kitchen, then the retained daylight is likely to be below the aspirational target value. Post development, the room will have an estimated ADF value of 1.35%, which is acceptable to perform daily tasks without supplementary lighting.

Sunlight and Overshadowing Analysis

- Annual Probable Sunlight Hours Assessment (APSH)

8.75 The APSH has been tested on all neighbouring property windows that do not face within 90 degrees of due north, which in this case includes 1-63 Forest Croft, 14-33 Knapdale Close, 1-6 Grizedale Terrace and Green Bank Cottage. BRE Guidelines recommend that for the assessment to conclude that the sunlighting of the existing dwelling could be adversely affected, all three of the APSH tests need to have failed. It can be concluded that 100% of the rooms tested, pass at least one of the three sunlight tests and is therefore BRE compliant.

- Sun on the Ground

8.76 The communal area for Knapdale Close, rear gardens of 1-6 Grizedale Terrace and rear garden of Taymount Lodge have been identified as sensitive amenity areas. These areas were tested and it was concluded that with the proposed scheme in place, the amenity areas tested benefit from 2 or more hours of direct sunlight over 90% of their amenity areas on 21st March and therefore will not experience a noticeable change in overshadowing.

- Transient Overshadowing

8.77 It is not considered that any of the potentially affected amenity areas are sensitive to overshadowing and consequently transient overshadowing is not considered appropriate for assessment.

- Solar Glare

8.78 The building does not slope back and does not propose large areas of reflective glass or cladding on the façade, hence solar glare is not considered necessary or appropriate to analyse.

f) Sustainability and Energy

8.79 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

8.80 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

8.81 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.

8.82 The energy assessment confirms that the residual CO₂ savings can be met via the inclusion of five (5) solar PV arrays (two (2) on the flats block with an array size of 116m² and three (3) on the dwelling houses with an array size of 6m² each). The total installed capacity of 22Wp across the site will result in an overall CO₂ emission reduction of 36.4%, which is considered to be in line with the requirements of the Building Regulations Part L (2013).

8.83 Given the above, the proposal is considered acceptable with regard to sustainability and energy.

g) Ecology

8.84 DM Policy 24 (Biodiversity, living roofs and artificial playing pitches) states that Applicants for all major and, where appropriate, non-major development will be required to use up to date surveys and reports that are based on the latest legislation and carried out by a suitably qualified ecologist registered with the Chartered Institute of Ecology and Environmental Management (CIEEM). The surveys should be carried out during an optimal time and contain the appropriate degree of detail needed to identify and consider existing biodiversity interests and possible impacts on them, where the proposed site is part of, or located adjacent to, a site designated for its biodiversity value.

8.85 The applicant has submitted an Ecological Appraisal, which indicate the site is considered to be of low value to birds and identified no evidence of protected species or roosting bats. The site is also considered unsuitable for reptiles and amphibians and is unlikely to support invertebrates of conservation importance. No rare, notable or non-native invasive plants were recorded on the site.

8.86 Officers have requested biodiverse living roofs to be incorporated into the development to provide native and wildlife friendly planting as well as habitat for target species in order to accord with Chapters 15 of the NPPF (2018), which seeks to contribute and enhance the natural and local environment. Bat/brick boxes have also been requested and conditioned.

h) Trees and Landscaping

8.87 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".

8.88 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.

8.89 A total of twenty-eight (28) trees or groups of trees have been identified on site, twelve (12) of which are required to be removed to facilitate the development. Four (4) are Category U, five (5) are Category C and three (3) are Category B. Trees to be removed include T4, T7, T8, SG1, T10, TG2, T11 and T15 as well as the removal of Cat U trees (T1, T6, T9 and T19).

8.90 The tree survey has categorised the existing trees on site using British Standard BS5837:2012 Tree Categorisation Process as follows:

Table 4.0: Tree Categories

Category	Definition
A	High quality, minimum of 40+ years remaining contribution
B	Moderate quality, minimum of 20+ years remaining contribution
C	Low quality, minimum of 10+ years remaining contribution
U	Unsuitable for retention, <10 years remaining contribution

- 8.91 The proposal requires foundation excavation within the RPA of T13 and landscape works within the RPA of T17. It is recommended that a Tree Protection Plan is secured by condition to ensure that the trees proposed for retention are appropriately safeguarded during the construction process.
- 8.92 None of the trees on site are subject to a Tree Preservation Order (TPO).
- 8.93 A landscape strategy has been developed for the extent of the red line boundary, which considers the existing and proposed buildings, existing road, trees to be retained and removed, proposed parking improvements, pedestrian footpaths and the lie of the land.
- 8.94 The proposed development locations are existing hardstand areas and have been selected in an effort to avoid loss of expansive open space areas and retain the mature tree lined perimeter areas and wildlife habitat and corridors to adjacent wooded areas and public parks. The existing open space within the estate comprises approximately 4526m², however with the development in situ, the proposed open space area will cover 4429m², totalling an overall loss of only 97m² of existing open space. Furthermore, it is considered that the enhancements to footpaths and play area will result in a net gain in the quality of the external amenity spaces.
- 8.95 The development also proposes extensive (hard and soft) landscaping in addition to extensive planting, including an appropriate diversity and age class species replacement.
- 8.96 The proposed landscaping scheme including replanting is considered to make a positive contribution to the character, appearance and setting of the area, and an improvement over the existing situation. The details of both soft and hard landscaping be secured by condition.
- 8.97 The redelivery of amenity spaces presents the opportunity to create activity in areas of the estate, which are currently underutilised.
- 8.98 The landscape masterplanned proposal includes landscaping in front of the houses, re-provided drying space shared paved surface, improved landscaping to the existing block, terraced amenity space, informal play and community gardening area.
- 8.99 The community/play space is proposed to the southwest of the existing tower block (14-34 Knapdale Close) and includes timber benches, tree planting, terraced steps and natural play features.
- 8.100 The proposed community (grow) space is proposed in the southeastern corner of the site and comprised of a series of stepped planting beds for intended for horticulture planting to benefit the estate community and encourage interaction. A seating area will be constructed within the space.
- 8.101 The overall landscaping includes concrete paving and textured concrete to define parking areas, larger format concrete block paving in public realm areas and residential paths, resin bound gravel and play surfacing within designated play area, brick walls for retaining, asphalt paving and pre-cast concrete steps to create an attractive environment and define spaces. Colour will be used to delineate welcoming spaces.
- 8.102 The informal play area will be made up of natural features such as logs, rocks, bridges and sand.
- 8.103 Lighting columns and bollards are also proposed throughout the landscape masterplan to ensure the environment is safe and welcoming. Columns are located around the carpark and low bollards are proposed around the parking, close to entrances and within the amenity space.

8.104 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity. The proposal does not incorporate a living roof, however this has been conditioned.

8.105 The proposed development results in an overall loss of 97m² of existing open space including five (5) Category C and three (3) Category B trees. Hard and soft landscaping, including replacement planting, communal amenity and designated play space are proposed in addition to the seventeen (17) 100% affordable dwellings for social rent, which on balance is considered acceptable.

9.0 Local Finance Considerations

9.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

9.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application however the applicant has claimed social housing exemption.

10.0 Community Infrastructure Levy

10.1 The proposed development is CIL liable and the applicant has claimed social housing exemption which is expected to be granted.

11.0 Equalities Considerations

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

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

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

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

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

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

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

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

12.0 Human Rights Implications

12.1 This planning application engages certain human rights under the Human Rights Act 1998 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

12.2 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

13.0 Conclusion

13.1 This application has been considered in the light of policies set out in the London Plan, core strategies, development plan and other material considerations.

13.2 The seventeen (17) proposed dwellings will meet a defined need, contributing to addressing the shortage of affordable housing in the borough.

13.3 The proposed development is considered satisfactory in principle and subject to the imposition of suitable conditions regarding the matters set out below, it is recommended that permission is granted.

14.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

1. Full Planning Permission Time Limit

The development to which this permission relates must be begun not later than the expiration of three (3) years beginning with the date on which the permission is granted.

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

2. Develop in Accordance with the Approved Plans

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

15.215/D(00)001 (REV A); 15.215/D(00)003 (REV A); 15.215/D(00)004 (REV B);
15.215/D(00)005 (REV C); 15.215/D(00)006 (REV B); 15.215/D(00)007 (REV C);
15.215/D(00)008 (REV B); 15.215/D(00)009 (REV B); 15.215/D(00)010 (REV A);
15.215/D(00)011 (REV A); 15.215/D(00)012 (REV A); 15.215/D(00)013; 15.215/D(20)101
(REV C); 15.215/D(20)102 (REV C); 15.215/D(20)103 (REV B); 15.215/D(20)104 (REV A);
15.215/D(20)105 (REV A); 15.215/D(20)201 (REV B); 15.215/D(20)202; 15.215/D(20)203
(REV A); 15.215/D(20)204; 15.215/SK124; 15.215/SK125; 9106-1; TM235L01 (REV B);
TM235L02 (REV A); TM235L03 (REV #); TM235L04 (REV #) TM235L05 (REV #)

ARBORICULTURAL IMPACT ASSESSMENT (MARCH 2018 (REVISED JULY 2018));
DAYLIGHT AND SUNLIGHT ASSESSMENT (MARCH 2018 (REVISED JUNE 2018));
DESIGN AND ACCESS STATEMENT (REV B) (MARCH 2018 (REVISED JULY 2018));
ECOLOGICAL APPRAISAL (MARCH 2018); ENERGY AND SUSTAINABILITY
STATEMENT (FEBRUARY 2018); INITIAL GEOTECHNICAL AND LAND
CONTAMINATION STUDY (DECEMBER 2015); LANDSCAPE DESIGN REPORT (REV B)
(MARCH 2018); OUTLINE CONSTRUCTION MANAGEMENT PLAN (MARCH 2018);
PLANNING STATEMENT (MARCH 2018); PLANNING OBLIGATIONS STATEMENT
(MARCH 2018); TRANSPORT STATEMENT (MARCH 2018); TRANSPORT STATEMENT
ADDENDUM (JULY 2018); UTILITY STUDY (FEBRUARY 2016)

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

3. Affordable Housing

At least 50% of the seventeen (17) residential units hereby granted permission shall be provided and maintained in perpetuity as affordable housing for social rent to meet the needs of householders whose incomes are not sufficient to permit them to access and afford to rent on the open market. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: In order to meet the housing needs of the Borough and comply with Core Strategy Policy 1 of the Lewisham Core Strategy (2011).

4. Highway Works

(a) No development shall commence until details of the following highways works (including drawings and specifications) have been submitted to and approved in writing by the Local Planning Authority:

- i. The introduction of double yellow lines (waiting/parking restrictions) at the Knapdale Close junction with Eliot Bank, the bend in Knapdale Close adjacent to flats 14-33, and the turning head at the end of Knapdale Close adjacent to flats 34-53 to improve service vehicle access;

- ii. The installation of dropped kerbs and tactile paving on all pedestrian crossing points and/or junctions along Eliot Bank and Knapdale Close (between London Road and the application sites) to improve pedestrian accessibility;
- iii. The installation of measures to calm traffic along Knapdale Close;
- iv. The creation of a shared surface design and reconfiguration of the existing parking layout;
- v. Creation of a turning head area to facilitate forward gear access and egress for service vehicles.

(b) The improvements should include additional lighting to improve pedestrian accessibility.

(c) Prior to occupation the works as required under (a) and (b) must be completed and evidence of approval from the Highways Authority to this work must be submitted and approved by the Local Planning Authority.

Reason: To secure highways improvement works on the public highway and to accord with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

5. Hard Landscaping Details

(a) Prior to commencement of above ground works, drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) must be submitted and approved in writing by the local planning authority.

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

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

6. Living Roof Details

(a) Prior to commencement of above ground works, plans showing a biodiversity living roof laid out on any area with a slope of up to 30 degrees shall be submitted to and approved in writing by the local planning authority.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.

(c) Prior to first occupation of any building herein, the access and watering provision arrangements for the proposed living 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. The living roof detail hereby approved shall be complied with and maintained in perpetuity.

(d) Prior to first occupation of any building approved herein, evidence that the roof has been installed in accordance with (a) and (c) must be submitted to and approved in writing by the local planning authority.

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 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).

7. Tree Protection During Construction

(a) Prior to commencement of development a Tree Protection Plan (TPP) must be submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

(b) The development shall be carried out in full accordance with the approved Tree Protection Plan (TPP) under part (a).

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

8. Construction Logistics Management Plan

Prior to commencement of development, a Construction Logistics Management Plan must be submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities

(c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

(d) Details of construction traffic movements including cumulative impacts, which shall demonstrate the following:-

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

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

(iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel).

(f) Details of the training of site operatives to follow the Construction Management Plan requirements.

(g) The development shall be carried out in full accordance with the approved Construction Logistics Management Plan under parts (a) - (f), inclusive.

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 (2015).

9. Surface Water and Flooding

(a) Prior to commencement of development, a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, must be submitted to and approved in writing by the local planning authority.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

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).

10. Contaminated Land

(a) No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) shall commence until :-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.

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

(c) The development 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.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which

may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

11. Soft Landscaping

(a) Prior to the construction of above ground works, a scheme of soft landscaping (including details of all trees or hedges to be retained and proposed plant numbers, species, location, suitability and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five (5) years shall be submitted to and approved in writing by the local planning authority.

(b) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority.

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with 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).

12. Bat/Bird boxes

Prior to the commencement of above ground works, details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority and shall be installed in accordance with the approved details before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

13. Refuse Storage

The storage of refuse and recycling facilities as approved shall be provided in accordance with plan nos. 15.215/D(00)004 (REV B) prior to first occupation of any building and permanently retained and maintained, thereafter.

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).

14. Delivery and Servicing Plan

(a) Prior to first occupation, a Delivery and Servicing Plan must be submitted to and approved in writing by the local planning authority.

(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.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

15. Travel Plan

(a) Prior to first occupation, a Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' must be submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

(b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

(c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

16. Parking Management Plan

A Parking Management Plan must be submitted to and approved in writing by the local planning authority, prior to first occupation of any building hereby approved.

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

17. Piling Operations

(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.

(b) Details of any such operations 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.

(c) Any such work shall be carried out only in accordance with the details approved under part (b).

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.

18. Cycle Parking Provision

(a) A minimum of forty-six (46) secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved plan nos. 15.215/D(00)004 (REV B).

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

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

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

19. Materials/Quality Design

(a) The development shall be constructed in those materials as submitted in accordance with section 6.3 and section 6.4 of the Design and Access Statement.

(b) The scheme shall be carried out in full accordance with those details, as approved.

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.

20. Plumbing and Pipes

(a) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the external faces/front elevation of the building(s).

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

21. Construction Deliveries and Hours

(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.

(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.

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).

22. External Lighting

(a) Any such external lighting as approved shall be installed in accordance with the plan nos. TM235L03 (REV #) and such directional hoods shall be retained permanently.

(b) The applicant should submit a Lighting Assessment to demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

Informatives

1. Positive and Proactive Statement

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive 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.

