

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 23 JANUARY 2020 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.

**Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 14 January 2020**

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Committee	PLANNING COMMITTEE B	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 23 January 2020

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE B	
Report Title	MINUTES	
Ward		
Contributors	Executive Director for Corporate Services	
Class	PART 1	Date 23 January 2020

MINUTES

To approve the minutes of the meeting of Planning Committee B held on the 28 November 2019.

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**LEWISHAM COUNCIL
PLANNING COMMITTEE B
THURSDAY, 28 NOVEMBER 2019 AT 7.35 PM
MINUTES**

PRESENT: Councillor Aisling Gallagher (Chair), Councillors Alan Smith, Silvana Kelleher, John Muldoon, Leo Gibbons, Mark Ingeby, Jim Malory.

APOLOGIES FOR ABSENCE: Councillor Suzannah Clarke.

OFFICERS: Service Group Manager, Development Management Team Leader (DMTL), Planning Officers and Committee Officer.

ALSO PRESENT: Kheng Chau – Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Muldoon declared a personal prejudicial interest in item 3, and withdrew from the meeting while this item was considered.

The DMTL provided an update of equalities considerations.

2 Minutes

The minutes of the last meeting were amended as follows:

- Further clarification was sought, as requested by the Chair regarding representation in the minutes of the Sydenham Society, who spoke against an application at the last meeting held on 17 October 2019. Following review of the minutes, the Officer confirmed the minutes would be issued as drafted at the next Committee B meeting.

RESOLVED that the minutes of the meeting of the Planning Committee B held on 17 October 2019 be agreed and signed as a correct record, subject to the above amendment.

3 Our Lady & St Philip Neri Roman Catholic Primary School, Mayow Road, SE23 2X G.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of Our Lady and St Philip Neri Roman Catholic Primary School, Mayow Road SE23 and the construction of a part three/part four/part five storey building to provide 59 residential units, comprising 24 one bedroom, 27 two bedroom and 8 three bedroom self-contained flats, together with landscaping, play areas, cycle parking, accessible parking and associated works.

The committee noted the report and that the main issues were:

Principle of Development

Layout, Scale and Design

Housing – Mix and Tenure

Standard of Accommodation

Impact on Neighbouring Properties

Transport Impact

Sustainability and Energy

Ecology and Landscaping

Flood risk

Waste

Planning Obligations

Following members' enquiries relating to tenure, affordable rent, ecological concerns and the viability exercise, the Officer confirmed the development would be tenure blind. He also explained that the Social Rent element would occupy the entire Block B, accessed from Acorn Way, and the 39 Market units would occupy the entire Block A, and were located on all floors within Block C. Shared ownership was located on ground, first and second floors in Block C, accessed from Mayow Road. The Officer advised the Committee that the scheme would provide 11 London Affordable Rent, and 9 Intermediate units, with the overall affordable provision being 34% by unit: 55% Social Rent, 45% Intermediate.

The Officer advised the Committee that trees were subject to planning conditions, and further details would be submitted.

The Chair advised the Committee that the viability assessment undertaken by GL Hearn on behalf of the Local Planning Authority (LPA), had been available to view online since the end of October 2019, and was also included in the Supplementary Agenda to the report.

The agent on behalf of the applicant, addressed the Committee describing the benefits of the scheme, such as 59 new homes contributing to the councils housing provision targets, and the positive use of unutilised brownfield site. The agent also advised the Committee the applicant was in discussions with an affordable housing association. The agent stated if planning permission was granted, they would start construction as soon as possible in the New Year.

Following members enquiries relating to design, ecological, tenure and the review mechanism, the agent advised the decision to use brick was sympathetic to the surroundings. Also, the flat roof design was appropriate, as it was similar to the nearby school roof, and was more suitable for a block of flats. The use of metal for balconies, added a contrast against the brickwork. In addition, the agent stated that there were limitations in materials used, and brick was deemed the safest option in light of recent unfortunate events.

The agent confirmed there would be no difference between entrance designs for each block on the scheme, and the communal space would be shared by all blocks. The entrance design would meet the requirements in regard to how housing associations managed the scheme. The agent divulged that entrance design could be secured by condition, so that any future owner of the scheme would be required to adhere to the agreed standard conditioned. It was also confirmed there would be no concierge service, and 1 management company would service all blocks. The agent described in detail, the layout of the blocks on the scheme to clarify the reasons for design decisions made.

The agent advised there would be no resident access to the green roof, access would be for maintenance only, and the courtyard would provide sufficient communal space.

The agent stated the decision not to 'pepper pot' tenure types throughout the scheme, was related to the reluctance of housing associations to take up such developments.

The legal representative advised the Committee that the Affordable Housing Value (AHV) sets out when affordable housing review mechanisms should be secured. Fast-track schemes would be subject to an 'Early Stage Viability Review' (ESVR) if an agreed level of progress on implementation is not made within two years of permission being granted, or as agreed with the LPA. Viability tested schemes would be subject to the ESVR and a 'Late Stage Viability Review' (LSVR); this would be triggered at the point at which 75% of units are sold or let. Longer term phased schemes may also require a mid-term review.

A resident, addressed the Committee, advising that she was representing the neighbours to the application site. Residents were opposed to the proposal because of concerns relating to scale and height, high density, design, overlooking, ecological concern, construction disruption, parking, traffic congestion, and vehicle access.

The legal representative advised the Committee that it is recommended that a planning obligation ensured that residential occupiers of the scheme (except for disabled drivers) would not be eligible to apply for on-street parking permits should a CPZ be implemented in the future. He advised the Committee this restriction was common to major new developments within the Borough within existing/potential controlled parking zones, thereby protecting the amenity of existing residents who would need to park on-street.

The Manager advised that a Section 106 Agreement, including a requirement for a CPZ consultation would need to be agreed with the applicant, before such implementation was possible.

The Applicant confirmed they would be happy for a condition regarding a CPZ consultation, to be included in the Section 106 Agreement.

The Committee

RESOLVED - Unanimously

That planning permission be GRANTED for the demolition of Our Lady and St Philip Neri Roman Catholic Primary School, Mayow Road SE23 and the construction of a part three/part four/part five storey building to provide:

- 59 residential units, comprising 24 one bedroom, 27 two bedroom and 8 three bedroom self-contained flats, together

with landscaping, play areas, cycle parking, accessible parking and associated works.

Subject to Conditions and Informatives outlined in the report,

And a requirement that officers should formulate conditions in relation to the:

- Amendment of the S106 Heads of Terms to include a requirement for the applicant to finance a CPZ consultation.

4 79 Drakefell Road, London, SE14 5SH.

The Item was WITHDRAWN from the Agenda.

5 163-165 Bromley Road, London, SE6 2NZ.

The DMTL, gave an illustrative presentation recommending the grant of planning permission for the construction of a roof extension fronting Callander Road at 163-165 Bromley Road SE6 and the addition of a mezzanine floor to provide ancillary commercial storage and staff facilities, together with alterations to the side elevation and the construction of a one metre high front boundary wall and provision of 1 extra car parking spaces.

The committee noted the report and that the main issues were:

Principle of Development

Urban Design and impact on the setting of a Conservation Area.

Transport

Impact on Adjoining Properties

Following members' enquiries relating to commercial deliveries, waste management and design concerns, the DMTL advised that the development would not be occupied until a Delivery, Servicing and Waste Management Plan been submitted to and approved in writing by the local planning authority. The DMTL confirmed there are windows in the area of the scheme designated as office space, and the scheme had a lift.

The agent, on behalf of the applicant, addressed the Committee describing proposed design improvements, and the reduction of the materials used, which would create a clean building line along Callander Road.

Following a member's enquiry relating to parking, the applicant advised parking was free for an hour before charges were incurred.

A resident, addressed the Committee, advising that she was representing the Ravensbourne Residents Association. Residents were opposed to the proposal because of concerns relating to funding, parking, deliveries, and servicing management.

The DMTL advised the weight to be attached to a local finance consideration remains a matter for the Committee. The DMTL also confirmed that a delivery and servicing plan would be devised, and would include measures to minimise the impact of servicing and deliveries at the site. The improvements would be secured through the use of a planning condition.

Members voted on the recommendation in the report with a result of 6 in favour of the proposal.

The Committee

RESOLVED

That planning permission be **GRANTED** for the construction of a roof extension fronting Callander Road at 163-165 Bromley Road SE6 and the addition of a mezzanine floor to provide ancillary commercial storage and staff facilities, together with alterations to the side elevation and the construction of a one metre high front boundary wall and provision of 1 extra car parking spaces.

Subject to Conditions and Informatives as outlined in the report, and amendments to Condition 17 as outlined in the Addendum Report.

6 35 David's Road, SE23 3EP

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the alteration and conversion of the existing garage/workshop at 35 David's Road, SE23, to provide two 2 bedroom

live/work units, including the construction of a single storey extension to the rear incorporating a terrace, a first floor extension and a new second storey, incorporating a roof terrace and dormer.

The committee noted the report and that the main issues were:

Principle of Development

Housing and Standard of Accommodation

Design

Transport

Impact on Adjoining Properties

Sustainable Development

Following members' enquiries relating to Live/Work units reverting to residential use, and the window design, the Officer advised that the workshop floor spaces of the live/work units would be finished and ready for occupation before the residential floor space was occupied, and the residential use would not precede commencement of the business use. The Officer also stated that the business floor space of the live/work unit would not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any related legislation. The Officer also confirmed the additional height of the rear section was considered to improve the amount of daylight and sunlight received by the first floor habitable rooms, and the rear extension and additional windows would allow more natural light to reach the workshop area of the westerly unit.

The applicant addressed the Committee describing the lodged complaint with the ombudsman, explaining where the Council had failed to:

- Take into account the improvements at 35 David's Road.
- Notify him about his neighbour's planning application for a house extension.
- Take into account his own planning permission to build two live/work dwellings, with combined workshops before approving his neighbour's application.

The applicant advised the Committee that the application site measured 21.6m in length and 5.5m wide, and increased slightly to 6m wide at the rear, adjoined to Havelock Walk.

Two residents, addressed the Committee, advising that they were representing the neighbours to the application site. Residents were opposed to the proposal because of concerns relating to loss of outlook, tunnelling effect on rear windows and parking.

The DMTL clarified the role of the Local Government Ombudsman (LGO) decision, with respect to the planning application. He confirmed there was no amenity compromise with respect to the existence of the LGO decision. The DMTL advised that the Officers' recommendation was based solely on the planning merit of the scheme, and the Committee members must only give consideration to the planning merit of the scheme.

Officer advised that no undue loss of daylight, sunlight, outlook or privacy would be generated upon any neighbour as a result of the proposal. The amenity impact to adjoined occupiers was therefore considered to be acceptable. The Officer confirmed the implemented previous approval included 2x off street parking spaces, and this current proposal originally included one off-street car parking space.

The legal representative advised the Committee with regard to conditioning a restriction on parking to one car per household.

Members voted on the recommendation in the report with a result of 1 abstention and 6 in favour of the proposal.

The Committee

RESOLVED

That planning permission be **GRANTED** for the alteration and conversion of the existing garage/workshop at 35 David's Road, SE23, to provide:

- Two 2 bedroom live/work units, including the construction of a single storey extension to the rear incorporating a terrace, a first floor extension and a new second storey, incorporating a roof terrace and dormer.

Subject to Conditions and Informatives outlined in the report,

And a requirement that officers should formulate a condition for the:

- Prevention of future occupiers of each unit applying for more than one parking permit per unit.

The meeting closed at 9.49 pm.

Chair

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Committee	PLANNING COMMITTEE B	
Report Title	Land on the Corner of Duncombe Hill, Brockley Rise, London	
Ward	Crofton Park	
Contributors	Louisa Orchard	
Class	PART 1	23 January 2020

Reg. Nos.

(A) DC/19/111251

Application dated25th February 2019Applicant

IG Estates Ltd on behalf of Investor Alliance Ltd.

Proposal

Construction of a part three/part four storey building on land at the corner of Duncombe Hill and Brockley Rise SE23, to provide 6 two bedroom and 1 one bedroom self-contained flats, together with landscaping, cycle storage and bin stores.

Applicants Plan Nos.

3613 – LP, , 3613-06, 3613-07, 3613- 08, 3613-09, 3613-11, 3613-12 (October 2018, Chapman Design LLP), CIL Form, Tree Survey and Supporting Letter (20th June 2018, Wharton), Planning, Design and Access Statement (February 2019, IG Estates), received 04th March 2019.

3613-01 Rev A, 3613-01 Rev A, 3613 – 02 Rev A, 3613 – 02 Rev, 3613 – 04 Rev A, 3613 – 05 Rev A, 3613-10 Rev A, (October 2018, Chapman Design LLP), received 25th March 2019.

Landscape Design Statement (06th June 2019, CSA Environmental), Landscape Proposals CSA/4402/100 (June 2019, CSA Environmental), received 06th June 2019.

Air Quality Assessment (24th April 2019, Eden Green Environmental Limited), received 22nd May 2019.

Background Papers

- (1) Case File DC/19/111251
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

PTAL 5

1 SUMMARY

1 This report sets out Officer's recommendations for the above proposal. The application is before members for a decision as the recommendation is to **refuse**, and:

- There are 3 or more valid planning objections; and
- There is 1 or more objection from a recognised residents' association or community/amenity group within their area.

2 SITE AND CONTEXT

SITE DESCRIPTION AND CURRENT USE

2 The application site is a 420 sqm triangular shaped parcel of land which is part of a larger area of open space facing Brockley Rise at the corner of Duncombe Hill. It is approximately 350 metres walking distance south east of Honor Oak high street.

