

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 5 SEPTEMBER 2019 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Aisling Gallagher (Chair)
Alan Smith (Vice-Chair)
Suzannah Clarke
Silvana Kelleher
John Muldoon
Leo Gibbons
Mark Ingleby
Jim Mallory
Sakina Sheikh**

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.

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 27 August 2019**

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PLANNING COMMITTEE B		
Report Title	Declaration of interests	
Class	Part 1	Date: 5 September 2019

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 not 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	Director of Planning	
Class	Part 1	Date 5 September 2019

MINUTES

To approve the minutes of the meetings of Planning Committee B held on the 6 June 2019 and 18 July 2019

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LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 6th June 2019 at 19:30.

PRESENT: Cllr Aisling Gallagher (Chair), Cllr Suzannah Clarke, Cllr Leo Gibbons, Cllr Mark Ingleby, Cllr Jim Mallory

OFFICERS: Christopher Dale - Presenting Officer – Service Group Manager, Lewis Goodley – Case Officer, James Hughes – Development Management Team Leader, Paula Young – Legal Services and Jesenka Ozdalga – Committee Co-ordinator

APOLOGIES: Cllr Silvana Kelleher

APOLOGIES FOR LATENESS: Cllr John Muldoon, Cllr Sakina Sheikh

1. Declaration of interests

No declarations of interests.

2. Minutes of the meeting held on 28th February 2019 and 10th January 2019.

RESOLVED: Minutes to be approved.

3. Changes to agenda: First application to be presented would be 50-52 Rushey Green.

4. 50-52 Rushey Green, SE6

The presenting officer presented details of the application which was submitted under Section 73 of the Town and Country Planning Act 1990 to vary a planning condition to enable additional delivery hours from 6pm-9pm on Sundays and Bank holidays for the Aldi Supermarket on the corner of Rushey Green and Bradgate Road.

Officers were of the view that planning permission should be granted subject to the conditions in the report. The presenting officer drew members attention to the fact that conditions in the report were from the previous planning permission, and on page 63 of the agenda, Conditions a and b would need to be removed as they are no longer relevant given the scheme is now built. Conditions 2, 7, 8 and 10 also needed re-wording to be amended to reflect that scheme is built.

The Committee received a verbal representation from a representative of the applicant, Aldi Supermarket who advised there would be no increase in the number of deliveries but greater flexibility was needed to continue to be a sustainable business operation. The applicant clarified that once vehicles enter the site and delivery is completed, they back out with refuse, recycle and palettes and that itself reduces number of vehicles entering the site. The site is within the town centre, it is well a placed site with many walking customers. This is also one of the most constrained sites on the portfolio. Despite a recent decision to allow deliveries until 6pm on Sundays and Bank Holidays there is still pressure on the logistic system. The applicant clarified that they may not be delivering every Sunday until 9pm but they need that flexibility.

A Members queried the impact on the supermarket's viability in the event this application is refused. The applicant clarified that it could compromise the logistics in terms of lorries having to go back loaded with goods if they get stuck in traffic and then return another day. The store would probably still be operating but greater flexibility is needed.

A Member asked if there had been any complaints about the noise to the store and how many deliveries they are expecting in the evening. The applicant clarified that they have 3-4 deliveries spread throughout the day and it is not the intention that they all arrive in the evening. The applicant was not aware if store had received any complaints in the past.

A Member asked whether this change would give them scope to increase the number of deliveries. The applicant clarified that there is only sufficient space in a small warehouse for 3-4 trucks to deliver goods.

The Chair raised question over the section 6.10 on page 61 of the report that store had not operated in accordance with previously imposed planning conditions and how can they provide insurance that they will comply now. The Applicant clarified that supermarket wants to comply and be a good neighbour and if they don't, it is in the power of Local Authority to issue breach of condition notice.

One of the members raised concern over whether would extended delivery hours increase lighting at the night time in the winter. The Legal officer clarified that those issues would be a matter for enforcement and are not relevant for this application.

The Committee received verbal representations from a local resident objecting to the proposal who raised couple of points. The Committee were told that the currently conditioned delivery times are not respected and deliveries start every day at 5.30 in the morning. Furthermore, out of hours activities and deliveries are conducted without any supervision of Aldi staff, meaning that any issues cannot be resolved until the next day at 9 o'clock. Members asked if the objector had evidence on what has been happening and the objector confirmed that they have emails of complaints they filed to the store and to the Council and responses from Aldi. Members asked whether the noise keeps them awake and if they experience noise from the Rushey Green. The objector confirmed that delivery lorries are very noisy with their engines on and also confirmed that there is no issue with noise from Rushey Green if you have double glazed windows.

A motion to approve the officer's recommendation subject to the detailed conditions in the report as amended was moved by Cllr Gibbons and seconded by Cllr Mallory. Members voted as follows:

For: Councillors Gibbons and Mallory.

Against: Councillors Gallagher (Chair), Clarke and Ingleby.

RESOLVED: Refuse application DC/18/108925 by reason of unacceptable noise and disturbance impact from deliveries on neighbouring amenities contrary to Policy 26 Noise and Vibration of Development Management Local Plan (November 2014).

Cllr Sheikh arrived at 19.55.
Cllr Muldoon arrived at 20.05.

5. **1-3 Bellingham Road, SE6**

Prior to the presentation the case officer pointed out that:

- A petition with ten signatures was received in support of the application.
- A flyer distributed to members during the meeting had not been reviewed by officers however the images appeared to be the same as in the Design and Access statement and therefore no new information had been provided.
- Paragraph 4.1, bullet point 3 of the report should state “ 2 x 4-bedroom dwellings”,
- The recommendation to grant planning permission remained unchanged however the wording should read that “The Planning Committee authorises officers to negotiate and complete legal agreements in accordance with S106 of the Town and Country Planning Act and S278 of the Highways Act and other appropriate powers to cover the planning obligations in Section 8 of the report and to authorise the Head of Planning to grant planning permission subject to satisfactory agreements.”

The case officer presented details of the application.

One of the members raised concern over the loss of industrial activity in this part of the borough and the case officer clarified that it was confirmed by the applicant that the print works would be relocating locally and the proposal would provide high quality employment floor space that would meet demand in this area.

One of the members asked question on whether the proposed units would be wheelchair accessible and the case officer clarified that all the affordable units would be step-free, served by lift and all the houses were designed to be fully adaptable with large ground floor toilets.

One of the members raised concerns over car parking, deliveries and servicing for the proposed large commercial units and residents. The case officer clarified that a Transport Assessment had been submitted and scrutinised by the Highways officer and it had been demonstrated that there is sufficient parking capacity locally. In terms of servicing, a condition was recommended to minimise servicing trips. There would be segregated bin storage for commercial and residential uses.

The Committee received a verbal representation from agents speaking on behalf of the applicant. A Member asked if there had been any discussion with housing associations about managing the four affordable units. The agent clarified that negotiations were ongoing with one of the major providers registered with Lewisham Council and, as all four units are in single cluster, it allows efficient management.

One of the members asked whether there is a capacity within this development to provide larger affordable rent units. The agent clarified that 4 x 2bed flats are the maximum capacity at this stage and if the proposal was to look into larger affordable units, there would be less of them which results in more challenging management for housing provider.

One of the members raised concern over the maintenance of proposed landscaped public space and who will responsible for it. The agent clarified that low maintenance materials are proposed and a S106 agreement will define rental charges for affordable units and for other units service charge would be part of a rental package.

The Chair asked for more details on increased employment density but loss of employment space, whether there will be any affordable employment space and if there is a local demand for commercial space of this kind. The applicant clarified that there are ongoing negotiations with some potential users of the commercial space and 456m2 of high quality purpose built space would be re-provided.

The Chair asked for more details in relation to the energy statement and how much carbon reduction this proposal is achieving. The applicant clarified that this is a small scheme and approx. 60% in terms of the reduction of carbon emission from building regulations is delivered through the design.

The Chair asked for clarification on the assumed profit return for the developer and the applicant responded that they have accepted 17.5% profit return of the gross development value as suggested by the Council's viability assessors.

One of the members asked for clarification on whether print works would be relocated elsewhere during the construction and applicant confirmed that they have a lease in place in another warehouse to continue with their operations.

The members received verbal representations from local resident not objecting the design of the proposal but wishing to raise concerns in terms of overlooking to their garden by 18 new residential units, loss of daylight and increased overshadowing to their garden and flat and increased stress on the parking in the area as now they have to park 10 minutes away. The objector acknowledged that it would be useful to introduce CPZ in this area.

The Chair added that this development will provide a financial contribution to a CPZ consultation.

One of the members raised concerns on the side elevation windows adjacent to the application site that would be completely overshadowed by new development. The case officer confirmed that this issue was addressed in committee report and Daylight/Sunlight Assessment identified the first floor windows as non-habitable rooms with obscured glazing and the ground floor windows to serve habitable rooms and there would be some impact on them. However, those habitable rooms have outlook elsewhere and these windows are considered secondary windows. On balance, the wider public benefit of this scheme as whole would outweigh that harm.

Cllr Gallagher (Chair) moved the motion to approve officer's recommendation. This was seconded by Cllr Muldoon. Members voted as follows:

For: Councillors Gallagher (Chair), Muldoon, Gibbons, Ingleby and Mallory.

Against: Councillor Clarke

Abstained: Councillor Sheikh

RESOLVED: Approve application DC/18/110243 subject to conditions from the officer's report.

The meeting ended at 21.15.

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LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE (B) meeting held in Council Chambers, Civic Suite, CATFORD SE6 on Thursday 18 July 2019 7:30pm.

PRESENT: Councillors: Gallagher (Chair); Ingleby; Mallory; Muldoon; Sheikh

Apologies: (Councillors) Clarke; Smith; Gibbons; Wise

Standing Orders; Councillor Bourne

Officers: Christopher Dale – Planning Service Presenting Officer, Paula Young - Legal Services, Samuel James - Planning Committee Co-ordinator.

Councillor Kelleher arrived at 7:50pm, and sat for the second item.

1. **Declaration of interests**

There were no declarations of interest.

2. **16-18 Sunderland Road, SE23 DC/19/111003**

The presenting officer outlined the details of the application to members as a Section 73 application to amend a previously approved application, in order to allow minor amendments to the exterior of the building. The key considerations were whether the amendments can be considered 'minor', the impact of those on the design and appearance of the building, and the impact of the amendments on the residential amenity of neighbors. Officers recommended approval of the application.

The presenting officer was asked to confirm that the proposed amendments would fall within the scope allowed by the guidance set out for Section 73 applications, to which he answered that they would be.

The Chair asked whether the applicant or any representative was present. No one was present. The representative of the objectors was then invited to the table to speak.

The objector expressed concerns regarding fire safety, citing a fire at the application site that happened in 2018, whereby the landlord had not provided fire alarms, and children were rescued by the fire brigade.

It was argued that the application does not consider the risk of fire, due to removal of hallways and fire lobbies, and this would not be compliant with building regulations. This indicated the landlord cannot be trusted to operate within the law.

The objectors claimed that the original application was full of inaccuracies and should never have been approved. The works for that application started before conditions or building control applications had been discharged. Councillors were urged to refuse permission and ensure there are fire lobbies in the new layout to ensure future residents are safe.

A Councillor asked the Legal Officer how much of the objectors comments

could be considered materially.

The Legal Officer explained that the nature of a section 73 application is more restricted than a normal full planning application, as only the amendments compared to the originally approved plans can be assessed. The Legal Officer went on to explain that the current application seems to be related to a different planning unit than the one which involved the fire, and that issues of fire safety fall outside of the remit of the planning service. Other statutory bodies such as Building Control are responsible for ensuring fire safety.

The objector stated that the internal layout was being amended in this application, and therefore that should be considered materially.

The Legal Officer stated that the fire lobbies and fire safety aspect would be considered separately in a Building Control application.

A Councillor acknowledged that many of the objector's issues may fall outside the scope of material considerations for this particular application, but that councillors had a duty to consider these serious health and safety concerns nonetheless.

The Legal Officer warned that a refusal based upon non-material considerations could be considered unreasonable behavior, and the presenting officer reiterated that fire safety regulation could not be considered by this committee.

The objector reiterated that, as the internal layout would be amended by this application, that it is a material consideration.

The Chair stated that the amendments being considered were those in the description of development. Mr Dale outlined the differences in the internal layouts for this application, and explained that they are not materially different to those approved. He stressed that fire safety is an important consideration, but that it is addressed by different legislation outside of the planning system.

The Legal Officer explained that if the amendments proposed are acceptable in planning terms, which officers recommend they are, then it must be approved. Planning decisions cannot consider possible future situations or outcomes.

The objector claimed that all internal walls have been demolished already, and the internal layout shown on the proposed plans would be entirely new compared to the approved drawings.

A Councillor asked whether it would be reasonable to defer the application, in order to allow any possible breaches to be investigated by planning enforcement, and for building control to review the plans.

Mr Dale reiterated that the decision must be based on assessment of the material planning considerations, and that issues being raised were not material to this proposal. The Legal Officer advised that the application should only be deferred where additional information, which would be material to the assessment of the proposal, is requested.

The Chair asked whether the applicant's non-attendance could be materially considered, and was advised by The Legal Officer that it could not. However, another Councillor stated that they needed to consider that the applicant hadn't turned up, and reiterated concerns over health and safety. He stated that applicants should reasonably be expected to show up and explain themselves. The presenting officer advised that the behavior of an applicant is not a material consideration.

Councillor Mallory asked whether a request of a report from Building Control would be a material consideration, which could warrant deferral. The presenting officer reiterated that Building Control and Planning are separate pieces of legislation, and that fire regulations are a consideration for Building Control and therefore not material to this application. If planning permission is approved, but Building Control refused, then the scheme cannot be lawfully implemented – and that is where the control lies.

A Councillor reiterated that Councillors were clearly uncomfortable with the proposal, following the concerns raised by the objector, and whether or not it is a material consideration, fire safety is incredibly important. She requested officers give them a working reason to defer the application.

Another Councillor asked whether the fact that all internal walls had been removed could be used to defer the application, as it appears to be a breach of planning. The presenting officer advised that internal works do not require planning permission, however material changes of use do require planning permission – demolition of all internal walls may result in a breach of planning if it results in a change of use but at this stage it is unclear as the use has not commenced.

Councillor Mallory moved to defer the proposal, in order to request a report from Building Control on whether or not the internal layout would be compliant with Building Regulations. This was seconded by Councillor Sheikh.

Members voted as follows:

FOR OFFICER'S RECOMMENDATION (to grant): (Councillors) Gallagher
(chair); Muldoon

AGAINST OFFICER'S RECOMMENDATION (to defer): (Councillors)
Mallory; Ingleby; Sheikh

ABSTAINED: None

RESOLVED: That the decision be deferred to a later date, to allow consultation with Building Control regarding the proposed internal layouts.

Councillor Kelleher arrived at 19:50, and sat with the public. Following a 5 minute adjournment she took a seat at the table.

3. 18 Hillbrow Road, BR1 DC/19/111003

Mr Dale outlined the facts of the case as an application to construct a first floor extension to the existing bungalow, in connection with its conversion into two, three bedroom, self-contained flats. The key considerations were the design of the proposal, its impact on the residential amenity of neighbors and highways issues. Officers recommended the application is granted.

A Councillor noted that the report states that all flats would comply with the minimum space standards, but the report does not give the values and asked Mr Dale to clarify. He stated that the values were not to hand, but noted that councillors would like to see these in future.

Councillor Mallory asked what materials would be acceptable, when the materials condition is applied to be discharged. Mr Dale replied that it would likely be brick, however the condition allows for some flexibility.

The applicant's architect, Mr Dara, was invited to speak by the Chair, and took a seat at the table. He explained that all flats would exceed the minimum space standards, and stated that materials would be to match the existing building as closely as possible. He invited any additional questions that councillors may have had.

Councillor Ingleby asked to see the proposed street elevation again, as he was still unclear how the exterior would appear.

The architect stated that they were trying to replicate what is already there as closely as possible and explained again the materials that would be used.

A Councillor asked about the distances between the host property and the adjoining properties, and the architect replied that the values were not in front of him, but that the distances between the properties was staying as existing – the footprint of the building is not proposed to be altered.

The Chair stated that the report outlines distances to neighboring properties, and noted that the new side elevation window would be obscure glazed to avoid overlooking and asked if councillors had any other questions for the applicant. It was confirmed there were no further questions.