2. Tree Protection

In accordance with the recommendations of the Arboricultural Impact Assessment (Prepared by Tamala Trees), during construction robust tree protective fencing and ground protection measures are to be erected between the edge of the building and the RPA of T13 to allow effective access around the building for construction purposes and following construction any making good should be with BS3882 compliant top soil imported and raked out by hand where this is undertaken within retained tree RPA areas (T13 and T17).

3. Replacement Planting

Proposed replacement planting should be with a suitable native species such as Silver Birch, Rowan Sorbus Aucuparia, Bird Cherry and Field Maple Acer Campestre as outlined in the Ecological Appraisal prepared by SLR.

4. External Lighting

Any proposed lighting design should ensure that the illumination of peripheral habitats around the boundary of the site is avoided. The height of the lighting columns should be the minimum required to ensure sufficient illumination of walkways and should be fitted with lanterns with appropriate light spectrums that avoid impacting bat behaviour, and directing downwards with flat plane glass as outlined in the Ecological Appraisal prepared by SLR.

5. Crossover and Garage Removal

The applicant will be expected to pay for the removal of the redundant crossovers and garages and the formation of the replacement dropped kerb and pavement.

6. Tree Works

In the event tree works will be completed between 1st March and 31st July (inclusive) a due diligence check for nesting birds must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981. This check should be recorded in the Site Specific Risk Assessment. If active nests are found, work should not take place until the young have fledged.

7. Thames Water

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water advise the applicant to read our guide working near or diverting our pipes. https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFAw&c=OMjwGp47Ad5otWI0__lpOg&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu-6ha_RdQ&m=rPXCj9wRsApSGYwFBOE9m0LotoikenCpAHZ4Ot09ioE&s=XMpSsETzzlm m1-apjyBCUXz52igbysPDqDt1qjeMleQ&e=

Thames Water 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.

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. Thames Water 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 Waters Risk Management Team by telephoning 02035779483 or by emailing www.riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken.

Please read Thames Water guide "working near our assets" to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFAw&c=OMjwGp47Ad5otWI0__lpOg&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu-6ha_RdQ&m=rPXCj9wRsApSGYwFBOE9m0LotoikenCpAHZ4Ot09ioE&s=XMpSsETzzlm1-apjyBCUXz52igbysPDqDt1qjeMleQ&e=.](https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFAw&c=OMjwGp47Ad5otWI0__lpOg&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu-6ha_RdQ&m=rPXCj9wRsApSGYwFBOE9m0LotoikenCpAHZ4Ot09ioE&s=XMpSsETzzlm1-apjyBCUXz52igbysPDqDt1qjeMleQ&e=)

Should you require further information please contact Thames Water:

Email: developer.services@thameswater.co.uk

Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm)

Write: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Appendix A - Knapdale – Drop-In Session (Minutes)

Knapdale Local Meeting (Drop-In Session) Monday 4th June 2018 – 19:30 – 20:45 @ Civic Suite, Catford

The Knapdale Estate (Local Meeting) was held as a drop-in session with three (3) main discussion tables for design, sunlight/daylight/overlooking and traffic. Informal conversations were had in small groups, however below is a summary of most points discussed.

Attendees:

1. Michael Forrester (LBL - Manager Major and Strategic Projects)
2. Holly Lucas (LBL – Case Officer)
3. Anthony Kelly (Lewisham Homes – PM)
4. Juliet Heap (Planning Consultant)
5. Neill Campbell (bptw Architecture)
6. Thunhairull Islam (bptw Architecture)
7. Barbara Banuls (Herrington Consulting Limited)
8. Nick Ferguson (Paul Mew Associates)

Thirty-one (31) residents signed the attendance sheet at the door.

Comments:

1. Estate Management

- Residents expressed concern with existing issues on the Estate, which they report Lewisham Homes have been made previously aware of. These include:
 - Potholes continually appearing in the bitumen due to runoff. These are filled in, however keep coming back.
 - This has been reported to highways.
 - Refuse consistently not being collected due to the fact that refuse vehicles cannot access all refuse areas.
 - This is a known issue and has been reported to refuse.
 - Burst water mains lead to flooding and poor water pressure, which can cause residents to be without water often.
 - Traffic and parking management is a constant issue. Delivery vehicles cannot enter and at times residents cannot leave the estate if refuse is being collected at the same time.
 - LBL have been made aware of this. Should planning permission be granted, highways improvements will be considered under s278.
 - The roads overall need resurfacing.
 - This has been reported to highways.
 - Abandoned cars are being left on the site and not removed.
 - Lewisham Homes are aware of this.
 - Gutters need cleaning out.
 - Lewisham Homes are aware of this.
 - Many of the existing flats are damp or mouldy.
 - Lewisham Homes are aware of this.
 - Horniman visitors use the estate for parking on the weekend.
 - LBL have been made aware of this. Should planning permission be granted, highways improvements and management will be considered under the s278.

2. Traffic

- Residents are not satisfied that a refuse vehicle will be able to enter the site if cars are parked, as there are already existing issues with access.
 - o LBL refuse have been consulted as part of this application.
- Construction and associated vehicles will cause increased traffic issues.
- Residents queried the PTAL rating identified within the submitted Planning Statement and Transport Assessment as they believe it to be misleading.
 - o Traffic consultant (NF) will check and confirm this.
- Residents questioned the methodology of the parking surveys.
- Horniman parking over the weekend causes additional parking stress.
- Residents reported amenity/footpaths are churned up by vehicles trying to pass tight bends.
- Residents reported previous hardstand areas (drying area) were originally provided for emergency vehicle turn around and should be maintained.

3. Sunlight/Daylight/Overlooking

- Further work to be done on DL/SL. Residents have requested a key drawing or annotated photographs to show which windows and where have been assessed.
- Taymount Lodge
 - o Residents would like to see further SL/DL testing done and impact on their property.
 - o Questioned if LBL could condition obscured glazing/privacy screens.
- Greenbank Cottage
 - o Residents noted that no one has been to the property to inspect the impact or confirm internal layout.
 - o Bedroom to the rear not depicted on the plans as this is a recent extension.
 - Model to be updated for the property at Greenbank Cottage with residents input on room layouts for an amended daylight/sunlight assessment.

4. Design

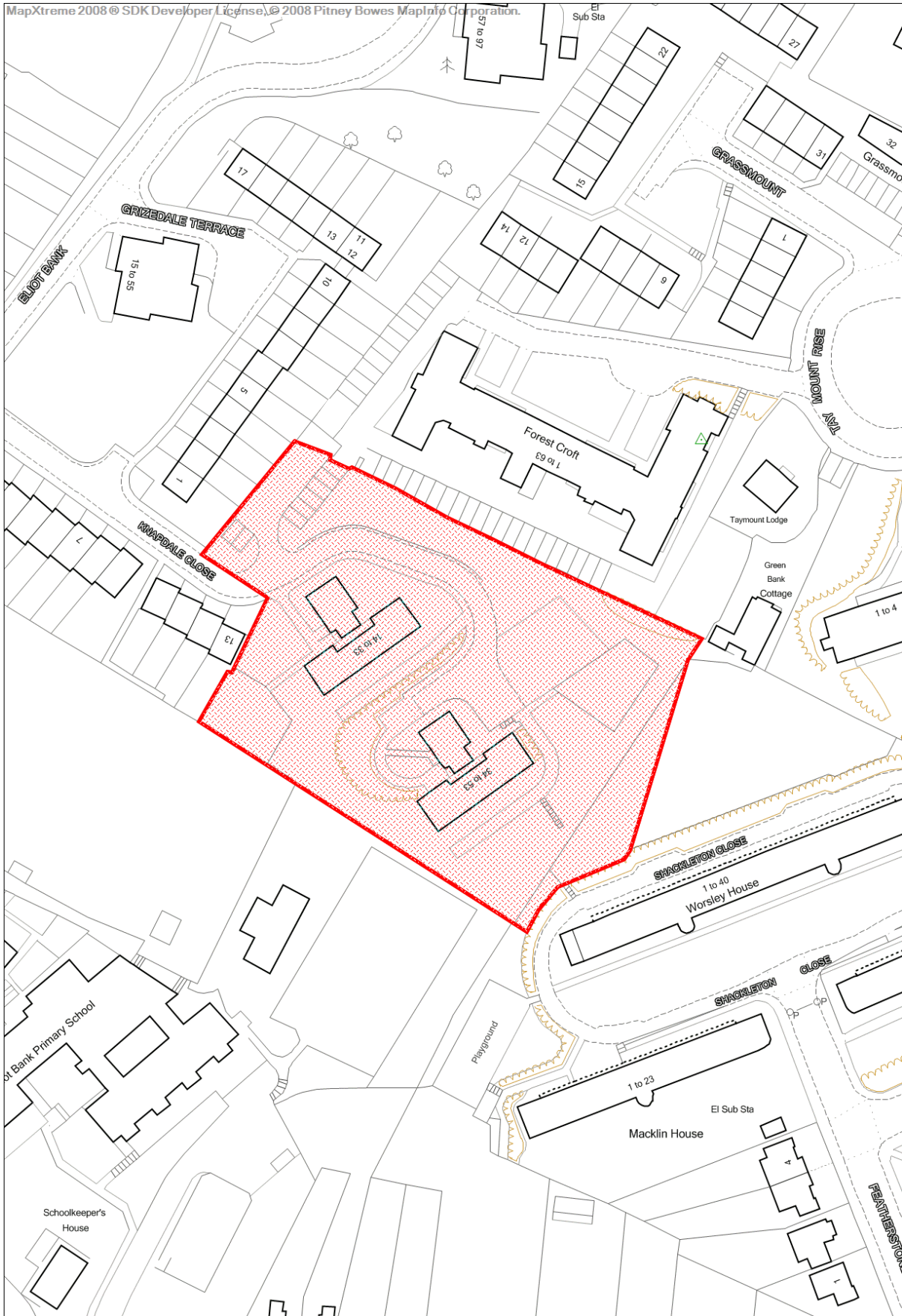
- Residents would like to see more CGIs/elevations and images from all angles of the development.
 - o Contextual analysis → CGI views of the proposed development as viewed from the rear gardens and houses on Grizedale Terrace.
- Residents believe the height of the building is out of context and should be reduced or at the very least a flat roof should be incorporated.

5. Management & Other

- Residents raised concern around fire safety and wanted a meeting with the fire safety officer.
- Residents have been in contact with Forest Hill Fire Station.
 - o London Fire Brigade have been consulted as part of the consultation process. This response will be incorporated in the Committee Report.
- Residents raised concern regarding emergency vehicle access.
 - o Should planning permission be granted, highways improvements and management will be considered under the s278.
- Residents are concerned about adjoining retaining wall demolition causing cracking.

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NORTHWEST GARAGES, KNAPDALE CLOSE, LONDON, SE23 3XG Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	34 ST MARGARETS PASSAGE, LONDON, SE13 5BS	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	30th August 2018

<u>Reg. Nos.</u>	DC/17/105484
<u>Application dated</u>	23.01.2018
<u>Applicant</u>	Mr J Selby
<u>Proposal</u>	The demolition of the existing dwellinghouse at 34 St Margaret's Passage, SE13 and the construction of two, three storey plus lower ground floor semi-detached dwellinghouses with associated cycle and refuse storage, landscaping and boundary treatment.
<u>Applicant's Plan Nos.</u>	00.101 Rev P0; 10.101 Rev P0; 10.151 Rev P0; 10.152 Rev P0; 10.153 Rev P0; 10.154 Rev P0; 10.251 Rev P0; 10.252 Rev P0; 10.253 Rev P0; 10.254 Rev P0; Archaeological Desk Based Assessment; Daylight and Sunlight Study (Neighbouring Properties); Design and Access Statement Rev: 02; Draft Construction Management Plan; Heritage Statement; Planning Statement Rev: 02; Transport Statement Received 23rd January 2018 20.151 Rev P2; 20.152 Rev P2; 20.153 Rev P2; 20.154 Rev P2; 20.201 Rev P6; 20.202 Rev P5; 20.205 Rev P3; 20.253 Rev P5; 20.254 Rev P3; 20.271 Rev P3; SK.002 Rev P0 Received 8th June 2018 20.101 Rev P3; 20.203 Rev P4; 20.204 Rev P4; 20.251 Rev P5; 20.252 Rev P5; 20.254 Rev P4; SK.003 Rev P1; SK.004 Rev P1 Received 13th August 2018
<u>Background Papers</u>	(1) Case File LE/750/34/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Blackheath Conservation Area Affecting the setting of Listed Building PTAL 4 Local Open Space Deficiency Area of Archaeological Priority - Lee

1.0 Background

- 1.1 This report sets out Officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:
- Permission is recommended to be approved and there are more than three valid planning objections, plus there is an objection from the Blackheath society, who are a recognised amenity group within this area.

2.0 Property/Site Description

- 2.1 The application site sits between St Margarets Passage, in effect an alleyway, and the western end of Eton Grove, a cul-de-sac. The subject property itself is a post-war, detached two storey single family dwellinghouse on land which used to pertain to no. 32 and served as its garden. It is constructed in red brick, but features large sections of render, with a low-pitched roof and a canted bay facing the garden to its south elevation. Its front door is to the west elevation, set back from St Margarets Passage, although primary access is taken from Eton Grove.
- 2.2 The existing dwelling on site is of no special architectural or historic interest and it has a neutral impact on the character of the Conservation Area. The neighbouring pairs of Villas edging the southern side of Church Terrace to the west of the site are Grade II listed buildings and the eastern most component of the group sits in close proximity to the development site. In addition, the terrace of houses facing Eton Grove are locally listed.
- 2.3 The site is located within Blackheath Conservation Area, but is not subject to an Article 4 direction or listed. It has a PTAL rating of 4, is within an Area of Archaeological Priority and a Local Open Space Deficiency area.

3.0 Relevant Planning History

- 3.1 Planning permission was **granted** on 25th March 1970 for the formation of a new roof to provide an additional bedroom at No.34 St. Margaret's S.E.13.
- 3.2 Pre-application advice was sought on various occasions (refs. PRE/16/002195 and PRE/17/104418) for the redevelopment of the site for two dwellings. Officers have been consistent in their advice that there is no objection in principle to the proposed demolition and redevelopment subject to the proposed development being of the highest quality design and materials, and the landscaped qualities of the proposal site being largely preserved.
- 3.3 DC/17/102915: The demolition of the existing dwellinghouse at 34 St Margaret's Passage, SE13, and the construction of two, three storey plus lower ground floor dwellinghouses with associated cycle and refuse storage and boundary treatments. Withdrawn on Officers' advice.