3 The application site comprises a small area of open space which is bounded on two sides by a knee high decorative fence. A group of five trees subject to a TPO are located on the application site itself. A further tree with a TPO attached is located just beyond the site on the remaining open space, which is owned by the Council.

4 The remaining area of Council owned open space which, excluding the application site, is a strip of land linking Duncombe Hill and Brockley Rise. This area includes a concrete public path with steps and railings, in addition to a bench which looks over the path, and the application site. The Crofton Park Ward information board faces Brockley Rise at the edge of this area.

5 On 6th May 1968 a tenancy agreement was entered into between the Council and "William's Poster Advertising Company LTD", later JC Decaux. The agreement required the preservation of the company's land (the application site) as a "public garden", in exchange for the use of the rear boundary of the area within the council's ownership for the display of advertising. A copy of the tenancy agreement has been appended to this report.

6 That agreement was for an initial period of three years, then on a year to year basis thereafter. A provision was included within the agreement that either party (the council or the company) had the right to terminate the agreement with a 12 months notice period.

7 JC Decaux served notice on the Council and on the expiry of the 12 month notice period the advertising panels were removed from the Council's land and the application site was no longer required to be retained as a "public garden". JC Decaux then sold the land which now forms the application site.

London Squares

8 At Table 2 Annex 1 of Lewisham's Development Management Local Plan it states:

"Table 2 lists London Squares within the London Borough of Lewisham protected by the London Squares Preservation Act 1931. London Squares are small open spaces protected by the Act as follows: Clause 3 (1) Subject to the provisions of this Act a protected square shall not be used otherwise than for one of the following purposes (that is to say) the purpose of an ornamental garden, pleasure ground or ground for play rest or recreation (in this Act referred to as 'authorised purposes') and no building or other structure or erection shall be erected or placed on or over any protected square except

such as may be necessary or convenient for or in connection with the use and maintenance of such square for one or more of the authorised purposes. Most of these squares, due to their small size, have not been designated as open space on the Policies Map.”

- 9 Table 2 identifies that the ID Ref 63 London Square is located at Duncombe Hill however it is not identified on the Policies Map. The London Square afforded protection under the London Squares Preservation Act is located behind the dwellings on the southern side of Duncombe Hill. See indicative Figure 1 below. The shaded triangular shape indicates the area that includes the application site, the white rectangular box is the designated London Square.



Figure 1: Taken from Lewisham's Open Spaces Assessment (April 2019)

Summary

- 10 Officers' are therefore not aware of any operative legal impediment that restricts the development of the application site .

CHARACTER OF AREA

- 11 The character of the local area surrounding this site is mixed, befitting its location on a main north/south arterial road, the B218.

- 12 A commercial centre and shopping parade are located along the eastern side of Stondon Road (B218) and Brockley Rise approximately 100 metres north of the site before the two roads merge to become Brockley Rise (B218). This commercial character continues for a small section on the western side of Brockley Rise (B218) between Gabriel Street and Ackroyd Road, which is opposite the northern part of the application site. Honor Lea, a three storey purpose built residential institution is directly opposite the southern part of the site.

- 13 To the east of the site the land steeply rises towards Blythe Hill fields, with a residential area of suburban perimeter blocks. To the west towards Honor Oak is a residential area of urban terrace perimeter blocks. Southwards along Brockley Rise the character is predominantly residential with a mix of two and three storey buildings.

HERITAGE/ARCHAEOLOGY

- 14 The site does not fall within a conservation area, nor does it fall within the setting of a listed building.

TRANSPORT

- 15 The Site has a PTAL of 5 which is very good. It is approximately 500 metres walking distance from Honor Oak train station. A bus stop and shelter are located on the pedestrian pavement directly outside the application site for southbound services. The corresponding bus stop for northbound services is 20 metres to the south of the subject side on the adjacent side of the road outside Honor Lea residential home.

3 RELEVANT PLANNING HISTORY

ENF/19/00032: Enforcement notice issued 13th February 2019, “Without planning permission, the erection of hoarding and associated gates on the land at junction of Duncombe Hill and Brockley Rise.” The 2.3 metre hoarding was constructed in anticipation of the current planning application to cease use of the site as publically accessible open space following the end of the tenancy agreement preserving the land as such and subsequent change of ownership.

The enforcement notice was appealed (Appeal Ref: APP/C5690/C/19/3224210) and the appeal was dismissed on all grounds on 27th September 2019. The enforcement notice was therefore upheld and as a result the hoarding was removed.

In their report, as part of their justification for dismissing the appeal the Inspector stated at Paragraph 3 “*The land is on a prominent corner at the western end of the residential street Duncombe Hill at its junction with Brockley Rise, a busy street with shops, bus stops, a public house and other businesses. Before the timber hoarding was erected photographs show that the land was a grassed area with a group of trees which made a very positive contribution to the attractiveness of the street scene. The triangular shaped open space, although small, provided visual relief within the urban surroundings and complemented the street trees and larger open spaces in the area. Representations on the appeal indicate that the small open space is much valued by the local community.*”

Furthermore, at paragraph 5 they state, “*Accordingly the enclosure of the open space has resulted in the loss of the ability of residents, other members of the local community and passers-by to fully appreciate the pleasant greenspace and trees and has severely eroded its amenity value. The development has a very harmful effect on the appearance of the site and its surroundings.*”

The hoarding has now been replaced by 6 approximately 1.5m high posts identifying that the site is private land.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 16 The application is for the removal of the existing 5 trees on site, and the construction of a part three, part four storey building consisting of 7 residential flats. Of the 7 flats, 6 are proposed to be two bedroom and one is proposed to be one bedroom.

- 17 Each unit is proposed to have an external fully glazed balcony on the western elevation facing Brockley Rise. The entrance to the building would be located on building’s southern elevation facing Duncombe Hill. The four storey element would be closest to Brockley Rise with the three storey element creating a step down to the rear eastern elevation. 23 cycle parking spaces are proposed to be located in a ‘lightweight polycarbonate cycle store’ in front of the building at the corner closest to the Duncombe Hill and Brockley Rise junction.

- 18 Revisions have been made to the proposal during the course of the application period which include:
- Submission of Landscaping Scheme.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 19 No pre-application advice was sought prior to the submission of the current planning application.

5.2 APPLICATION PUBLICITY

- 20 A site notice was displayed on 28th March 2019.

- 21 Letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors on 26th and 28th March 2019.

- 22 141 individual objections were received by the Council, in addition to 1 petition with 3,328 signatures requesting that the planning application is refused. 1 comment in support of the scheme was received.

5.2.1 Objections

Material planning consideration	Paragraph or section where addressed
Loss of existing trees: <ul style="list-style-type: none"> - As they provide important visual amenity. - Contribution to air quality in a congested area of pollution. - flood risk will increase as a result of the removal of trees. - New proposed trees are not sufficient replacement. 	7.6
Loss of open/green space: <ul style="list-style-type: none"> - Important place for rest and more easily accessible than Blythe Hill which is up a large hill. - Dog walkers use the area. - Only green space along two mile stretch of Brockely Rise - Value to local community. 	7.1
Design: <ul style="list-style-type: none"> - Overbearing in relation to local context. - Too tall and large for the site and should be considered over development. - Flawed design 	7.3

Highways: <ul style="list-style-type: none"> - Reduced visibility at T-Junction at Duncombe Hill and Brockley Rise. - Lack of car parking proposed as part of the development. 	7.4
Lack of affordable housing <ul style="list-style-type: none"> - affordable housing is not provided within the proposed development. 	7.2.2

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

- Construction of hoardings: Officer comment: dealt with under enforcement action and have since been removed as identified in section 3 of this report.
- Open space has been poorly maintained and run down: Officer comment: following termination of tenancy agreement identified in paragraph's 5-7 of this report there is no arrangement to preserve the land as a "public garden".
- Open space has been sold by the council for development: Officer comment: the land was not owned by the council but it was maintained as a "public garden" per the tenancy agreement of 1968 until that was terminated as identified in paragraph's 5-7 of this report.

24 A joint letter was sent by the Local Ward Councillors objecting to the scheme.

Material planning consideration	Paragraph or section where addressed
Historic role as open space since at least the 19 th Century.	49
The site has amenity value for the local community as seen in its designation in the draft neighbourhood plan.	6.7 and 47
The loss of five mature trees in addition to the fact the landscape visualisations are misleading and unlikely to accurately reflect its appearance.	7.6.1
Insufficient information has been submitted to assess the schemes environmental impact and sustainability credentials	7.6
The design is discordant with the surrounding environment and is too tall taking account of its prominent location, it is also flawed seen in the flats which would overlook the bus stop	101-102 and 77-79

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

- There was no meaningful pre-application engagement. Officer comment: While encouraged, pre-application engagement is not a statutory requirement.
- Construction of hoardings: Officer comment: dealt with under enforcement action and have since been removed as identified in section 3 of this report.

26 The Forest Hill Amenity Society, Friends of Honor Oak, Brockley Rise Residents Association, and the Ackroyd Society have objected to the application:

Material planning consideration	Para where addressed
The site has historic value as open space as far back as 1746.	49
Loss of Green Space: <ul style="list-style-type: none"> - From public amenity. - which is designated in the draft Neighbourhood Plan. - building on the site would not conform with the Development Plan. 	7.1
Loss of trees which have TPOs and misleading nature of the CGIs.	7.6
Poor design and layout in relation to overlooking between flats and size of living accommodation.	74-83
Increased pressure on street parking owing to the fact no carparking is provided in the scheme.	117-119
Loss of trees in relation to mitigating air quality as the site is in an Air Quality Management Area.	7.6.1 and 7.6.2

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

- Construction of hoardings: Officer comment: dealt with under enforcement action and have since been removed as identified in section 3 of this report.
- The site is a designated London Square: Officer comment: this site is not a designated London Square as identified in paragraphs 9-10 of this report.

5.2.2 Support

Material planning consideration	Para where addressed
The site is currently not well used and its redevelopment would improve its appearance based on the CGI's provided.	7.3

5.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 25th July 2019, 19th August 2019 and 6th January 2020.

28 Arbouricultural Officer: objection raised. See section 7.6 for further details.

29 Urban Design: objection raised. See section 7.3 for further details.

30 Highways: no objection subject to the provision of information. See section 7.4 for further details.

6 POLICY CONTEXT

6.1 LEGISLATION

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

6.2 DEVELOPMENT PLAN

32 The Development Plan comprises:

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

6.3 MATERIAL CONSIDERATIONS

33 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.

34 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.

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

6.4 NATIONAL POLICY & GUIDANCE

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

6.5 DRAFT LONDON PLAN

36 The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August 2018. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. The Inspector's report was published 08 October 2019. The Mayors response to the Inspectors Report in the form of the 'Intend to Publish London Plan' was issued publically on 9th December 2019 and provided to the Secretary of State who has six weeks to provide comment on the Plan. This document now has some increasing weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report.

6.6 SUPPLEMENTARY PLANNING GUIDANCE

37 Lewisham SPG/SPD: no relevant SPG or SPD.

38 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6.7 HOPCROFT NEIGHBOURHOOD PLAN

39 The site is within the boundary of the Hopcroft Neighbourhood Plan area. A draft of the Plan was submitted to the Council in September 2018 however it has not yet reached referendum stage, or been examined. It is therefore a material consideration in the determination of this application but carries very limited weight in the determination of planning applications.

6.8 OTHER MATERIAL CONSIDERATIONS

40 The Open Space Assessment (Jon Sheaff Associates) (April 2019) produced in support of the emerging Local Plan.

7 PLANNING CONSIDERATIONS

41 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

42 Lewisham is defined as an Inner London borough in the London Plan. London Plan Policy 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.

43 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.

Decision Taking Framework

Loss of Open Space

44 Core Strategy Policy 12 states that in recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will:

- a. conserve nature
- b. green the public realm
- c. provide opportunities for sport, recreation, leisure and well-being

This will be achieved by 2 b. protecting Metropolitan Open Land, open space, urban green space and green corridors from inappropriate built development to ensure there is no adverse effect on their use management, amenity or enjoyment in accordance with the principles of PPG2 and the London Plan.

45 Core Strategy Policy 15 states that any adverse impact on neighbouring amenity, conservation areas and designated and non designated heritage assets, biodiversity or open space as a result of small scale development will need to be addressed.

46 Paragraph 97 of the NPPF stipulates that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. Open Space is defined in the NPPF as “All open space of public value.... and can act as a visual amenity”.

47 The site is located within the designated boundary of the the Hopcroft Neighbourhood Plan. The Neighbourhood Plan, currently in draft form designates the application site as ‘Site D’ within the policy GS1 Protecting Green Space and Local Green Space which seeks to protect the site from development, other than structures ancillary to its use, as “local green space” However, very limited weight can be applied to the emerging policy within draft Neighbourhood Plan the as it has not been adopted.

48 The Open Space Assessment (Jon Sheaff Associates) (April 2019) produced as part of the evidence base for London Borough of Lewisham’s Local Plan Review identifies that the current open space levels will need to increase by approximately 50 ha to keep up with the Borough’s anticipated population growth. The Assessment draws attention to the deficiency of park types which includes the area surrounding the subject site. It also states at Section 5.3.2 that *“There is a shortage of open space sites of all typologies in the relatively dense area of housing between Forest Hill station and Blythe Hill Fields. Housing typologies in this area are such that the potential to develop enhanced connectivity between greenspace sites is limited.”* The area is surveyed as part of the Assessment (covering both the land within the applicant and the Council’s ownership) as an pocket park/amenity area and is assessed as being “poor quality”.

Discussion

49 The application site consists of a large part of an existing open space. Historic records indicate that the application site has never been built on, and that it has always served as an area of local amenity since the urbanisation of the area in the mid to late 19th Century. It is therefore considered to be a greenfield site. No information to the contrary has been submitted in support of the application to indicate otherwise.