Councillor Bourne was invited to the table to speak under standing orders at 20:34. He stated that he did not object to the proposal in principle, but did support some of the concerns raised by objectors. The design quality needed to be high, and he raised concern that the details submitted at this stage do not necessarily demonstrate that they would uphold the character of the area, as they were not detailed enough. He reiterated that he is not objecting in principle, rather reiterating and ensuring residents' concerns had been fully heard and considered.

The Chair reminded members of the condition requiring details of materials to be submitted prior to commencement of development if approved.

A Councillor sought clarification from Councillor Bourne as to whether it was materials, or scale and massing that was of concern. It was clarified to be both.

Councillor Sheikh sought further clarification on that point, and asked which issues he was particularly concerned with. Councillor Bourne clarified that it was the impact on privacy due to overlooking from the new first floor windows, and the character of the area, as this has remained unchanged for many years and the previous owner of the property built it themselves. The additional storey creates additional overlooking, particularly to Calmont Road at the rear – some residents were expecting additional tree planting to alleviate this, and some were concerned existing boundary trees will be lost.

It was noted that the application site does not fall within a conservation area, and that other areas of the borough are experiencing a greater rate of change, and development which is 'more harmful' than this proposal. It was further noted that due to existing vegetation at the front of the site, the host property is barely visible from the front, so the 2.5m increase in height is unlikely to have a harmful impact to the character of the street. The Chair questioned whether the loss of trees at the rear could be controlled. The presenting officer advised that they are not proposed to be removed as part of this application, however as they are not protected planning permission would not be required to remove them.

A Councillor asked whether a condition could be added to reinforce the privacy the trees would provide and was advised by the planning officer that the height of trees could not be protected by condition, however a tree protection plan must be submitted as a condition of development.

Councillor Kelleher moved to accept the officer's recommendation and grant planning permission, with the suggested conditions. This was seconded by Councillor Muldoon.

Members voted as follows:

ACCEPT OFFICERS' RECOMMENDATION: (Councillors) Gallagher (Chair), Ingleby, Mallory, Kelleher, Muldoon, Sheikh

AGAINST OFFICERS' RECOMMENDATION: none

Abstained: None

RESOLVED: That planning permission be granted in respect of application DC/19/111003.

The meeting ended at 20:50

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Committee	PLANNING COMMITTEE B	
Report Title	Reserved Matters application (Condition 30) in relation to Phases 5 and 6 of the Heathside and Lethbridge Estate, Blackheath Hill SE10.	
Ward	Blackheath	
Contributors	Patrycja Ploch	
Class	PART 1	5 th September 2019

Reg. Nos. DC/19/111861

Application dated 4th April 2019

Applicant Avison Young on behalf of Peabody Trust
(former Family Mosaic Housing)

Proposal Application submitted for the approval of reserved matters (condition 30) in relation to Phases 5 and 6 of the Heathside and Lethbridge Estate redevelopment comprising the construction of buildings ranging from six to seventeen (Phase 5) and seven to eight (Phase 6) storeys in height to provide 443 residential units, parking, new landscaping and other associated works, in relation to the development approved under Section 73 of the Town and Country Planning Act 1990 for minor material amendments to the planning permission DC/09/72554 dated 22 March 2010, as amended by: DC/10/75267 dated 29 September 2010, DC/10/75395 dated 27 January 2011, DC/12/81165 dated 24 January 2013, DC/14/087835 dated 18 August 2014, DC/14/087335 dated 28 October 2014, DC/15/090624 dated 21 April 2015, DC/15/092670 dated 21 August 2015, DC/17/101616 dated 19 June 2017, DC/17/101686 dated 24 August 2017, DC/17/104709 dated 1 December 2017, DC/18/106053 dated 29 March 2018 and DC/18/107715 dated 12 April 2019, for the redevelopment of the Heathside and Lethbridge Estates, Blackheath Hill and Lewisham Road SE10, comprising outline planning permission (Phases 2-6) for up to 512 square metres of retail floorspace, 768 square metres of community floorspace, an energy centre and 1,054 residential units in buildings ranging from 3 to 17 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space and detailed planning permission (Phase 1) for the redevelopment of land fronting onto

Blackheath Hill for 138 residential units in buildings ranging from 4 to 7 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space; to allow for changes to layout, footprint, massing and an increase in height of blocks H and I, additional 34 residential units to Phases 5 and 6 and wider associated amendments to parking, playspace and landscaping.

Background Papers

- (1) Case File LE/H30/TP
- (2) NPPF
- (3) Local Development Framework Documents
- (4) The London Plan

Designation

PTAL 3 and 4

Screening

14.01.2019

1 SUMMARY

- 1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as permission is recommended to be approved and there are twelve valid planning objections.

2 BACKGROUND TO APPLICATION TYPE

- 2 Section 92 of the Town and Country Planning Act 1990 defines "Outline Planning Permission" as planning permission granted with the reservation for subsequent approval by the Local Planning Authority of matters not particularised in the application ("reserved matters").
- 3 Part 1 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 defines "Reserved Matters" as access, appearance, landscaping, layout and scale.
- 4 Hybrid (part detailed, part outline) planning application was granted on 22 March 2010 under reference DC/09/072554 for:

The full planning permission was for Phase 1 for the redevelopment of land fronting onto Blackheath Hill for 138 residential units in buildings ranging from 4 to 7 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space.

The outline planning permission was for the redevelopment of the estate to provide up to 512 square metres of retail floorspace, 768 square metres of community floorspace, an energy centre and 1,054 residential units in buildings ranging from 3 to 17 storeys in height, together with car and cycle

parking, associated highway infrastructure, public realm works and provision of open space

- 5 The site has an extensive planning history owing to the master planning of the site and hybrid nature of planning permission, consequential approvals of reserved matters in relation to phases approved for outline consent only and minor material amendments applications and approvals of detail required by condition of these planning permissions.
- 6 The current application seeks the following “reserved matters” approval for phase 5 and 6 of the development. The reserved matters that are applied for are
- (i) Design of the buildings (including internal layouts);
 - (ii) External appearance (including samples of the materials and finishes to be used for all external surfaces and including, but not limited to roofs, elevation treatment, glazing);
 - (iii) Landscaping of all public and other areas (including locations of trees and play equipment).
- 7 As noted above, an application for approval of reserved matters is not an application for planning permission in its own right. The application if granted has to be read in conjunction with the outline planning permission, including the attach Section 106 Agreement to that permission. Planning conditions imposed on the outline planning permission will remain in force.

3 SITE DESCRIPTION AND CURRENT USE

- 8 The Heathside and Lethbridge estate is situated to the north of the London Borough of Lewisham and borders the Royal Borough of Greenwich. The masterplan area measures 6.06 hectares. The site has principle road frontage to Blackheath Hill and Lewisham Road.
- 9 This reserved matters application relates to Phase 5 and 6 of the development. Phase 5 comprises Block H and is located in the south part of the site. Phase 6 comprises Block I and is located in the south-east part of the site.
- 10 The application site also falls within the Lewisham, Catford, Deptford Opportunity Area as defined by policy 2.13 of the London Plan.

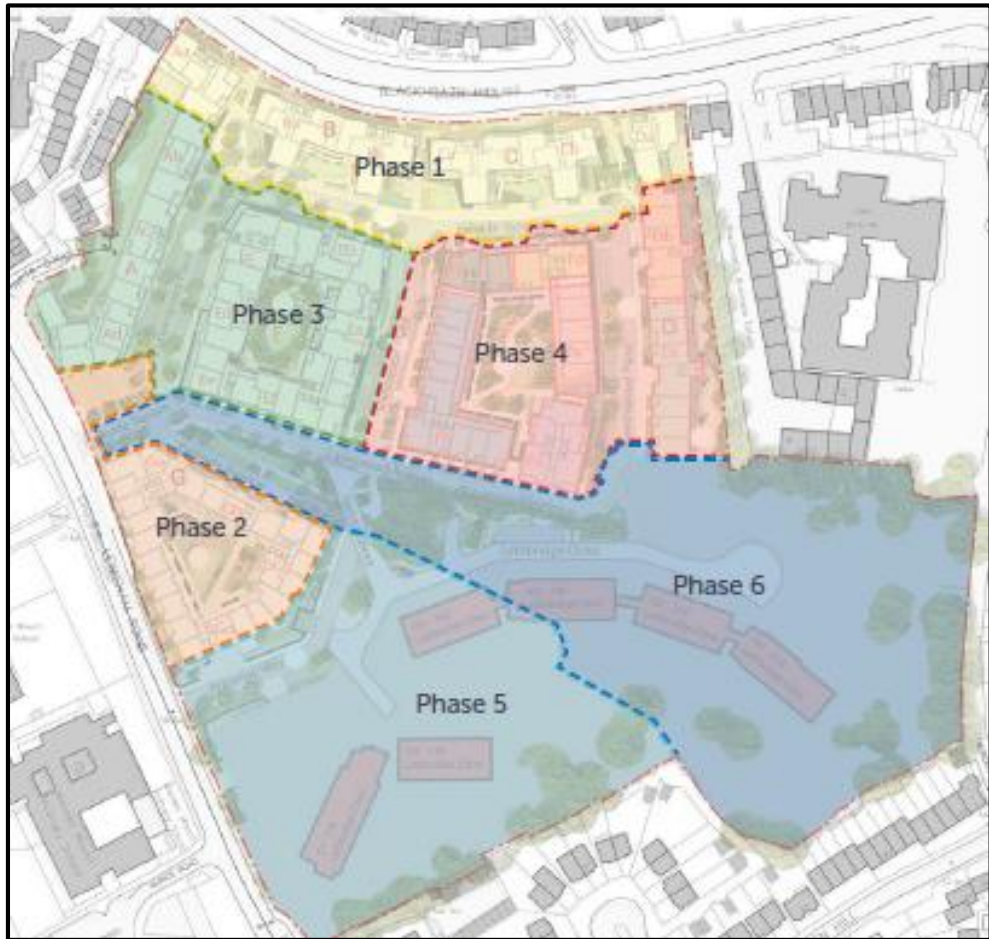


Figure 1: Consentent phasing plan (March 2019)

- 11 Following grant of outline consent for redevelopment of the estate, phases 1, 2, 3 and 4 have been constructed and occupied.
- 12 Overall, the scheme (as amended) will provide 1225 residential units, 585 of which would be affordable comprising of 471 would be affordable rent and 114 would be intermediate.
- 13 The Heathside and Lethbridge estate regeneration has sought to re-provide previously existing affordable housing demolished as part of the regeneration. The majority of affordable housing has been provided within the earlier phases of the regeneration. Phase 1-4 already delivered 487 affordable housing units.
- 14 This front loading of affordable housing provision was necessary to facilitate the decant and re-housing process for existing residents into new accommodation and as such later phases include lower proportions of affordable housing. Phase 5-6 would provide 98 affordable housing comprising affordable rent only.
- 15 Overall, the scheme has delivered a surplus of affordable housing over the required 'like for like' replacement of affordable units and an increase in affordable housing provision over the original S106 requirement.

RELEVANT PLANNING HISTORY

- 16 In this section officer have listed application that have been previously submitted in relation to Phases 5 and 6 only. This is because these application are the most relevant to this application.
- 17 On 22 March 2010 permission was granted (the original hybrid permission, DC/09/72554) for the redevelopment of the Heathside and Lethbridge Estates, Blackheath Hill and Lewisham Road, SE10 seeking outline planning permission (Phases 2-6) for up to 512sq.m. of retail floorspace, 768sq.m. of community floorspace, an energy centre and 1,054 residential units in buildings ranging from 3 to 17 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space and detailed planning permission (Phase 1) for the redevelopment of land fronting onto Blackheath Hill for 138 residential units in buildings ranging from 4 to 7 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space.
- 18 On 12 April 2019 permission was granted for a section 73 minor material amendments (DC/18/107715) to the planning permission DC/09/72554 dated 22 March 2010 as amended by: DC/10/75267 dated 29 September 2010, DC/10/75395 dated 27 January 2011, DC/12/81165 dated 24 January 2013, DC/14/087835 dated 18 August 2014, DC/14/087335 dated 28 October 2014, DC/15/090624 dated 21 April 2015, DC/15/092670 dated 21 August 2015, DC/17/101616 dated 19 June 2017, DC/17/101686 dated 24 August 2017, DC/17/104709 dated 1 December 2017 and DC/18/106053 dated 29 March 2018, for changes to layout, footprint, massing and an increase in height of blocks H and I, additional 34 residential units to Phases 5 and 6 and wider associated amendments to parking, playspace and landscaping.
- 19 On 14 April 2019, approval of details reserved by a condition application (DC/19/112099) was submitted to discharge Condition 10 (Surface Water Management) relating to Phase 5 and 6 only of the original planning permission DC/09/72554 dated 22 March 2010, as amended by DC/18/107715.
- 20 On 15 April 2019, approval of details reserved by a condition application (DC/19/112099) was submitted to discharge Condition 4 (CoCP and CEMP), Condition 5 (Construction Traffic Management Plan), Condition 11 (Facing Materials), Condition 15 (Bird and Bat Boxes), Condition 16 (EV Charging Points), Condition 19 (Delivery and Servicing Plan), Condition 25 (Landscaping Details), Condition 26 (Ecological Enhancements), Condition 27 (Viewing Platform), Condition 31 (Details), Condition 32 (Habitat Management Plan), Condition 36 (Details of Noise Insultation) and Condition 38 (Surface Water Management) for Phase 5 and 6 only of the original planning permission DC/09/72554 dated 22 March 2010, as amended by DC/18/107715.
- 21 On 11 June 2019, Non-Material Amendments (NMA) application (DC/19/112647) was submitted in relation to Phases 5 and 6 for a variation to Condition 3 (Archaeological Investigation) of the planning permission DC/09/72554 dated 22 March 2010 as amended by DC/18/107715 dated 12 April 2019. This application is currently under consideration.

22 On 11 June 2019, Non-Material Amendments (NMA) application (DC/19/112648) was submitted in relation to Phases 5 and 6 for a variation to condition 33 (District Heat Network) of the planning permission DC/09/72554 dated 22 March 2010 as amended by DC/18/107715. This application is currently under consideration.

4 **CURRENT PLANNING APPLICATION**

23 This application comprises the information which was reserved for future consideration (“reserved matters”) by way of planning condition 30 imposed on outline permission DC/09/72554 as amended DC/10/75267 dated 29 September 2010, DC/10/75395 dated 27 January 2011, DC/12/81165 dated 24 January 2013, DC/14/087835 dated 18 August 2014, DC/14/087335 dated 28 October 2014, DC/15/090624 dated 21 April 2015, DC/15/092670 dated 21 August 2015, DC/17/101616 dated 19 June 2017, DC/17/101686 dated 24 August 2017, DC/17/104709 dated 1 December 2017, DC/18/106053 dated 29 March 2018 and DC/18/107715 dated 12 April 2019.

24 The reserved matters were design of the buildings (including internal layouts), external appearance (including samples of the materials and finishes to be used for all external surfaces and including, but not limited to roofs, elevation treatment, glazing) and landscaping of all public and other areas (including locations of trees and play equipment).

25 Phase 5 is comprised of Block H, which is made up of seven buildings (Ha – Hg) which range from 6-17 storeys. These accommodate 284 residential units, including 98 affordable residential units in building cores Hd, He and Hf and 34 wheelchair units.

26 Phase 6 is comprised of Block 1, which is made up of four buildings (Ia – Id) which are 7 and 8 storeys in height. These accommodate 159 residential units, all of which are private market rent.

27 Phases 5 and 6 will provide a total of 184 undercroft car parking spaces, including 30 disabled spaces. In addition, the proposals include 24 surface car parking spaces for Phase 5. There are also 796 cycle parking spaces and 26 visitor cycle spaces across Phases 5 and 6.

28 The refuse strategy for the proposed scheme incorporates bin stores located at the vehicle entrances to the blocks and includes holding bays to ensure the strategy is compliant with refuse requirements.

29 It is these matters which are now before the Committee for consideration.

30 The outline planning permission and subsequent application established the principle of the development, overall quantum of development and land use mix, the scale, height and massing of buildings, and the site layout as well as the detail of the new road layout.

CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 31 A series of seven pre-application meetings and three Design Review Panels have been held throughout the design process. The detailed design of the proposal for Phases 5 and 6 has evolved as a result of these design meeting in line with advice given to the applicant.
- 32 In addition, the applicant held a public consultation event in January and March 2017 and on the 14th April 2018 to present the scheme to local residents.
- 33 The applicant has stated that overall the response from local residents was positive and summarise that the landscaping proposals for the scheme were well received. It has been stated that there was some concern in relation to the area proposed for the access to the viewing platform since local residents identify this area as unsafe. The feedback received has been considered in the detailed design of phases 5 and 6.