4.0 Current Planning Application

- 4.1 The current application proposes the demolition of the existing dwellinghouse on the site and the construction of two, three storey plus lower ground floor semi-detached dwellinghouses.
- 4.2 The proposed dwellinghouses would be sited in much the same place as the existing property, although they would extend further southwards. However, they would be set further back from Eton Grove to allow the provision of a lightwell and steps up to the upper ground floor. The properties would have dual frontage for access from the east and west. The existing garden would be divided into two to provide external amenity space for each dwellinghouse, which would be accessed from the lower ground floor.
- 4.3 The building would have an 'M-shaped' roof punctured by a rooflight with a lead clad upstand separated by a party wall. It would feature recessed windows (some of which would be hidden behind hit-and-miss brickwork), entrance doors to both elevations, patio doors leading into the garden and railings and brick walls as boundary treatments.
- 4.4 The building would measure 11.67m wide by 8.42m deep, although it would taper to 7.63m wide at the southern elevation. It would be a maximum of 9.42m high to the Eton Grove elevation, 9.84m to the St Margarets Passage frontage, 10.43m to the south side elevation and 8.47m to the north side elevation. The eaves height would be 9.13m to the south side elevation and 7.11m to the north side elevation.
- 4.5 Each dwellinghouse would have four double bedrooms (two on the first and two on the second), an open plan kitchen / dining / living area on the lower ground floor, another living room on the upper ground, a WC on the lower ground and bathrooms on the first and second floors. The entire lower ground floor would be rotated 90° southwards to the rest of the house. The GIA (Gross Internal Area) of House 1 would be 165.7m² and 176.8m² for House 2.
- 4.6 The proposed materials are:

Pitched roof	Natural slate tiles
Walls	Light yellow brick laid in common bond
Windows	Black metal framed with metal surrounds
Doors	Timber with black metal ironmongery for the principal elevations and black painted aluminium for those to the patio
Hard landscaping	Yorkstone with buff coloured mortar
Railings	Black painted metal

- 4.7 The development would also involve hard and soft landscaping of the site, boundary treatment and the provision of four cycle parking spaces as well as refuse storage.

5.0 Consultation

- 5.1 Pre-application advice was sought on four occasions with the last response prior to submission being on 16th January 2018.

- 5.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.3 Public and site notice were displayed and letters were sent to 26 adjoining addresses, Blackheath Ward Councillors, the Blackheath Society, Historic England and Met Police's Designing Out Crime Officer.

Written Responses received from Local Residents and Amenity Societies

- 5.4 20 objections and one comment were received, raising the following concerns:
- The plot is simply not big enough for two, 4 bedroom houses and represents overdevelopment of the land. Furthermore, the layout results in the garden of House 2 being heavily overlooked by House 1.
 - The quality of design of the proposal falls far short of the standard to be expected for a conservation area and a site surrounded by listed buildings and those of Special Local Interest. It fails to contribute to the distinctiveness and character of the location, lacks character and high quality detail, and destroys the open nature of the surrounding streets.
 - The use of 'hit and miss' brickwork and horizontal brick patterning are unsympathetic to the surrounding area and the protruding metal window frames will jar with the environment. The production of a daytime illustration would show how ugly and prison-like the building would appear.
 - The brick proposed lacks texture, depth of colour and interest, looks cheap and would jar with the locally listed neighbouring properties on Eton Grove.
 - The siting of the windows has resulted from an attempt to prevent overlooking, resulting in an incongruous patterning. The angled windows are unsightly and not in keeping with the surrounding properties.
 - The siting of the bin store less than 2m from windows would result in the introduction of vermin and smells, general noise and disturbance and trespass to 7 Eton Grove when used, and would be an eyesore.
 - The proposal, particularly its height, would 'box in' the end of the cul-de-sac creating an oppressive, claustrophobic environment and blocking out views of trees and the light.
 - Significantly more steps would be required to access the garden from the lower ground floor, which would reduce the garden by approximately 11.5m², making it an unrealistic amount of outdoor space for two family homes.
 - The houses are too close to 32 St Margarets Passage, setting a dangerous precedent in terms of privacy, and would look into bedrooms and gardens.
 - The south-facing windows would be less than 20m from neighbouring properties and directly look into habitable rooms. The proposal would also reduce outlook from those rooms.
 - The two, four storey houses feature multiple large windows allowing views into neighbouring dwellings on Eton Grove and vice-versa, particularly where there is currently no overlooking to certain floors and rooms.
 - The proposal would result in the loss of both daylight and sunlight, particularly for those properties to the north side of Eton Grove, and would cast a long and large shadow across both sides of the street.
 - The side elevation of the proposed building would be 3.2m higher than the existing dwelling and dominate the garden of 18 Church Terrace, creating an unacceptable sense of enclosure, having an overbearing impact and the loss of light into the garden and a rear window. The submitted Daylight and

Sunlight report is unreliable and incorrect, and fails to consider Average Daylight Factor (ADF) as well as the overshadowing impact from 21/06-21/12.

- Eton Grove is already at maximum parking stress, as evidenced by parking reports conducted for the now-withdrawn redevelopment of 12A Eton Grove. Parking stress on Church Terrace should be completely discounted as there is no access from Eton Grove. The combination of the removal of off-street parking, the extension of the pavement and the doubling of the number of people due to be living on this site is simply unacceptable.
- The parking survey also does not accurately measure the space available and uses borough-wide census figures to calculate that average car ownership is 0.74 when it is closer to 1.5. This suggests at least three cars for the new dwellings.
- The developer should enter into a Section 106 Agreement to prevent residents of the dwellings applying for residents' parking permits.
- It is difficult to park a car on Eton Grove due to it being narrow, even more so at the bottom. Therefore, the risk of damaging cars is great from construction traffic and it would be dangerous to children who regularly play in this quiet residential cul-de-sac.
- The turning around of trucks at the end of the cul-de-sac is unworkable and more than four parking spaces would need be suspended, and damage would occur to the kerbstones through vehicles having to mount the pavements.
- The excavations could have a potentially adverse impact on the foundations of neighbouring properties, and it would create a dangerous and incredibly noisy and dusty environment whilst the works are going on. Furthermore, the installation of a concrete slab and subsequent excavation from underneath does not appear to be a practical and viable solution.
- The construction phase would make St Margarets Passage unsafe and unusable, particularly for the schoolchildren who use it. The replacement of the solid brick wall with hit-and-miss brickwork reduces security for residents.
- Some of the surrounding properties are home to colonies of stag beetles, an endangered species in the UK. The loss of habitat would set back the progress made in the area to increase the numbers. It is likely that the scale of the building work and the subsequent enclosure of formerly open space would scare green and black and white woodpeckers away.
- Trees subject to TPOs and close to the boundary wall would be adversely affected by the reduction in light and the proposed basement excavation.
- Further detail should be provided in relation to the impact on groundwater and drainage issues.
- The proposal would be contrary to Protocol 1, Article 1 and Article 8 of the Human Rights Act.

5.5 The Blackheath Society objection on the following grounds:

- The attempt to squeeze two houses onto a site which can only realistically accommodate one creates design problems that seem, in our view, to be insurmountable and represents overdevelopment.
- The proposed design is problematic and unsympathetic to the surrounding buildings as the 'hit and miss' brickwork is a highly discordant element, the configuration of the windows on the Eton Grove and St Margaret's Passage elevations is uneven, the dormers on the top floor are entirely unsuitable and the 'splayed' fenestration to the south elevation is entirely unsuccessful.
- The development would effectively enclose Eton Grove in a visually intrusive and claustrophobic manner as a result of having two houses on the site.

- The existing garden space would be significantly reduced, which is an integral part of the original design of the area, providing valuable amenity space and an ecological resource.
- The rotation of the basement floors through 90 degrees to the rest of the houses is a clumsy solution to the challenges of the site.
- Inadequate information is given about how the excavation of substantial basements will be undertaken without posing risks to the surrounding historic buildings. No assessment appears to have been made of soil or groundwater conditions and hence the suitability / feasibility of basement excavations, which must be accompanied by a comprehensive basement impact survey undertaken by an appropriately qualified specialist.
- It is essential that any new development also has on-site parking to ensure that the already significant pressures on parking are not exacerbated. There should be a requirement for continued on-site parking.
- Access to the site is particularly difficult, but the 'draft' Construction Management Plan does not provide any reassurance that the demolition and construction phases can, in practice, proceed as suggested and / or that local residents would not be subject to intolerable stress and loss of amenity.
- The Society could support the construction of a well-designed single house with appropriate massing which complements the surrounding historic fabric while maintaining a sense of openness and providing on-site parking.

6.0 Policy Context

Introduction

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

A local finance consideration means:

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

- 6.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy (adopted in June 2011), Development Management Local Plan Document (adopted in November 2014), the Site Allocations Local Plan and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

- 6.3 The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in different subject areas.

The Development Plan

- 6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

- 6.8 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, and does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to in this report. The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.8 Housing choice
 Policy 5.3 Sustainable design and construction
 Policy 5.10 Urban greening
 Policy 5.13 Sustainable drainage
 Policy 5.14 Water quality and wastewater Infrastructure
 Policy 5.15 Water use and supplies
 Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

6.9 The London Plan SPG's relevant to this application are:-

Housing (March 2016)
Sustainable Design and Construction (April 2014)
Character and Context (June 2014)

Core Strategy

6.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and constructions and energy efficiency
Core Strategy Policy 13 Addressing Lewisham's waste management requirements
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

6.11 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 22 Sustainable design and construction
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards
DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservations areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

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

7.0 Planning Considerations

- 7.1 The relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the Blackheath Conservation Area
- c) Ecology
- d) Impact on the amenities of adjoining properties
- e) Proposed standard of residential accommodation
- f) Traffic, parking and highways issues
- g) Prevention of crime and disorder
- h) Sustainability and energy
- i) Community Infrastructure Levy

Principle of development

- 7.2 Housing is a priority use in the borough and infill sites are a sustainable use of land to help meet housing targets. DM Policy 33 is relevant here and it states that development on infill sites will only be permitted where they:
- a. make a high quality positive contribution to an area
 - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
 - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
 - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
 - e. retain appropriate garden space for adjacent dwellings
 - f. repair the street frontage and provide additional natural surveillance
 - g. provide adequate privacy for the new development and
 - h. respect the character, proportions and spacing of existing houses.
- 7.3 The proposal constitutes infill development as defined by DM Policy 33 because, whilst the site is not a former builders yard, small workshop or garages, a gap in terraces or a garden to the side of houses (although it does involve building over part of it), it is within a street frontage.

- 7.4 Officers appreciate that the policy states that some sites will not be considered suitable for development and planning permission will not be granted, however in this case a residential property already exists on site and the proposal would increase the density.
- 7.5 London Plan Policy 3.4 includes a sustainable residential quality (SRQ) density matrix table, which sets out the range of suggested units per hectare based on the location and the PTAL rating of the site. In this case, as the application site is within a suburban location, has a PTAL rating of 4 and most of the surrounding properties have at least four habitable rooms, the relevant density range would be 45-185 units per hectare. The proposal would provide 73.5 units/ha, which is at the lower end of the scale, but still in character with the surrounds and therefore compliant. Furthermore, Officers welcome the provision of family-sized dwellinghouses, which would meet an identified need in the borough.
- 7.6 The proposed development must however also be of the highest design quality and relate successfully and be sensitive to the existing character of the streetscape, and to the setting of heritage assets. This will be assessed in the next section of the report. The loss of car parking will be addressed within the highways section of this report.
- 7.7 Therefore, Officers support the principle of development.

Design and conservation

- 7.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.
- 7.9 Officers consider that the proposed demolition of the existing dwellinghouse and associated buildings on the site is acceptable because they are of low heritage value and do not make a positive contribution to the character of the Blackheath Conservation Area by reason of not being architecturally or historically significant. The loss of garden space is not considered to be of a significant amount and both dwellings would still benefit from ample external amenity areas.
- 7.10 The pre-application discussions for this scheme have been extensive. Officers consider that the advice has been followed and further changes have been made during the course of this application due to comments from Officers, the Blackheath Society, ward councillors and local residents.

Massing, scale and footprint

- 7.11 The height and scale has been directly formed following analysis of the surrounding context. Given that it has frontages onto the two and three storey plus basement properties on Eton Grove and St Margarets Passage, and it is very close to three storey plus basement properties on Church Terrace, it is these properties that have informed the proposed massing.
- 7.12 The dwellinghouses would be lower in scale than all of those properties and therefore, given their subordinance, are considered to be of an appropriate height.

It is noted that they have wider frontages and a larger footprint than the surrounding historic properties. This is considered acceptable given their separation from surrounding buildings. As such, their scale and footprint is considered to be acceptable.

Layout, form and detailed design

- 7.13 These properties would be laid out such that they would have dual frontage; both onto Eton Grove and St Margarets Passage. The provision of active elevations, particularly just setback from an alleyway is welcomed, although the design must respond to both principal sides of the application site.
- 7.14 The pivoting of the lower ground floor such that it gives the future occupants access to the garden from that level is considered to be a innovative way of achieving this, yet providing frontages onto the adjacent highways.
- 7.15 The roof form would be comprised of an 'M-shaped' roof, one over each property. It would reference the styles on Dacre Park, the rear roofslopes of which are visible from Eton Grove. This is considered a relevant, local precedent and also allows some views through to the listed buildings on Church Terrace.
- 7.16 Analysis has been carried out on the properties on Eton Grove and this has influenced fenestration pattern as well as the solid-to-void ratio, which is 79%-21%. As this is broad in line with those properties, Officers find it acceptable.
- 7.17 Discussions have been had between the applicant team and Officers as to the current window and door configuration. The Eton Grove and St Margaret Passage elevations, with the exception of the location of the front doors, would match so there would be one door and one window (part covered by hit-and-miss brickwork) to the ground floor, two to the first (one covered by hit-and-miss) and two on the second. The south-facing elevation would feature two sliding patio doors on the lower ground floor, two ground floor windows, three on the first floor and two on the second. The north-facing elevation would feature three on the first and two on the second, all obscured by hit-and-miss brickwork. The windows, from a design perspective, help to activate the facades and provide visual interest. Their impact on neighbouring amenity is to be assessed in the next section of this report.
- 7.18 As mentioned within the previous section, the proposed buildings must be of high quality design, which should be evident in the detail, and relate successfully to the surrounds, which requires sensitive consideration given the existence of designated heritage assets. Therefore, a pastiche design would not be encouraged. Instead, new developments, including those in conservation areas, should be 'of their time'.
- 7.19 One of the ways of achieving this is by reinterpreting historic features. This proposal incorporates dormer windows that break the eaves of the roof (see properties on Church Terrace), brick banding (read string courses) and projecting window frames (a reference to the projecting stucco). It is recognised that the original features are ornate and therefore it is considered necessary that the details of the features proposed are secured by condition. Officers, however, deem that the existing details submitted demonstrate that the proposed development would be carried out to a high standard.

- 7.20 The use of hit-and-miss brickwork, splayed window reveals and slimline metal framed windows introduce modern elements into the design of the dwellinghouses, but there is no objection to this so long as they are of a high quality and complementary to the existing character, which has been adequately demonstrated within the submitted Design and Access Statement. Officers consider the mix of modern elements and re-interpretations allow the buildings to be seen as being of their time.
- 7.21 Physical samples of the materials are recommended to be secured by condition, but Officers do not object in principle to the use of a lighter brick than 17 and 18 Church Terrace, which it is considered would complement the surrounding rendered properties. However, it should have some variation in colour to add visual interest.
- 7.22 As such, the design, including the scale and massing, is acceptable and further details of the materials can be secured by condition in order to ensure that the indicated quality of design is delivered at construction stage.
- 7.23 In terms of the landscaping, the site would be hard and soft landscaped in the form of a patio at lower ground level with steps up to a garden, which would be grassed over. This is considered to result in improved visual amenity throughout the site. One tree would be removed and replaced by the proposals within the rear garden closest to 7 Eton Grove. This is also close to where the enclosed refuse store would be located, in a similar location to the existing outbuilding. Further details of the landscaping are recommended to be secured by condition.
- 7.24 Furthermore, the boundary wall with St Margarets Passage is to be demolished and re-built, incorporating the cycle store and new lighting. A new boundary wall would also front onto Eton Grove with railings around the lightwells behind.
- 7.25 Therefore, the proposal is considered to be acceptable in design terms, would preserve the character and appearance of the conservation area and therefore be compliant with London Plan Policies 7.1, 7.4, 7.6 and 7.8, Core Strategy Policies 15 and 16 and DM Policies 25, 30, 33 and 36.