50 The open space is in a prominent location at the junction of Stonnard Road and Brockley Rise which is an area of dense low rise buildings. The park is higher than street level and slopes upwards toward Blythe Hill park to the east. The site acts as an area of visual amenity to residents and has historically been wholly publically accessible. Its function is also demonstrated by the ward information board situated at the edge of the park The construction of the proposed development would necessitate 5 existing trees at the site to

be removed (addressed further in section 7.6). The proposed development would leave only the Council owned small strip to the rear, with the application site's sense of openness and character lost.

51 Core strategy Policy 12 at 2 b. affords protection to open spaces such as the application site by seeking to protect their character and amenity from inappropriate built development. As this is a strategic policy it is necessary to assess the application site specifically. Taking into account the existing and historic context identified above, it is considered most forms of development would be inappropriate at the application site as they would unacceptably erode its character and amenity, this includes the development proposed as part of this application.

52 The open space including the application site is not designated as such within Development Plan policy, therefore the same level of protection against re-development is not afforded to it as designated open space. However the fact that it is not designated does not mean that it is an area of open space suitable for development. In the context of the application site it is considered that great weight should be applied to the retention of area relative to its undesignated status.

53 Paragraph 97 of the NPPF sets out that open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. The Council's own strategic assessment does not indicate that the site is clearly surplus to requirements and no assessment has been submitted in support of the application indicating that the site is surplus to requirements.

54 *Residential Use*
Policy

55 The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks.

56 The Intend to Publish London Plan Policy H2¹ sets out that boroughs should pro-actively support well designed new homes on small sites through planning decisions and plan-making, particularly in areas with a high PTAL.

Discussion

57 The need for housing in London is clearly and robustly evidenced within Local Plan Policy. The site has a very good PTAL, the design of the scheme is assessed in section 7.3 of this report.

¹ The 'Intend to Publish' version of the London Plan was issued to the Secretary of State on 9th December 2019. This, the latest version of the plan, takes account of the recommendations made within the Planning Inspectors Report. One of the key recommendations was the deletion of the H2A Small Sites. Rather than delete the draft policy H2A the Mayor has considerably reduced its scope by removing the presumption in favour of small sites, and has reduced the target number of dwellings that are expected to be delivered through small sites.

7.1.1 Principle of development conclusions

58 It is clear from the assessment above that there is policy support for both residential development, and the protection of open space. It is therefore necessary to balance the need for residential development against the loss of open space in relation to the current application.

59 Fundamentally officers consider that taking into account the site specific assessment above, the proposed development would amount to inappropriate development. The provision of seven market residential units would not provide sufficient benefits to outweigh the impact on the character and amenity of the open space, contrary to Core Strategy Policy 12.

60 Additionally, the loss of the existing open space has not been justified, as it has not been demonstrated that the open space has clearly been shown to be surplus to requirements contrary to NPPF paragraph 97. On the basis that the Council's own strategic assessment has not identified that the site is clearly surplus to requirements it is considered unlikely that this could be demonstrated through an additional assessment.

7.2 HOUSING

61 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation.

7.2.1 Contribution to housing supply

Policy

62 National and regional policy promotes the most efficient use of land.

Discussion

63 Table 1 below sets out the measures of density criteria required in the supporting text of Draft London Plan Policy D3 for all sites with new residential units. The plans provided do not identify the number of bedspaces, however, all of the drawings show double beds within the bedrooms and therefore are considered to be 1 bedroom 2 person and 2 bedroom 4 person.

Table 1 : Measures of Density

Criteria	Value	Value/area
Site Area (ha)	0.04	BLANK
Units	7	175
Habitable rooms	20	500
Bedrooms	13	325
Bedspaces	26	650

Summary

64 The density arising out of the proposed development only taking into account the hectare to unit (or other) ratio could be acceptable, subject to compliance with the relevant design policies.

7.2.2 Affordable housing

- 65 No affordable housing is required to be provided as the development is below the 10 unit threshold set out in Core Strategy Policy 1.
- 66 No affordable housing contribution has been offered by the applicant as part of the proposed development nor does policy require the applicant to make such an offer.

7.2.3 Residential Quality

General Policy

- 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 (Policy 3.5), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (Housing SPG 2017, GLA)
- 68 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

Policy

- 69 London Plan (2016) Policy 3.5 at Table 3.3 identifies the minimum space standards for new residential developments including conversions to residential use. This table is provided in support of DM Policy 32 of the Development Management Local Plan. which also sets out the acceptable design parameters for proposed development to be considered acceptable.
- 70 Draft London Plan Policy D6 reiterates the standards set out in Table 3.3 of the adopted London Plan and the table in support of DM Policy 32 of the Development Management Local Plan.

Discussion

- 71 The unit sizes of the proposed development are set out below in Table 2.

Table 2: Standard of Accommodation

	Unit type	Unit size (GIA) (sqm)	Minimum Standard (GIA) (sqm)	External Amenity (Balcony)	Minimum Standard (sqm)
1	1 bedroom 2 person*	62	50	6.2	5
2	2 bedroom 4 person	68	70	6.5	7

3	2 bedroom 4 person	62	70	6.5	7
4	2 bedroom 4 person	68	70	6.5	7
5	2 bedroom 4 person	62	70	6.5	7
6	2 bedroom 4 person	68	70	6.5	7
7	2 bedroom 4 person	62	70	6.5	7

* Identified on the proposed ground floor plan (Drawing No 3613 -03 Rev A) as “wheelchair suitable unit” however whether the unit has been designed in accordance with M4(3) has not been identified.

72 The required amount of built in storage is provided within all of the units except Flat 1 which does not provide built in storage.

73 It is clear from Table 2 that all of the units apart from Flat 1 are below the space standards required. The proposed development does not therefore have an acceptable standard of accommodation for future occupiers.

Privacy, Outlook, Daylight and Sunlight

Policy

74 DM Policy 32 requires that all new residential development ‘provide a satisfactory level of privacy, outlook and natural light both for its future residents and its neighbours’, and Paragraph 123 of the NPPF advocates a pragmatic approach to daylight and sunlight when looking to optimise potential development sites.

75 DM Policy 33 (9) f) states that proposals for new residential development on amenity areas provide adequate privacy for the new development.

76 Draft London Plan Policy D3 sets out at 7) deliver appropriate outlook, privacy and amenity.

Discussion

Privacy

77 The proposed development is located at a prominent location on the intersection of Brockley Rise and Duncombe Hill. A bus stop is located directly outside the site’s boundary on Brockley Rise.

78 The proposed units are organised so that bedrooms and living rooms with the proposed units would be located on the north western elevation of the proposed development facing Brockley Rise.. This north western elevation also has a significant amount of glazing (incorrectly labelled southern elevation on drawing number 3613-08), including balconies

which are proposed to be fully glazed. Windows are located on the south facing façade Flats' 6 and 4 which would enable future occupiers to limited overlooking into the living areas of Flats' 3 and 5. At its closest point, glazed elements of the development are located approximately 3 metres from the existing bustop, where the bedroom for flat 2 is located.

- 79 This arrangement even with the foundations which lift the scheme off the ground by approximately 1 metre as a result of the level change across the site would allow people waiting at the bus stop to look directly into the bedroom windows of Flat 2, in addition to the living spaces of Flat 2 and Flat 1. This would have an unacceptable impact on the privacy of future occupiers of Flats 1 and 2.

Outlook

- 80 The closest relationship to adjacent existing properties where proposed habitable rooms would be located facing each other is approximately 24 metres south of the development at 2, 4, 6, 6a, and 8 Duncombe Hill. The proposed development is therefore considered to provide an appropriate level of outlook for future occupiers.
- 81 No.5 Duncombe Hill is located directly east of the site and is approximately 16 metres from the proposed development's eastern elevation which would contain obscure glazed windows. This property would not therefore cause an unsatisfactory outlook for the proposed development.
- 82 The corner of No. 2 Ackroyd Road is located closest to the north western elevation, and is approximately 25 metres away on the opposing side of Brockley Rise. Ackroyd Road is angled so the flank elevation would be closest to the north western elevation. This orientation and distance would mean that this property would not therefore cause an unsatisfactory outlook for the proposed development.
- 83 The Honor Lea residential institution is located approximately 40 metres to the south east of the development and as a result would not cause an unsatisfactory outlook for the proposed development.

Daylight and Sunlight

- 84 The proposed development would receive an appropriate level of daylight and sunlight owing to the aforementioned distance to the surrounding buildings and the height of these buildings (between 2 and 3 storeys).

Accessibility and inclusivity

Policy

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

Discussion

- 86 As the proposed development would provide less than 10 residential units, policy does not require that an accessible unit is provided within the proposed development. Notwithstanding this, an accessible unit would be provided at Flat 1. A wheelchair unit statement has been provided, it does not clarify that the unit would comply with M4(3). If compliant this would act as a benefit of the proposed development, but not sufficient benefit so as to make the scheme acceptable.

7.2.4 Housing conclusion

87 Taking into account the assessment above, the proposed development would provide poor quality standard of accommodation for future occupiers. Six of the seven proposed units would be undersized and the relationship of Units 1 and 2 with the site's north western boundary would have an unacceptable impact on privacy, contrary to Policy DM Policy 32 and DM Policy 33 of the Lewisham's Development Management Local Plan.

7.3 URBAN DESIGN

General Policy

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 London Plan Policy 3.4 identifies that development should optimise housing output, relative to the location type according to the density matrix at Table 3.2. This optimisation is subject to local context and character, the design principles in Chapter 7 of the London Plan and public transport capacity.

90 London Plan Policy 7.4 sets out the criteria that planning decisions should be made against in relation to the Urban Character of an area, and Policy 7.6 sets this out in relation to Architecture.

91 DM Policy 30 sets out general and more detailed principles to take into account when considering the design of a proposed development.

92 In addition requiring adherence to internal space standards, as set out above, DM Policy 32 also seeks to ensure that the siting and layout of new build development should respond positively to site specific constraints and opportunities.

93 DM Policy 33 sets out further design considerations for suitable development on "infill sites, backland sites and back gardens and amenity areas". At 33 9. It provides additional requirements for development on amenity areas such as the application site specifically and that this type of development will only be permitted if it. a) repairs or reprovides street frontages, b) increases natural surveillance

94 Draft London Plan Policy D3 'Optimising site capacity through the design led approach' is an evolution of London Plan Policy 3.4. Draft Policy and includes at 5) that development should achieve safe, secure and inclusive environments.

Discussion

7.3.1 Appearance and character

95 No contextual analysis has been submitted to demonstrate how the positive elements of the surrounding area and context have informed the final design. An analysis of the application site's context is a requirement set out in DM policies 30. Without this information it is not possible to robustly assess the character of the proposed development.

96 DM policy 30 (5) requires that the application materials demonstrate that the proposed development is a site specific response. It is the Urban Design Officer's view that the proposed development does not address the requirements of 30 (5) as the design and access statement submitted does not include any information on the surrounding area in relation to the elements that have been incorporated into the design.

97 Using the limited information that has been provided Officers' consider that the proposed elevational treatment and overall design is poor quality and would not be a positive contribution to the area and the character of the streetscape. Additionally, the introduction of balconies on the ground floor units is not clearly justified as part of a wider response to the constraints of the site.

Layout

98 The proposed layout would infill the existing open space that has not previously been built on. Even though it is recognised that some landscaping is proposed that could enhance the appearance of the proposed development. Officers have major concerns in regards to the proximity to the application site's boundaries; the location of the bin and cycle stores and the location of the ground floor balconies.

99 To the east of the proposed development where the remaining part of the open space would be located including the public path, the siting and layout of the proposed development would create an unwelcoming area which would not be sufficiently overlooked on the basis that only blank three storey wall with obscure glazed bathroom windows would be located on the eastern elevation of the scheme.

100 The proposed development has not addressed the topography of that site and the end result is that balconies are located at ground floor level which would have been unnecessary had topography of the site been given greater consideration.

Form and Scale

101 In terms of massing and scale, the proposed building would not follow any established building lines and would not relate to the urban typology of the area. No contextual analysis has been submitted and therefore a full assessment cannot be undertaken.

102 Notwithstanding the absence of contextual information Officers' consider the proposed development would be a prominent element on the streetscape which would fail to integrate with its surroundings through the use of part three and part four storey generic form on a uniquely constrained site. As previously highlighted the wider area is characterised by urban and suburban perimeter blocks..

Detailing and Materials

103 The building materials are inconsistently referred to within the planning application and supporting materials that have been submitted. The application form states it will be covered in "*Terrazo cladding, blue engineering brick below dpc and areas of living green walls*" and the design and access statement states that it will be covered in "*artstone cladding*" in addition to the living walls. From the CGI's submitted in support of the application it appears to be strips of grey slate/brick cladding.

104 A significant amount of glazing is also proposed on the western elevation facing Brockley Rise, as discussed in section 7.2.3 above, In addition to the areas around the entrance on Duncombe Hill. A grey aluminium roof, windows details and grey aluminium bands are also included to demarcate each floor.

105 Insufficient and inconsistent information has been provided to understand whether the materials and detailing are of sufficient quality. This information would have been requested and assessed accordingly if the proposed development had otherwise been found acceptable.