4.2 APPLICATION PUBLICITY

- 34 Letters were send to residents and business in the surrounding area and the relevant ward Councillors.
- 35 A total of 12 objections have been received to date. The table below summarises the nature of objections received and details where these are addressed within the report.
- 36 It is relevant to note that a number of the objections raise matters that relate to principles of the development that have previously been approved under the 2018 s.73 permission. Whilst these are reported so that Members are aware of the range of comments received, they are not material considerations in the determination of this current application. Accordingly, weight should only be given to those comments that relate to aspects of the development that constitute the reserved matters as set out in 4.2 above.

4.2.1 Objections

Material planning consideration	Para where addressed
<i>Design and Appearance</i>	
The density of phases 5 and 6 is too high	The density of the site was assessed as part of minor material amendment to the outline planning permission (ref 18/107715) granted on 12 April 2019.
The mass and height of some of the buildings is too high and has a potentially negative impact on the enjoyment and use of the adjoining properties through size, shade, noise, overlooking and overbearing appearance.	The building heights and impact on neighbour amenity was assessed as part of minor material amendment to the outline planning permission (ref 18/107715) granted on 12 April 2019.

Erosion of the character of the adjacent historic conservation area	See section 6.2
<i>Impact on neighbour amenity</i>	
Negative effect on neighbours in terms of increased traffic movements, noise, requirement for rubbish storage and waste management	The highway layout, rubbish storage and waste management has been previously approved. The current Phase 5 and 6 reserved matters application does not present the opportunity to revisit this.
Additional noise and disturbance for neighbouring homes (on site and adjacent to it)	The number of dwellings and people that will be living on the site has been agreed by the outline planning permission as amended. The noise disturbance has been considered under previous application.
<i>Natural environment</i>	
Encroachment on/disturbance of wildlife habitat adjacent to the site	See paragraph
Adverse effect on the rare wildlife that lives on the bank behind the site	See paragraph
The re-opening of the viewing platform will provide a convenient place for people to deal drugs and engage in anti-social behaviour. How will access to the platform be controlled and managed in relation to the neighbourhood concern about security and safety?	See paragraph 118
<i>Anti-social behaviours</i>	
Crime levels are high in the area	It is not considered that the proposed amendments would result in any material increase in crime in the area.

4.2.2 A number of non-material planning considerations were also raised as follows:

- Lack of consultation on earlier phases
- Disturbance caused during construction
- Loss of view of London as a result of the development

- Negative experiences caused by high rise towers such as Grenfell. Would the blue and orange clad buildings erected so recently on the Heathside-Lethbridge estate be built with the same materials today?
- The use of high rise developments to solve housing need is not appropriate. Low rise housing is achievable, creates similar housing densities (see report), is more popular with occupants and has a less negative impact on their communities as the GLA's own reports suggest.
- Who would be responsible for improving and maintaining fences and other boundary treatment

4.2.3 Drop-in session

37 The number of objections received triggered the requirement for a drop-in session or a local meeting.

38 Officers considered that a drop-in session would be an appropriate. The drop-in session took place on 15th July 2019 between 19:00 and 20:00 at the Parkside Community Centre in Lewisham. The session was attended by 16 people.

39 The majority of the questions raised by residents during the drop-in session went beyond the content of the current application and largely focused on matters concerning the height, scale, massing and density of Phases 5 and 6 approved under the previous outline consent (as amended) (Ref: DC/18/107715).

40 The Council prepared minutes following the session and the applicant prepared responses to all questions raised at the meeting in a form of two schedules. The first schedule focused on questions raised that relate to the current application and the second schedule focused on questions raised that concern the outline consent (as amended). The answers were fed back to residents on 30th July 2019.

4.3 INTERNAL CONSULTATION

41 The following internal consultees were notified on 7 and 8 May 2019.

42 Children and Young People, Strategic Waste and Environment, Highways, Environmental Health, Ecological Regeneration Manager, Tree Officer, Strategic Housing, Drainage – Highways Design and Maintenance Manager.

43 Strategic Housing Team: Lewisham Council's Housing Strategy and Programmes Team strongly support the proposed development of Phases 5 & 6 of the Heathside and Lethbridge Estate.

44 Environmental Protection: No comment.

45 Ecological Regeneration and Open Space: No objection, the approach taken by the applicant is well informed and supported.

46 Climate Resilience: No comments.

47 Sustainability: No comments.

4.4 EXTERNAL CONSULTATION

48 The following External Consultees were notified on 7th and 8th May 2019.

49 Environmental Agency, Greater London Authority, TfL, British Transport Policy
London Fire Brigade, Thames Water, Historic England, National Rail.

50 Environment Agency: No comments.

51 Greater London Authority: No response received.

52 TfL: No objection.

53 British Transport Police: BTP is of the view that close consideration needs to be given to the impact of additional dwellings on the increased usage of LRS and DLR. Lewisham station is already a high footfall station with a number of issues relating to congestion and overcrowding during the morning and evening rush hours. There is a concern that the station realm may not be able to cope with the increasing demand without any consideration and measures implemented.

54 London Fire Brigade: An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulation Approved Documents and adequate water supplies for firefighting purposes will be provided.

55 Thames Water: No comments.

56 Historic England: No comments.

57 Network Rail: No response received.

5 POLICY CONTEXT

5.1 LEGISLATION

58 An application for approval of reserved matters is not an application for planning permission. Accordingly, the provisions of Section 70(2) of the Town and Country Planning Act 1990 (as amended), which sets out the considerations the local planning authority must have regard to in determining applications for planning permission, do not apply in the determination of this application for approval of reserved matters.

59 Notwithstanding the statutory provisions, there are policies in the development plan for Lewisham which are relevant in assessing the current application. The development plan 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 National Planning Policy Framework (NPPF) is also relevant.

5.2 MATERIAL CONSIDERATIONS

60 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

61 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

62 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

5.4 DEVELOPMENT PLAN

63 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)
- The Lewisham Town Centre Local Plan (2014)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

64 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

65 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

66 The main issues are:

- Design of the building
- External Appearance
- Landscaping of all public and other areas

6.1 DESIGN OF THE BUILDING

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

6.1.1 Internal space standards

68 All of the proposed flats comply with the floorspace and room dimension standards set out in the Nationally Described Space Standards, and they are in accordance with London Plan and Development Management Local Plan DM Policy 32 requirements.

69 The flats would be well laid-out and would benefit from good level of natural light.

6.1.2 External space standards

70 London Plan Housing SPD, Standard 26 and 27 state that a minimum of 5sqm of outdoor space must be provided per to 1-2 person dwelling and an extra 1 sqm should be provided for each additional occupant. The policy also allows for exceptions where the site constraints make it impossible to provide private open space for all dwellings for that proportion of dwellings to be provided with additional internal living space equivalent to the area of the private open space requirement.

71 All flats in Block H and I would comply or exceed the external amenity space requirements.

72 In addition to the private amenity space in the form of private balconies and terraces. The residents would have access to shared amenity areas that vary in size. Block H would have a landscaped courtyard and a communal area between blocks in phase 6. Block I would have a podium breaking the space into three areas, play space, communal space and formal garden. The podium garden would be in line with the consented outline scheme.

6.1.3 Outlook, Aspect & Privacy

73 The proposed layout would provide sufficient distances between the blocks in each phase and the existing building such that a good outlook would be achieved for each dwelling.

74 This application seeks to increase the level of dual aspect accommodation through carefully repositioning all circulation and optimising the shape, size and location of all dwellings. All apartments have also undergone a significant review process with Peabody housing specialist who have detailed knowledge about the layout features that are most desirable to their likely occupants.

75 The proposed layout would result in 101 single aspect apartment in block H (35.5% of the total for this block) and 42 single aspect apartments in Block I (26.5% of the total for this block).

- 76 Of the 143 single aspect flats, 30 would be affordable units and 113 would be private units. All single aspect units within the scheme would have adequate lighting and ventilation and there are no north facing aspect flats.
- 77 In relation to privacy overlooking within the scheme, the separation distance between the elevations are sufficient to prevent any undue overlooking. The distances between the blocks in phase 5 is approximately 30m and the distance between blockw in phase 6 is approximately 34m. Whilst there are potential views at shorter distances between balconies and bedrooms in different flats facing the internal courtyards due to the angles at which such views would be possible, they would be sufficiently oblique to prevent any significant problem.

6.1.4 Daylight and Sunlight

- 78 Sunlight, daylight and overshadowing was assessed as part of the previous Phase 5 and 6 minor material amendment application (DC/18/107715) which was informed by the guidelines within the Building Research Establishment's (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE, 2011). The final design submitted under the previous application and the current one is therefore a result of close collaboration with specialist consultants, which has positively informed the arrangement and massing of the Blocks H and I and the internal layouts of accommodation to ensure optimal natural lighting and aspect. The majority of habitable rooms would achieve acceptable levels of daylight and sunlight (i.e. meet the BRE guidance).
- 79 It is relevant to note that the BRE guidance was prepared for greenfield, suburban situations rather than inner city locations such as the application site. In addition, the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 80 With regard to the communal amenity areas, it was concluded that the proposed courtyards in Blocks H and I would meet the BRE guidance in terms of annual sunlight hours. Over half of the area of the courtyard amenity spaces to both the amended Phases 5 and 6 would receive at least two hours of direct sunlight on 21 March. This a planning neutral change that does not raise material concerns.
- 81 Officers are satisfied that the proposal would not have significant adverse daylight, sunlight and overshadowing effects to the Phases 5 and 6 development, the wider Heathside and Lethbridge site and to adjacent areas off site.

6.1.5 Noise & Disturbance, Ventilation

- 82 London Plan Policy 7.15 and Development Management DM Policy 26 aim to protect sensitive uses from excessive noise or vibration.
- 83 The residential use is compatible with the surrounding area. Condition 36 of minor material amendment application (DC/18/107715) required submission of detail of glazing, balcony doors and ventilation of the dwellings within three months from the commencement of Phases 5 and 6 (excluding demolition). Part two of the conditions required all dwelling to be constructed to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq (night) and

45dB LAeq (day) for other habitable rooms with windows shut and other means of ventilation provided.

6.1.6 Accessibility and inclusivity

84 London Plan Policy 3.8 and DLPP D5 require 10% of new build dwellings to be wheelchair accessible as per Building Regulation requirement M4(3).

85 The submitted layout plans demonstrate that Phase 5 would provide 34 wheelchair units in Blocks Hd, He, Hf and Hg. The provision of 34 wheelchair units in Phase 5 is in line with the consented outline. The level of wheelchair provision is 7.67% across Phases 5 and 6. Of the 34 wheelchair units proposed in Phase 5, 26 are affordable and eight are private. Across the scheme as a whole, 121 of the wheelchair units are affordable and eight are private. This equates to 94% of the affordable units demonstrating wheelchair provision across the Heathside and Lethbridge scheme as a whole.

86 All circulation cores provide a minimum of 2 lifts and therefore the wheelchair units have been distributed throughout the floors of the blocks, rather than being solely located at lower storeys. This has enabled a good mix and choice of wheelchair dwellings and does not cause segregation of wheelchair residents.

87 This is considered acceptable and in line with the above policy.

6.2 EXTERNAL APPEARANCE

88 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

89 Urban design is a key consideration in the planning process. Part 12 of the NPPF (2019) 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.

90 London Plan (2016) Policies 7.1-7.7 (inclusive) and Core Strategy (2011) Policy CS15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

91 Further to this, the Development Management (2014) DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

6.2.1 Appearance and character

92 The masterplan provided a coherent strategy for the entire site in terms of layout of the buildings, their height, massing and scale to ensure legibility of the different uses on the site. The consented minor material amendment application amended the block layouts and created greater breaks between in the blocks to create greater permeability.

93 The external design of the development of Phases 5 and 6 has been the focus of discussions at the pre-application meetings and Design Review Panel. The

detailed design and materials palette of the Phase 2 buildings adopts a broadly consistent design philosophy that is differentiated from but also complements the design of buildings in Phase 1. The design intention is that the buildings in Phase 5 and 6 would relate to and would form part of the wider regeneration site.

Phase 5, Blocks H

- 94 The blocks in phase 5 will be divided into three distinguishable segments.
- 95 The elevation facing onto Lewisham Road and Parkside would be finished mainly in dark grey brick with light grey brick insets. The windows in this elevation would align.
- 96 The elevation facing towards the SINC area and Primrose Way would be finished in light buff brick. This elevation would have portals, setback on the upper floors and protruding balconies.
- 97 In terms of the tower, this element would be finished in light grey brick with deep-set paired opening in light buff brick.

Phase 6, Blocks I

- 98 The elevation looking into the blocks in this phase would be mainly finished in light buff brick with deep horizontal inserts in dark grey brick.
- 99 The outer elevation would be finished in dark grey brick.

Conclusion

- 100 Officers are satisfied that the overall external appearance of the development in Phases 5 and 6 would provide a high quality development that would provide appropriate urban blocks that relate well to the design and appearance of the adjacent buildings on and around the estate. It should also be noted that the elevational treatment namely the bricks colour have been previously used in the construction of building in phase 3 and 4. For this reason, it is considered that the architectural detail of Phases 5 and 6 would integrate well with the existing estate.

6.2.2 Detailing and Materials

- 101 Officers are satisfied that the materials described above are appropriate for the buildings they are of an acceptable quality and durability. The materials use for the windows, doors and balconies are considered acceptable. The elevational treatment would complement the other building within the estate and the wider area.
- 102 Whilst materials are subject to separate approval ahead of the commencement of above ground works under Condition 11 attached to the 2018 s.73 permission, requesting a submission of details of all facing materials (including their colour and texture) to be used on the buildings in Phases 5 and 6 ahead of commencement of the development (excluding demolition). This application is currently under consideration. The material detail submitted under this application is the same.

6.3 LANDSCAPING OF ALL PUBLIC AND OTHER AREAS

103 The outline planning permission (as amended) established a network of open spaces, including play spaces, within the site. Specifically, the landscaping, as relevant to this application, will see the continuation of a linear park leading from the Lewisham Road where there is part-hard, part-soft landscaped public square right up to the crescent courtyard between the 2 buildings of Block I, which meets the steep banks at the rear (south-eastern) part of the site.

6.3.1 Areas within the blocks

104 When compared with the consented outline scheme, the current scheme provided two additional areas of landscaping. This is the area above the car park to Phase 6 and on the access road between Phases 2 and 5.

105 The increased area of landscaping above the entrance of the Phase 6 car park is the result of reducing the area of excavation by removing the substation that was initially proposed to be located at the bottom of the car park entrance ramp.

106 There would be two main community amenity areas within Phases 5 and 6, a landscaped courtyard internal to Block H in Phase 6 and a communal area between the blocks in Phase 6.

107 The landscape courtyard internal to Block H has been divided into three areas 1) play space, 2 communal space and 3) formal garden space. This space continues to be in line with the consented outline scheme, which also segregated this space into three clear areas.

108 It should be noted that there are additional specific conditions in relation to details of living roofs (the location of which are shown on the application drawings), landscape treatment, ecological enhancement and lighting as part of the amended hybrid planning permission, which will allow the details to be assessed, the proposed approach to the landscape treatment is considered acceptable.

6.3.2 Trees and planting

109 In June 2009, a tree survey of all trees on site was undertaken in accordance with British Standards 5837:2005 to provide recommendations and guidance on how vegetation may be satisfactorily integrated into construction and development of the site. The report concluded that the majority of the trees on site would have to be removed to make part of the development. These trees were classified as category R or V (poor or low quality) much smaller percentage of the trees on site are category B and A (moderate or high quality). This has been already agreed by the consented outline scheme.

110 To compensate for the loss of trees the scheme would include a landscape scheme that would include 364 new trees. The position, species and width of these trees is considered to be acceptable.

111 Any existing trees to be retained will be adequately protected throughout development process.

112 Condition 25 attached to the previous permission (DC/18/107715) required submission of drawings showing the use of any part of the Phase not occupied

by buildings and the treatment thereof (including planting, tree species and location, paving, walls and fences), and details of the management and maintenance of the landscaping.

- 113 Planting across the communal amenity spaces and within the public realm contribute to biodiversity value across the site. A range rich wildflower meadow area will be incorporated into the landscape design to provide terrestrial habitat for wildlife. Landscaping plans have been submitted which show that these areas would be seeded with various mixes which are considered to be acceptable.