Ecology

- 7.26 A comment was made by a neighbouring occupier regarding stag beetles residing in their garden close to the proposed development. Given that the site is not a Site of Importance for Nature Conservation (SINC), not in a woodland or close to such an area and that stag beetles are quite widespread in the borough, an ecological survey is not required.

Impact on the amenity of neighbouring occupiers

- 7.27 In terms of residential amenity, the proposals have the potential to have the most impact on 1 and 18 Church Terrace, 32 St Margarets Passage and 6-9 Eton Grove. The issues of relevance are levels of sunlight, daylight, associated overshadowing, outlook, sense of enclosure and privacy, and whether the development would be overbearing. Noise impacts would be limited to the construction phase.

Daylight, sunlight and overshadowing

- 7.28 A Daylight and Sunlight Study has been submitted by the applicant to support the view that the new dwellings would not adversely impact on levels of daylight and sunlight to 1 and 18 Church Terrace, 32 St Margarets Passage and 6-9 Eton Grove, as well as to neighbouring gardens.
- 7.29 It confirms that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests and that the development also satisfies the BRE overshadowing to gardens and open spaces requirements. As such, the proposed development is considered to have a low impact on the light currently received by neighbouring properties and their gardens.
- 7.30 The Daylight and Sunlight Study used two tests that measure diffuse daylight: Vertical Sky Component (VSC) and Average Daylight Factor (ADF). Whilst there is a loss of VSC, this is within the acceptable recommendations of the BRE Guide since no habitable room window has a reduction greater than 20% of its existing levels (the point at which a change in light levels would be noticeable). The greatest loss is 2.9% to the living room of 7 Eton Grove (window 17), which is minor and would not constitute a significant impact.
- 7.31 All windows which face within 90 degrees of due south have been tested for direct sunlight, which all pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21st September and 21st March). The proposed development therefore satisfies the BRE direct sunlight to windows requirements.
- 7.32 The results of the assessment show that, on average, 85% of the area of the amenity space pertaining to 18 Church Terrace would receive at least two hours of sunlight on 21st March. This is, in fact, an increase of 3% on the existing situation. The garden of no. 1 would be unaffected. As such, the proposed development passes the BRE overshadowing to gardens and open spaces test.

Outlook and privacy

- 7.33 The separation distance between the application property and no. 32 would decrease by approximately 5m. However, the proposal still leaves a gap of 19m, which is sufficient distance so as not to affect outlook or privacy. A degree of overlooking of the garden of no 32 would occur, however this relationship exists in the current situation, is typical in an urban environment and not considered to cause significant harm.
- 7.34 The new dwellings would be no closer to 18 Church Terrace. The north elevation would have opaque windows, covered by hit and miss brickwork and as such there would be no increased overlooking to 18 Church Terrace. The massing and general scale of the building is considered acceptable and would not result in an overbearing relationship on occupiers of 18 Church Terrace.
- 7.35 Officers recognise that some opportunities for overlooking have been introduced from the first and second floor bedrooms to the western elevation towards the rear garden of 1 Church Terrace. However, given the location of two large trees on the intervening boundary and the use of hit and miss brickwork to restrict views, the impact is not considered to be significant.

- 7.36 Visibility splay drawings have been submitted to address concerns that views from the front windows on upper ground, first and second floors would not be had through the front windows of 6-9 Eton Grove. Officers consider that they demonstrate that views would be had of the front doors of nos. 7 and 8 at upper ground floor level and at the blank walls above the front door at first and second floor levels. Due to the use of hit and miss brick at ground levels to prevent views into those windows at nos. 7 and 8, Officers consider that the impact is adequately mitigated.
- 7.37 Construction working hours, noise and dust pollution is covered by Lewisham's Good Practice Guide - Control of Pollution and Noise from Demolition & Construction Sites. The introduction of a residential use to a residential area is not considered to cause a significant problem. Compliance with this document within a Construction Management Plan is recommended to be secured by condition.
- 7.38 Therefore, the scheme is considered acceptable in terms of neighbouring amenity in accordance with London Plan Policy 7.6 and DM Policies 32 and 33.

Standard of accommodation for proposed occupiers

- 7.39 London Plan Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 7.40 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours as well as meet the functional requirements of future residents.
- 7.41 There is no GIA standard for 4b8p units of four storeys within the Technical Housing Standards - Nationally Described Space Standard. However, they do exceed the GIAs of 4b8p units over three, and even exceed 6b8p units over three storeys. This is welcomed by Officers. The bedrooms generally comply with the requirements, however Bedroom 4 in both dwellinghouses measures 8.5m² and 9.1m² respectively and therefore can only be used as single bedrooms. House 1 is the only one which has been provided with dedicated storage space (2.65m²), but since these properties are oversized, it is possible to accommodate the 3m² required.
- 7.42 Lower ground, upper ground and first floor all have an internal floor to ceiling height of 2.5m with the second floor having a pitched ceiling of between 1.775m and 2.89m. Since more than 75% of the GIA is above 2.3m, this is considered acceptable.
- 7.43 In terms of outlook, all units are dual aspect and the windows and rooflights are considered to give adequate light and ventilation.
- 7.44 The amenity space provided for each dwelling would be in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG of 10sqm (5sqm for 1-2 person dwellings and an extra 1sqm being provided for each additional occupant).

7.45 As such, Officers deem that the proposals would provide a high standard of accommodation for future occupiers.

Highways and traffic

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

7.47 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).

7.48 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

7.49 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.

7.50 The proposal results in the loss of two parking spaces, which are located on the hardstanding south of the property and accessed from Eton Grove via lockable gates. There is no pavement in front of the entrance and therefore no dropped kerb, so it is level access.

7.51 A car-free scheme is proposed with the expectation that future occupiers either do not own a car and use public transport or a bicycle, or own a car, but be prepared to park further away. It is noted that the site has a PTAL rating of 4 (where 0 is the worst and 6b is the best), and that a store holding four bikes (two for each dwelling) would be provided as part of the development.

7.52 A parking beat survey was submitted within the Transport Statement. This concludes that overall the parking stress for the surrounding streets is at 89%, including 76% for Church Terrace, 89% for the northern part of Dacre Park and 100% for Eton Grove. It is worth noting that the Lambeth Methodology, to which this survey was carried out, states that anything up to 95% is acceptable.

7.53 Officers recognise that the proposed dwellings only front onto one street, and this did not have any capacity between 00:30 and 05:30 on 29th and 30th March 2017, as recognised by the objections to this scheme. However, whilst there is no pedestrian access through to Church Terrace, this does have capacity (eight spaces at the time of the survey) and current and future occupiers can park here.

The proposal would therefore be considered acceptable in relation to the relevant policies.

- 7.54 It is, however, considered reasonable to prevent future occupiers of the proposed dwellings, with the exception of disabled persons, from obtaining permits within the Blackheath Controlled Parking Zone (CPZ), which operates from 09:00-19:00 Monday to Saturday. Officers recommend that this be secured by condition.
- 7.55 As previously stated, each house has been provided with two cycle parking spaces, which meets London Plan standards, and is therefore acceptable. However, further details of how they would be secure and dry are recommended to be secured by condition.
- 7.56 Following revisions to the swept path analysis within the Draft Construction Management Plan submitted, delivery vehicles would not mount the pavement. It has been agreed in writing between Officers and the applicant that the 2m wide 4.6t light van shown in Figure 5 of the Swept Path Analysis could access Eton Grove, but the 2.5m wide small tipper shown in Figure 4 must load / unload at the top of Eton Grove. This would minimise the risk of damage to neighbours' cars. Whilst the length of the construction phase would be increased, this is preferable to the alternative. Furthermore, the use of the 2m wide 4.6t light van would only require the suspension of one parking bay as opposed to four.
- 7.57 The final Construction Management Plan would be developed by the contractor, who has not yet been chosen, so it is recommended that this is to be secured by condition prior to works commencing. It is worth noting that Officers were satisfied with its contents once the arrival and departure times took account of school pick up hours, a booking system was adopted and wheel wash facilities were shown on a plan.
- 7.58 The proposal includes the provision of a footpath to the end of Eton Grove, which is supported otherwise future occupiers would step out straight onto the street, which is deemed unsafe.
- 7.59 A refuse store is proposed to be located in its current location, albeit within a new store, which the applicant has confirmed would be in solid brick, have a roof and would be otherwise vermin-proof. The Council's refuse service currently services the existing dwelling on site from Eton Grove and therefore the current arrangements are to remain as existing.

- 7.60 Officers raise no objection on highways or traffic grounds subject to conditions.

Sustainability and energy

- 7.61 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction.
- 7.62 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the

Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.

- 7.63 The houses would be built to a higher standard than Part L1A of the Building Regulations, through the incorporation of insulation, double glazed windows, mechanical ventilation with heat recovery and low energy lighting. This is considered acceptable.

Prevention of crime and disorder

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

- 7.65 No issues of crime or anti-social behaviour were raised as a consequence of the public consultation undertaken in respect of this application. However, it is important that the application addresses its relationship with St Margarets Passage, a long and narrow alleyway. It has a limited number of street lights, and would benefit from more lighting, which is proposed within the boundary wall of the proposals. Details are recommended to be secured by condition.

- 7.66 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

Community Infrastructure Levy (CIL)

- 7.67 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.
- 7.68 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. However, it should be noted that the applicant is required to apply for the exemption.
- 7.69 Under the CIL charging schedule, the amount of CIL payable for the SE3 postcode for new residential development is £100 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 7.70 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

Issues raised by consultation

- 7.71 Issues regarding soil or groundwater conditions, structural implications of a basement excavation, foundations, drains, vermin and smell from bins are not

planning considerations. Therefore, they have not been taken into account in the consideration of this application.

Removal of permitted development rights

- 7.72 Officers recommend that if this application is approved conditions are imposed to remove permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that “conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances”. Officers in this case consider that exceptional circumstances exist to justify the removal of permitted development rights as set out in draft condition (12) for the reasons stated therein.

Local Finance Considerations

- 7.73 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
(a) a grant or other financial assistance that has been, or would or could be, provided to a relevant authority by a Minister of the Crown; or
(b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.74 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.75 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 7.76 The above development is liable for both the Mayor’s CIL and the Council’s CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the applicant to notify the Council when works commence.

Equalities Considerations

- 7.77 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.
- 7.78 In summary, the Council must, in the exercise of its function, have due regard to the need to:
a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
b. advance equality of opportunity between people who share a protected characteristic and those who do not;
c. foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.79 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.

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

Human Rights Implications

- 7.84 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:-
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
 - Freedom of expression
 - Freedom of thought, belief and religion
 - Freedom of expression
 - Freedom of assembly and association

- 7.85 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.
- 7.86 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 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.
- 7.87 This application has the legitimate aim of providing a new building for residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

Conclusion

- 7.88 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 7.89 In summary, it is considered that the proposal is acceptable in terms of the principle of development, design, impact on the Conservation Area, standard of accommodation, impact on neighbouring properties, ecology, highways, crime and sustainability / energy. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

8.0 **RECOMMENDATION: GRANT PLANNING PERMISSION** subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

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

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

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

00.101 Rev P0; 10.101 Rev P0; 10.151 Rev P0; 10.152 Rev P0; 10.153 Rev P0; 10.154 Rev P0; 10.251 Rev P0; 10.252 Rev P0; 10.253 Rev P0; 10.254 Rev P0; Daylight and Sunlight Study (Neighbouring Properties) Received 23rd January 2018

20.151 Rev P2; 20.152 Rev P2; 20.153 Rev P2; 20.154 Rev P2; 20.201 Rev P6; 20.202 Rev P5; 20.205 Rev P3; 20.253 Rev P5; 20.254 Rev P3; 20.271 Rev P3; SK.002 Rev P0 Received 8th June 2018

20.101 Rev P3; 20.203 Rev P4; 20.204 Rev P4; 20.251 Rev P5; 20.252 Rev P5; 20.254 Rev P4; SK.003 Rev P1; SK.004 Rev P1 Received 13th August 2018

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

- 3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall cover:-
- a) A plan (to scale) identifying the site access points and where safe and legal loading can take place
 - b) The location and operation of plant and wheel washing facilities
 - c) Measures to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings)
 - d) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - e) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - i. Rationalise travel and traffic routes to and from the site.
 - ii. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - iii. Measures to deal with safe pedestrian movement.
 - f) Security Management (to minimise risks to unauthorised personnel).
 - g) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

Reason: In order 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 Policies 5.3 Sustainable design and construction and 6.3 Assessing effects of development on transport capacity of the London Plan (March 2016).

- 4) (a) Notwithstanding the details hereby approved, no development other than demolition shall commence until horizontal and vertical sections through the projecting and recessed windows, their frames and hit-and-miss brickwork at a scale of 1:10 and elevations and sections through the dormers, windows at lower ground floor level and front doors at a scale of 1:10 have been submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the Local Planning Authority may be satisfied as to the detailed treatment of the proposal and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design

and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 5) No development shall commence on site other than demolition until a constructed sample panel with the mortar mix and correct bonding of the brick proposed for the external walls, window cills and heads, and splayed reveals has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 6) No development shall commence on site other than demolition until a detailed material schedule and product specification for the slate tiles and railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 7) (a) A minimum of four secure and dry cycle parking spaces shall be provided within the development.

(b) No occupation of the units shall commence until the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (2011).

- 8) (a) The proposed dwellings shall not be occupied until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the Local Planning Authority.

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

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

9) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

10) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage where appropriate, shall be submitted to and approved in writing by the Local Planning Authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security purposes and that the proposals minimise light pollution from glare and spillage.

Reason: In order that the Local Planning Authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy 7.3 Designing out crime of the London Plan (March 2016) and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

11) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the building, including the insertion of windows (or other openings), shall be constructed in any of the elevation of the buildings other than those expressly authorised by this permission. Any further alterations shall require the prior written permission of the Local Planning Authority.

Reason: In order that, in view of the nature of the development hereby permitted, the Local Planning Authority may have the opportunity of assessing the impact of any further development in the interests of amenity and privacy of adjoining properties in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 12) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), all windows indicated as opaque glazed on the drawings hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 13) The whole of the amenity space as shown on drawing nos. 20.101 Rev P3, 20.201 Rev P6 and 20.202 Rev P5 hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the Local Planning Authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

- 14) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

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

- 15) No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in which the application site is situated.

Reason: In order to ensure that the proposal does not add to existing parking stress within Blackheath CPZ in compliance with Policy 6.13 Parking of the London Plan (March 2016), Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Positive discussions took place during the application process which resulted in further information being submitted so that the proposal was in accordance with the Development Plan.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.
- C. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -
<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- D. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham webpage.
- E. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.