7.3.2 Public Realm

- 106 In the design and access statement it is stated that there will be no fences or other boundary treatment around the development to retain a sense of openness; as identified in section 7.2 of this report, this arrangement raises privacy and safety concerns for the ground floor flats, especially given the close proximity to a bus stop
- 107 This intention conflicts with landscape scheme that was submitted following the submission of the application which bounds the site with hedgerows in all but a small section (addressed in more detail in section 7.6 of this report). the design and access statement acknowledges the sensitivity of the site and states that the scheme has been designed to reflect the current openness of the site and to integrate well with the public path and benches. However Officer's considered this intention to be poorly executed, for example the aforementioned blank elevation along the eastern boundary beside the public path.
- 108 Furthermore, the cycle store that would serve the proposed development would be located at a highly visible corner of the development where Brockley Rise meets Duncombe Hill. No details have been submitted with regards to the bin and cycle store other than an annotation on the site plan that the former will be "*lightweight poly carbonate*" and the latter will be a "*rendered wall*". It is therefore unclear how these elements would look and what their resulting impact will be on the streetscene would be, they are not included within the CGI's of the scheme. Whilst this detail is not provided it is considered that the location of the cycle store and bin store would have a negative impact on the streetscene and views northwards along Brockley Rise.

7.3.3 Urban design conclusion

- 109 Overall the design of the proposed development is unacceptable as the applicant failed to demonstrate how the proposed design is a site specific response that enhances and supports the character of the area and that relates to the streetscape. This has led to a what officers consider to be a poor quality scheme which would significantly detract from the character of the local area contrary to DM Policy 30 and DM Policy 33.

7.4 TRANSPORT IMPACT

General policy

- 110 Core Strategy Policy 14 provides the Council's approach to prioritizing sustainable transport.
- 111 In Section 9 of the NPPF 'Promoting sustainable transport' it sets out how transport should be dealt with in decision taking. Paragraphs 108 and 110 set out criteria against which development proposals can be assessed.
- 112 At Paragraph 108 which also applies to the interpretation of this criteria, it states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

7.4.1 Transport Modes

Public Transport

- 113 The site has a PTAL rating of 5 indicating that access to public transport is very good. It is located approximately 500 metres from Honor Oak Park overground / mainline train station with regular services to London Bridge.

Cycling

- 114 The Adopted London Plan sets out the cycle parking requirements at Policy 6.13 at for residential development in Table 6.3. The Intend to Publish London Plan stipulates the minimum cycle parking standards at Policy T5, Table 10.2.
- 115 13 spaces are required to be provided under the adopted London Plan. 13.5 cycle parking spaces are required to be provided by the development with a further 2 visitor cycle parking spaces. Space for 23 bicycles are proposed to be provided according to the site plan (as discussed in section 7.3 above).
- 116 The proposed provision of cycle parking in combination with its prominent location within the site makes it likely that this element would be an overly prominent feature of the scheme. This concern is exacerbated by the failure of the applicant to provide details on the appearance of the cycle store. Overall it is considered that the applicant has failed to demonstrate that this element will be successfully visually integrated into the scheme thereby failing to meet the requirements of Policy 15 of the Core Strategy and Policies DM30 and DM32 of the Development Management Local Plan

Private Cars

- 117 Adopted London Plan policy states that “all developments in areas of good public transport accessibility in all parts of London should aim for significantly less than 1 space per unit”. Draft London Plan policy T6 states that car free development should be the starting point for all development proposals.
- 118 The site is not located within a Controlled Parking Zone (CPZ).
- 119 Taking into account the application site’s high PTAL and scale the car free nature of the proposed development is considered acceptable.

7.4.2 Servicing and refuse

- 120 As discussed in section 7.3, a bin store is located within the application site on the southern elevation just above the pedestrian pavement on Duncombe Hill. Details would need to be provided to ensure It would be of sufficient capacity to contain the refuse bins required by the development. However, details have not been provided of the bin store other than that it would be ‘enclosed in a rendered wall’, these details could have been requested by condition had the proposed development otherwise been found acceptable. As with the arrangements for cycle storage, the applicant has failed to demonstrate that this element will be successfully visually integrated into the scheme thereby failing to meet the requirements of Policy 15 of the Core Strategy and Policies DM30 and DM32 of the Development Management Local Plan.

7.4.3 Transport impact conclusion

- 121 Given the modest scale of the development it is not considered that it would result in a severe impact on the highways network. Whilst the current arrangement of cycle parking and refuse is not currently acceptable a solution would have been sought with the applicant if the proposed development had otherwise been found acceptable.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 122 As stated in section 7.3 above, DM Policy 32 requires that all new residential development ‘provide a satisfactory level of privacy, outlook and natural light both for its future residents

and its neighbours', and Paragraph 123 of the NPPF advocates a pragmatic approach to daylight and sunlight when looking to optimise potential development sites.

- 123 DM Policy 33 9. e) states that new development should provide no significant loss of privacy and amenity, and no loss of security for adjoining residential development and private back gardens.

7.5.1 Daylight and Sunlight

- 124 The proposed development is part three and part four storeys. It's closest neighbour is No. 5 Duncombe Hill to the east of the scheme beyond the Council owned area. This property is approximate 16 metres from the boundary of the application site. The proposed building would be three storeys in this location and would not be substantially taller than the property at number 5.

- 125 Sections have not been submitted to clarify the relationship between No. 5 Duncombe Hill and the proposed development. However, there are two windows located on the ground floor of the western elevation of No. 5 Duncombe Hill which provide the only light to the dining room of the property. The application materials are not considered to have demonstrated that the proposed development would not result in a significant loss of light to this unit .

- 126 As identified in section 7.2 the closest relationship to adjacent existing properties where proposed habitable rooms would be located is approximately 24 metres south of the development at 2, 4, 6, 6a, and 8 Duncombe Hill. The corner of No. 2 Ackroyd Road is located closest to the north western elevation, and is approximately 25 metres away on the opposing side of Brockley Rise. The Honor Lea residential care home is located approximately 40 metres to the south east of the development. Taking into account the distances it is not considered likely the proposed development would result in a significant loss of private amenity to these properties.

7.5.2 Enclosure, Outlook and Privacy

- 127 As identified above the closest neighbour to the proposed development a No. 5 Duncombe hill. The distance is sufficient to ensure a satisfactory level of outlook would be retained.

- 128 In terms of privacy, the only fenestration located on the eastern elevation of the proposed building is three obscure glazed windows. The proposed development would not therefore result in an unsatisfactory level of privacy.

7.5.3 Impact on neighbours conclusion

- 129 The proposed development is not considered to have any significant impact on the living conditions of neighbours with respect to the sense of enclosure, outlook or privacy. However it has not been demonstrated that the living room of No.5 Duncombe Hill will not unduly impacted in terms of daylight and sunlight. In this respect the proposed development would be contrary to DM Policy 32 and DM Policy 33 9) e.

7.6 NATURAL ENVIRONMENT

General Policy

- 130 As previously identified, Core Strategy Policy 12 states that in recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will:

- a. conserve nature

- b. green the public realm
- c. provide opportunities for sport, recreation, leisure and well-being.

This will be achieved by points including protecting the character, historic interest and amenity of, and within, open spaces, as well as the effects of development outside their boundaries.

- 131 Core Strategy Policy 15 states that any adverse impact on neighbouring amenity, conservation areas and designated and non designated heritage assets, biodiversity or open space as a result of small scale development will need to be addressed.
- 132 Chapter 15 of the NPPF sets out how the framework for conserving and enhancing the natural environment.

7.6.1 Green spaces and trees

Policy

- 133 DM Policy 25 implements Core Strategy Policy 12. It requires that a Landscape Plan, Landscape Management Plan and Arboricultural Survey in line with BS5837 are submitted in support of applications, where appropriate. 2b) of the policy goes on to state that development will be required to retain trees for the most part and that replacement trees will normally be required.
- 134 London Plan Policy 7.21 states that existing trees of value should be retained and any loss as the result of development should be replaced. This is echoed within draft London Plan Policy G7.

Discussion

- 135 The application site has five trees located on it with an additional tree just outside the application site boundary to the east of the site within the Council's land ownership. Both the group of five trees currently existing on the application site, and the single tree to the east have Tree Preservation Orders attached (TPOs). These are known as G1 (group of five trees) (information available under reference DC/18/109671) and T1 (single sycamore on adjacent council land) (DC/19/111316). TPO G1 would be removed as a result of the proposed development.
- 136 TPO G1 was given its protected status as the five trees are visually prominent being located on the triangular open space at the road junction of Duncombe Hill with the busy Brockley Rise. The trees form a visually interesting and attractive group with differing crown shapes and foliage colours, and contribute significantly to the public realm visual amenity. The trees provide a focal point for views along Brockley Rise and Ackroyd Road and enhance the streetscape visual amenity.
- 137 TPO T1 was confirmed for similar reasons and would have been included in G1 had it been within the same ownership. The sycamore is considered to be of great significance to the Duncombe Hill street scene visual amenity contributes to the Brockley Rise local area, additionally it complements the foliage interest of the TPO G1.
- 138 An objection to the TPOs was made by the applicant as per their statutory right prior to the TPOs' 'confirmation'. The letter of objection included an Arboricultural Survey. The survey and letter were provided on 20th June 2018, prior to the submission of the current planning application. Both the objection letter and survey were re-provided in support of the current application.

- 139 The submitted Tree Constraints Plan within the Arboricultural Survey shows the positions of the trees incorrectly. The Tree Constraints Plan depicts all six trees within the application site boundary. The correct situation is that five trees (TPO G1) are within the development site and the sycamore (TPO T1) is within the council's ownership.
- 140 The Landscape Design Statement provided following the submission of the application is minimal regarding the sensitivity of the site stating only that 'The proposed planting is intended to reflect the character of the surrounding area'. There is no further justification for the design proposals. The Landscape Proposals (drawing number CSA/4403/100) shows boundary hedging enclosing the whole site apart from one small section on the east boundary which conflicts with the statement at 4.15 of the design and access Statement which states "it is proposed to keep the site completely open with no boundary fences as an essential design aspect of the scheme" in addition to the site plan which identifies "open boundaries to the site". The proposed hedges will restrict views across the site and reduce the sense of openness.
- 141 The Landscape Proposals show a bin store which will be within the Root Protection Area of the off- site sycamore (TPO T1). There is no indication of construction details, any level changes or permeability of materials for the hard surfacing within the RPA as required by BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, clause 7.4 – Permanent hard surfacing within the Root Protection Area.
- 142 There is no Tree Protection Plan for the Root Protection Area of the sycamore (TPO T1) so it is not possible to assess if the foundations to the residential block will be damaging to the sycamore (TPO T1), which is within the Council's ownership. There is no indication if there is a need for crown reduction of sycamore (TPO T1) in order to have clearance for construction scaffolding. There is no CEZ to ensure construction works, storage of materials etc will be managed to prevent root or canopy damage during construction of sycamore (TPO T1).
- 143 The CGIs submitted with the application are misleading as they appear to show fully mature trees and do not accurately depict the scheme based on the plans and landscaping proposals submitted.
- 144 The landscape management regime is generic with insufficient detail especially for the management of the new trees regarding watering frequency, volumes of water per visit and the management of the vertical green walls to ensure the landscape planting will reach maturity.

7.6.2 Air Quality

Policy

- 145 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 146 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. The draft London Plan Policy SI1 echoes this.
- 147 Core Strategy Policy 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DM Policy 23 sets out the required information to support application that might be affected by, or affect, air quality.

Discussion

148 The site is located is within the Crofton Park and Honor Oak Air Quality Management Area and as a result an Air Quality Assessment was submitted in support of the application. The AQA has assessed the impact of the construction and operational phases of the development only.

149 The assessment states that there is a low to medium risk of nuisance and/or loss of amenity impacts due to dust nuisance. Mitigation measures are proposed to minimise this impact and if the proposed development had otherwise been found acceptable a condition would have been sought to secure the mitigation measures proposed.

7.6.3 Flood Risk and Drainage

150 The NPPF at paragraph 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate. The application is not for a major development (for residential development this is 10+ dwellings) and therefore no drainage information is required to be submitted in support of the application.

7.6.4 Natural Environment conclusion

151 The loss of the 5 on-site trees, the lack of regard for the long term health and likely future loss of the remaining off-site sycamore (T1 in TPO) is unacceptable. Insufficient and conflicting information has been submitted in relation to the landscaping scheme and its management and officers are not convinced the level of tree and other planting is deliverable or sustainable and therefore cannot be used to offset the loss of trees contrary to DM Policy 25 and London Plan Policy 7.21

152 Furthermore the height and scale of the development and enclosing boundary landscape planting will reduce and restrict the green open space nature of the site and will be hugely detrimental to public realm visual amenity.

7.7 LOCAL FINANCE CONSIDERATIONS

153 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).

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

155 The CIL is therefore a material consideration.

156 £35,000 Lewisham CIL and £30,000 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.

8 EQUALITIES CONSIDERATIONS

157 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.

158 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.

159 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.

160 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> and <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

161 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

162 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>

163 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.

9 HUMAN RIGHTS IMPLICATIONS

164 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

165 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.

166 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.

167 This application has the legitimate aim of providing a new building with new residential development. The rights potentially engaged by this application, including Article 8: Respect for your private and family life, home and correspondence and Protocol 1, Article 1: Right to peaceful enjoyment of your property are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

169 The proposed development is for the removal of a group of 5 trees protected by a TPO (G1) in order to redevelop the site to provide 7 dwellings in part three part four storey building on a small triangular piece of open space at the corner of Brockley Rise and Duncombe Hill.

170 There is an acute need for new housing in London. There is also a need to retain open green space. Both sentiments are reflected in the Development Plan policies set out in this report. It is therefore necessary to balance the needs of one against another.

171 Officers are of the view that the great weight should be applied to the importance of the application site as open space owing to its contribution the character of the area and the visual amenity it provides despite its non-designated status. Therefore as a matter of planning judgment officers' consider that in these specific circumstances the harm caused by the loss of the open space as a result of the proposed development is not outweighed by the provision seven residential units.