SINC and viewing platform

- 114 Since the outline planning consent was given consent, the applicant submitted a number of ecological surveys of the SINC area. These surveys have been reviewed by the Council's Ecological Officer who has confirmed that they are satisfied with the finding of the reports. To ensure that the area is managed properly, the previous planning application (DC/18/107715) had a condition attached to it requiring a submission of the Ecological Enhancement Strategy.
- 115 The Ecological Enhancement Strategy is being reviewed by officers under the discharge of condition application DC/19/112099.
- 116 The works to the SINC would focus on returning the area to a state that led to its designation as a SINC. The work would include stripping back all invasive, non-native species.
- 117 Prior to the development, the SINC was open to the public. The existing access route through this area would be re-opened as part of this application. The walkway would have railings on both sides to limit the opportunity for pedestrians to deviate from the route. In addition, access to the walkway would be controlled at both the Morden Lane end and at the bottom of the slope within the site by adding 1.8m high gates. The access to the walkway and the viewing platform would be managed by Peabody's on-site management team and operate on a dusk-till-dawn basis.
- 118 The viewing platform would be reconditioned and made smaller to prevent large gatherings of people to congregate in this location and cause antisocial behaviour. In addition the viewing platform would be fitted with a CCTV camera which would be monitored by estate management.

6.3.3 Children's play space

- 119 London Plan Policy 3.6 requires all children and young people to have safe access to good quality, well designed, secure and stimulating play and informal recreation provision.
- 120 As these are the last two phases of the regeneration scheme, the previous minor material amendment application (DC/18/107715) sought to reconcile the play space provision for the whole scheme.
- 121 Using the calculator provided in the Mayor of London's Play and Informal Recreation SPG, the development as a whole (Phases 1 to 6) would generate an estimated child yield of approximately 639 children. The associated play space requirement would therefore be 6,386.6sqm.

122 The scheme would provide a total of 8,401sqm of playable space taken together with the hard and soft landscaped spaces. The applicant has exceeded the required by 1,863.4 sqm

123 Children's play spaces would be provided in several locations around the site. For Phases 5 and 6 the designated play space would be located at the south-western end of the Phase 5 courtyard, adjacent to building within Phase 6 and through the central park.

7 EQUALITIES CONSIDERATIONS

124 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.

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

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

126 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.

127 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>

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

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

- 129 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>
- 130 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 HUMAN RIGHTS IMPLICATIONS

- 131 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 132 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.
- 133 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 134 This application has the legitimate aim of providing a new development for community and residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

9 CONCLUSION

- 135 Outline planning permission for the comprehensive mixed-use redevelopment of the application site was granted (subject to conditions and a s.106 agreement) in March 2009. In April 2019 the Council approved minor material amendments to that permission. This permission permitted changes to layout, footprint, massing and an increase in height of blocks H and I, provision of additional 34 residential units to Phases 5 and 6 and wider associated amendments to parking, play space and landscaping. This current application is for the approval of reserved

matters in respect of the layout, scale, appearance and landscaping of Phases 5 and 6 of the development granted outline permission in April 2018.

- 136 The reserved matters have been considered in the light of relevant policies and standards as well as representations from third parties. The reserved matters are in conformity with the approved development parameters for the scheme (design of the buildings, external appearance, landscaping of all public and other areas).
- 137 The proposed buildings would be of high quality of design and would cause no harm to the wider area. The finishing materials would be robust and sensitive to the context of the area ensuring that the scheme relates satisfactorily to both the existing and the emerging character of the area.
- 138 The development would provide sufficient size of internal accommodation and private outdoor amenity space, outlook, privacy and other aspects contributing to an acceptable standard of residential accommodation. The landscaping strategy would respond well to the existing natural environment.
- 139 Consideration has been given to the objections made to the proposed development, as set out in this report. It is considered that none of the material objections outweigh the reasons for approving the reserved matters.
- 140 In line with the requirements of the NPPF, the council has applied the presumption in favour of sustainable development. The proposed development would accord with sustainable principles and would make efficient use of the land to deliver a high quality development that is in accordance with the council's aspirations for the area and the consented outline planning permission. It is therefore recommended that planning permission is granted.

10 RECOMMENDATION

GRANT APPROVAL FOR THE DISCHARGE OF CONDITION 2 (RESERVED MATTERS) subject to the following conditions:

CONDITIONS

1) LIST OF APPROVED PLANS

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

LN00462 D-001:15-314_RM001_A:15-314_RM0601_A:15-314_RM0602_A:15-314_RM0603_A:15-314_RM0604_A:15-314_RM0606_A:15-314_RM0607_A:15-314_RM0608_A:15-314_RM001_A:15-314_RM002_E :15-314_RM003_E PHASE 5 AND 6:15-314_RM004_B PHASE 5 AND 6:15-314_RM1101_O:15-314_RM1102_M:15-314_RM1103_J:15-314_RM1104_K:15-314_RM1105_J:15-314_RM1106_J:15-314_RM1107_J:15-314_RM1108_J:15-314_RM1109_J:15-314_RM1110_J:15-314_RM1111_I :15-314_RM1203_M:15-314_RM1205_M ELEVATIONS II, JJ, KK, LL, KK AND MM:15-314_RM1301_C C:15-314_RM1302_B BAY STUDY 2:15-314_RM1303_B BAY STUDY 3:15-314_RM1304_B BAY STUDY 4: 15-314_RM1305_B BAY STUDY 5:15-314_RM1306_B BAY STUDY 6:15-314_RM1307_B BAY STUDY 7:15-314_RM1308_C BAY STUDY 8: 15-314_RM1401_A:15-314_RM1402_B FLAT TYPE 1A:15-314_RM1403_B FLAT TYPE 1B:15-314_RM1404_A: 15-314_RM1405_A FLAT TYPE 2A:15-314_RM1406_A:15-314_RM1407_B:15-

314_RM1408_A: 2019 15-314_RM1409_A: 15-314_RM1410_A:15-
314_RM1411_A: 15-314_RM1412_A: 15-314_RM1413_B: 15-314_RM1414_A:15-
314_RM1414_A :15-314_RM1415_A: 15-314_RM1415_A:15-314_RM1416_A: 15-
314_RM1416_A: 15-314_RM1417_B:15-314_RM1417_B:15-314_RM1418_B:15-
314_RM1418_B:15-314_RM1418_C:15-314_RM1418_C:15-314_RM1419_A:15-
314_RM1419_A:15-314_RM1420_A:15-314_RM1420_A:15-
314_RM1421_A_14:15-314_RM1421_A:15-314_RM1422_A:15-
314_RM1422_A :15-314_RM1423_B_16LL:15-314_RM1423_B:15-
314_RM14230_A: 15-314_RM14231_B:15-314_RM1424_A:15-
314_RM1425_B :15-314_RM1426_A:15-314_RM1427_A:15-314_RM1428_B:15-
314_RM14289_A: 15-314_RM1432_B:15-314_RM1433_B:15-314_RM1434_B:15-
314_RM1435_B:15-314_RM1436_A: 15-314_RM1437_A:15-314_RM1438_A:15-
314_RM1439_B:15-314_RM1440_A:5-314_RM1441_A: 15-314_RM1442_A: 15-
314_RM1443_A: 15-314_RM1444_A:15-314_RM1445_A:15-314_RM1446_A: 15-
314_RM1447_A: 15-314_RM1448_B: 15-314_RM1449_B:15-314_RM1450_D:15-
314_RM1451_A: 15-314_RM1452_A:15-314_RM1453_A: 15-314_RM1454_A:15-
314_RM1455_A:15-314_RM1456_A: 15-314_RM1457_A: 15-314_RM1458_A:15-
314_RM1459_A:15-314_RM1460_B:15-314_RM1461_B:

15-314_RM1462_A:15-314_RM1463_A:15-314_RM1464_A:15-
314_RM1465_A:15-314_RM1466_A:15-314_RM1467_A:15-314_RM1468_B:15-
314_RM1469_A:15-314_RM1470_A:15-314_RM1471_B:15-314_RM1472_A:15-
314_RM2101_P:15-314_RM2102_N:15-314_RM2103_L:15-314_RM2104_K:15-
314_RM2105_H:15-314_RM2106_H:15-314_RM2107_H:15-314_RM2108_H:15-
314_RM2109_K:15-314_RM2110_L:15-314_RM2201_K:15-314_RM2202_J:15-
314_RM2203_J:15-314_RM2204_J:

15-314_RM2301_C:15-314_RM2302_C:15-314_RM2303_D:15-
314_RM2304_D:15_314_RM2401_E:15_314_RM2402_E:15_314_RM2403_E:15
_314_RM2404_E:15_314_RM2405_E:15_314_RM2406_E:15_314_RM2407:15_3
14_RM2408_E:15_314_RM2409_E:15_314_RM2410_E:15_314_RM2411_E:15_3
14_RM2412_F:15_314_RM2413_E:15_314_RM2414_E:15_314_RM2415_E:15_3
14_RM2416_E:15_314_RM2416_F:15_314_RM2417_E:LN00462 L-101:LN00462
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412:LN00462 L-413:LN00462 L-414:LN00462 L-415:LN00462 L-450:LN00462 L-
451:LN00462 L-501:LN00462 L-502:LN00462 L-503:LN00462 L-504:LN00462 L-
505:LN00462 L-506:Design And Access Statement Part 1 - Part
8:ENVIRONMENT STATEMENT OF CONFORMITY:PLANNING STATEMENT.

2) MATERIALS – SAMPLES

Notwithstanding the submitted plans no development above ground shall commence on site until a detailed schedule and specifications of all external materials and finishes of the windows and external doors, roof coverings, rain goods and any other external materials to be used on the buildings 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(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and

Development Management Local Plan (November 2014) DM Policy 30
Urban design and local character.

3) IMPLEMENTATION OF LANDSCAPING SCHEME

All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 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 Policy 12 Open space and environmental assets, and 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).

4) WHEELCHAIR HOMES

The 34 wheelchair dwellings hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5) SATELLITE DISHES

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the any elevations or the roof of the buildings.

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).

6) PLUMBING AND PIPES

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

7) USE OF FLAT ROOFS

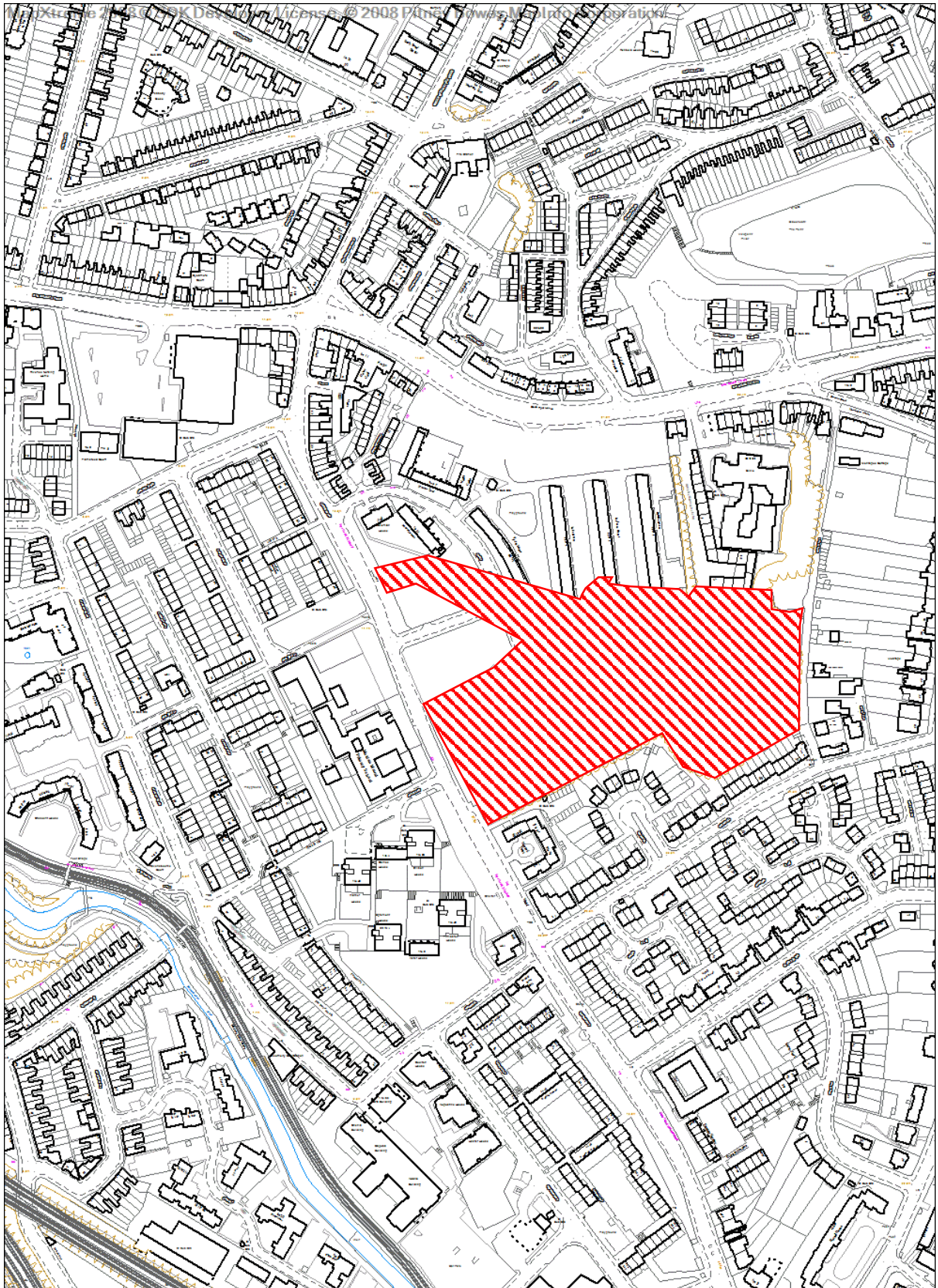
Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed on the building(s) hereby approved shall be as set out in the application and no development or the formation of any door providing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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

INFORMATIVES

- 1) You are advised that the original hybrid permission DC/09/72554 dated 22 March 2010 was amended by DC/10/75267 dated 29 September 2010, DC/10/75395 dated 27 January 2011, DC/12/81165 dated 24 January 2013, DC/14/087835 dated 18 August 2014, DC/14/087335 dated 28 October 2014, DC/15/090624 dated 21 April 2015, DC/15/092670 dated 21 August 2015, DC/17/101616 dated 19 June 2017, DC/17/101686 dated 24 August 2017, DC/17/104709 dated 1 December 2017, DC/18/106053 dated 29 March 2018 and DC/18/107715 dated 12 April 2019.
- 2) 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 pre-application discussions.
- 3) 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>



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Committee	PLANNING COMMITTEE B	
Report Title	402-404 Evelyn Street, London, SE8 5QL	
Ward	Evelyn ward	
Contributors	Patrycja Ploch	
Class	PART 1	5 th September 2019

<u>Reg. Nos.</u>	DC/19/111176
<u>Application dated</u>	26 th February 2019
<u>Applicant</u>	John Farquhardon Partnership on behalf of Lowden Roofing Supplies Ltd
<u>Applicant's Plan Nos</u>	PR98.01; PR98.02 Rev.B; PR98.03 Rev.C; PR98.05 Rev.C; PR98.08 Rev.C; PR98.11 Rev.A received on 27 February 2019; 8446-SK01 received on 21st March 2019; PR98.04 REV.E received on 12 April 2019; PR98.07 Rev L and PR98.09 Rev J received on 19th July 2019.
<u>Proposal</u>	The construction of a three storey building on the site of 402-404 Evelyn Street, SE8, to provide 4 commercial units at ground floor, 2 one bedroom and 6 two bedroom self-contained flats on the upper floors, together with the provision of green roof, bin storage and cycle parking spaces to the rear.
<u>Background Papers</u>	(1) DE/151/402/TP (2) NPPF (2019) (3) Core Strategy (2011) (4) Development Management Plan (2014) (5) London Plan (2016)
<u>Designation</u>	Deptford High Street Conservation Area Area of Archaeological Priority Major District Centre Shopping Non-Core Area Deptford Neighbourhood Forum Flood Zone 3

1 **SUMMARY**

- 1 This report sets out officer's recommendation concerning the above proposal. The application has been brought before members for a decision as permission is recommended to be approved and local amenity group objected to it.