- F. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- G. The applicant is advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's website.

Site Plan



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Committee	PLANNING COMMITTEE B	
Report Title	Deptford Creek adjacent to Phoenix Wharf, Norman Road, London, SE10	
Ward	New Cross	
Contributors	David Robinson	
Class	PART 1	30/08/2018

Reg. Nos. DC/18/105966

Application dated 20.02.2018

Applicant Costain, VINCI Construction Grands Projets and Bachy Soletanche (CVB)

Proposal Application for various marine works within Deptford Creek adjacent to Phoenix Wharf, Norman Road, London SE10 to facilitate barge movements including:

- Checking the pile line for potential obstructions and removing any encountered
- Capital dredging between the Network Rail Bridge and Creek Road Bridge (A200)
- In-river maintenance measures to maintain the baseline (post capital dredging works) river bed profile. This includes maintenance dredging, local bed levelling, installation of scour protection (rip-rap or similar) and reactive dredging
- Construction of a gravel campshed alongside Phoenix Wharf including placement of stone gabion baskets to form part of the campshed
- Placement of permanent scour protection to protect the downstream abutments of the Network Rail Bridge, including provision for walking access across the scour protection by the Creekside centre
- Installation of marine safety equipment / ladder access and navigational lighting
- Ecological trough boxes fixed to a river wall

On completion of TTT tunnelling works the following works will be undertaken to restore the creek:

- Reinstatement of the campshed foreshore and creek bed to pre-dredge gravel levels using appropriate marine sourced gravel.

Applicant's Plan Nos.

Location Plan 5400-TONYG-GREPS-240-CZ-DA-745011, Dredge Plan (Site Plan) 5400-TONYG-GREPS-240-VZ-DA-745013, Key Plan 5400-TONYG-GREPS-240-CZ-DA-745015, General Arrangement Drawing (Campshed) 5400-TONYG-GREPS-240-VZ-DA-745014, Dredge Section 5400-TONYG-GREPS-240-VZ-DA-745016, General Arrangement Drawing (River Wall, Fender and Mooring) 5400-TONYG-GREPS-240-VZ-DA-745050, Planning Statement 5700-CVBJV-GREPS-520-TZ-LS-003513, Flood Risk Assessment 5700-CVBJV-GREPS-151-TZ-AS-003749, Noise Impact Assessment 5700-CVBJV-GREPS-151-TZ-AS-003756, Archaeology Assessment 5700-CVBJV-GREPS-151-TZ-AS-003750, Construction Environmental Management Plan 5000-CVBJV-GREPS-160-WZ-PQ-002080 P02, Water Framework Directive Assessment 5600-CVBJV-GREPS-520-NZ-RG-200047, Dredge and Scour Impact Assessment 5080-TONYG-GREPS-520-SZ-RG-325030

Background Papers

- (1) Case File DE/124/P/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority
 Site of Nature Conservation Importance
 Flood Risk Zone 3
 Deptford Creekside Conservation Area

Screening

N/A

0.1 Background

0.2 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- the Council's Head of Planning considers that the matter would be more appropriately dealt with by the relevant committee

0.3 Officers are also in receipt of 3 objections, though it is noted that all are not considered to be wholly relevant to the development for which permission is now sought.

1.0 Property / Site Description

Existing Site and Location

- 1.1 The application site element within Lewisham is a section of the Deptford Creek extending close to Creek Road Bridge at the north and from the railway Deptford Creek Lifting Bridge in the south. The eastern boundary is effectively the middle of the Creek (the borough boundary), and the western boundary is the creek wall.
- 1.2 The wider application site lies across the London Borough of Lewisham and partially within Royal Borough of Greenwich. The borough boundary between the Lewisham and Greenwich runs approximately through the middle of the site as per Images 1 and 2 below.

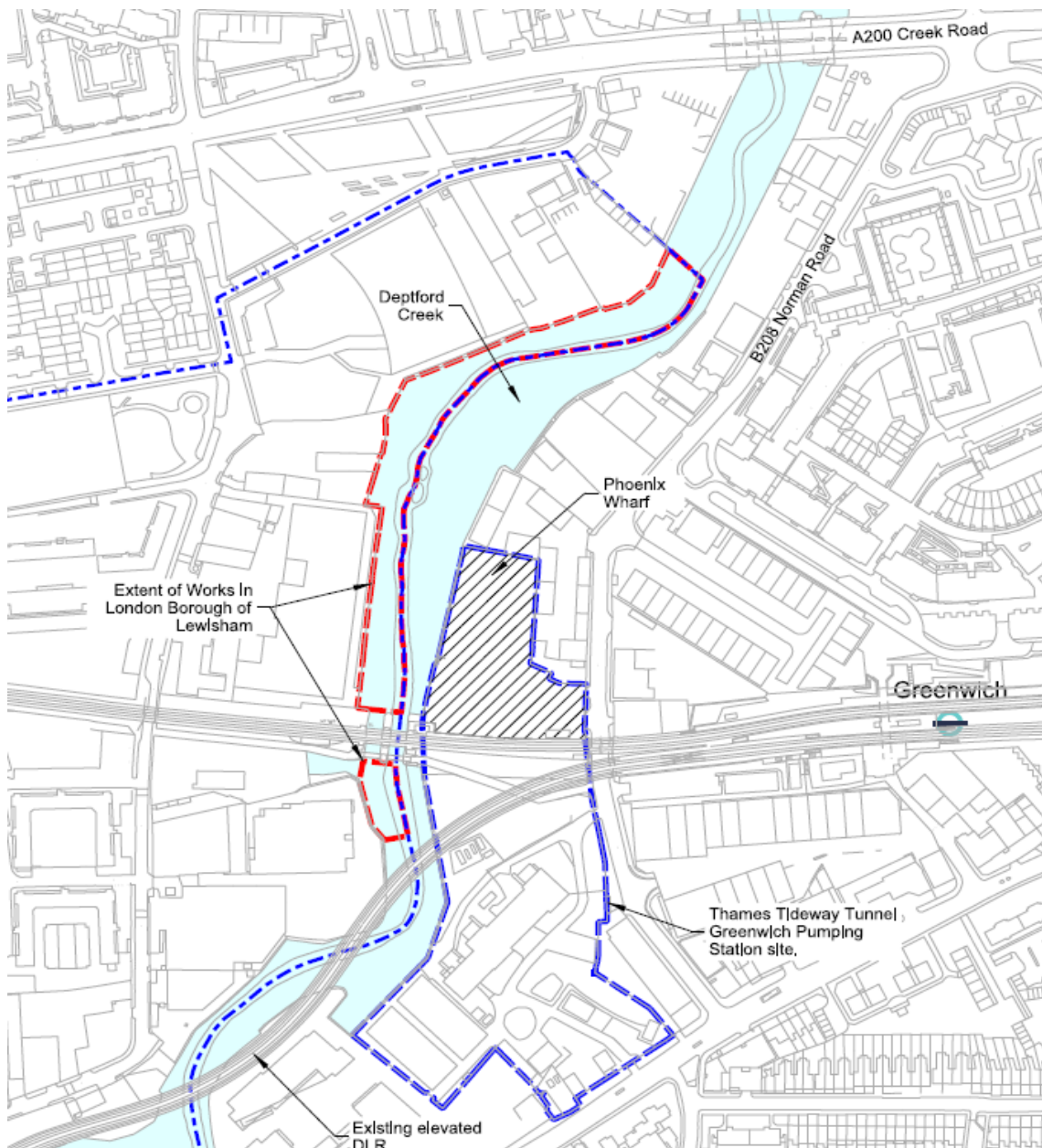


Figure 1- Lewisham Area

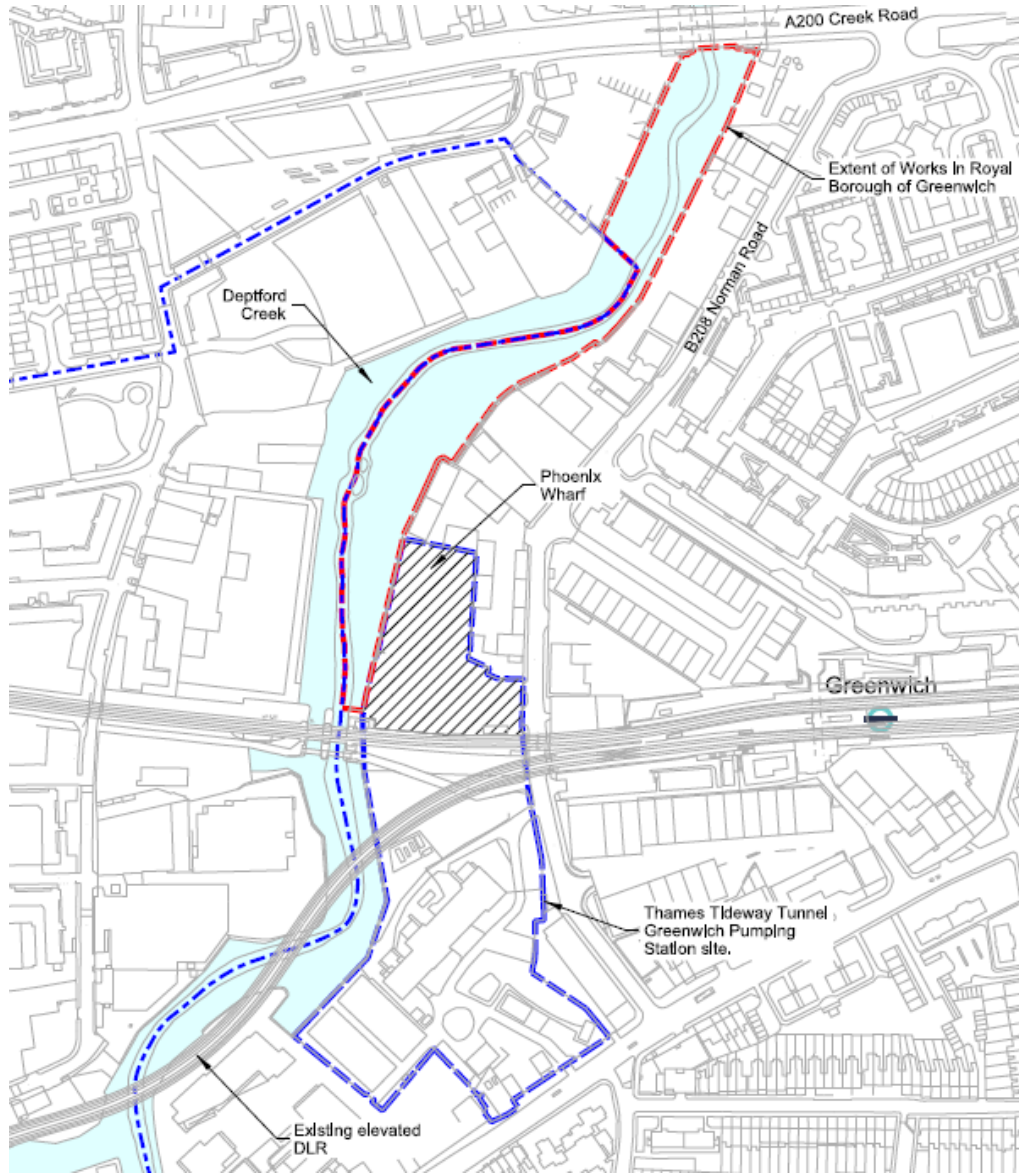


Figure 2 – Greenwich Area

- 1.3 Deptford Creek is embanked by river walls which are located some 100 metres south of the proposed development and contains a number of existing houseboats. The creek is also currently used by Creekside Centre for ecology walks.
- 1.4 There is currently a layer of silt within the Creek which has accreted over the years. The site lies in the flood plain of the River Ravensbourne, the lower part of which is known as Deptford Creek and falls within the tidal Flood Zone 3 of the River Thames and Deptford Creek, which is protected by flood defences.

Surrounding Context

- 1.5 The Creek Road Bridge is located to the north of the Site, which was the first bridge crossing the downstream end of the Creek, built in the early 19th century. The Deptford Creek Railway Viaduct including Lifting Bridge is located to the south of the site. The Railway Viaduct is formed of the arches either side of Deptford Creek and spreads across Lewisham’s and Greenwich’s administrative boundaries. The Railway Viaduct is part of a long grade II Listed part of the London and Greenwich railway, built in the 1830s.

- 1.6 The creek is surrounded by a mix of different uses. The area is dominated by existing residential developments and local businesses. To the east of the creek, from the north to the south it is bordered by a concrete plant (Brewery Wharf), art studios, new residential apartments being currently built, a M.O.T. centre and garage, and part of the Thames Tideway Tunnel GREPS worksite including Phoenix Wharf. To the west of the creek, from north to south respectively, the creek is bordered by the Laban Centre, new residential development (Kent Wharf and Faircharm Estate) and a catering equipment company and an art studio.

Site Designations and Constraints

- 1.7 The site is designated as a Site of Importance for Nature Conservation (SINC) and is located within an Area of Archaeological Priority and Flood Zone 3. The site is also partially located within the Deptford Creekside Conservation Area.

2.0 Current Planning Application

Background

- 2.1 This application relates to the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (the order) that came into force on 24 September 2014, approved as a Development Consent Order (DCO). Development Consent Orders are means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects such as energy, transport, waste and water projects. Development Consent Orders are required for Nationally Significant Infrastructure Projects rather than attaining consent by planning permission.
- 2.2 The DCO gave planning permission for the construction of the Thames Tideway Tunnel, a new 15 mile long interception, storage and transfer tunnel between Acton Storm Tanks and Abbey Mills Pumping Station. The tunnel will intercept identified combined sewer overflows (CSOs) that frequently discharge into the River Thames. The flows of combined sewage (raw sewage mixed with rainwater) discharged from those CSOs would be captured, stored and pumped out for treatment at Beckton Sewage Treatment Works. 24 sites in London are required to construct and operate the project.
- 2.3 One of the construction sites is located at Greenwich Pumping Station (referred to as GREPS by the order) is required to connect the Greenwich Pumping Station to the Greenwich Connection Tunnel and drive the connection tunnel to Chambers Wharf in the London Borough of Southwark, where it would be connected to the main tunnel. The GREPS site is adjacent to the Creek. The route of the main tunnel and the Greenwich Connection Tunnel is outlined below in Figure 3.