172 Officers' consider that the scheme's design would be poor quality, would provide substandard accommodation for future occupiers and it has not been demonstrated that the proposed development would result in the retention of a satisfactory level of daylight and sunlight at No.5 Duncombe Hill.

173 Furthermore, the removal of the trees afforded TPOs (G1) and impact to the long term health of a further TPO protected tree (T1), has not been justified or satisfactorily mitigated.

11 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the following reasons.

REASONS

Principle of Development

1. The introduction of the proposed development on to the existing open space would have an unacceptable impact on its character and amenity in an area where no clear surplus of open space has been identified. Contrary to Core Strategy (2011) CS Policy 12, and NPPF paragraph 97.

Urban Design

2. The proposed development is not a site specific response to the application site and would result in a poor quality design which is incompatible with the character of the area and would harm the local townscape, particularly seen in its siting in relation to the public path to the east of the site which would create an unwelcoming area, and its lack of regard for the topography of the site which has lead to two ground floor balconies. Contrary to Core Strategy (2011) Policy CS Policy 15, London Plan (2016) Plan Policy 3.4, London Plan (2016) Policy 7.4. London Plan (2016) Policy 7.6, and Development Management Local Plan (2014) DM Policy 30, DM Policy 32 and DM Policy 33.

Standard of Accommodation

3. The standard of accommodation provided by the development would result in a unacceptable living environment for future residents as six of the seven residential units are undersized, and the layout of Units 1 and 2 providing an unsatisfactory level of privacy through the inclusion of a large amount of glazing on the north western elevation and its proximity to the bus stop on Brockley Rise, contrary to London Plan (2016) Policy 3.5, Policy 7.6 and Development Management Local Plan (2014) DM Policy 32 and DM Policy 33.

Trees

4. The proposed development would require the removal of a group of five trees subject to TPOs (G1) and compromise the long term health of a further tree with a TPO (T1) that significantly contribute to the visual amenity of the local area with no satisfactory replacement or mitigation strategy proposed, contrary to Core Strategy (2011) CS Policy 12, London Plan (2016) Policy 7.21, and Development Management Local Plan (2014) DM Policy 25.

Daylight and Sunlight

5. The application materials have failed to demonstrate that the daylight and sunlight levels received by the dining room on the ground floor of No. 5 Duncombe Hill would remain satisfactory following the construction of the proposed development. Contrary to Development Management Local Plan (2014) DM Policy 32 and DM Policy 33.

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6th May 1968

THE MAYOR ALDERMEN AND
BURGESSES OF THE LONDON
BOROUGH OF LEWISHAM

- and -

WILLINGS POSTER ADVERTISING
COMPANY LIMITED

TENANCY AGREEMENT

- of -

land at junction of Duncombe Hill
and Brockley Rise Lewisham

13/-
102
1/11

A N A G R E E M E N T made the *Sixth* day of *May* One thousand nine hundred and Sixty-eight B E T W E E N THE MAYOR ALDERMEN AND BURGESSES OF THE LONDON BOROUGH OF LEWISHAM (hereinafter called "the Corporation") of the one part and WILLINGS POSTER ADVERTISING COMPANY LIMITED whose Registered Office is at 356/364 Grays Inn Road London W.C.1. (hereinafter called "the Company") of the other part

W H E R E A S:

- (1) The Corporation is the owner of the land at the junction of Duncombe Hill and Brockley Rise Lewisham shown coloured pink on the plan attached hereto (hereinafter called "the pink land") and has agreed to let part thereof to the Company at a rent of one shilling per annum
- (2) The Company is the owner of the land at the junction of Duncombe Hill and Brockley Rise Lewisham shown coloured green on the said plan (hereinafter called "the green land") and has agreed to let the same to the Corporation at a rent of one shilling per annum
- (3) The Company has agreed to remove its advertisement hoardings at present sited between the points shown on the said plan and thereon marked Y and Z
- (4) The Company has agreed to erect an advertisement hoarding on the pink land
- (5) The Corporation has agreed to layout the whole of the pink land and the green land as a public garden at an estimated cost of £650 and the Company has agreed to contribute the sum of £250 towards the cost of such laying out

N O W T H I S D E E D W I T N E S S E T H as follows:-

1. The Corporation lets and the Company takes ALL THAT piece or parcel of land at the junction of Duncombe Hill and Brockley Rise Lewisham between the points marked A and B being part of the land shown coloured pink on the said plan (hereinafter called "the new site land") TO HOLD the same unto the Company from the *Sixth* day of *May* One thousand Nine hundred and Sixty-eight for the term of THREE YEARS and thenceforth from year to year until the tenancy is determined as hereinafter provided yielding and paying therefor the yearly rent of one shilling exclusive of all rates taxes assessments and outgoings whatsoever
2. The Company lets and the Corporation takes ALL THAT piece or parcel of land at the junction of Duncombe Hill and Brockley Rise Lewisham shown coloured green on the said plan and herein referred to as the green land TO HOLD the same unto the Corporation from the *Sixth* day of *May* One thousand nine hundred and Sixty-eight for the term of THREE YEARS and

thenceforth from year to year until the tenancy is determined as herein-
after provided yielding and paying therefor the yearly rent of one
shilling exclusive of all rates taxes assessments and outgoings whatsoever

3. The Company agrees with the Corporation as follows:-

- (a) to remove the existing advertisement hoardings from the green land
- (b) to permit the green land to be laid out by the Corporation and used as a public garden
- (c) to pay to the Corporation the sum of Two hundred and Fifty pounds (£250) when the garden is completed as a contribution towards the cost of the laying out of the pink and the green land as a public garden
- (d) not to assign underlet or part with the possession of the new site land or any part thereof without the written consent of the Corporation
- (e) to use the new site land as an advertising station only
- (f) to erect and maintain to the satisfaction of the Corporation an advertisement hoarding on the new site land extending from the point A to the point B as shown on the said plan
- (g) to erect and maintain at its own expense and to the satisfaction of the Corporation throughout the term of this agreement close boarded fences seven feet high at the least at each end of the advertisement hoarding referred to in 3(f) above such fences to extend one from point A and one from point B on the said plan to the boundary of the adjoining property known as Number 5 Duncombe Hill thus enclosing the whole of the rear of the new site land
- (h) at the determination of the tenancy to remove all advertisement hoardings and fences erected upon the new site land and to deliver up the land cleared and levelled
- (i) not to exhibit on the new site land any advertisement which is in any way objectionable to the Corporation and to remove any such advertisement on request

4. The Corporation agrees with the Company as follows:-

- (a) to arrange for the layout of the pink and green land as a public garden in accordance with the design already agreed with by the Company such garden or any part thereof not to interfere with the visibility of the said advertisements.
- (b) not to assign underlet or part with possession of the green land or any part thereof without the written consent of the Company

(d) at the determination of the tenancy to deliver up the green land to the Company

5. The Company hereby agrees that the Corporation observing and performing the stipulations on its part herein contained shall peaceably hold and enjoy the green land during the tenancy without interruption by the Company or any person lawfully claiming under it

6. The Corporation hereby agrees that the Company observing and performing the stipulations on its part herein contained shall peaceably hold and enjoy the new site land during the tenancy without interruption by the Corporation or any person lawfully claiming under it

7. Provided always and it is hereby agreed as follows:

(a) Either party may determine the tenancy hereby created by giving to the other Twelve months previous notice in writing expiring at the end of the said term of Three years or thereafter at any time any such notice to be in respect of both the pink land and the green land and the new site land jointly but not severally

(b) The Corporation shall not allow to remain or be affixed any other poster or advertising matter than that of the Company or enter into any other contract for the display of signs carrying posters of other General Advertising matter upon any part of the pink or green land

(c) In the event of war riot civil commotion usurpation of power death of royalty or other national calamity or should any Association of Billposters refuse permission for the erection and/or user of the said advertisement hoarding either party shall have the right to terminate this agreement by giving to the other part One months notice in writing

(d) Any notice under this agreement shall be in writing and shall be sufficient if addressed to the Corporation if sent by pre-paid post to the Town Clerk at the Lewisham Town Hall and if addressed to the Company if sent by pre-paid post to the Secretary at the registered office of the Company

I N W I T N E S S whereof the Common Seals of the Corporation and the Company have been hereunto affixed the day and year first above written

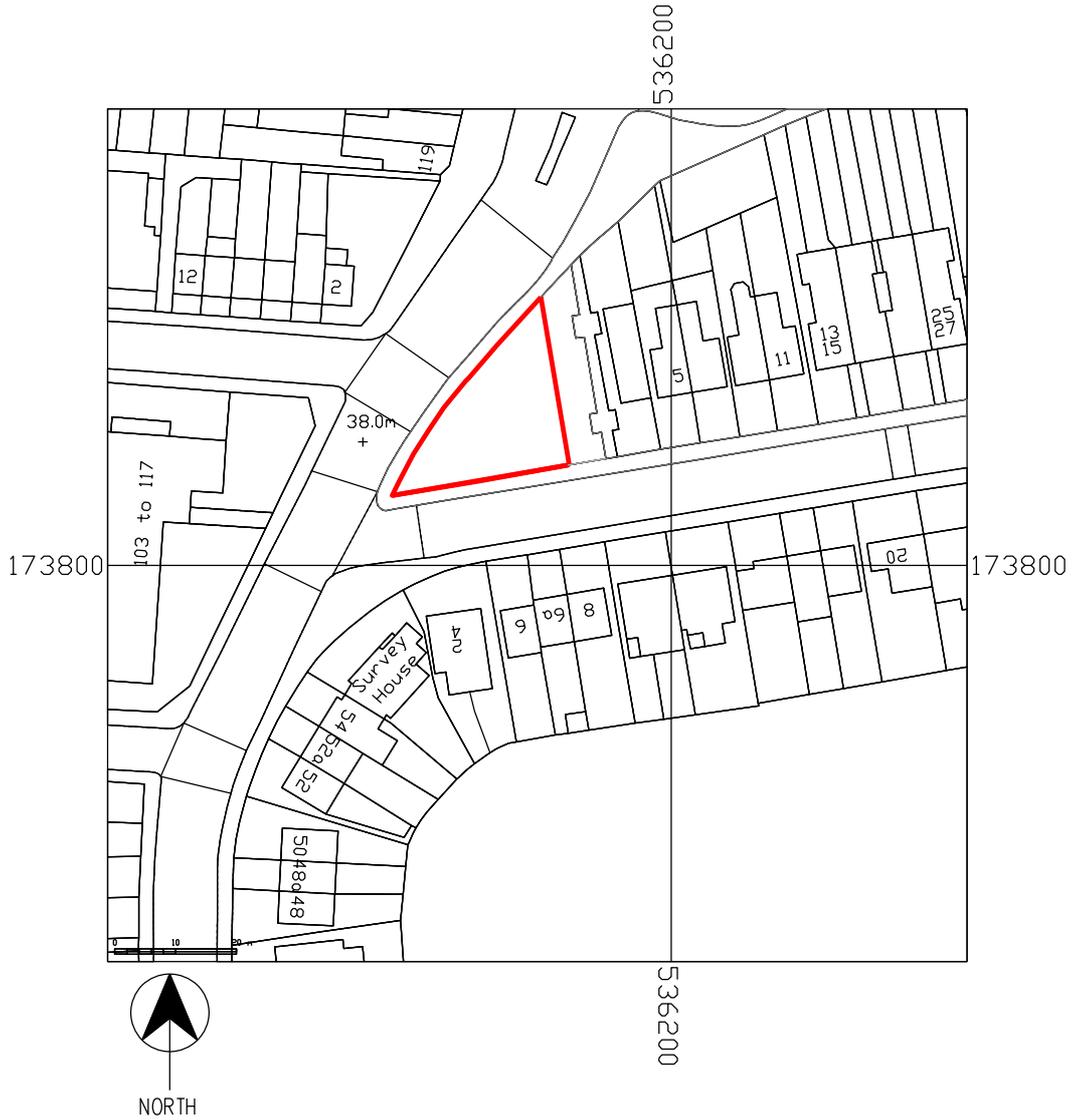
THE COMMON SEAL OF THE MAYOR)
ALDERMEN AND BURGESSES OF THE)
LONDON BOROUGH OF LEWISHAM was)
hereunto affixed in the)
presence of:-)

Alvin Hillier

Page 48

Town Clerk

3642



CHAPMAN DESIGN LLP			
REBECCA WALKER RIBA LELLEFORD HOUSE. COVENTRY ROAD, LONG LAWFORD, RUGBY, CV23 9DT.			
			Telephone- 01786 314 821
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Job	LAND AT BROCKLEY RISE/DUNCOMBE HILL, FOREST HILL, LONDON	Drawn	RW
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Committee	PLANNING COMMITTEE B	
Report Title	Gillan Court	
Ward	Grove Park	
Contributors	Samuel James	
Class	PART 1	23 January 2020

Reg. Nos.

DC/19/113917

Application dated

09 September 2019

Applicant

DP9 on Behalf of Riverside Regeneration Ltd.

Applicants Plan Nos.