1.1 SITE DESCRIPTION AND CURRENT USE

- 2 The application site is located on the south-west side of Evelyn Street (A200). Adjoining the application site to the east is 229 Deptford High Street, an attractive Victorian building circa 1840 with prominent curved façade facing the junction between Deptford High Street and Evelyn Street. To the rear of the site lies, an area of private road which provides a parking area for residential flats accessed via Grinling Place/Edwar Street. To the west is the Akwaaba Centre, run by Barnado's.



Map 1 – Location Plan

- 3 The site is currently used for two uses, the western area of the site is occupied by a hand car wash and the eastern area of the site is occupied by a used car dealership. There is a single storey building to the rear and the site has palisade fencing to the street frontage.

1.2 CHARACTER OF AREA

- 4 Surrounding development is predominantly residential in use, typically flats.

1.3 HERITAGE/ARCHAEOLOGY

- 5 The application site is located on the edge of the Deptford High Street Conservation Area. The buildings at the site are not statutorily listed.
- 6 The application site is within an Area of Archaeological Priority.

1.4 SURROUNDING AREA

7 The site has good connectivity and is within a walking distance to Deptford High Street, which provides a number of local services such as shops, restaurants, takeaways and bars. The site also benefits from being in close proximity to areas of open space.

1.5 LOCAL ENVIRONMENT

8 The application site falls within Flood Zone 3 and areas benefitting from flood defences as per the Environmental Agency flood zone mapping.

9 The site is also within the Deptford Neighbourhood Forum area.

1.6 TRANSPORT

10 The application site has a Public Transport Accessibility Level (PTAL) rating of five, or 'Good'.

11 Deptford Rail Station is located approximately 250m to the south of the site. The station is served by south-eastern trains that provide regular connections to London Cannon Street. There is a bus stop 100m to the north that links the site to Liverpool Street, Russell Square, Canada Water and North Greenwich.

2 RELEVANT PLANNING HISTORY

12 The application site has been subject to four previous full planning applications proposing comprehensive mixed-use redevelopments.

13 The first application (reference DC/10/075851/X), which was submitted in November 2010, proposed a part five, part six storey building incorporating 5 commercial units on the ground floor with 19 residential apartments above. The application was refused in February 2011 on the basis that the development was inappropriate for the site owing to its height, mass, scale and poor design, together with being harmful to heritage assets.

14 The second previous application for the site (reference DC/13/084553) was submitted in August 2013 and proposed a four-storey building comprising 3 commercial units on the ground floor and 12 residential apartments above. The application was withdrawn by the Applicant in May 2014.

15 The third application (reference DC/15/090791) was submitted in February 2015 and proposed a part three, part four storey building comprising 3 commercial units on the ground floor and 10 residential apartments above. Again, the application was withdrawn by the Applicant in February 2016.

16 The fourth and final application (reference DC/17/103016) was submitted in September 2017 and proposed part three, part four storey mixed use development consisting of 4 commercial units at the ground floor and 9 residential units and associated cycle parking and bin storage areas. The application was refused in December 2017 for 3 reasons. The first reason referred to development being inappropriate for the site owing to its bulk, massing, architectural detailing, shopfront design and materials resulting in contrived and incongruous appearance, harmful to the character and appearance

of the Deptford High Street Conservation Area. The second reason for refusal referred to the lack of detail regarding safe guarding of the access for the rear with limited information for delivery and servicing and conflicting information for cycle parking would have a negative impact on the surrounding highway network having regard to providing and maintaining suitable access and maintaining pedestrian safety and promoting sustainable transport. The third reason for refusal related to the inaccurate Daylight and Sunlight Assessment report that was submitted which was unable to demonstrate that the development will provide adequate daylight and sunlight to the habitable rooms within the development and will not result in overshadowing to surrounding properties.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

17 The current application is for demolition and removal of existing buildings and associated structures and the erection of a three-storey building to provide a mix-use development together with amenity space, landscaping, green roof and the provision of secure cycle parking and refuse storage.

18 The proposal would provide four commercial units (Use Class A1, A2, A3 and B1) at the ground floor and residential flats above. The scheme would provide a total of eight residential flats over the two floors, comprising of two 1-bed and six 2-bed units.

19 Access for pedestrians and cyclists would be from either the Evelyn Street or Ginling Place. The development would be car-free with the exception of a single drop-off and delivery bay at the rear of the site.

20 Refuse and bicycle storage would be located in the courtyard to the rear of the building.

3.2 COMPARISON WITH PREVIOUS SCHEME

21 This application was submitted following a refusal of DC/17/103016. The main changes between the current scheme and the previously refused are the removal of the fourth storey, changes to the design of the front and rear elevations, changing the materials and reducing the number of residential dwellings from nine to eight.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

22 The applicant submitted a pre-application enquiry in February 2018.

23 The issues that were discussed during the pre-application included but were not restricted to quality of the details in relation to materials of the proposed building and the highway issues.

4.2 APPLICATION PUBLICITY

24 Public consultation was undertaken in accordance with statutory and local planning authority requirements. The application site is within a conservation

area as such a public notice was posted and displayed by officers on 10th April 2019 in close proximity of the site and a press notice was published in the local newspaper on the same day.

25 The local planning authority received no letters of objection or support.

4.3 INTERNAL CONSULTATION

26 The following internal consultees were notified on 1st April 2019.

- Conservation – raised no objection subject to conditions.
- Urban Design – raised no objection.
- Highway – raised no objection.
- Environmental Health – raised no objection subject to conditions.

4.4 EXTERNAL CONSULTATION

27 The following external consultees were notified on 1st April 2019.

- Deptford Society – Object for the following reasons:
 - The delivery of residential units is welcome and the proposed layouts look reasonably considered and well resolved.
 - Concerned with the design approach to create historical terrace on the Evelyn Street frontage. The Society is of view that the design of the building should be contemporary and respond logically to the internal plan layout.
 - Concerned with the use of the critall windows and their energy performance.
 - Concerned that the Evelyn Street entrance to the flats is not emphasised clearly enough.
 - The roof plan shows only a lift over-run.
 - Concerns with the south facing rear elevations windows would experience solar overheating, particularly on the second floor and how appropriate ventilation would be ensured.
 - The revised plans show the shopfront lining through with those of the Noah's Ark, which is preferred and welcomed.
 - The Design and Access Statement has not been revised following the amendments to the plans.
- Deptford Folk – no comments received.
- Deptford High Street Association – no comments received.

4.5 STATUTORY CONSULTATION

28 The following Statutory Consultees were notified 1st April 2019.

- Historic England – confirmed that they did not need to be consulted.

5 POLICY CONTEXT

5.1 LEGISLATION

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

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

31 MATERIAL CONSIDERATIONS

32 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

33 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

34 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

5.2 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

5.3 DEVELOPMENT PLAN

35 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- The relevant draft policies are discussed within the report (DLPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)
- Lewisham Town Centre (February 2014)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

36 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)
- Shopfront Design Guide Supplementary Planning Document (March 2006)
- Bromley Road Southend Lane Supplementary Planning Document (January

37 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Town Centres (July 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

38 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

39 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

6.1.1 Provision of commercial use at the ground floor

40 Core Strategy Policy CS5 and Development Management Policy DM 11 seek to protect employment uses outside of the strategic employment locations. This is because the Council has recognised that business premises associated with town centres and activity hubs are important in providing sustainable local services that ensure the vitality and viability to the local economy. Having said that the above policies allow for redevelopment of the site provided that it is done to a high standard and the employment use is re-provided.

41 The proposed development would result in a loss of a car wash and car dealership use at the site. The current use of land is not afforded any policy protection within the Local Plan.

42 The proposed development would provide 216sqm of flexible A1, A2, A3 and B1 space spread across four commercial ground floor areas. The proposed uses would be appropriate to the location of the site and they would positively contribute to the economy of the area and they would provide local jobs.

6.1.2 Provision of residential accommodation

43 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority.

44 The application site is located in the area of borough where additional residential accommodation is encouraged. The proposed development would provide eight new residential units in a location that has good connectivity to public transport (PTAL rating of 5), schools, health facilities and general amenities.

6.1.3 Principle of development conclusions

45 In light of the above there is no in principle objection to the proposed development. The re-development of the site would a) contribute to the development of the local parade by providing commercial units that are of high standard and which would bring employment to the area and improve the local economy and b) provide much needed residential units on the upper floors of the proposed building in a highly accessible urban location.

6.2 HOUSING

46 This section covers the contribution to housing supply and the standard of accommodation.

6.2.1 Contribution to housing supply

47 National and regional policy promotes the most efficient use of land. London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported that are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks.

48 The scheme proposed eight self-contained residential units including two 1-bed and six 2-bed units.

Table 1: Unit and tenure mix

	Studio	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	0	2	6	-	-	8
Social Rent	-	-	-	-	-	-
Affordable Rent	-	-	-	-	-	-
Shared Ownership	-	-	-	-	-	-
Total	-	2	6	-	-	8

49 The proposed development has a PTAL of five (5) and would be classified as an urban typology. The proposed density and unit mix is considered to be appropriate to the location of the site.

6.2.2 Residential Quality

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

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

Internal space standards

52 All of the proposed units would be well laid-out, have generous proportions and would either meet or exceed the national standards for floorspace and room size.

53 Officers note that unit 4 and 8 would fail to provide the required built-in storage of 1.5sqm. However, both of those units would be slightly oversized by 2sqm. Officers are confident that the shortfall can be accommodated elsewhere in the flats and this would not warrant a reason for refusal.

External space standards

54 Private open space should be provided in all new housing developments. London Plan Housing SPD, Standard 26 and 27 state that a minimum of 5sqm of outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant.

55 All units would have access to private amenity space at the rear of the building in the form of balconies. These balconies have been designed with a balcony screen to prevent overlooking.

56 Officers note that balconies for unit 5, 6 and 7 would be slightly under the recommended private amenity space. It is considered that as the shortfall is so minor, the flats are well laid and the residents would have access to the outdoor amenity space within a walking distance from the site (Sayes Court Park and St Paul’s Churchyard Gardens) this would not warrant a reason for refusal.

Table 2: Space standards – internal and external

(m ²)	Unit type - Gross internal area	Bed 1	Bed 2	Ceiling height	Private amenity	Storage	Pass/fail
Unit 1	2B4P 70.2	Double 14.8	Double 11.5	2.5m	8.9	2.38	Pass
Unit 2	2B4P 75.8	Double 15.5	Double 11.9	2.5m	8.9	2.23	Pass
Unit 3	2B4P 74.6	Double 13.6	Double 13.5	2.5m	8.3	2.54	Pass
Unit 4	1B2P 52	Double 14.5	-	2.5m	6.4	0.79	Fail
Unit 5	2B4P 70	Double 14.8	Double 11.5	2.5m	6.6	2.29	Fail
Unit 6	2B4P 74.6	Double 15.5	Double 11.9	2.5m	6.2	2.19	Fail
Unit 7	2B4P 75	Double 13.6	Double 13.5	2.5m	6.6	2.45	Fail

Unit 8	1B2P 52	Double 14.5	-	2.5m	6.7	0.84	Fail
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Outlook, privacy

- 57 The design has had regards to potential privacy impact. The nearest residential dwellings are located on the north, east and south of the application site.
- 58 The application building would be situated approximately 41m from the Langford House (tower) on Evelyn Street, approximately 25m from residential flats on Grinling Place and 20.5m from buildings facing the Deptford High Street. These separation distances are considered to be adequate to ensure that no overlooking, loss of privacy and loss of outlook would occur.

Ventilation and overheating

- 59 An objection notes that the proposed units would overheat and suffer from ineffective ventilation.
- 60 The application site is located within the Evelyn Street corridor. A priority for this AQAP is therefore to provide development, through construction and build, which minimises emissions through effective planning policy, development control and environmental protection enforcement.
- 61 A Ventilation Report has been submitted which indicates that the residential apartment should be fitted with a Mechanical Heat Recovery Ventilation (MVHR) heat recovery unit to provide fresh air to living areas, and extract air from wet rooms. The MVHR unit shall be mounted at high level within a cupboard in each dwelling. A condition would be added to that effect.
- 62 For the commercial units, it is proposed that ventilation for these commercial areas be with a small commercial heat recovery system, along with a separate extract system for dirty areas, such as toilets. A condition would be added to that effect.

Daylight and sunlight

Development Management DM Policy 32 (part 4, paragraph c) requires new housing development to provide accommodation, inter alia, with main habitable rooms receiving direct sunlight and daylight.

- 63 The submitted plans clearly demonstrate that the main living accommodation in all of the proposed units would be south facing, meaning that they would receive a good amount of sunlight and daylight through the year. Moreover, the internal analysis of the proposed units included in the submitted daylight and sunlight report demonstrates that all units would comfortably exceed the required criteria for average sunlight.

Noise and disturbance

- 64 London Plan Policy 7.15 and Development Management DM Policy 26 aim to protect sensitive uses from excessive noise or vibration.

65 The application site is located next to a busy road. As such, the application is supported by a noise assessment. The Council's Environmental Team have reviewed the submitted document and confirmed that the proposals for mitigation against external noise are acceptable. A condition would be added requiring all of the windows on Evelyn Street elevation to be fitted with acoustic double-glazing.

66 The use of the ground floor units would not generate levels of noise in excess of what is to be expected within this densely populated and busy location. The submitted report recommended that the developer ensure that the combined rating noise from all of the building services plant on the development does not exceed the typical ambient background noise levels. Having reviewed this the officers are of the view that a condition should be added requesting that noise levels are 5dB below the background noise. Accordingly, a condition will be imposed to ensure that the proposed plant does not generate noise nuisance.

Accessibility and inclusivity

67 London Plan Policy 3.8 and DLPP D5 require 10% of new build dwellings to be wheelchair accessible as per Building Regulation requirement M4(3).

68 The submitted wheelchair statement has sufficiently demonstrated that unit 2 is capable of providing wheelchair accessible accommodation. This is considered acceptable and in line with the above policy.

6.2.3 Housing conclusion

69 The proposal would deliver optimum number of dwellings to the site, whilst providing appropriate quality of amenity for future residents. The proposed is therefore acceptable in this regards, and consistent with the intention of the after mentioned provisions of the Development Plan with respect to housing provision and quality.

6.3 URBAN DESIGN

70 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

71 London Plan (2016) Policies 7.1-7.7 (inclusive) and Core Strategy (2011) Policy CS15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

72 Further to this, the Development Management (2014) DM Policy 30 requires planning applications to demonstrate a site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

73 As the application site is located within Deptford High Street Conservation Area, as such regard need to be had to the Council's duties under s72 of the Planning (Listed Building & Conservation Area) Act 1990, Chapter 16 of the NPPF (2018), Core Strategy Policy 16 and DM Policy 36 which seek to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting.

6.3.1 Layout and scale

- 74 The scale and form of the proposed building has been derived from detailed contextual analysis of the surrounding area.
- 75 The layout and site coverage of the proposed building would reflect the established built pattern in the surrounding area. The proposed building would be a continuation of the Deptford High Street that would positively contribute to its appearance.
- 76 In relation to the height of the proposed building. The character of the area is mixed and the building heights vary between two to three storeys. The proposed building would have the same height as the neighbouring property at 229 Deptford High Street. This is considered to be acceptable and would allow the building to integrate well to the surrounding townscape.

6.3.2 Design and materials

Design

- 77 The design of the front elevation has taken architectural reference and narrative from the existing buildings along the Deptford High Street.
- 78 The front elevation of the building has been divided into five component parts by vertical breaks in the elevation to continue the established building grain and narrative of the Deptford High Street.
- 79 The rear elevation would not have the same references to the historic architectural context used at the front. The rear elevation has been designed to be more contemporary in its appearance. It is considered that the rear elevation would positively respond to the character of the area which it would face.

Materials

- 80 In relation to the external materials. As mentioned before the building has been designed to replicate established building grain and narrative of the High Street.
- 81 It should be noted that the front elevation of the building would have different appearance to the rear.
- 82 The first two components of the front elevation (adjoining 229 Deptford High Street) would be constructed in red brick and would be fitted with sliding sash critical windows fitted in steel frames. The remaining three components would be constructed in yellow brick and would be fitted with steel windows. To create the impression of separate building between each component there would be recessed glazed brick/tile helping to create the vertical broken mass.
- 83 The rear elevation would be replicated in terms of the brick components splits, use of brick and the recessed glazed brick/tile colour. All windows and doors in this elevation would be fitted with aluminium windows and doors frames. To add interest to its appearance some elements would have feature recessed stack bonded brick. The balcony balustrade would be metal and each balcony would have 1.8m high privacy screens.

84 To ensure the high quality of design, it is recommended that a condition is added to secure materials and details such as depth of window and door reveals, details of external materials and window (including the means of opening).