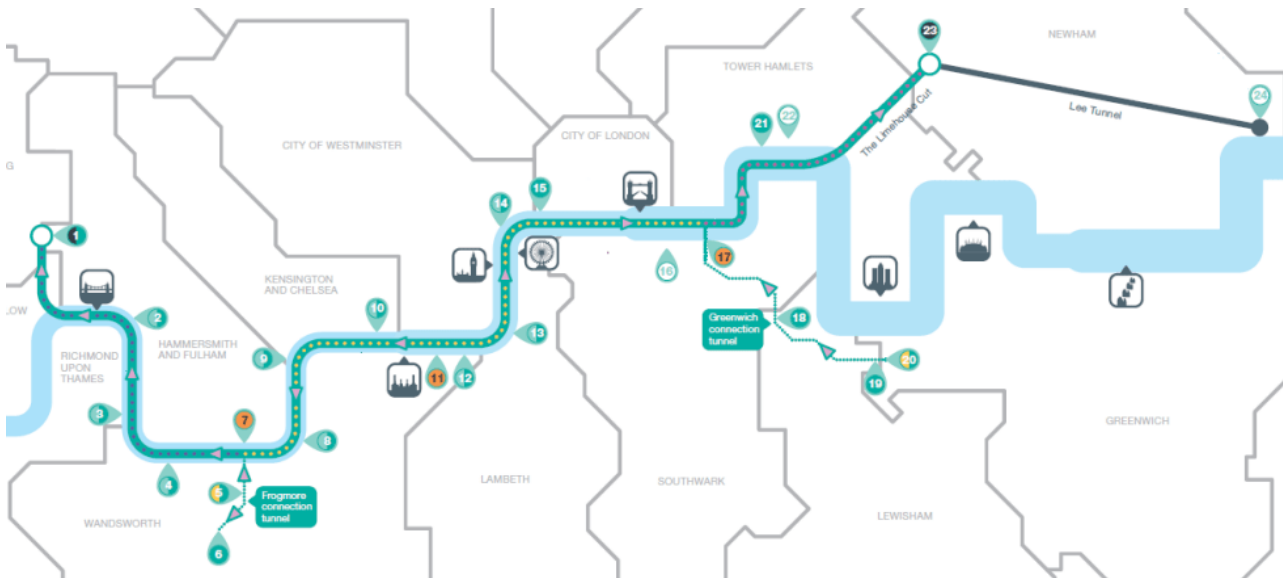


Figure 3

- 2.4 The works at Greenwich Pumping Station will result in large amounts of spoil which will require removal from the site. The applicant has undertaken a feasibility study and relevant assessments, which proposed implementing river transport on the Deptford Creek as part of the larger Tideway East “More by River” strategy. This has identified that 80,000 tonnes of spoil (24% of total) could be removed from the site by barge.
- 2.5 Once in operation, the applicant intends to remove approximately two 500 tonne barges per day of excavated material by river. This would equate to 60 heavy goods vehicles (HGVs) per day (120 movements, 60 in 60 out) being removed from the highway. To further reduce the number of HGV movements from the site the applicant proposes to remove an additional 500 tonne barge during night time hours (equates to 30 HGVs and 60 movements). This would equate to the removal of 9,600 HGV movements from the road network across the construction period.
- 2.6 The Development Consent Order (DCO) was granted on the basis that the use of Deptford Creek for such activities was not essential for delivery of the Project. This is clearly reflected in the relevant sections of the Order 2014 and its supporting documents including Works Plans listed under Schedule 2 of the Order and the Environmental Statement.
- 2.7 Whilst the DCO does explicitly permit the use of Deptford Creek to transport material by river and delivery of the project on time, the potential for using the creek for this purpose is widely acknowledged.
- 2.8 One of the project requirements imposed by the DCO is the production and implementation of a River Transport Strategy. As required under conditions stated in the Strategy, the applicant has carried out a feasibility study and relevant assessments which proposed implementing river transport on the Deptford Creek as part of the larger Tideway East “More by River” strategy.
- 2.9 The proposal has been reviewed and approved on 10 May 2017 by the Strategic Relevant Authority (SRA) – this is a body of all involved London Boroughs, the Greater London Authority (GLA), the Port of London Authority (PLA) and Transport for London (TfL).

- 2.10 The outcome of the review is an agreed target commitment for moving 80,000T (24%) of material by barge, as a minimum, and this could be achieved without impacting the project programme. The commitment can only be achieved, however, following the receipt of the required consents and carrying out of the enabling works prior to the start of tunnelling.

Proposed Works

- 2.11 To increase the potential for use of the river to transport excavated material from the Tideway Greenwich Pumping Station site (GREPS), the applicant has outlined that it is necessary to remove existing tidal constraints within the Creek itself. This would require the following works to be undertaken (LBL = works on the Lewisham side of the Creek, RGB – in Greenwich. Works in *italics* are entirely within Greenwich):
- a) Checking the pile line for potential obstructions and removing any encountered. Installation of circa 100m sheet pile retaining wall. (LBL and RGB)
 - b) *Installation of 9no. mooring / fender piles in front of installed retaining wall (RGB)*
 - c) Capital dredging between the Network Rail Bridge and Creek Road Bridge (A200) (LBL and RGB)
 - d) In-river maintenance measures to maintain the baseline (post capital dredging works) riverbed profile. This includes maintenance dredging, local bed levelling, installation of scour protection (rip-rap [*loose stone*] or similar) and reactive dredging (LBL and RGB)
 - e) Construction of a gravel campshed (*a defensive structure along the bank of a river to protect the bank*) alongside Phoenix Wharf including placement of stone gabion baskets to form part of the campshed (LBL and RGB)
 - f) Placement of permanent stone riprap scour protection (*to prevent the removal of material around the base of supporting structures*) to protect the downstream abutments of the Network Rail Bridge, including provision for walking access across the scour protection by the Creekside centre (LBL and RGB)
 - g) *Placement of permanent stone riprap scour protection to protect the toe of RW524 (opposite Thanet Wharf) (RGB)*
 - h) Installation of marine safety equipment / ladder access and navigational lighting (to be defined in the river regulator applications) (LBL and RGB)
 - i) *Placement of a temporary floating platform between mooring piles and river wall to prevent material being loaded into barges from falling into the creek (RGB)*
 - j) Ecological enhancements e.g. approximately 25m of trough boxes fixed to a river wall (specific scope to be confirmed) (LBL)

- 2.12 On completion of TTT tunnelling works the following works will be undertaken to restore the creek;
- a) *Full removal or cropping of mooring piles to 1m below existing bed level (RGB)*
 - b) *Full removal or cropping of sheet piles to 1m below existing bed level (RGB)*
 - c) Reinstatement of the campshed foreshore and creek bed to pre-dredge gravel levels using appropriate marine sourced gravel. Use of hazel faggots or similar material to facilitate silt accretion in front of Phoenix Wharf (LBL and RGB)
 - d) Removal of temporary floating platform (RGB)
- 2.13 The proposed works within Deptford Creek to facilitate the use of the creek for river logistics are not consented under the Thames Tideway Tunnel Order 2014 and would be subject to the following consents:
- Town and Country Planning Act 1990 (relevant to Lewisham Council and Royal Borough of Greenwich).
 - Marine and Coastal Access Act 2009 (relevant to the Marine Management Organisation)
 - Environmental Permitting (England and Wales) Regulations 2010 as amended (relevant to the Environment Agency)
 - Port of London Act 1968 as amended (relevant to the Port of London Authority)
- 2.14 This application is made under the Town and Country Planning Act 1990 (as amended) to the London Borough of Lewisham; a concurrent application has been submitted to the Royal Borough of Greenwich (application reference number 18/0615/F). The Greenwich application was approved following a meeting of Greenwich's Planning (Board) Committee on 9th July 2018.
- 2.15 The relevant consents from the Marine Management Organisation, the Environment Agency and the Port of London Authority will be sought under the legislation outlined above.
- 2.16 *Detailed Proposals*
- Pile Line Clearance and Obstruction Removal*
- 2.17 Prior to the mobilising of marine plant, a foreshore probing survey will be carried out. This will determine any debris and areas of potential further investigation in the soft surface material of the foreshore. Once marine plant has been mobilised, a crane will lower an excavator onto the foreshore (at low water). Working along the line of the sheet pile retaining wall, the excavator will probe either side of the pile line to a depth of circa 1m. If any obstructions are identified the excavator will locally dig out the obstruction.

- 2.18 All excavated material will be placed into skips lowered onto the foreshore using the crane.

Sheet pile retaining wall installation (Royal Borough of Greenwich only)

- 2.19 In order to ensure the river walls at Phoenix Wharf are not undermined during the construction of the camp shed, a row of sheet piles approximately 100 metres in length will be installed circa 4 - 5 metres in front of the existing river walls. The purpose of this retaining wall is to retain the ground in front of the river wall and thus maintain its support.

- 2.20 The sheet pile wall will be removed once the works are completed in 2021.

Installation of mooring piles (Royal Borough of Greenwich only)

- 2.21 Following construction of the sheet pile retaining wall, 9no. mooring/fender piles 660mm in diameter and approximately 19 metres long will be installed immediately in front of the retaining wall. The height of the mooring piles above bed level will be circa 7m.

- 2.22 The purpose of the mooring piles is to maintain the position of the muck away barges alongside Phoenix Wharf, so they can be loaded with excavated material from the site.

- 2.23 Once installed, the end mooring piles will be equipped with navigational lighting and fenders. Navigational lighting will be installed as agreed with the Port of London Authority (PLA). The mooring piles will also have composite rubber fender strips (or similar) installed to the berthing face. The mooring piles will be removed once the works are completed.

Capital dredging works (both Boroughs)

- 2.24 Part of Deptford Creek between the rail bridge and the Creek Road Bridge will need to be partially dredged to deepen and widen the existing channel so that 500t barges can be towed up to Phoenix Wharf.

- 2.25 The maximum dredge depth is expected to be approximately 2.5 metres below existing bed level (greater dredge depth on channel edges). To remove shaft spoil by river, the dredging campaign will be carried out in the autumn of 2018, outside of the fish sensitive season. This dredging is proposed to occur 18 months in advance of tunnel spoil and it may require some further maintenance dredging to remove any silt accretion in this period.

- 2.26 Material shall be loaded into hopper barges that are brought alongside the dredging barge when the tide is high enough for removal. As part of the dredging campaign a low flow channel will be profiled into the riverbed. Sediment sampling carried out at Deptford Creek to date confirmed there are levels of contamination in the creek. Therefore, the dredged material will need to be deposited at an appropriately licensed land-based facility.

- 2.27 The final methodology will need to be approved by the Marine Management Organisation (MMO), the Environment Agency (EA) and the PLA under the relevant consenting regimes of these organisations.

In-river Maintenance (both Boroughs)

- 2.28 Such measures will be installed as required following on-going monitoring of scour and accretion levels of the creek bed throughout the duration of the project. Trigger levels agreed with the river regulators (EA, PLA and MMO) will be used to determine the actions required to prevent excessive scour or accretion in the creek. Permission is sought for the following activities;
- Installation of rip-rap (or similar) for scour protection, including localised bed levelling to provide a stable base for such installation.
 - Reactive dredging, using the same methods stated in the 'Dredging Works' section, to remove excessive accreted sediment.
 - Maintenance dredging of the navigable channel to ensure safe navigation of craft through the creek.
- 2.29 These maintenance activities will be subject to agreement with the river regulators.

Campshed construction (Greenwich)

- 2.30 It is proposed to build a campshed along the berthing facility at Phoenix Wharf to provide a stable berth for barges until the tide allows them to be transported to the main river (Thames) and on for disposal of the material. This will remove the tidal constraint for barge loading and reduce pressure on the logistical operation for the placement and removal of barges.
- 2.31 The proposed campshed will be approximately 75 metres long by 12 metres wide and built in front of the constructed retaining wall to accommodate two 500t hopper barges. This will provide a flat surface for barges to rest on should they be required to berth during low tide.
- 2.32 Approximately 500 cubic metres of marine sourced gravel is required to install the campshed facility at Deptford Creek. It will be delivered by barge and deposited in the campshed. The material will be agreed with the MMO, PLA and EA.
- 2.33 The campshed shall be maintained during the course of the operational phase. If required, additional gravel/aggregate within shall be placed where necessary.
- 2.34 Once the campshed is no longer required, it will be removed and the foreshore will be reinstated to original levels using marine sourced gravel with natural sediment accretion on top.

Scour Protection (both Boroughs)

- 2.35 Scour protection will be laid to the south side of the Network Rail Bridge abutments and in front of the river wall (RW524). This will be a concrete mattress or stone riprap. Once the rocks are installed (probably 200mm-300mm diameter boulders), some finer gravel with a wide grading (20 to 80mm) will be installed to create a path across the scour protection that should be easily walkable.
- 2.36 Where necessary localised levelling of the river bed will be carried out to ensure a level surface for the placement of the scour protection. Provision will be made for a walkway across the Network Rail bridge scour protection to allow the Creekside

Centre access to the downstream section of the creek. The scour protection will be left in-situ following completion of the works.

Marine Safety Equipment (Greenwich)

- 2.37 Ladders shall be installed from the campshed to the top of the retaining wall and from the foreshore at the top of the retaining wall to the top of the river wall (if the existing ladders are inadequate). Safety chains will also be provided.
- 2.38 Navigation lights shall be agreed with the PLA Harbour Master prior to installation and shall be fixed to tubular piles.

Floating Platform (Greenwich)

- 2.39 A temporary floating platform (material made of plastic 'Jet Floats') shall be placed between the existing river wall and the mooring piles. The purpose of the platform is to prevent tunnel spoil falling into the creek during loading operation from the landside muck bins to the barges.
- 2.40 The platform will sit on the foreshore at low water. The edge of the platform closest to the berthing face will overhang the sheet pile retaining wall at low water. The handrail in this area will be located further back from the edge to prevent personnel accessing this section. At the end of the tunnelling works the floating platform will be lifted out of the creek and dismantled.

Removal and Re-instatement (both Boroughs)

- 2.41 On completion of tunnelling, the mooring facility will be decommissioned. The method to remove the mooring piles and campshed as well as reinstatement of the creek will be subject to relevant applications for approval of the works to the Environment Agency (EA), the Marine Management Organisation (MMO) and the Port of London Authority (PLA).
- 2.42 The remainder of the creek will also have gravel reinstated where it had previously been removed during the original dredging campaign. This will be reinstated to pre-dredge levels using marine sourced gravel. In the location of the campshed, hazel faggots or similar will be fixed to the backfilled gravel bed to help speed up the accretion of surface silt. Silt accretion will only be assisted in the campshed area. The floating platform will be removed.

Planning History

- 2.43 No relevant planning history other than the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Development Consent Order as outlined above.

3.0 Consultation

- 3.1 The Council's consultation exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.
- 3.2 Five site notices were displayed and letters were sent to residents and businesses in the surrounding area, as well as the relevant ward Councillors. A press notice was also published in a local paper.

Written Responses received from Local Residents and Organisations

3.3 *Neighbour Representations*

3.4 Three representations were received from the occupants of neighbouring properties in objection to the proposed development. The objections are summarised as follows, and largely do not relate to the scope of works which are currently sought:

- Concerns regarding maintenance of navigational rights of way for house boats on the creek
- Poor signage on the creek creates a potential hazard
- The legacy of the tunnel works could be served by creating visitor moorings or a tidal grid for hull inspection
- Potential for improvement in docking facilities on the creek – this should be done in consultation with local stakeholders

3.5 The navigational rights for house boats will remain unchanged as a result of the proposed development – this is discussed further below. The other points raised relate to the existing situation at Deptford Creek and thus are not relevant to this application.

3.6 A further objection had been received from the Creekside Education Trust at the Creekside Discovery Centre; however, this has since been withdrawn following further discussion between the applicant and the Creekside Education Trust.