JMA-01-00-DR-A-21-6001; JMA-01-00-DR-A-21-6003; JMA-01-00-DR-A-21-6004; L(0)003; L(0)004; S(0)107 Rev.B; S(0)108 Rev.B; S(0)109 Rev.B; S(0)110 Rev.B; S(0)111 Rev.A; S(0)111; S(0)301; S(0)302; S(0)303; S(0)304; S(0)305; S(0)306; S(0)307; S(0)308; S(0)309; S(0)310; S(0)311; S(0)320 Rev.G; S(0)321 Rev.F; S(0)322 Rev.F; S(0)335; S(0)336; S(0)401; S(0)402; S(0)403; S(0)405; S(0)406; Planning Statement (DP9 dated Sep 2019); Design and Access Statement (JM Architects dated Jul 2019); Cover Letter (DP9 dated 9 Sep 2019); Transport Statement (Caneparo dated Sep 2019); Waste Management Plan; Car Parking Management Plan (Arcadis dated 2018); Construction Management Plan (Arcadis Dated Jun 2019); Arboricultural Impact Assessment (Cantia dated June 2019); Landscape Design Statement (Davis dated 19 Jun 2019); Preliminary Ecological Appraisal (NRG Consulting dated May 2018); Sustainability Statement (NRG Consulting dated Jul 2019); Daylight and Sunlight Report (Waldrams dated 28 June 2019); Fire Safety Strategy (IFC dated July 2019); Surface Water Management Report (Morph Structures dated 26 Jun 2019); Noise Impact Assessment Report (KP Acoustics dated 5 Jun 2019); Overheating Assessment (Delap & Waller Ltd. dated 1 Jul 2019); Energy Statement (Delap & Waller Ltd. dated 3 Jul 2019); Statement of Community Engagement (JM Architects dated Jul 2019); Historical Maps (GEA dated 13 Apr 2018); UXO Risk Assessment (1st Line Defence dated 2 May 2018) Received 18 September 2019; S(0)330 Rev.F; S(0)331 Rev.F; S(0)332 Rev.F; S(0)333 Rev.F; S(0)334 Rev.F; MA-01-00-DR-A-21-6002; S(0)404 Received 9 January 2020

Proposal

Construction of 3 a storey building to the rear of Gillan Court, 267 Baring Road, SE12, to provide 6 residential houses and 3 residential flats, refurbishment of existing undercroft, communal gardens, landscaping, car and cycle parking, servicing and associated works.

Background Papers

- (1) Core Strategy (adopted June 2011)
- (2) Development Management Local Plan (adopted November 2014)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation

PTAL 4

1 SUMMARY

- 1 This report sets out Officer's recommendations for the above proposal. The application is before members for a decision as the recommendation is to approve and there are seven individual valid planning objections.

2 SITE AND CONTEXT

Site description

- 2 The application site lies to the rear of Gillan Court, and it was formerly occupied by 22 garages, prior to their demolition in 2015. As existing, the site provides parking bays for the occupants of Gillan Court, as well as some informal amenity space.
- 3 Gillan Court is a 4-storey residential block fronting Baring Road, with an undercroft providing vehicular access to the rear, which is the application site. The building contains 22x two bedroom flats. The red line site boundary includes Gillan Court and its whole curtilage, and has an area of 0.27 hectares.
- 4 There are a number of trees on site, some of which are the subject of Tree Preservation Orders (Council's Ref: DC/17/103104).

Character of area

- 5 The application site is situated on the eastern side of Baring Road, which forms part of the A2212. This part of the street is residential in nature, however to the south of the site towards Grove Park Rail station there are commercial uses.
- 6 To the immediate south and east of the site are residential buildings at Napier Court and Dilhorne Close, and to the North of the site is a Territorial Army Reserve/Training Centre.
- 7 The area has mixed characteristics and there is no obviously dominant building type, it is formed by differing character areas.

Heritage/archaeology

- 8 The site does not fall within a conservation area, nor does it fall within the setting of a listed building.

Transport

- 9 The PTAL rating of the site is 4 on a scale of 1-6 where 6 is excellent. Grove Park Rail Station lies within 0.3km or an approximate six-minute walk. Bus stops served by local

bus routes are located close to the property, and a large number of London-wide routes are served by the station bus stop. The site is considered very well-connected to public transport.

- 10 The site is located within the Grove Park Controlled Parking Zone (CPZ) (Mon-Fri 9am-5.30pm).

Amenities and services

- 11 The site is well connected to Grove Park Neighbourhood local centre and is on public transport routes north to Bellingham, and Catford town centre. Trains into central London and out towards Kent run frequently through Grove Park Station. It is highly a sustainable urban location.

3 RELEVANT PLANNING HISTORY

- 12 **DC/14/089052:** Prior approval for the demolition of 22 derelict garages located to the rear of Gillan Court, 267 Baring Road SE12 to provide additional car parking space for residents. **Refused 04/12/2014.** Reasons as follows:

1. Due to the submission of insufficient information, the applicant has failed to illustrate that the proposed method of demolition would not give rise to an unacceptable level of impact upon the environment and amenity. For this reason, the proposed method of demolition cannot be agreed under Part 31 of the General Permitted Development Order 1995 (as amended).

2. It is felt that the proposed resurfacing of the site with tarmac goes beyond the notion of "any proposed restoration of the site", as set out in part 31 of the GPDO, and proposes a new use for this part of the site. Officers feel that this would need to be considered within the realm of a planning application.

- 13 DC/14/090307: Prior approval for the demolition of 22 derelict garages located to the rear of Gillan Court, 267 Baring Road SE12. Granted 02/02/2015. The previous refusal reasons had been overcome by submission of additional information, and the proposed demolition was demonstrated to comply with part 31 of the General Permitted Development Order (1995)

- 14 **DC/18/107239:** Construction of 3 storey building to the rear of Gillan Court, 267 Baring Road SE12 to provide 6 residential houses and 3 residential flats, refurbishment of existing undercroft, communal gardens, landscaping, car and cycle parking, servicing and associated works. **Application Withdrawn in September 2018**, following advice from officers.

Pre-application advice

- 15 Following the withdrawal of the 2018 application, Pre Application advice was given in December 2018, and follow up advice sought in July 2019, which has led to the submission of the current application.

4 CURRENT PLANNING APPLICATION

- 16 This application is for the construction of a three-storey, courtyard style building, with a single communal entrance, to provide 6x terraced houses, with private rear gardens, and 3x flats with private balconies made up of:

- Five x three bedroom, 5 person units

- Four x two bed, 4 person units.

- 17 The proposal would involve the loss of 10 existing off-street car parking spaces to the rear of Gillan Court. 17 spaces would remain on site, and these are to be allocated to existing Gillan Court residents as detailed in the Parking Management Plan.
- 18 The proposal also includes landscaping works to the front of Gillan Court, and the provision of a communal amenity / play area, for the benefit of existing residents and future residents of the proposal.
- 19 A new main entrance would be constructed for the existing Gillan Court. Works would also be carried out to renovate and light the existing undercroft, including the provision of storage lockers for the existing Gillan Court residents.
- 20 New private terraces would also be constructed for the benefit of the four existing ground floor flats at Gillan Court.
- 21 Dry and secure cycle parking spaces would be provided on site for future residents of the proposal, and these would be either within the covered area of courtyard, or in the private rear gardens.
- 22 New and increased provision for the storage and collection of waste would be provided towards the front of Gillan Court.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 23 The Council's consultation was undertaken in accordance with the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 24 Letters were sent to adjoining residents in the surrounding area and the relevant ward Councillors on 05/08/2019. The applicant displayed a site notice on 12/08/2019.

5.1.1 Comments in objection

- 25 Responses were received from seven individual households objecting to the proposal.

Table [1] Summary of consultation responses

Objection / concern raised	Para where addressed
<i>Housing</i>	
9 flats is overdevelopment	83
<i>Urban Design</i>	
Massing, height, scale and size of building	118
Loss of open space	64
Bad design, disrespectful & unsympathetic	124
<i>Transport</i>	
Not enough parking would be provided on-site	173
Parking would overspill to Dilhorne Close	169

Increased traffic + air pollution due to increase in residents	170
Increased traffic + pollution due to construction	171
<u>Living conditions of neighbours</u>	
Proposed buildings too close to existing and would 'loom over'	141 - 149
Impact on outlook	141 - 149
Overlooking and impacts on privacy	153
Loss of natural daylight/sunlight	144 & 148
Increased noise and disturbance	154
Increased light pollution	Lighting Scheme conditioned
Impacts from construction works	156
<u>Natural environment</u>	
Previous Tree loss / damage that took place on site	231
Loss of wildlife that previously lived on site	235
<u>Other matters</u>	
Increased demand on local services and infrastructure	Development is CIL liable.
Noise from construction works	156
Security, new building could provide ideal location to launch attack on the TA base.	No objection was received from the TA base.

5.2 INTERNAL CONSULTATION

26 The following internal consultees were notified on 04/10/2019.

27 Highways officer: No objections subject to recommended conditions and obligations.

28 Ecological Regen Manager: raised no objections.

29 Drainage Officer: No objections

30 Energy Officer: Comments addressed in the report

31 Environmental health officer: Raised no objections.

32 Arboricultural Officer: Raised no objections.

33 Design officer: comments incorporated into officer's assessment.

External Consultees:

34 Grove Park Neighbourhood Forum: No comments

35 London Fire Brigade: No comments received

6 POLICY CONTEXT

6.1 LEGISLATION

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

6.2 MATERIAL CONSIDERATIONS

37 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.

38 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.

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

6.3 NATIONAL POLICY & GUIDANCE

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

6.4 DEVELOPMENT PLAN

40 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)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

41 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

42 London Plan SPG/SPD

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

6.6 OTHER MATERIAL CONSIDERATIONS

43 The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on

15 January 2019 and concluded on 22 May 2019. The Inspector's report and recommendations were published on 8 October 2019. In December 2019, the 'Intended to Publish' version was released, incorporating the Inspector's findings. This document therefore now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report where relevant (DLPP).

7 PLANNING CONSIDERATIONS

44 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Transport
- Living conditions of neighbours
- Sustainable Development
- Natural Environment

7.1 PRINCIPLE OF DEVELOPMENT

General policy

45 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.

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

Policy

47 The National Planning Policy Framework (NPPF 2019) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.

48 The current London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.

49 Locally, CSP 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).

7.1.1 Loss of car parking spaces

General Policy

- 50 LPP 6.1 sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 51 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.
- 52 DLPP T6 states that car-free development should be the starting point for all development in areas that are well-connected by public transport. It goes on to state that 'car parking should be restricted in line with levels of existing and future public transport and accessibility'. The Policy goes on to state in Table 10.3 (Maximum residential parking standards) that the maximum parking provision for Inner London areas with a PTAL of 4 or more should be Car Free.
- 53 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

Discussion

- 54 There are currently 29 car parking spaces on the site, 6 bays located to the front of the building (2 of which are occupied by the refuse store), and 23 located at the rear.
- 55 The application has been submitted with a transport statement, which has assessed the existing usage of the parking spaces on site through parking surveys, as well as a survey of residents where they could request a parking permit for either a registered vehicle or for visitors.
- 56 The maximum level of occupancy of the car park was observed to be 16 spaces full, and the Parking Permit Survey suggests low levels of car ownership amongst existing Gillan Court residents. The permit survey showed that there was a total of 5 resident permit requests and 6 requests for visitor permits.
- 57 The refuse stores would be relocated, and the front forecourt reorganised to provide 7 spaces, and 10 spaces would be retained to the rear of the site for a total of 17. This is one space more than was observed to be the maximum occupancy of the existing spaces during parking surveys, and 6 more than the spaces requested by existing Gillan Court Residents.
- 58 As the site is located in a highly accessible inner London location, with a PTAL of 4, and in a controlled parking zone, it would be acceptable for the proposed new units to have no parking spaces allocated to them. At a minimum 1 additional space would be provided to the new units, however in reality it is likely to be more, based upon the parking permit survey which was submitted.
- 59 A parking management plan has been submitted, which explains how spaces will be allocated, prioritising existing Gillan Court residents and their visitors, and then any additional spaces will be allocated to new residents on request, prioritising the 3 bedroom houses.

60 In light of the above, the loss of existing parking spaces on site is considered to be acceptable, and it would not have a significantly harmful impact on the surrounding highway network.

7.1.2 Proposed residential use

61 The proposed nine residential units are acceptable in principle as this is a predominantly residential area and there are no in-principle land-use conflicts.

62 Four x two bedroom and five x three bedroom dwellings would be created, and therefore the proposed residential development, which would increase the density of the site, is acceptable in principle, and it is noted that the provision of new family housing is a priority issue.

63 As a backland site, any scheme is required to be of the highest design quality and relate successfully to the existing streetscape and provide living accommodation of an acceptable standard without leading to an unacceptable loss of amenity on the neighbouring occupiers. It is also required to meet the policy requirements of DMP 30 and 32. DMP 33 states developments will only be permitted where they provide:

- *A proper means of access and servicing which is convenient and safe for both drivers and pedestrians.*
- *No significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens*
- *Appropriate amenity space in line with DM Policy 32*

These matters are discussed in further detail below.

7.1.3 Other matters

64 An objection has been received relating to the loss of open land which exists on-site. The site has no formal designation, and as it is previously developed land with an ancillary residential use, no designated open space would be lost.

7.1.4 Principle of development conclusion

65 The site will make a valuable contribution towards meeting housing needs as identified in LPP 3.3 and 3.4 to increase housing supply and optimise housing potential. The loss of existing parking spaces would not be harmful, and the proposal will make more efficient use of the land and officers therefore support the principle of development. This is subject to a residential scheme of an appropriate design, siting, height, and scale, and a high standard of accommodation is provided.

7.2 HOUSING

66 This section covers: (i) the contribution to housing supply; (ii) the dwelling size mix; (iii) the standard of accommodation;

7.2.1 Contribution to Housing Supply

Policy

67 National and regional policy promotes the most efficient use of land.

- 68 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 69 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.
- 70 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality (SRQ) matrix.
- 71 The emerging DLP supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.
- 72 The current London Plan sets an annual target of 1,385 new homes until 2025. The New draft London Plan (Intend to publish v. - 2019) sets a ten-year housing target of 16,670.
- 73 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 74 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 75 LPP 3.8 states Londoners should have a genuine choice of homes, including differing sizes and types. Emerging DLPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 76 CSP 1 echoes the above with several other criteria however CSP 1 expects the provision of family housing (3+ bedrooms).