6.3.3 Impact on heritage assets

85 The site is located within an Archaeological Priority Area and the Deptford High Street Conservation Area.

86 The Conservation Officer reviewed the submitted information and confirmed that she is satisfied that the design, scale and massing of the proposed building would achieve a suitable relationship to other buildings within the conservation area and that it would preserve and enhance the Deptford High Street Conservation Area.

87 The submitted Archaeological Assessment concluded that the construction of a past building and a car park within the area would have had a negative impact on below ground archaeological deposit. The minor bomb blast damage during WW2 would also have led to potential destruction of underlying deposits.

88 The report recommended that archaeological monitoring of any borehole/geotechnical excavation take place to better ascertain below ground conditions at the site. A condition would be added to this effect.

6.3.4 Urban design conclusion

89 The proposal would be acceptable with respect to design quality, character, and it would be consistent with after mentioned policies subject to proposed conditions.

6.4 TRANSPORT IMPACT

6.4.1 Car parking

90 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum.

91 The proposed scheme would be car free. This is considered acceptable as the application site has a PTAL rating of five and it is within a walking distance from Deptford Rail Station and a number of bus routes. As the site would be car free, future residents would be restricted from obtaining parking permits in the Controlled Parking Zone (CPZ) and the applicant would be expected to provide the future residents with free car club membership. This will be secured by means of legal agreement.

6.4.2 Cycle parking

92 Cycle parking standards are set out in Table 6.3 of the Parking Addendum to Chapter 6 of the London Plan.

93 The proposed development would comprise of two 1-bed and six 2-bed units. The commercial units would have floor area of 217sqm.

- 94 The standard require 14 cycle parking spaces for the residential use and 2 cycle parking spaces for the commercial units.
- 95 The proposed development would provide 22 covered, secure and fully enclosed cycle parking spaces at the rear of the building. This is an acceptable level of cycle parking in relation to the standards set out in the London Plan to meet residential and long-term cycle parking needs. Furthermore, the applicant would be required to provide all residents with a car club membership in line with the adopted Planning Obligation SPD.

6.4.3 Servicing and refuse

- 96 DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 97 The application proposes that servicing is provided from the drop off and delivery bay at the rear of the site.
- 98 The Transport Statement mentions that due to the relatively small size of the commercial units, Heavy Goods Vehicles or Ordinary Goods Vehicles will not be required to make deliveries to the site. Therefore only light goods vehicles would be required to access the site.

6.4.4 Construction Impact

- 99 A planning condition will be recommended to ensure the submission of a Construction Management Plan, that will be expected to detail the number and type of vehicles, mitigation measures for dust and noise, safety implications and length of construction period (among other matters). The statement would also be expected to address proposed demolition works.
- 100 A planning condition will be added to ensure the submission of a Construction Management Plan, that will be expected to detail the number and type of vehicles, vehicle loading / unloading bays, mitigation measures for dust and noise, safety implications and length of construction period (among other matters).

Transport impact conclusion

- 101 Subject to recommended conditions and the entering into a relevant legal agreement by the applicant with the Council, any impact upon parking space capacity in the area, and congestion within the surrounding local highways, are considered acceptable.

7 LIVING CONDITIONS OF NEIGHBOURS

- 102 The NPPF (para 127 and 180), London Plan Policies 7.4 and 7.6, Core Strategy Policy CS15 and Development Management Policy DM 32 require new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.

7.1.1 Daylight and Sunlight

- 103 The applicant submitted a Daylight and Sunlight report. This report assesses the impact of the proposed development on the neighbouring properties on Deptford High Street, Watergate Street, and Edward Street in respect of daylight/sunlight admission.
- 104 The report demonstrates that there will be no noticeable adverse loss of daylight and sunlight impact upon any neighbouring properties as a result of the scale and form of development proposed.
- 105 The report also demonstrated that the adjacent amenity areas would not be overshadowed by the proposed development once it is constructed.

7.1.2 Enclosure and Outlook

- 106 The location, mass and height of the proposed building would mean that it would be in view from the neighbouring properties. However, given the separation distances between the proposed building and Langford House (tower) on Evelyn Street which is approximately 41m, residential flats on Grinling Place which are approximately 25m and buildings facing the Deptford High Street which are approximately 20.5m. Officers are satisfied that the development would not result in an unacceptable sense of enclosure and loss of outlook.

7.1.3 Privacy

- 107 The design has had regards to potential privacy impacts upon neighbouring properties. The new window openings would be orientated towards the public realm of Evelyn Street and Grinling Place.
- 108 The separation distance between the proposed building and the block of flats on Grinling Place and in Langford House is approximately 34m and 40m respectively. This substantially exceeds minimum (21m) separation distances promoted within DMP 32 with respect to back-to-back housing distances.
- 109 Based on the above, it is considered that the proposed separation distance between the proposed building and the neighbouring properties would be sufficient to avoid any undue overlooking and loss of privacy.

7.1.4 Impact on neighbours conclusion

- 110 The proposed development would not result in adverse loss of daylight, sunlight, privacy, outlook and noise upon any neighbour.

7.2 SUSTAINABLE DEVELOPMENT

- 111 The NPPF (para 148) sets an expectation that planning will support transition to a low carbon future.
- 112 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning. The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

7.2.1 Air quality

- 113 The NPPF (para 181) states that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 114 DM Policy 23 states that the Council all major developments that have the potential to impact on air quality will be required to submit an Air Quality Management Assessment. The application site falls within a designated Air Quality Management Area, one of six in the Borough.
- 115 This development is a minor application. However, the applicant has provided an Air Quality Impact Assessment, and it concludes that the implementation of appropriate measures and good practice during the demolition and construction phases would mitigate potential harm from dust. Due to the small size of the development, it does not exceed the criteria requiring an air quality neutral assessment to be carried out. This has therefore been screened out and no mitigation is required. The development is considered to comply with national and local air quality policy.

7.2.2 Contamination

- 116 Land contamination is a material planning consideration in the determination of an application. The application site is currently a Car Wash and a Second Hand Car dealership, as such there is a potential for some ground contamination.
- 117 The applicant submitted a desk-top assessment that assessed the likelihood of any soil contamination and any geotechnical constraints at the site. The Council's Environmental Health officer has reviewed the submitted report and recommended that a condition is added requesting site investigation works to be undertaken and a closure report for the development to be submitted and approved in writing by the Council. An appropriately worded condition will be added to the planning permission.

7.2.3 Flood risk

- 118 London Plan 5.12, DLPP SI and Core Strategy CS10 require new development to minimise flood risk and suitably protect new development from known flood risk.

Flood risk

- 119 The application site is located in flood zone 2 and 3 on Environmental Agency flood zone mapping. However, due to the protection afforded to the site by flood defences along both the River Thames and the Thames Barrier, the flood risk to the site is low.
- 120 Moreover, the development would not increase the impermeable surface of the site and given that the residential units would be situated above ground. It is not considered that the proposed development would increase the risk of flood elsewhere.

Surface water run-off

121 The proposed development would not increase the impermeable surface of the site. Whilst the run-off would not be much greater than the existing, taking into account the effects of the climate change and the expected increase in rainfall. It is recommended that the development utilise a green roof and rainwater harvesting system to reduce the impact of surface water on the local drainage system.

7.2.4 Sustainable development conclusion

122 In light of the above, the proposed development can be constructed and operated safely in flood risk terms, without increasing flood risk elsewhere. It is recommended that a condition is added to the planning permission securing the additional of appropriate sustainable drainage mitigation.

8 LOCAL FINANCE CONSIDERATIONS [DELETE IF NOT RELEVANT]

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

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

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

125 The CIL is therefore a material consideration.

126 £53,836 Lewisham CIL and £18,842.60 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

127 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.

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

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

129 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.

- 130 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>
- 131 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 132 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>
- 133 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 134 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property

135 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.

136 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

137 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including are not considered to be unlawfully interfered with by this proposal.

11 **LEGAL AGREEMENT [IF NECESSARY]**

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

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

139 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

140 Heads of terms have been agreed with the applicant:

1. Free car club membership for future occupants, one membership per household for three years from first occupation;

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

12 **CONCLUSION**

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

- 143 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 144 The re-development of the site would contribute to the development of the local parade by providing commercial space and would provide much needed residential units above in a highly accessible urban location. The proposed land use would achieve accordance with regional and local policies and help optimise the land use at the site.
- 145 The proposed building would be of high quality of design and would cause no harm to the wider area. The finishing materials would be robust and sensitive to the context of the area ensuring that the scheme relate satisfactorily to both the historic context and the emerging character of the new buildings along Evelyn Street.
- 146 The quality of the development and its impact on the neighbouring properties are considered to be satisfactory.
- 147 The car and cycle parking, refuse collection and servicing arrangements and principles are all acceptable, conditions will be added to secure detail delivery and servicing plan, waste management strategy.
- 148 In line with the requirements of the NPPF, the council has applied the presumption in favour of sustainable development. The proposed development would accord with sustainable principles and would make efficient use of the land to deliver a high quality development that is in accordance with the council's aspirations for the area. It is therefore recommended that planning permission is granted, subject to conditions, and the timely completion of a Section 106 Agreement

13 RECOMMENDATION

- 149 That the Committee resolve to **GRANT** planning permission subject to [a S106 Legal Agreement and to] the following conditions and informatives:

13.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

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

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

2) **LIST OF APPROVED PLANS**

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

PR98.01; PR98.02 Rev.B; PR98.03 Rev.C; PR98.05 Rev.C; PR98.08 Rev.C; PR98.11 Rev.A received on 27 February 2019; 8446-SK01 received

on 21st March 2019; PR98.04 REV.E received on 12 April 2019; PR98.07 Rev L and PR98.09 Rev J received on 19th July 2019.

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) DESIGN QUALITY - MATERIALS

(a) Notwithstanding the details shown on the drawings hereby approved, prior to the construction of the building the applicant must submit

- a detailed schedule;
- samples of all external materials including glazing tiles and the type of brick and its colour;
- detailed specification (including manufacturer's literature) of windows, external doors, roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority.

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

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

4) WINDOW REVEALS

All window and door openings shall be constructed with minimum 150mm deep external reveals.

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

5) WHEELCHAIR UNIT

- (a) The wheelchair unit shown on drawing number 8446 - SK01 received on 21st March 2019 must be constructed in line with standard of the Approved Document M of the Building Regulations (2015) standard M4(3)(2).
- (b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.
- (c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

6) SITE CONTAMINATION

- (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).

7) SURFACE WATER

The development shall be carried out in accordance with the recommendations and drainage plan from the Sustainable Urban Drainage System (SuDs) Report prepared by NLY Building Service Ltd received by the local planning authority on 27th February and thereafter 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 (**March 2016**) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

8) CYCLE PARKING

Cycle parking spaces for 22 bikes shall be provided as per Proposed Site Plan (Drawing Number PR98.03 Rev C) and Proposed Bicycle Store (Drawing Number PR98.11 Rev A) received on 27th February 2019 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).

9) LIVING ROOF

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with Proposed Second Floor and Roof Plan (Drawing No PR98.05 Rev C) received on 27th February 2019 and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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).

10) VENTILATION EQUIPMENT

The ventilation system shall be installed in accordance with the finding and recommendation included in the Ventilation System Report prepared by NLY Building Service Ltd received on 27th February 2019 before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the residential and adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) and DM Policy 18 Hot food take-away shops of the Development Management Local Plan (November 2014).

11) DELIVERY AND SERVICING PLAN

The delivery and servicing must be in carried out in accordance with the Parking Management Plan detailed in Section 6 of the Transport Statement, reference TS/ES/201810 - JD, prepared by NRG Consulting and retained thereafter, unless it is otherwise agreed in writing with the local planning authority.

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

12) OPENING HOURS

The ground floor commercial premises in Use Classes A1, A2, A3 shall only be open for customer between the hours of 7:00am and 23:00pm between Monday to Friday and 9:00am to 23:00pm on Saturday, Sunday and Bank 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, DM Policy 32 Housing design, layout and space standards, DM Policy 14 District centres shopping frontages, DM Policy 15 Neighbourhood Local Centres, DM Policy 16 Local shopping parades and corner shops, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses), DM Policy 18 Hot food take-away shops of the Development Management Local Plan (November 2014)

13) ARCHAEOLOGICAL OBSERVING

- (a) The developer must provide access to the application site during borehole/geotechnical excavations to any archaeologist nominated by

the local planning authority to allow them to ascertain below ground conditions at the site and record items of interest and finds.

- (b) Depending on result of this exercise further archaeological measures might be expected in advance of development.

Reason: To ensure adequate access for archaeological investigations 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 Policy 7.8 of the London Plan (July 2011).

14) NOISE

The rating level of the business operational noise (including any fixed plant) emitted from the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.

The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15) ACOUSTING DOUBLE GLAZING

All residential units facing Evelyn Street shall be fitted with acoustic double glazing. Standard thermal double glazing can be used to southern facades.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

16) WASTE MANAGEMENT STRATEGY

The refuse and recycling collection must be in carried out in accordance with the Waste Management Strategy detailed in Section 7 of the Transport Statement, reference TS/ES/201810 - JD, prepared by NRG Consulting and retained thereafter, unless it is otherwise agreed in writing with the local planning authority.

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

17) CONSTRUCTION MANAGEMENT PLAN

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number, type and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to limit dust and noise.
- (d) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

18) ARCHITECTURAL DETAIL

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans showing windows, doors, balconies and shopfronts have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

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

13.2 INFORMATIVES

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.

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>

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

You are advised that this permission relates only to the proposed change of use and that any alterations to, or the provision of a new shopfront, the provision of ducting equipment, or new advertisements relating to the proposed use, would require separate permission.

You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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.

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Act and other related legislation. These cover such works as – the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works.

Notice of intention to demolish existing building must be given to the Building Control Service at least 6 weeks before work start. A completed application form together with detail plans must be submitted for approval before any building work is commenced.

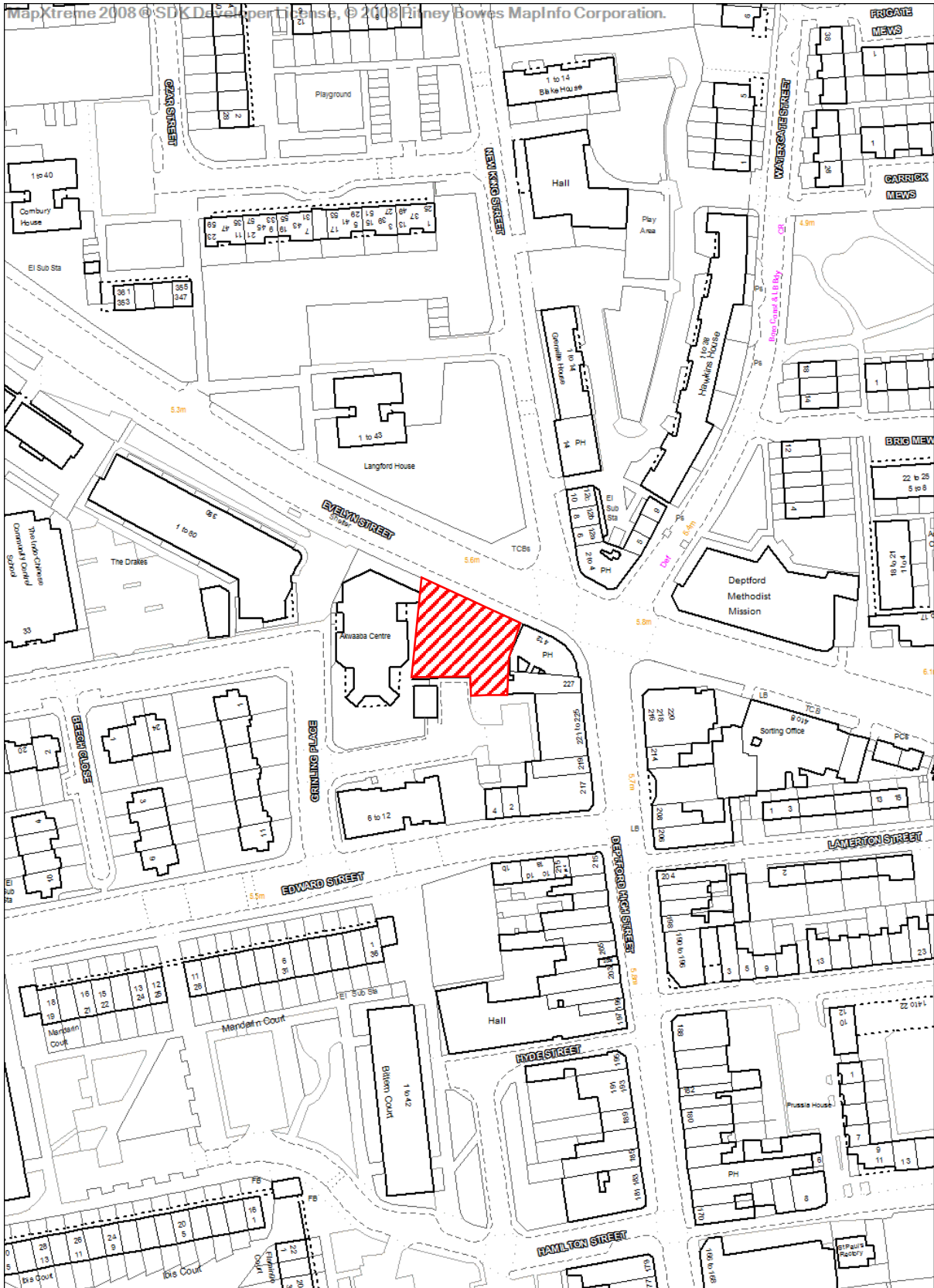
You have been granted planning permission for removal of existing buildings and associated structures and the erection of a three-storey building to provide a mix-

use development together with amenity space, landscaping, green roof and the provision of secure cycle parking and refuse storage. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8.00am or after 18.00pm Monday to Friday, before 8.00am or after 13.00pm on a Saturday or at any time on Sundays and Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact – Environmental Health Department Pollution Section.