Written Responses received from External Statutory Agencies

Environment Agency

3.7 We generally agree with the findings and subsequent recommendations of the Dredging and Scour Impact Assessment report (reference: 5080-TONYG-GREPS-520-SZ-RG-325030P01) but need more information on the proactive scour protection opposite Thanet Wharf, and details of monitoring and mitigation plans including locations and frequency of monitoring prior to commencement to allow for baseline data collection.

3.8 There is uncertainty over the extent of the ecological impact on Deptford Creek. The environmental enhancement and compensation will need to be designed before the works end and agreed with land owners where options including improvements on third party land are proposed. Clearly the applicant can only be expected to employ best endeavours in seeking the agreement of third parties. The Creekside Centre and the Environment Agency may be able to assist with those conversations.

3.9 We are requesting planning conditions to address these concerns

3.10 We request that a piling risk assessment addendum is prepared that considers the likelihood of adverse impacts on the geology beneath the river bed from piling works, particularly focussed on risk associated with piling through river bed expected to contain historic contamination. A useful reference for preparing a

piling risk assessment is the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73).

- 3.11 We are therefore requesting a compliance condition to that effect.
- 3.12 There should be no percussive piling from April to September due to the impacts upon migrating fish species.
- 3.13 There should be no dredging activity June to August due to large numbers of sensitive juvenile fish, spawning activity and higher risk of hypoxia events in summer months.
- 3.14 We have reviewed the submitted Water Framework Directive (WFD) assessment and are in agreement with its conclusions, in that for those (chemical water quality) elements of WFD compliance for which we offer our advice, we agree that the application does not pose a threat to achievement of WFD objectives.

Historic England (Archaeology)

- 3.15 This office having considered the submitted documentation I am happy to recommend approval of CEMP - section 6.8: Heritage & Archaeology, and Archaeological Assessment that includes the dredging report prepared by Pre-Construct Archaeology Ltd, as a submission of detail towards the satisfying of Schedule 3 Requirement GREPS8 of the above Order on the understanding that there has been no material change to the scope or detail of the site work programme that would otherwise trigger possible revision to the above building recording report at the above named site.

Marine Management Organisation

- 3.16 Confirmed no comments to make.

Port of London Authority

- 3.17 The purpose of the proposed works is to enable the use of Deptford Creek for river logistics to reduce lorry movements associated with the removal of excavated material from the works at the TTT worksite. It will enable continued compliance with the project wide requirement to ensure materials and wastes associated with the TTT works are transported by river. For this reason the PLA raises no principle objection to the works.
- 3.18 The application site and works sit south of Brewery Wharf, which itself is Safeguarded for cargo handling purposes by Ministerial Direction and via Policy 7.26 of the current London Plan (and will continue to be protected within the new, draft, London Plan). Whilst the various works proposed are themselves located at a distance from the safeguarded wharf, the construction works and operational works associated with this new logistics site must not result in any adverse impact on operations at Brewery Wharf.
- 3.19 With regard to the individual works proposed, the PLA does not have any specific planning concerns regarding these. However, notwithstanding the information contained within the submitted documentation, ensuring minimal harm to heritage assets and archaeology during these works is important.

- 3.20 Capital Dredging Works – These must not affect the operational activity of the Safeguarded Brewery Wharf.
- 3.21 Other matters – the PLA is pleased to see the inclusion of lifesaving equipment in the form of ladders. It would also be prudent to include lifebuoys.
- 3.22 Navigation – The PLA will require the installation of a navigation spar with the top 450mm painted red at Northern most end of the lead in sheet pile wall.
- 3.23 Construction – Cropping of mooring piles and sheet piles if necessary should be done to at least 1 metre below the bed level, with a further allowance for scour (which is assessed as up to 2 metres in the event of extreme flows).
- 3.24 The method statement proposes the use of a backhoe excavator with open bucket for dredging. This is considered to be a dispersive method. Sample test results show high levels of metal and Polycyclic Aromatic Hydrocarbons (PAH) contamination in all samples, which would not normally be considered suitable for dispersive dredging. An open bucket method could be considered if areas of contaminated fine sediment can be identified and dredged at low tide in the dry.
- 3.25 Design – We would encourage further discussion around the design/efficacy of any proposed ecological enhancements.
- 3.26 It is intended to place hazel faggots to promote the accretion of silt in front of Phoenix Wharf – a general arrangement drawing and section should be provided so that the size and location can be assessed. Details of how the faggots will be fixed will be needed, especially noting that those in Dartford Creek washed away over time.

Written responses for Internal Consultees

Ecology

- 3.27 Agreement with the Environment Agency response.

Highways

- 3.28 No objection

Environmental Protection

- 3.29 No objection

4.0 Policy Context

Introduction

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

- (c) any other material considerations.

A local finance consideration means:

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

4.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

4.3 The revised NPPF, itself originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.

4.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

4.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

4.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

London Plan (March 2016)

4.7 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a

departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

- Policy 2.9 Inner London
- Policy 2.13 Opportunity areas and intensification areas
- Policy 5.12 Flood risk management
- Policy 5.14 Water Quality and Wastewater Infrastructure
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.14 Freight
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.24 Blue Ribbon Network
- Policy 7.26 Increasing the use of the Blue Ribbon Network for Freight Transport
- Policy 7.30 London's Canals and other rivers and waterspaces

Core Strategy

4.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 1 Lewisham Spatial Strategy
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 11 River and waterways network
- Core Strategy Policy 12 Open space and environmental assets
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

4.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting

policies from the Development Management Local Plan as they relate to this application:

- 4.10 The following policies are considered to be relevant to this application:
- DM Policy 1 Presumption in favour of sustainable development
 - DM Policy 22 Sustainable design and construction
 - DM Policy 23 Air quality
 - DM Policy 24 Biodiversity, living roofs and artificial playing pitches
 - DM Policy 25 Landscaping and trees
 - DM Policy 26 Noise and vibration
 - DM Policy 27 Lighting
 - DM Policy 28 Contaminated land
 - DM Policy 30 Urban design and local character
 - DM Policy 34 Thames Policy Area and Deptford Creekside
 - DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting, conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

5.0 Planning Considerations

5.1 The main issues to be considered in respect of this application are:

- a) Principle of use
- b) Noise and Impact on Adjoining Properties
- c) Flood Risk
- d) Design
- e) Heritage
- f) Transport and Highways
- g) Air Quality
- h) Ecology and Biodiversity

Principle of use

5.2 One of the key elements of the London Plan is to assist delivery of sustainable development through sustainable transport. The Plan sets out the strategic vision for London increasing the use of the Blue-Ribbon Network (BRN), especially the Thames and its tributary rivers, for passenger and freight use and facilitating the efficient distribution of freight whilst minimising its impacts on the transport network (Policy 6: Strategic Approach). It applies that local authorities should promote efficient and sustainable arrangements for the transportation and delivery of freight to allow for the smoothing of the traffic flow to tackle congestion on the local roads (Policy 6.11 (Smoothing Traffic Flow and Tackling Congestion) and confirms that the Mayor's commitment is to work with all relevant partners to promote the movement of freight (including servicing and deliveries) by waterway (and rail) (Policy 6.14 (Freight)).

5.3 Moreover, it states that proposals which increase the use of the BRN for freight transport will be encouraged (Policy 6.14(B)(c)) and Policy 7.24 (Blue Ribbon Network 'BRN') and reiterates that the BRN should contribute to the overall quality and sustainability of London by 'prioritising uses of the waterspace and land alongside it safely for water related purposes, for passenger and freight transport.

- 5.4 London Plan Policy 5.14 (Water Quality and Wastewater Infrastructure) seeks to ensure that London has adequate and appropriate wastewater infrastructure to meet the requirements placed upon it by population growth and climate change and to protect and improve water quality having regard to the Thames River Basin Management Plan.
- 5.5 London Plan (Policy 7.26 (A) Increasing the use of the Blue Ribbon Network for Freight Transport) confirms Mayor's strategic view seeking to increase the use of BRN to transport freight. The same Policy 7.26(B)(d) further confirms that development proposals close to navigable waterways should maximise water transport for bulk materials particularly during demolition and construction phases. In addition, using water-based transport for freight is fully in line with the NPPF in terms of promoting sustainable modes of transport, and recognises that water transport is one of the most sustainable modes, particularly for bulk movements (paragraph 7.75).
- 5.6 Policy 7.30 A (London's Canals and Other Rivers and Waterspaces) requires that development proposals along London's canal network and other rivers and water space (such as reservoirs, lakes and ponds) should respect their local character and contribute to their accessibility and active water related uses, transport uses, where these are possible. The same Policy 7.30 (B) (b & e) highlights that developments within or alongside London's docks should promote their use for mooring visiting cruise ships and other vessels and their use for transport.
- 5.7 The proposed works would result in at least 24% of excavated material from the Greenwich connection tunnel (approx. 80,000t) being transported by river within two 500t barges per day (approximately 160 barges in total). This equates to approximately 4,800 HGVs or 9,600 movements (one in one out for each HGV) being removed from the highway between April 2020 to April 2021.
- 5.8 It is considered that the proposed use of the Creek is a much more sustainable solution than utilising the already consented method of disposal through the Development Consent Order (i.e. vehicular transport with 154 HGV's daily at peak by road). Officers also consider that the proposed development would result in significantly less air pollution in the locality.
- 5.9 The works can and will also be able to occur without excessive interference with existing river movements, such as protected wharf movements at Brewery Wharf.
- 5.10 The principle of the development is in accordance with the NPPF, the London Plan and Lewisham Local Plan, as such the development is considered to be acceptable in this respect.

Noise and Impact on Adjoining Properties

- 5.11 Core Strategy Objective 5 'Climate change' states that the Council will take measures necessary to minimise the environmental impacts of development including water, noise and air pollution.
- 5.12 The aim of DM Policy 26 'Noise and Vibration' is to reduce excessive noise or vibration which can be detrimental to human health and well-being.
- 5.13 The closest residential receptors to the proposed development are located on the Lewisham side of the Creek, on Creekside at the Faircharm Estate and Kent

Wharf, some 100m from the site. The impact on these properties has been considered as part of the assessment of this application.

- 5.14 During operation of the berth, vessels will only be active in the creek for a short duration – to deliver and remove the material. Vessel and barge movements for the dredging, construction works, and movement of material will be minimal approximately 4 movements per day, with potentially another 2 at night if the applicant resolves to facilitate the removal of a further barge load.
- 5.15 In accordance with the Construction Management Environmental Plan (CEMP) all plant (excluding vessels) to be used will comply with non-road mobile machinery NRMM guidelines. Plant will be shut down when not in use and all vessels used on the project are required to meet the Port of London Authority Technical and Operational Standards for Commercial Vessels on the Tidal Thames (2013 or updated standards).
- 5.16 In terms of noise, a Noise Impact Assessment has been carried out to assess proposed works. The findings of this assessment concluded that there would be no significant effects subject to the use of the impact hammer during sheet piling works being managed to ensure that construction noise remains below the significance criteria. This will require consideration of daily duration of use and the avoidance of concurrent enabling activities during the impact piling.
- 5.17 In respect of the use of the river by barges, the assessment indicated cumulative noise levels will not create new significant noise effects at the receptors assessed in the study, if barge movements during night time periods are restricted to a single trip per hour (either coming in to the loading platform or moving out towards the river) rather than two barge movements per hour. This would ensure that the muckaway operations can still occur during the night time period, albeit in a slightly reduced capacity but would minimise the risk of potential significant effects. The barge movements would not be in excess of two trips an hour.
- 5.18 The submitted Construction Environment Management Plan (CEMP) outlines the noise and vibration control measures and proposed mitigation measures to be implemented where reasonably practicable. The specific working controls during both construction of the marine works and use of the river will be detailed in the Section 61 consent (of the Control of Pollution Act 1974) application (to be submitted to Lewisham Environmental Protection), to ensure significant effects are avoided.
- 5.19 The Council's Environment Protection team have reviewed the proposed development and have raised no objections. Given the above, the proposed development is considered to be acceptable with regard to noise and impact on adjoining properties.
- 5.20 Flood Risk
- 5.21 A Flood Risk Assessment (FRA) has been prepared and submitted with this planning application. The FRA confirms the proposed development is "Water Compatible" as it involves work associated with a docks/wharf. Although the site is located within Flood Zone 3, flood risk to the site is predominantly tidal/fluvial. Risk from other sources of flooding is considered low. As the use is classified as "Water Compatible", the Sequential and Exception Tests are not required.

- 5.22 The FRA also notes there will be a minor beneficial effect in that the proposed dredging will increase the flow capacity of the river, as well as storage at low tide and when the Thames Barrier is closed. Effects on the existing flood defences from the works are assessed in the additionally submitted Dredging & Scour Impact Assessment (summarised in the FRA) which concludes that there is no significant impact on the stability of flood defences through dredging and scour and accretion. The assessment recommends river wall monitoring along some sections of defences, two locations of scour protection and a sheet pile retaining wall adjacent Phoenix Wharf. These works are included in the proposed scheme.
- 5.23 To conclude, the fluvial flood risks to the site are high but given the fact that the structure is located on the bed of the watercourse plus is water compatible and thus requires no protection means it will have no detrimental impact in this respect. The works would also not increase flood risk elsewhere.

Design

- 5.24 The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 5.25 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design
- 5.26 Given the temporary nature of the development within Deptford Creek, the applicant has designed the works to minimise the effect on the creek. In particular, care has been taken to ensure the works do not affect the integrity of the existing river walls/flood defence. The proposal does not include any permanent external alterations to the existing site. Therefore, it is considered that the current application will not adversely affect the character and appearance of the existing site or wider area.

Heritage

- 5.27 Part 16 of the NPPF highlights the importance of archaeology, conservation and heritage, requiring an applicant to describe the significance of any heritage assets affected by the development to understand the potential impact of the proposal on their significance.
- 5.28 Similar to the NPPF, London Plan Policy 7.8 highlights the importance of the London's heritage and archaeology and the desirability of sustaining and enhancing their significance. The policy outlines that development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.
- 5.29 The applicants have undertaken an assessment of the archaeological, historical and cartographic evidence available for the site and a 250m-radius buffer surrounding it has confirmed that the site lies within three Archaeological Priority Areas and is adjacent to the Deptford Creekside Conservation Area (within LB Lewisham). The nearest Listed structure is the Grade II Listed railway viaduct

extending from platforms of Greenwich Railway Station to Deptford Creek, which is adjacent to the southern boundary of the site. There are no World Heritage Sites, Scheduled Monuments or Registered Parks and Gardens within the study area.