Discussion

- 77 The proposal is for nine new dwellings, and the whole site measures approximately 0.2734 hectares. There are 22 existing dwellings in Gillan Court, meaning in total there would be 31 dwellings on site with the new proposal.
- 78 The surrounding area exhibits urban characteristics, being comprised a mixture of uses and dwelling typologies at varying heights, of at least 2-4 stories, and is along a main arterial route (as defined by the SRQ density matrix, Table 3.2, Policy 3.4 LP 2016).
- 79 Objectors have raised concerns with the proposed density, stating that it appears to be an overdevelopment of the site.
- 80 Table 2 below sets out the measures of density criteria required by emerging DLPP D6 for all sites with new residential units. The final column sets out the density recommendations in LP 3.4, table 3.3.

Table [2]: Measures of Density

Criteria	Proposed Only	Existing and Proposed	Density Value	LP Table 3.2 Recommends
Site Area (ha)	0.2734	0.2734		

Units	9	31	113 U/ha	70-260 U/ha
Habitable rooms	36	94	344 Hr/ha	200-700 Hr/ha
Bedrooms	23	59	216 Br/Ha	N/A
Bedspaces	45	117	428 Bs/Ha	N/A

- 81 For an urban site, with a PTAL rating of 4, Table 3.2 of the London Plan advises up to 260 units per hectare and up to 700 habitable rooms per hectare. The average number of habitable rooms per unit would be 3.1, the average number of units per hectare would be 113, and the number of habitable rooms per hectare would be 344. This is considered acceptable for the location.
- 82 The proposed density is within the guidelines set out in table 3.3, and this is a good suggestion that the proposal represents an optimisation of the site. It is noted that the density matrix should be applied flexibly and the Draft London Plan removes the density matrix. It is also noted that other factors, including the impact on neighbouring amenity are indicators of overdevelopment. This is discussed later.
- 83 The proposed density is considered acceptable, as it is in a well connected and highly sustainable urban location, and the density values are within the guidelines set out in the adopted London Plan. The proposed dwellings, including five family sized, would optimise the site, and make a valuable contribution to the borough's housing supply and significant weight is given to this in assessment of the proposal.

7.2.2 Dwelling size mix

- 84 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.

Table [2]: Dwelling Size Mix

	1 Bed	2 Bed	3 Bed	Total
No.	0	4	5	9
%	0%	44%	56%	100%

- 85 The proposed mix of unit sizes is considered to be acceptable, in accordance with local policy and would deliver a good number of family sized dwellings, for which there is a pressing and identified need in the locality. Great weight is given to this as a planning merit of the proposal.

7.2.3 Residential Quality

General Policy

- 86 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).
- 87 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) accessibility and inclusivity;

Internal space standards

Policy

- 88 LPP 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. However, in 2015, the 'Technical housing standards – nationally described space standards' were introduced. The alterations to the London Housing SPG adopted these standards. The technical housing standards will therefore be applied in this instance. These standards are reflected in the local policy.
- 89 DMP 32 'Housing design, layout and space standards' and LPP 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods".

Discussion

- 90 The table below sets out proposed dwelling and room sizes.

Table [3]: Internal space standards – proposed v target

Unit No.	Unit type (<i>min req GIA</i>)	Unit size (GIA) (sqm)	Room sizes (metres squared)	Floor to ceiling heights (metres)	Amenity space (m. squared) (<i>min req.</i>)	Compliance
Unit 2	3b6p (102)	118	Bed 1 (double) – 12.4 Bed 2 (double) – 17.2 Bed 3 (single) – 12	2.4	71.5 (9)	Yes
Unit 3	3b6p (102)	111.3	Bed 1 (double) – 16.6 Bed 2 (double) – 14.9 Bed 3 (single) – 13	2.4	86.3 (9)	Yes
Unit 5	3b6p (102)	113.7	Bed 1 (double) – 18.5 Bed 2 (double) – 13.5 Bed 3 (single) – 11.6	2.4	45.5 (9)	Yes
Unit 6	3b6p (102)	113.7	Bed 1 (double) – 18.4 Bed 2 (double) – 13.5 Bed 3 (single) – 11.6	2.4	46 (9)	Yes
Unit 7	3b6p (102)	111.4	Bed 1 (double) – 18.4 Bed 2 (double) – 13.5 Bed 3 (single) – 11.6	2.4	48.2 (9)	Yes
Unit 4	2b4p (79)	91.1	Bed 1 – 13.2 Bed 2 – 12.6	2.4	170 (7)	Yes
Unit 1 GF Flat	2b4p (70)	90.2	Bed 1 – 12.9 Bed 2 – 12.5	2.4	21 (7)	Yes

Unit 8 1F Flat	2b4p (70)	73.5	Bed 1 – 14.1 Bed 2 – 12	2.4	9.2 (7)	Yes
Unit 9 2F Flat	2b4p (70)	73.5	Bed 1 – 14.1 Bed 2 – 12	2.4	7 (7)	Yes

- 91 The proposed dwellings would all provide a greater area than the minimum required Gross Internal Area, for their respective number of occupants and all bedrooms would be larger than required. The standard of amenity would therefore be exceptionally high. The floor to ceiling height would be 2.4m, which meets the London Plan requirements.
- 92 Unit 1 exceeds the minimum floor area for a 2 bedroom 4 person flat by approximately 20m², this allows the unit to be adaptable as a wheelchair unit should this be required in the future, whilst also providing spacious living areas and providing a high standard of amenity, which is encouraged by LPP3.5 and DM32.
- 93 The terraced house properties would be provided with large rear gardens, greatly exceeding minimum requirements, and which would be suitable for children’s play. Units 2, 3 and 4 would have rear gardens with a depth of at least 9m, and the gardens of Units 5, 6 and 7 would be approximately 7m in depth.
- 94 The three flats would be provided with private terraces, of at least the minimum floor area required by the London Plan. Unit 1, the wheelchair adaptable unit, would have a good-sized private ground floor terrace, facing the car park, but with hedging to provide a buffer and privacy, the other 2 flats, Units 8 and 9 would be provided with first and second floor terraces. Furthermore, the proposed communal landscaped/play area would be accessible to the new residents as well as the existing residents of Gillan Court. The four existing ground floor flats of Gillan Court would also be provided with new private terrace areas.
- 95 The proposal is therefore policy compliant with regard to provision of external amenity space and children’s play facilities.
- 96 The floor areas, size of dwellings and external amenity areas provided would be of an exceptionally high quality and therefore acceptable, in line with Policy DM32.

Outlook & Privacy

Policy

- 97 LPP 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).
- 98 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

- 99 Each of the proposed dwellings would be at least dual aspect, and would be provided with good levels of outlook and views from habitable spaces. The outlook provided is considered very good and is therefore acceptable.
- 100 In terms of privacy, no habitable rooms within the proposed units would directly overlook each other, and all of the habitable rooms are provided with adequate levels of privacy.

There are sufficient distances to neighbouring dwellings to ensure no harmful levels of overlooking would occur into the new units.

Daylight and Sunlight

Policy

- 101 LPP 3.5 seeks high quality internal and external design of housing development. Emerging DLPP D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of natural lighting for its future residents. The London Housing SPD promotes access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

Discussion

- 102 Given the at least dual aspect dwellings, and the good amount of glazing proposed, the dwellings would all be provided with good levels of natural daylight and sunlight. All habitable rooms would be provided with windows, and officers consider the levels of daylight and sunlight to be provided would be acceptable.
- 103 Overall the levels of daylight and sunlight provided would be acceptable, in line with Policy DM32.

Accessibility and inclusivity

Policy

- 104 LPP 3.8 and DLPP D5 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.
- 105 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users. Whilst this is not a major scheme, an assessment of the level of accessibility proposed follows.

Discussion

- 106 The scheme has been designed in accordance with the 16 Lifetime Home criteria.
- 107 The ground floor flat, (2 bedroom, Unit 7) has been designed to comply with M4(2) adaptable and accessible dwellings requirements, and it is adaptable to comply with M4(3) wheelchair unit requirements.
- 108 Officers are satisfied the building would comply with accessibility and inclusivity policies. Nonetheless, a separate building control application would be required to demonstrate this compliance for a residential scheme of this scale.

Summary of Residential Quality

- 109 The design and layout of the proposed units would be suitable and the proposal would provide an excellent standard of residential accommodation in accordance with the above policies.

7.2.4 Housing conclusion

110 The proposal would deliver nine dwellings, including five family sized units, all with an exceptional standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and highly sustainable urban location, making the most efficient use of land and optimising density. This is a planning merit to which significant weight is given.

7.3 URBAN DESIGN

General Policy

- 111 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.
- 112 LPP 7.4 requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context.
- 113 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 114 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 115 DMP 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.
- 116 DMP 33 deals specifically with backland development.

Discussion

117 The development site is located to the rear of an existing residential block of flats, and the proposal is therefore considered to be backland development. As a backland site, any scheme is required to be of the highest design quality and relate successfully to the existing streetscape and provide living accommodation of an acceptable standard without leading to an unacceptable loss of amenity on the neighbouring occupiers. It is also required to meet the policy requirements of DMP 30 and 32.

7.3.1 Height, scale and massing

- 118 The proposed building would have a maximum height of three stories, and would be located behind an existing four storey residential block, which fronts Baring Road – it would not be visible from Baring Road, but it would be highly visible on 3 sides from existing residential properties. To the south of the site is a 3-storey row of terraced houses, and to the rear of the site (east) are two and three storey residential buildings with pitched roofs.
- 119 The height and massing of the proposed building, being subordinate to the main building on-site, and of a similar height to other surrounding residential properties is appropriate for the site.

- 120 The scale of the building is also appropriate, leaving sufficient space around the building to the more sensitive eastern and southern boundaries, and a sufficient distance to the existing Gillan Court block. Use of pitched roofs, and metal clad panels breaks up the massing at third floor level, and ensures the building would not appear bulky. Above first floor level the building would also step away from the TA site to the north.
- 121 The current proposal has been assessed against the relevant DM Policy 30 and CS15, and is considered to be acceptable in terms of its height and massing.

7.3.2 Elevational treatments and materials

- 122 The elevational treatments are considered to be well articulated, and have responded well to the surrounding context.
- 123 The southern and eastern elevations, which would face residential properties on Dilhorne Close and Napier would appear as rows of terraced houses, in keeping with surrounding development. The western (Gillan Court facing) elevation would appear more within the typology of flatted development, in keeping with the existing building. The northern elevation has been left relatively blank to preserve the privacy and security of the TA centre.
- 124 Good levels of glazing would be provided, and this together with the use of metal panels, and brickwork detailing would provide a good level of interest to the new building, ensuring it would appear as visually attractive on every elevation.
- 125 It is also noted that a new glazed entrance is proposed to the front of the existing Gillan Court which would improve the circulation space, allow direct access to the underpass storage area, and would improve security through installation of a video link system. The design of the new entrance is high quality, and would represent an overall improvement.
- 126 The addition of lighting to the underpass would also improve security at night.

7.3.3 Layout and Landscaping

- 127 This section addresses the landscape setting for the building as part of the urban design analysis. Discussion on trees to be retained and those to be removed is in section 7.7.1, below.
- 128 The private gardens for the terraced houses would be partially paved, with the majority being lawned.
- 129 The proposed parking area would be paved with differing patterns of blocks used to demarcate the pedestrian walkway from the parking spaces. A mixture of robust and ornamental planting would surround the parking area, as well as some new trees.
- 130 The southern and eastern boundaries would have trees planted along them, and additional trees would be planted in the communal amenity area. Additional hedges and robust planting would be planted to the front of the site and at the site boundaries. New brick piers and metal railings would also be installed at the front of the site facing Baring Road, all of which would improve the street frontage.
- 131 The communal area would be a mixture of grassed areas, and compacted gravel, as well as some ornamental and tree planting and playspaces.
- 132 The hardstanding area will be the minimum that is required for the parking area.
- 133 There is a clearly delineated shared pedestrian pathway through the site, which would provide a welcoming and clear entrance for pedestrians when arriving at the property.

- 134 Significant planting of hedgerows, shrubbery, vegetation and trees is proposed within the site curtilage, and there is minimal hardstanding proposed. Brown roofs are also proposed. The proposed planting plan is considered acceptable in principle to alleviate the on-site trees that would be lost. The proposed planting plan and landscaping plans, including 5 years of management would be secured by condition, should planning permission be granted.
- 135 To conclude, the proposed landscaping scheme is of a high quality and would provide a pleasant and welcoming setting for the new buildings, as well as improve the quality of amenity to existing Gillan Court residents.

7.3.4 Urban Design conclusion

- 136 In summary, the proposed building is a creative and high quality, unique, site-specific response that would create interest and optimise the site. It is of an appropriate height and scale; the proposed landscaping scheme is of a high quality and the design of the proposal is therefore acceptable, and in line with the aforementioned policies.

7.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 137 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 (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 138 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 139 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 140 The surrounding area exhibits a mixture of uses, and the closest adjoining residential neighbours of the site are Napier Court to the East, Dilhorne Close to the South, and the existing Gillan Court Block to the West. The Territorial Army base lies to the north.