The application 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. Further, 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.

Pre-commencement conditions: The following conditions attached to this decision notice are considered necessary in order to protect the amenities of future occupiers and users of the proposed development and encompasses ecological benefits, and to ensure that the proposed development results in a sustainable and well-designed scheme:

- Condition 3 – Design Quality – Materials
- Condition 5 – Wheelchair Units
- Condition 6 – Site Contamination
- Condition 9 – Living Roof
- Condition 13 - Archaeological Investigation
- Condition 17 - Construction Logistics Management
- Condition 18 – Architectural Detail



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Committee	PLANNING COMMITTEE B	
Report Title	Garages to the rear of 3-7 Cheseman Street, SE26 4RA	
Ward	Forest Hill	
Contributors	Case Officer: Amanda Ghani	
Class	PART 1	5 th September 2019

Reg. Nos. (A) DC/19/111589

Application dated 19.03.19

Applicant PPM Planning Limited

Proposal Demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of a single storey building to provide 2, two bedroom self-contained dwellings amenity space, together with the provision of cycle parking spaces and refuse and recycling stores.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/457/C/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation PTAL 2

1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision, as there are 3 or more valid planning objections.

2 SITE AND CONTEXT

SITE DESCRIPTION AND CURRENT USE

- 2 The site is located between Sydenham and Forest Hill, in an area of primarily Victorian properties interspersed with newer redevelopment sites. The site is a backland site that rises to the north-west and is surrounded on all sides by existing residential development. The plot is 495.10sqm and comprises 15 garages arranged in three blocks around the periphery of the site, and is accessed from Cheseman Street. The applicant has stated that the garages were built in the 1960's presumably for use as private vehicle storage. The applicant bought the site in 2002 and has confirmed that the garages have not been used to park motor vehicles since that date. According to the submitted Transport Statement, only two of the garages are in use and this is as storage units; none are being used to store vehicles. During a site visit by officers, there was evidence the site has attracted anti-social activities, as there was graffiti on some of the

garages and what appears to be dumped fridges on open ground between the garage blocks.

CHARACTER OF AREA

- 3 The northern boundary of the site backs on to the rear gardens of 3-7 Cheseman Street; which are three, two storey residential dwellings. The western boundary is bordered by a terrace of two-storey residential dwellings in Brickwood Close; the southern boundary abuts 7 Sandown Court and the public space in front of it. Sandown Court is a modern development comprising two storey terraces of residential dwellings. Abutting the eastern boundary is 144-146 Dartmouth Road, which is a three storey building comprising a commercial unit on the ground floor (Century Motors) and 8 residential units on the upper two floors. A block of garages, which is within the curtilage of three storey Forest Hill Court, abuts the western boundary. The area is predominantly residential in character, with an eclectic mix of old and new architectural styles.

SURROUNDING AREA

- 4 Opposite the site access is the side boundary of Sydenham School for Girls and opposite the junction of Cheseman Street is the Bricklayers Arms, which is a public house. To the north-east of the public house, at the Willow Way/Dartmouth Road junction is the old Sydenham Police Station site which recently gained approval for demolition and construction of a part three/four storey building comprising 33 residential flats. No parking was proposed with this application other than 3 disabled parking spaces.

TRANSPORT

- 5 The site is within a PTAL 2 area, which is considered poor, however, the nearest bus stops are on Dartmouth Road outside the School, with services 176 and 197 to East Dulwich and 122 to Brockley. All buses stop close to Forest Hill railway station. Outside the Bricklayers Arms PH, bus routes 176 and 197 go to Penge and 122 to Crystal Place. All buses stop at Sydenham Railway Station. Forest Hill Railway Station is approximately 800m northeast of the site and within an 11 minute walking distance.

3 RELEVANT PLANNING HISTORY

- 6 **DC/03/055722** - The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a part two/part three storey building comprising 3 two bedroom self-contained flats and 2 two bedroom self-contained maisonettes, together with the provision of 5 car parking spaces and landscaping. (Outline Application). **Refused under delegated powers 06/07/05** due to overdevelopment, excessive density, visually intrusive, loss of privacy to properties in Brickwood Close and unable to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site
- 7 **DC/06/063044** - The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a two-storey building comprising 4, two-bedroom self-contained flats, together with 3 car parking spaces, 4 bicycle spaces, landscaping and refuse store. (Outline Application). **Refused under delegated powers 14/06/07** due to exacerbation of on street parking stress, overdevelopment, appearing visually intrusive and unable to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site
- 8 **DC/13/085169** - The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of 1 two bedroom single storey dwelling, together with the provision

of 1 car parking space, 2 bicycle spaces and refuse store. **Granted at planning committee 06/05/14**

- 9 **DC/14/088683** - Demolition of the existing garages and the construction of a single storey building with amenity space on land to the rear of 3-7 Cheseman Street SE26, to provide 2, two bedroom self-contained units together with the provision of cycle parking spaces and refuse and recycling stores. **Granted under delegated powers 11/12/14**
- 10 **DC/16/097674** - The demolition of the existing garages at the rear of No's 3-7 Cheseman Street SE26 and the construction of 3 three bedroomed, 2-storey terraced houses, together with the provision of bin and bicycle storage and associated landscaping. **Refused under delegated powers 04/10/16 due to** The excavation of the site to provide a lower ground floor would provide a cramped and oppressive environment with a poor outlook for occupiers of the proposed dwellings. The applicant has failed to demonstrate that the parking demand generated by the proposed development could be adequately accommodated in the local area.
- 11 The application was subsequently appealed and dismissed on 23/05/17 (APP/C5690/W/17/3168771)
- 12 **DC/17/103605** - The demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of 3, three bedroom two storey terraced houses, with 3 off street parking spaces together with the provision of bin and cycle storage, associated landscaping and car turn table. **Refused under delegated powers 09/11/17 due to** the proposed dwellings would by reason of their siting, height and scale have an overbearing impact on neighbouring properties, leading to an increased sense of enclosure, poor outlook, loss of privacy and overshadowing for adjoining occupiers. The accessway into the site would, by reason of its length and limited width, fail to provide sufficient space for two vehicles to pass and give rise to pedestrian and vehicular conflict,
- 13 **DC/17/103608** - The demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of a terrace of 3, two storey, two bedroom houses, together with 3 off-street parking spaces. associated cycle and bin storage and a car turn table. **Refused under delegated powers 09/11/17 due to** the proposed dwellings would by reason of their siting, height and scale have an overbearing impact on neighbouring properties, leading to an increased sense of enclosure, poor outlook, loss of privacy and overshadowing for adjoining occupiers. The accessway into the site would, by reason of its length and limited width, fail to provide sufficient space for two vehicles to pass and give rise to pedestrian and vehicular conflict

14 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 The current application is for the demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of a single storey building to provide 2, two bedroom self-contained dwellings, amenity space, together with the provision of cycle parking and refuse and recycling stores.

3.2 COMPARISON WITH PREVIOUS SCHEMES

- 16 There have been a number of development proposals for the site over the past 14 years. Two proposed single storey developments, were approved. There have been five proposals for two or three storey developments, all of which have been refused; for

reasons relating to impact on neighbouring amenity, or poor standard of accommodation due to the high density of the proposed development.

17 The most recent applications which were both refused on 09/11/17 pertain to a proposal for three, three bedroomed, two-storey terraced houses and for three, two bedroomed, two-storey terraced houses.

18 The current application is similar to the approved scheme DC/14/088683 in terms of its bulk, scale and number and type of units proposed and not proposing off-street parking. Apart from small differences in the internal layout, the only other significant difference is that the current application is not for a gated development. Furthermore, the policy used to assess this application remains extant.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

4.2 There was no pre-application engagement with the applicant

4.3 APPLICATION PUBLICITY

19 Site notices were displayed on 16th April 2019

20 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 16th April 2019

21 Nine responses were received, comprising eight objections, and one letter of comment

22 Objections

Material planning consideration	Para where addressed
The proposal will exacerbate the existing on-street parking problem on Cheseman Street	Paragraph 5.4
Construction vehicle access, noise and air quality	Paragraph 88
Service issues regarding access to the site due to narrow accessway	Paragraph 78
Overdevelopment of site and proximity to neighbouring properties.	Paragraphs 73-75, 83-89

23 A number of non-material planning considerations were also raised as follows:

24 One objector quoted extracts from a Land Registry Deed which refers to the sale of land at the end of 3-7 Cheseman Street advising that the purchaser is not entitled to any right of light or air which would interfere with the free use of any adjoining property; or carry out a trade or business which would cause a nuisance to occupiers of adjacent land. This is not a material planning consideration; however, the impacts of the proposed development on the amenities of neighbouring properties, including daylight impact, are considered acceptable. (See para. 7.54).

- 25 From the extracts provided it is officer's opinion that the proposal would not cause such nuisance or interference.
- 26 A number of objectors raise concerns over the historic applications that have been made and accuse the applicant of applying for small developments in a bid to gain approval for larger developments in future applications. There is no limit to the number or type of applications that can be submitted, moreover, officers assess each application on its own merits.
- 27 The garage site has apparently been used as a storage site for various commercial and household refrigeration units. Concerns have been raised by several objectors over possible ozone depleting gases escaping from the units. This is not a planning consideration.
- 28 Party wall considerations are a private matter between the developer and adjoining neighbour and not a material planning consideration.
- 29 The planning approval for the redevelopment of the old Sydenham police station at 179 Dartmouth Road has been highlighted by several objectors as being a cause for greater vehicle congestion in the immediate area in the future. This proposal included 3 disabled parking spaces but was otherwise a car free development. A planning obligation in the form of a S.106 Agreement has been attached to the approval. A financial contribution toward reviewing the controlled parking zone adjacent to the site and the introduction of double yellow lines to prevent residents of the development parking on the access road has been agreed. Furthermore, a number of conditions have been attached to the planning permission, regarding the installation of electric car charging points; submission of a User's Travel Plan specifying non-car travel initiatives to be implemented and submission of a parking management plan outlining measures to discourage informal parking within the site.
- 30 A comment relating to non-material planning considerations were also raised as follows:
- 31 An email was submitted by the General Bureau (Forest Hill Court) stating they have been approached by the applicant with regards to selling one of their car parking spaces to the developer. The offer was apparently declined.
- 32 The current application proposes no off street car parking spaces and has been assessed as such.

4.4 INTERNAL CONSULTATION

- 33 The following internal consultees were notified on 20th June 2019
- 34 Highways: raised no objections
- 35 Ecological Regeneration: raised no objections.

4.5 STATUTORY CONSULTATION

- 36 None.

37 POLICY CONTEXT

4.6 LEGISLATION

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

39 MATERIAL CONSIDERATIONS

40 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

41 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

42 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

4.7 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

4.8 DEVELOPMENT PLAN

43 The Development Plan comprises:

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

4.9 SUPPLEMENTARY PLANNING GUIDANCE

44 Lewisham SPG/SPD

- Planning Obligations Supplementary Planning Document (February 2015)

45 London Plan SPG/SPD: [delete irrelevant documents]

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

5 PLANNING CONSIDERATIONS

46 The main issues are:

- Principle of Development
- [Housing]
- Impact on Adjoining Properties
- Transport

5.1 PRINCIPLE OF DEVELOPMENT

47 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

48 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

49 The principle of development is whether the provision of housing on the site is appropriate for this location. National and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority for London. Residential use is the default use where there are no other policy protections established. The application seeks to optimise the development potential of the site by providing residential accommodation

The site has no specific allocations under the up to date development plan and is currently occupied by 15 garages. The National Planning Policy Framework, makes it clear, that the proposed development must be sustainable and of a high quality design. The principle of development for this backland development has previously been established to be acceptable, subject to good access, amenity and design related details having been addressed

5.1.1 Principle of development conclusions

50 In light of the above, the principle of the proposed development of the site is acceptable as it would optimise the use of the site and provide new housing. This is considered a planning merit to which substantial weight is given.

5.2 HOUSING

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

5.2.1 Contribution to housing supply

52 National and regional policy promotes the most efficient use of land. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported that are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks.

Table 2: Unit and tenure mix

	Studio	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	-	-	2	-	-	2
Social Rent	-	-	-	-	-	-
Affordable Rent	-	-	-	-	-	-
Shared Ownership	-	-	-	-	-	-
Total			2	-	-	2

53 Table 2 sets out the number and mix of units. The proposal would provide a suitable housing number and mix for the site

5.2.2 Residential Quality

General Policy

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

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

Internal space standards

56 The standards in the London Plan will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. The criteria is set out in Policy 32 of the Development Management Local Plan (2014)

With regards to the unit type, the development seeks to deliver 2 x 2 bedroom/4 person units. In accordance with the Table 3.3 of Policy 3.5 of The London Plan, a 2 bedroom 4 person (single-storey) unit would be required to have a minimum GIA of 70 sqm.

An assessment of the proposed residential property against the space standard is considered below:-

57 Table 3: Space standards – internal and external]

(m ²)	Unit type	Bed 1	Bed 2	Ceiling height	Private amenity	Storage	Pass/fail
	- Minimum Gross internal area 70sqm	11.5sq m	11.5sq m	2.5m	Min. 5sqm for 1-2 person s. Extra 1sqm per	2sqm	

					additional occupant.		
Unit 1	2B4P 70sqm	Double 13.01	Double 13	2.5m	79.5sq m (rear) 17sqm (front)	2.9sqm	Pass
Unit 2	2B4P 76sqm	Double 12.1	Double 14.4	2.5m	61.4sq m (rear) 25.4sq m (front)	2.9sqm	Pass

58 From the table above, it is clear that the proposed development does provide adequate levels of accommodation with built-in storage.

Outlook & Privacy

59 The outlook from the proposed units would be acceptable. The front windows would face onto the front gardens and courtyard area whilst the rear windows would look out onto the rear gardens of the development. The living room windows are west facing and would receive direct sunlight and daylight. The units are in an urban context and there would be sufficient distance between the neighbouring properties and habitable room windows to provide an acceptable level of privacy

Overheating and ventilation

60 Overheating and ventilation are both material considerations. The proposed layout results in two dual aspect units. The units both have a 2.5m floor to ceiling height. Both units would achieve adequate ventilation.

Daylight and Sunlight

61 The applicant did not submit a Daylight and Sunlight report with this application, however, having assessed the proposal; officers consider that the development would provide adequate levels of daylight and sunlight for future occupiers given the scale and siting of the buildings.

Noise & Disturbance

62 The residential development is considered compatible with the surrounding area, which is residential in nature. Given that the development is car free, the proposal would not result in a materially harmful increase in noise or disturbance.

Accessibility and inclusivity

63 London Plan Policy 3.8 and the Draft London Plan Policy D5 require 10% of new build dwellings to be wheelchair accessible as per Building Regulation requirement M4(3).

64 As the proposal is for two dwellings, the applicant does not need to provide a wheelchair accessible unit. However, the submitted planning statement states that both properties

have been designed with appropriate circulation spaces and room adaptation for wheelchair users.