- 5.30 The evidence examined during the preparation of the assessment suggests that there is a low potential for encountering archaeological evidence on the site from the prehistoric, Roman and early medieval periods, and low to moderate potential for medieval and post-medieval periods. However, the results of archaeological investigations within the study area indicate that there is a high potential for the preservation of paleo-environmental evidence sealed within alluvial and peat deposits.
- 5.31 The alluvium provides a link between the past environment of the Thames and that of the Ravensbourne. It is likely to record events caused by human activity and environment changes upstream, as well as the influence of the tidal Thames on the freshwater environment of the tributary. As the alluvium provides a good medium for organic survival a wide range of environmental indicators, such as seeds, pollen, ostracods, insects and snails are likely to be preserved, which could provide evidence of changes in water salinity and flow, past vegetation, as well as indirect evidence for human activity and catchment disturbance, with the potential for establishing a timeframe through radiocarbon dating.
- 5.32 It is proposed that the dredging activities will be monitored under an archaeological watching brief to ensure that the arising is inspected in a controlled fashion, to allow the identification of any buried surfaces and the retrieval of finds. This approach has been used on other elements of the Tideway project and is considered to be an appropriate means to mitigate the dredging impact.
- 5.33 The above proposed mitigation work is to comprise of an archaeological watching brief during dredging works as designed within a Site Specific Archaeological Written Scheme of Investigation provided within Archaeological Assessment, Appendix E.
- 5.34 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134). Additionally, Section 66 of Listed Building Act states that in considering whether to grant planning permission or development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.35 The proposed works are located in the vicinity of the Grade II Listed railway viaduct extending from platforms of Greenwich Railway Station to Deptford Creek. The proposals do not directly affect the fabric of the structure and given their temporary nature and location are unlikely to have any detrimental effect on its setting. The Greenwich Pumping Station itself is also listed but given the separation there will be no significant impact. There are no World Heritage Sites,

Scheduled Monuments, Registered Parks and Gardens within the area of the proposed works.

- 5.36 Given the above, the proposed development is considered to be acceptable with regard to impact on Heritage.

Transport and Highways

- 5.37 As outlined above, one of the key elements of the London Plan is to assist delivery of sustainable development through sustainable transport. The Plan sets out the strategic vision for London increasing the use of the Blue-Ribbon Network (BRN), especially the Thames and its tributary rivers, for passenger and freight use and facilitating the efficient distribution of freight whilst minimising its impacts on the transport network (Policy 6: Strategic Approach). It applies that local authorities should promote efficient and sustainable arrangements for the transportation and delivery of freight to allow for the smoothing of the traffic flow to tackle congestion on the local roads (Policy 6.11 (Smoothing Traffic Flow and Tackling Congestion) and confirms that the Mayor's commitment is to work with all relevant partners to promote the movement of freight (including servicing and deliveries) by waterway (and rail) (Policy 6.14 (Freight).
- 5.38 The target commitment of the proposed development is to remove at least 24% of excavated material from the tunnel (approx. 80,000t) by river. This equates to approximately 4,800 HGVs or 9,600 movements (one in one out for each HGV) being removed from the highway between April 2020 to April 2021.
- 5.39 The use of Deptford Creek will therefore reduce the number of HGVs on the local highway network and therefore provide a benefit in terms of potential emissions associated with road vehicles.
- 5.40 Additionally, the Council's Transport and Highways Officer has raised no objections to the development.

Air Quality

- 5.41 DM Policy 23 implements Core Strategy Policy 7 (Climate change and adapting to the effects) and Policy 9 (Improving local air quality). These policies deliver the approach in London Plan Policy 7.14 (Improving Air Quality) and are supported by the Lewisham Air Quality Action Plan (2016-2021) in reducing air pollution from new developments and providing appropriate measures for areas where air quality is poor.
- 5.42 The proposed development is located within Air Quality Management Area 2. The applicant has addressed air quality concerns in their application. Potential sources of air pollution from the construction works would include dredging, loading of barges with excavated material and emissions from vessels using the river.
- 5.43 Given the number of barges proposed and the extent of the works, it is not envisaged that emissions from the river vessels would have a significant effect on air quality. Conversely, and as explained above, the target commitment is to remove at least 24% of excavated material from the tunnel (approx. 80,000t) by river. This equates to approximately 4,800 HGVs or 9,600 movements (one in one out for each HGV) being removed from the highway between April 2020 to April 2021. The use of Deptford Creek will therefore reduce the number of HGVs on the

local highway network and therefore provide a benefit in terms of potential emissions associated with road vehicles.

- 5.44 With regard to impact on air quality concerning the excavated and dredged material, it is considered that there is likely to be no significant effects on air quality as this would be wet when loaded into barges.

Ecology and Biodiversity

- 5.45 Core Strategy Objective 7 'Open spaces and environmental assets' states that the important environmental, ecological and biodiversity features of Lewisham will be protected and capitalised to promote health and well-being by protecting Sites of Importance for Nature Conservation and supporting and promoting local biodiversity
- 5.46 The River Thames and Deptford Creek are designated as Sites of Importance for Nature Conservation (SINC), Sites of Metropolitan Importance.
- 5.47 The proposed works have been designed to minimise the effect on the SINC and a Water Framework Directive (WFD) assessment has been undertaken and submitted with the application. This confirms that there are not expected to be any non-temporary effects on the ecological potential or chemical status at water body level and that the works would not prevent the water body from meeting its WFD objectives
- 5.48 To promote the local aquatic ecology and habitat within the creek, the applicant proposes to install ecological 'trough box(es)' (habitat shelves) on the Faircharm Estate river wall similar to those installed on that existing adjacent river wall close to the Creekside Centre, however it is noted that this is subject to the land owner's approval. Furthermore, the applicants also propose to maintain a walkway across the scour protection close to the network rail lifting bridge in order that the Creekside Centre can continue its nature walks.
- 5.49 Embedded mitigation will be provided during the works via measures including conducting dredging in September to avoid sensitive periods for fish, conducting percussive pile driving at low water only and utilising vibro-piling at other times, and measures to make effects on hydro morphology as temporary as possible.
- 5.50 The Environment Agency and Marine Management Organisation have been consulted regarding the proposals and have raised no objections subject to appropriate conditions; the inclusion of such has been recommended by officers.
- 5.51 Given the above, the proposals are considered to be acceptable in terms of their impact on ecology and biodiversity.

6.0 Local Finance Considerations

- 6.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 6.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.3 The Mayor of London's (CIL) and Local CIL are not payable on this application.
- 7.0 Equalities Considerations**
- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

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

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

8.0 Human Rights Implications

8.1 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.

8.2 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.

8.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 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.

8.4 This application has the legitimate aim of providing enabling works to support a nationally significant infrastructure project. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

9.0 Conclusion

9.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.

9.2 It is considered that the scale and nature of the development is acceptable, removing a significant number of HGV movements from the road network and thus reducing emissions. The applicant has demonstrated that the proposed development can be carried out with minimal disturbance to neighbouring residential properties and ecology.

9.3 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

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

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

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

Location Plan 5400-TONYG-GREPS-240-CZ-DA-745011, Dredge Plan (Site Plan) 5400-TONYG-GREPS-240-VZ-DA-745013, Key Plan 5400-TONYG-GREPS-240-CZ-DA-745015, General Arrangement Drawing (Campshed) 5400-TONYG-GREPS-240-VZ-DA-745014, Dredge Section 5400-TONYG-GREPS-240-VZ-DA-745016, General Arrangement Drawing (River Wall, Fender and Mooring) 5400-TONYG-GREPS-240-VZ-DA-745050, Planning Statement 5700-CVBJV-GREPS-520-TZ-LS-003513, Flood Risk Assessment 5700-CVBJV-GREPS-151-TZ-AS-003749, Noise Impact Assessment 5700-CVBJV-GREPS-151-TZ-AS-003756, Archaeology Assessment 5700-CVBJV-GREPS-151-TZ-AS-003750, Construction Environmental Management Plan 5000-CVBJV-GREPS-160-WZ-PQ-002080 P02, Water Framework Directive Assessment 5600-CVBJV-GREPS-520-NZ-RG-200047, Dredge and Scour Impact Assessment 5080-TONYG-GREPS-520-SZ-RG-325030

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

3. Prior to the commencement of dredging, proactive scour protection and camp shed construction works, a scheme of surveying, monitoring and damage contingency measures for the river walls likely to be impacted shall be submitted to and approved in writing by the local planning authority. The scheme shall comprise:
 - a programme of initial and ongoing monitoring of the river bed level, river wall condition and position / tilt monitoring, showing how any wall movement or significant bed level reduction will be identified in a timely manner so that corrective measures can be implemented before there is a risk of wall failure;

- river bed level reduction and river wall movement / tilt trigger levels which if exceeded will require the river wall contingency measures to be implemented;
- contingency measures to be implemented in the event of the river bed level and or river wall trigger levels being exceeded, or accidental damage to the river walls.

The development shall then only proceed in strict accordance with the approved scheme.

Reason: To minimise the risk of damage to the flood defence / river walls and to prevent an increased risk of flooding in accordance with policies 5.12 'Flood risk management' and 5.14 'Water Quality and Wastewater Infrastructure' of the London Plan and Policies 10 'Managing and reducing the risk of flooding' and 11 'River and waterways network' of the Core Strategy (June 2011).

4. Prior to either the cessation of the removal of materials by river, or by 1st January 2023, whichever is the earlier, a scheme of:

- restoration of the river bed habitat and material to resist riverward wall movement;
- river wall remediation works;
- ecological compensation / enhancement works comprising the creation of new, or improvements to existing habitat features within Deptford Creek and on its river walls.

Shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of the timing of implementation. The approved scheme shall then be implemented in full in accordance with the approved details.

Reason: To repair any defects in the flood defence / river walls caused by the in-channel works and vessel movements, and restore the river bed, to prevent an increased risk of flooding and to provide environmental enhancement and compensation for the temporary and any permanent ecological impacts on the habitat in Deptford Creek and the river walls enclosing it flooding in accordance with policies 5.12 'Flood risk management' and 5.14 'Water Quality and Wastewater Infrastructure' of the London Plan and Policies 10 'Managing and reducing the risk of flooding' and 11 'River and waterways network' of the Core Strategy (June 2011).

5. Piling works shall only be carried out using methods that minimise the risk of pollution to groundwater.

Reason: To minimise risk of pollution to groundwater from piling through the river bed which is expected to contain historic contamination flooding in accordance with policy 5.14 'Water Quality and Wastewater Infrastructure' and 5.21 of the London Plan and Policies 10 'Managing and reducing the risk of flooding' and 11 'River and waterways network' of the Core Strategy (June 2011).

6. All Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW shall be registered at <http://nrmm.london/>. Proof of registration must be submitted to the Local Planning Authority. The NRMM used during the demolition and construction phases must be carried out in accordance with the approved details.

An inventory of all Non-Road Mobile Machinery (NRMM) must be kept on site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and DM Policy 23 of the Development Management Local Plan.

Informatives

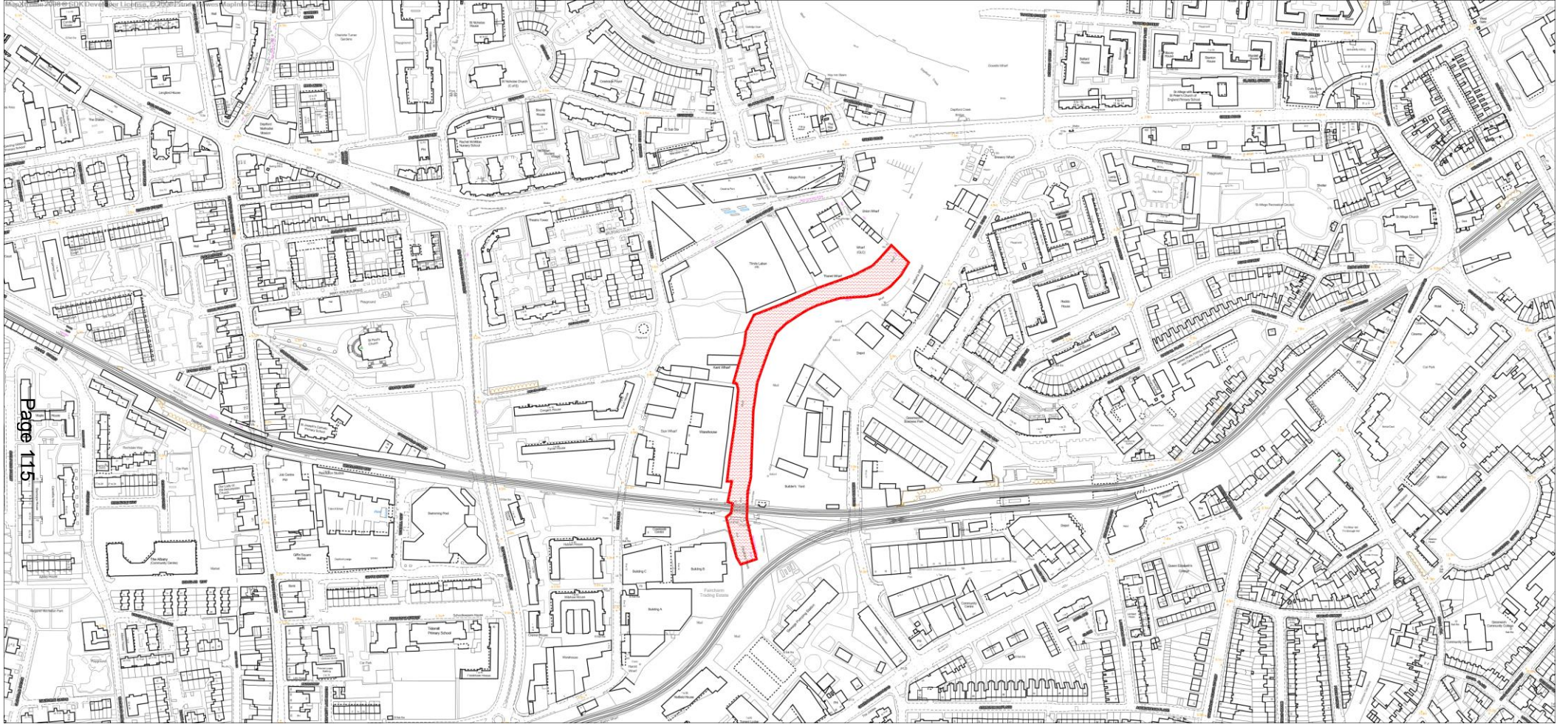
- A. Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. The applicant is advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. *Flood Risk Activity Permit* – Under the Environmental Permitting (England and Wales) Regulations 2010 any activities in, over, under or within 16 metres of the landward extent of the flood defences may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmentalpermits>.

The proposed works will require a permit prior to commencement. The applicant should contact the Environment Agency's Partnerships & Strategic Overview team at PSO.SELondon&NKent@environment-agency.gov.uk to apply.
- D. *Piling Activity* – The applicant is advised that there should be no percussive piling from April to September due to the impacts upon migrating fish species.
- E. *Dredging Activity* – There should be no dredging activity June to August due to large numbers of sensitive juvenile fish, spawning activity and higher risk of hypoxia events in summer months.
- F. *Navigational Equipment* – The applicant is advised that the details of all navigational equipment including lights, buoys and spars will need to be submitted to and agreed by the Port of London Authority. The installation of a navigation spar with the top 450mm painted red at Northern most end of the lead in sheet pile wall will form part of the required equipment.

- G. *Dredging Details* – The applicant is advised that the detailed methodology of the dredging needs to be agreed with the Port of London Authority, the Environment Agency and the Marine Management Organisation under their relevant legislation.

- H. *Mitigation Measures/Ecological Enhancements* – The applicant is advised to liaise with the Creekside Educational Trust regarding future mitigation measures and proposed ecological enhancements.

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