External space standards

65 As required by Standard 26 of the London Plan Housing Supplementary Planning Guidance (March 2016) 'A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The proposed development has been put forward with front and rear private amenity space for both units.

66 As the proposal is for two, 4-person dwellings, the minimum private outdoor space required is 7sqm. The proposal far exceeds this requirement, both gardens being just over 11m long. Flat 1 would have a 64sqm rear garden and Flat 2 would have a 60sqm rear garden. Both gardens have been designed to be useable spaces, which prevent overlooking, while also providing attractive outlook and access to light. Both flats would also benefit from a small front garden as well as a shared front courtyard.

5.2.3 Housing conclusion

67 Contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings, as outlined in Core Strategy Policy 1. Officers are satisfied that the quality of residential accommodation would be acceptable. Both units exceed the minimum space standard requirements with regards to room size, internal storage and external amenity space. As the proposal is only for two residential units, there is no requirement to provide affordable housing as part of the development.

5.3 URBAN DESIGN

General Policy

68 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

69 Urban design is a key consideration in the planning process. Part 12 of the NPPF (2019) 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, indivisible from good planning, and should contribute positively to making places better for people.

70 London Plan (2016) Policies 7.1-7.7 (inclusive) and Core Strategy (2011) Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

71 Further to this, the Development Management Local Plan (2014) DM Policy 30 requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape whereby height, scale and mass of the proposed development relates to the urban typology of the area.

5.3.1 Appearance and character

72 The proposed units would be of a contemporary design. The full height glazing gives rise to an attractive rear elevation. Soft landscaping to the front and rear of the units along with a green sedum roof are used to achieve privacy, screening and urban greening. The proposed palette of materials relies heavily on London brick, aluminium framed windows and doors and aluminium coping around the roof perimeter. The design is simple and minimalistic; the proposed materials are of a high quality. Given the simplicity

of the building, it is necessary to see some further details including securing deep window reveals. However, the proposed building is considered to be acceptable.

Layout, Form and Scale

- 73 Demolition of the 15 garages on site is proposed. There is no objection to this as the garages are in a derelict state having not been in use for a number of years. Excavation work is proposed to be undertaken to level the site. As a result, the proposed units will be built at a ground level 0.5m to 1m lower than currently exists on the site. The semi-detached, single storey units would have flat roofs and a maximum external height of 3.15m and cover approximately 170sqm of the 495sqm site. The side elevation of Unit 2 would be set flush to the eastern boundary directly behind 146 Dartmouth Road and extend along the southern boundary of the site. The rear elevation of both Units 1 and 2 would be roughly in line with the rear building line of 7 Sandown Court to the south and the side elevation of 5 Cheseman Street to the north. There would be a set back from the side elevation of 7 Sandown Court of 1.8m narrowing to 1m at the rear of the property. Unit 1 would be set back from the northern boundary by 1m.
- 74 A brick retaining wall with fence panels above is proposed along the northern, eastern, western and southern boundaries. When measured from the proposed ground level on site, the western boundary would measure 2.1m high. The southern boundary would measure 3.8m high, the northern boundary 2.7m and the eastern boundary 2.8m, according to submitted drawings. Due to the difference in ground level between the site and the surrounding properties, the proposed units would largely sit at the same height as the proposed boundary treatments or slightly above. As a consequence, the form and scale of the proposal would result in no significant detrimental harm to the surrounding area.

5.3.2 Urban design conclusion

- 75 The proposed development would create a new building containing two separate units, that would be of high quality and be compatible with the surrounding urban typologies. To ensure high quality design, it is recommended that a condition is added to secure materials and details such as depth of window and door reveals; details of brickwork, soldier courses and window frames.

5.4 TRANSPORT IMPACT

- 76 The Council in line with the London Plan and NPPF policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum.
- 77 The development proposes no off-street car parking spaces and would not provide any vehicular access to the site. The applicant has provided a Transport Statement, however this does not include a parking street survey. A number of objections have been received regarding the proposal's lack of off street parking. Objectors have stated that there is significant existing parking stress on Cheseman Street. A number of objectors have alleged an enquiry was made by the applicant to the General Bureau regarding the possibility of buying one of Forest Hill Court's parking spaces. There are double yellow lines on the northern side of the road and on the southern side at the junction with Dartmouth Road up to the entrance of the subject site. A number of Cheseman Street properties have installed crossovers to facilitate off-street parking. Cheseman Street is not within a controlled parking zone and so officers are unable to prevent future occupiers parking vehicles on the road. Officers agree that Cheseman Street does suffer from parking stress and the additional parking demand generated by the proposal is likely to exacerbate the situation; however, the current application will not generate any

additional parking demand when compared to the consented application DC/14/88683. Moreover, the applicant has demonstrated that the site has good access to a number of non-car modes of transport and by reinstating the kerb in front of the access site, will be providing an additional on street parking space. As a consequence, the highway's officers has not objected to the proposal.

5.4.1 Access

78 An objection has been received regarding the width of the site's accessway. The objector states the accessway is too narrow to accommodate emergency vehicles. According to submitted drawings, the width of the accessway is 3.2m, which would accommodate an ambulance. With regards to fire engine access, Page 75 of The Manual for Streets, states that there should be vehicle access for a pump appliance to within 45 m of every point within single-family houses. Since the accessway to the proposed development is 27m long; the proposed units would be accessible and consequently, is considered to be acceptable.

79 There is an existing crossover to the front of the accessway on Cheseman Street. As the proposal does not include off-street parking, the Highway's Officer has advised that the applicant will need to pay for the removal of the redundant vehicular crossover. This will then allow for one extra on street car parking space in its place. The removal of the crossover can be secured by condition.

5.4.2 Servicing and refuse

DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

Standard 22 and 23 of the London Plan Housing SPG provides guidance on refuse to new residential development and references the British Standard BS5906:2005.

A refuse area for both units is proposed on the northern boundary in front of Unit 1. The bin storage would open on to the amenity space in front of the Units. The servicing would be provided from a designated collection point 25m north, on hardstanding at the entrance of the access way onto Cheseman Street. The storage and collection arrangements are the same as those approved in DC/14/088683. The proposed refuse and servicing is acceptable and in accordance with London Plan guidance.

5.4.3 Transport modes

Walking and cycling

80 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The London Plan requires that a one-bedroom flat should provide 1 cycle parking space, and 2 cycle parking spaces should be provided per all other dwellings.

81 The existing pedestrian network near the site is considered adequate and provides access to a range of services and local facilities including a number of bus routes with bus stops situated 150m east and west of the site. Forest Hill Railway Station is approximately 800m north of the site and an 11-minute walk away. A number of cycle routes are located in the vicinity of the site, including Wells Park Road and Sydenham Park, which are classified by TFL as routes marked or signed for use by cyclists. The application proposes dry, step-free, secure cycle storage for four bicycles to the front of the units, which is considered acceptable and in line with London Plan Policy.

5.4.4 Transport impact conclusion

82 The Transport Statement sufficiently demonstrates that there are other viable travel options to the use of a private car. The proposed development provides good quality cycle parking spaces and would be car free. The proposal is considered consistent with CS Policy 14 and the London Plan.

83 LIVING CONDITIONS OF NEIGHBOURS

84 The NPPF (paragraph 127 and 180), London Plan Policies 7.4 and 7.6, Core Strategy Policy CS15 and Development Management Local Plan Policy DM 32 require new residential development to be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural light.

5.4.5 Enclosure and Outlook

85 The location of the site is to the rear or side of the surrounding properties. The height of the proposed dwellings, being single storey and sited on a lower excavated ground level would result in a development that would have no significant detrimental impact on the visual amenity or outlook from neighbouring properties. Given the separation distances between the proposed units and existing neighbouring windows and gardens, there would be no unacceptable sense of enclosure.

5.4.6 Privacy

86 The windows in the rear elevation would serve principle habitable rooms and be 19m from the rear elevation of 9 Brickwood Close. A boundary treatment consisting of a fence on top of a low wall would be sited between the properties, measuring 2.1m high. The windows in the front elevation serve bedrooms and bathrooms. The front windows in Unit 1 face the rear garden of 144-146 Dartmouth Road. The windows would be 19m from the rear elevation of this adjacent property. The windows in the front elevation of Unit 2 would be 24.5m from the rear elevation of 3 Cheseman Street. The separation distances between the proposed dwellings and these adjacent properties would be sufficient to prevent loss of privacy to and from the proposed dwellings.

5.4.7 Daylight and Sunlight

87 There is no daylight and sunlight report submitted with this application. The relationship between the proposed building and adjoining residential dwellings and amenity space is such that no material harm would be likely to arise.

5.4.8 Noise and disturbance

88 The residential use is compatible with the surrounding area. Given the quantum of development and the proposal being car free, there would be no materially harmful increase in noise or disturbance. An informative will be added advising that 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"

5.4.9 Impact on neighbours conclusion

89 The proposed development would have no harmful loss of daylight, sunlight, privacy, outlook or noise impact on the neighbouring properties.

90 SUSTAINABLE DEVELOPMENT

91 The NPPF (para.148) sets an expectation that planning will support transition to a low carbon future, with development contributing to conserving and enhancing the natural environment and reducing pollution.

5.4.10 Urban Greening

92 The proposal offers landscaping to the front and rear of the site. Permeable brick paving would be laid to the front courtyard and accessway and light grey limestone would be used to the rear patio areas. Beech hedging is proposed along the eastern boundary, with low level hedging to the front garden areas. The rear and front gardens would be lawned. The proposed landscaping details show four trees on the western boundary and three trees in the courtyard. In accordance with policy DM 25 It is recommended that further details of soft and hard landscaping are conditioned to ensure implementation.

Living roofs

93 The London Plan, Core Strategy Policies 8 and 12 promote and support the use of living roofs in new development proposals. New living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such as base is not feasible and achievable. Developers should enter into an agreement with an installer that guarantees 80% coverage in five years, as set out in policy DM 24.

Table [4]: Living Roof Provision

Type of Living Roof/Wall	Size of Living Roof/Wall (m2)	Size of Living Roof (as % of total roof space)
Bauder Xero Flor XF301 Sedum Blanket System	168	100%
Total	168sqm	100%

A condition will be added to ensure that the living roof is installed in accordance with submitted details.

LOCAL FINANCE CONSIDERATIONS

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

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

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

96 The CIL is therefore a material consideration.

97 **£14,438.92** Lewisham CIL and **£9,923.96** MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

EQUALITIES CONSIDERATIONS

98 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.

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

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

100 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.

101 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>

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

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

103 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>

104 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.

6 HUMAN RIGHTS IMPLICATIONS

105 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including

- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

106 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.

107 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

108 This application has the legitimate aim of providing a new building with residential use. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

7 CONCLUSION

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

110 The proposed scheme presents several planning merits: 1) the optimal use of otherwise redundant land, 2) the provision of two, four person/two bed dwellings that meet a local need, 3) the provision of two homes in a sustainable urban location with good access to public transport, local services and amenities, 4) the proposal would not result in any detrimental harm to neighbouring amenity. Substantial weight is given to these merits.

The scheme has been well designed and would not harm the character or appearance of the wider area. For these reasons, it is recommended that the development is approved.

8 RECOMMENDATION

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

8.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

7248/EX/01; 7248/EX/02; 7248/EX/03; 7248/EX/04; F/7248/A4/01; F/7248/A1/01; F/7248/A1/03; F/7248/A2/01; F/7248/A2/02; Transport Statement; Supporting Planning Application Statement. (Received 26 March 2019)

XERO FLOR XF301 SEDUM BLANKET SYSTEM; XF301 SEDUM STANDARD; TECHNICAL SYSTEM SUMMARY (Received 20 June 2019)

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) REMOVAL OF CROSSOVER

The development hereby permitted at 51-63 Malham Road shall not be occupied until the developer has secured the removal of the crossover and the reinstatement of the pavement to the front of the Malham Road site.

Reason: In order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (2011)

4) DESIGN QUALITY – MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification of all external materials, detailing finishes, windows, external doors and window and door reveals to be used on the building 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(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and

5) CONTAMINATION

(a) No development or phase of development (including demolition of existing buildings and structures, **except where enabling works for site investigation has been agreed by the local planning authority**) shall commence until :-

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

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

(iii) The required remediation scheme implemented in full.

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

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

6) CONSTRUCTION MANAGEMENT PLAN

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

7) SOFT LANDSCAPING

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

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

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).

8) BOUNDARY TREATMENTS

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

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM

Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

9) CYCLE PARKING

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

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

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

10) REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

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

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

11) LIVING ROOF

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with XF 301 Sedum Standard drawing and Technical System Summary hereby approved and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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).

12) REFUSE STORAGE

(a) No development **above ground level** shall commence until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

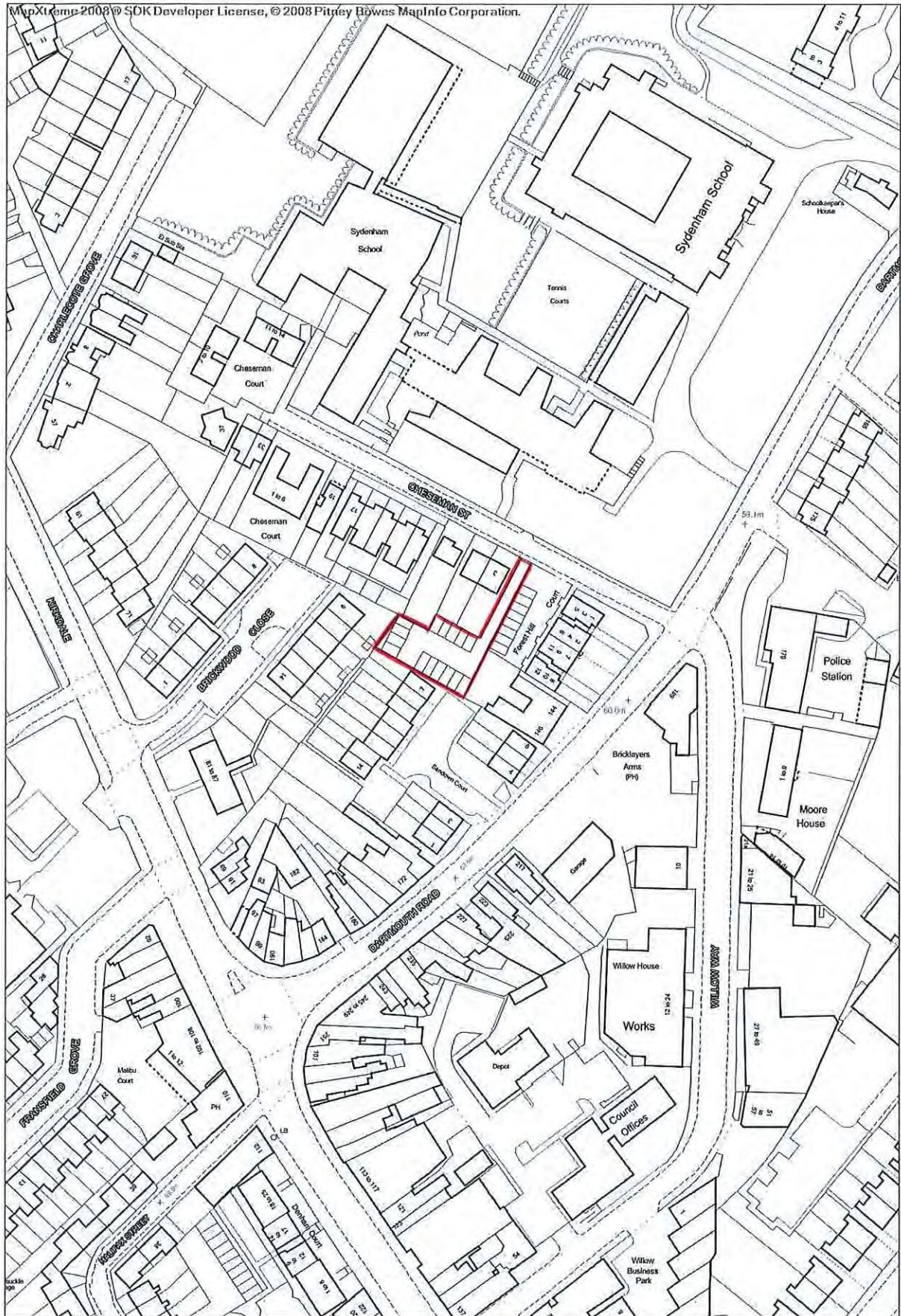
(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

8.2 INFORMATIVES

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.

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