7.4.1 Enclosure and Outlook, Daylight and Sunlight

Dilhorne Close Properties

- 141 The front elevations of the terraced properties on Dilhorne would face the rear elevations of the proposed terraced houses (units 4, 5, 6 & 7) at a distance of approximately 18.1m. At this distance, the proposed building would not have a harmful impact on the outlook from the front facing windows, and therefore there would be no harmful increased sense of enclosure to the residents.
- 142 As Dilhorne Close is to the South of the proposal site, there would be no harmful impact on daylight and sunlight. A sunlight and daylight assessment has been submitted which confirms this.

Gillan Court Existing Properties

- 143 The rear elevation of the existing building would be approximately 18m from the closest part of the proposed building. This distance is sufficient to ensure there would be no

harmful impact to the outlook of these windows, and therefore there would be no harmful increase in the sense of enclosure to the residents.

144 Again, the submitted Daylight and Sunlight assessment confirms the impact would be within the BRE guidelines and acceptable in this regard.

Napier Close

145 Napier Close adjoins to the east and the closest properties are 29 and 30 Napier Close, a pair of 2-storey detached dwelling houses, with single storey garages linking them at the centre. The rear elevations of these properties would face the rear elevations of terraced house units 2, 3 and 4 at a minimum distance of 18m (between No.29 Napier & Unit 4).

146 Again, it is considered that at the minimum separation distance of 18m, the proposed building would be a sufficient distance to ensure the impact on outlook would not be significantly harmful from the rear facing windows, and therefore there would be no harmfully increased sense of enclosure.

147 The submitted Daylight and Sunlight assessment has found that the impact to the existing windows would be within the BRE recommended guidelines.

148 29 and 30 Napier Close benefit from private rear gardens, No.29 has a maximum depth of 9.4m, and No.31 of 12.3m. The proposed building would be at least 9m from the shared boundaries with these properties, so would not harmfully increase the sense of enclosure or overbearing impact felt from their private gardens. In terms of the impact on sunlight to these gardens, the Daylight and Sunlight Assessment concludes that these would be within the BRE guidelines for amenity areas.

149 The impact on the residential amenity of neighbouring occupiers in terms of enclosure, outlook, and daylight and sunlight is therefore considered to be acceptable, and in line with Policy 15 of the Core Strategy, and Policy 32 of The DM Local Plan.

7.4.2 Privacy

150 The closest window to window distance between the proposed building, and existing dwellings would be at least 18m. This is acceptable for an inner London context, complies with Paragraph 2.3.36 (Standard 28) of the London Housing SPG (2016) and would not result in harmful levels of overlooking into neighbouring properties from the proposed dwellings.

151 The first floor bedroom windows of Units 2 and 3 would face the rear elevation and gardens of 29 and 30 Napier Court. The distance between the bedroom windows and the rear shared boundary would be between 10m and 9m. At this distance, there may be some overlooking opportunities, however due to the use of the rooms as bedrooms, the sufficient set away distance of at least 9m, as well as the height of the windows being at first floor level (the 0.7m ground level difference has been acknowledged) the privacy of the occupiers of Nos. 29 and 30 would not be significantly harmed.

152 It is also noted that the landscaping scheme involves the planting of semi-mature Italian alder trees along the eastern boundary. In the medium to long term, these would screen the development from the Napier court dwellings, which would reduce any perceived loss of privacy felt by the occupants.

153 The proposed terraced houses would benefit from roof terraces at second floor level, accessed from the master bedrooms. 1.8m high obscure glazed screening would ensure that future residents would not be afforded overlooking opportunities from these balconies into adjoining properties. These screens would also ensure the small 2nd

storey windows would not overlook the Napier Court dwellings. A condition would be imposed to secure the installation and retention of the privacy screens.

Noise and disturbance impacts

- 154 Nine new dwellings could generate more noise and disturbance than the existing car park use, however, this would all be of a domestic nature, and in a residential setting such as this it would not cause any harm.
- 155 An objection has also been received related to the increase in light pollution which could occur. Again, as this is a residential setting the lighting would be domestic in nature, and unlikely to cause harm to neighbouring residents. It is also noted that the final details of any external lighting to be used would be secured by condition.

7.4.3 Construction impacts

- 156 A level of disruption is to be expected whilst building works are ongoing, and this cannot be avoided. A construction management plan has been submitted, which details how levels of disruption will be minimised. A condition requiring the development to be constructed in accordance with the submitted plan would ensure the construction impacts are minimised in line with the management plan.
- 157 The Control of Pollution Act 1974 regulates the times during which noisy construction work can be undertaken. Construction work is generally not permitted outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on Saturdays.
- 158 Furthermore, the Council's Environmental Health team have published guidance on 'considerate construction' which will be drawn to the applicants attention by informative, should planning permission be granted.

7.4.4 Living conditions of neighbours conclusion

- 159 For the reasons as stated above, the living conditions of neighbours would not be affected by harmful loss of daylight, sunlight, outlook or privacy. The amenity impacts to adjoining occupiers is therefore considered to be acceptable, and in line with the aforementioned policies.

7.5 TRANSPORT IMPACTS

General Policy

- 160 LPP 6.1 sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 161 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.
- 162 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

7.5.1 Public transport

163 The application site is very well connected to the wider public transport network with a PTAL rating of 4. There are bus stops close to the site, and Grove Park Station is approximately 300m to the south.

7.5.2 Car Parking

164 The site is located within the existing Grove Park Controlled Parking Zone, and there are no opportunities within 200m for on-street parking without a permit. As there is an existing CPZ, it is considered proportionate to restrict future residents of the proposal from obtaining a parking permit, and this will be negotiated as part of the S106 agreement.

165 As already discussed in the Principle of Development section of this report, the loss of existing parking spaces on site is considered to be acceptable.

166 Currently there is no parking management plan in place on the site, and permits are not required to be displayed in the existing car park.

167 It is acknowledged that the proposal could generate additional demand for parking, however, DLPP T6 states that car-free development should be the starting point for all development in areas that are well-connected by public transport. It goes on to state that 'car parking should be restricted in line with levels of existing and future public transport and accessibility'. The Policy goes on to state in Table 10.3 (Maximum residential parking standards) that the maximum parking provision for Inner London areas with a PTAL of 4 or more should be Car Free.

168 At a minimum, based upon the parking survey results, the proposal will provide 1 additional space than the maximum observed occupancy of spaces on the site, meaning at least 1 space would be provided to the new units. In reality, based upon the Permit survey (for private on-site permits) of existing Gillan Court residents, only 11 permits would be requested by existing residents, meaning potentially 6 spaces could be available for the proposed 9 units.

169 In light of the highly accessible nature of the site, and the parking survey and permit survey results, the provision of parking on site would be acceptable, and the proposal would not have an unacceptable impact on the local highway network due to parking.

170 Concern has been raised by an objector regarding the levels of pollution and congestion that exists currently on Grove Park Road. The proposed development represents an increase in residents but a net decrease in number of on-site car parking spaces. Notwithstanding this, an increase of 9 dwellings would have no significant impact on overall levels of traffic and pollution on Grove Park Road, as this is an A-road forming part of the South Circular and the majority of existing traffic is through-traffic.

171 Concern was also raised regarding the pollution and congestion caused by construction traffic. The same logic as above applies, that this would be an insignificant increase in traffic compared to the existing levels and nonetheless this would be temporary in nature. A construction management plan has been submitted which details how the impact on the local highway network would be minimised.

172 To encourage future residents against private vehicle ownership, the developer has agreed to offer free car club membership to the first occupants of each dwelling for a period of three years, which would be secured by a planning obligation.

173 Therefore considering the good PTAL rating of the site, the availability of excellent public transport links, existing and emergent London Plan Policies and the number of homes proposed, the provision of seventeen car parking spaces for existing and future

residents is considered acceptable, and compliant with Policy 14 of the Core Strategy, London Plan Policy 6.13, and draft London Policy T6.

7.5.3 Cycle Parking

- 174 LPP 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).
- 175 The proposal includes 18 cycle parking spaces, which equates to two per unit and is in line with the minimum requirements outlined in Table 6.3. The terraced house units would have bike stores in their rear gardens, and there would be space for 4 bicycles within the covered area of the central courtyard, which is lockable and only accessible to residents. The ground floor flat would have a cycle store in its private terrace area. Final details of bicycle stores will be secured by condition to ensure they would be covered and secure.
- 176 Further to the above storage lockers will be provided to each of the existing flats within Gillan Court, and the majority of these would be large enough for the storage of bicycles. Furthermore, 4 short stay cycle spaces would be provided to the front of the existing Gillan Court Building. This may encourage existing residents to cycle. There is no policy requirement to provide this additional storage to existing residents, so this is a bonus of the scheme.
- 177 The cycle parking arrangements are therefore considered to be acceptable, and in line with CSP 14, subject to submission of final details reserved by condition.

7.5.4 Refuse Storage

- 178 Lewisham generally requires 250l of total waste capacity per dwelling. For developments with more than six households, communal 1100 or 1280 litre Eurobin containers should be provided for both refuse and recycling.
- 179 The existing refuse store to Gillan Court would be moved south of its existing positioning, and increased in size to account for the additional development. The new units would be provided with a refuse storage area to the rear of the existing Gillan Court building, and on collection days the refuse would be moved by management from this storage area to the main collection area at the front of the site. The refuse store would be 6m from the highway, which is an acceptable drag distance for Lewisham refuse collection staff.
- 180 Final details of the refuse and recycling storage arrangements, and appearance of bin stores will be secured by condition should the application be approved.
- 181 The refuse and recycling storage arrangements are acceptable.

7.5.5 Transport conclusion

- 182 The proposal would have an acceptable impact on transport in terms of car parking, encouraging sustainable modes of movement and accommodating the site's servicing needs, subject to conditions.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

- 183 NPPF para 148 sets an expectation that planning will support transition to a low carbon future.

- 184 This is reflected in relevant policies of the London Plan and the Local Plan.
- 185 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

7.6.1 Energy and carbon emissions reduction

Policy

- 186 CSP8 seeks to minimise the carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 187 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

Discussion

- 188 The application is accompanied by a Sustainability Statement prepared by NRG Consulting (04 July 2019). This sets out the sustainability principles that would be incorporated into the development to reduce its environmental impacts. The report concludes that in total the development achieves a 35.59% reduction in CO₂ emissions beyond a baseline Part L compliant development, of which 25.97% is provided through the inclusion of renewable and LZC technologies. This has been achieved through implemented design measures for energy demand reduction, high efficiency gas combi boiler, mechanical ventilation with heat recovery and implementation of photovoltaic panels. The development achieves a total saving of 7.399 tonnes of CO₂ per annum.
- 189 The Council's Sustainability Manager has been consulted on the submitted document and raised no objections in principle, however they did request some further additional details regarding the Mechanical Ventilation system, measures to control overheating, and the proposed PV panels. When requested, the applicant sent an updated document to address these comments. Details SAP calculations were also requested, which have now been provided.

Be Lean (use less energy)

- 190 The building would be designed with high standards of energy efficiency through its materiality and by utilising both passive and active design features. This includes Air Permeability, which has been optimised to prevent loss; Mechanical Ventilation with Heat Recovery system is proposed to each dwelling; Thermal Bridging: Accredited Construction Details have been used to minimise cold bridging and prevent 'cold spots'. The active design features include the use of LED lighting, and the use of gas condensing boilers.
- 191 It has been assessed that the energy demand reduction measures, including an improved fabric specification, together with passive and active design measures will deliver savings of approximately 9.62 % above Part L1A Building Regulations 2013.

Be Clean (supply energy efficiently)

- 192 Energy will be supplied from the national grid, as well as through the use of the proposed photovoltaic panels. This is considered to be acceptable for a scheme of this scale.
- 193 In accordance with Section 11.30 of the Greater London Authority's guidance on preparing energy assessments, CHP is not applicable for minor developments.

Be Green (use renewables)

- 194 PV panels are proposed to the roof. To maximise energy and CO2 emissions savings on-site, a PV array of 8,400 kWh/year, approximately 38 PV panels, is being proposed to supply the landlord's energy requirements. A condition requiring submission of the final details of PV panels would be added should the permission be granted.
- 195 Furthermore the proposed site plan shows EV charging points provided to four of the car parking spaces, but no further details have been submitted. In order to secure these, a condition requiring final details to be submitted and approved in writing prior to occupation of the scheme is recommended. This would exceed the policy requirement of 1 EV point per 10 spaces.
- 196 A feasibility study of site-wide energy networks and low carbon and renewable energy sources has been undertaken by the Energy Consultants. The study concluded that solar photovoltaics are the most appropriate to deliver the remaining required reduction in CO2 emissions for the proposed development.

An array with an annual generation capacity of 8400 kWh/year is proposed at this stage of the design to meet the required 35% reduction in CO2 emissions beyond Part L1A 2013. Carbon Offset

- 197 The cumulative on-site saving as a result of the above would be 35% from renewable energy. For a scheme of this scale (i.e. not major development), a carbon offset contribution is not required.

7.6.2 Overheating

Policy

- 198 LP5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations and reduce reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft LPP SI14 echoes this.
- 199 DMP 22 reflects regional policy, and requires all developments to incorporate design measures to maximise energy efficiency, manage heat gain and deliver cooling, prioritising passive measures, and using mechanical measures only as a last resort.

Discussion

- 200 An overheating assessment has been undertaken in the report, to assess the risk of potential summertime overheating, with mitigation measures outlined to reduce this risk. The fabric specification has been optimised in order to strike a balance between maximising natural daylight benefits to reduce the use of artificial lighting, the provision of solar gains to reduce space heating demands during the winter months, whilst limiting summertime solar gains to reduce space cooling demands. This can be exhibited in the design window U-Value of 1.20 W/m²K and the g-value of 0.50. A thermal comfort assessment has been carried out in accordance with CIBSE TM59.
- 201 Notwithstanding the above, a scheme of this scale would be required to comply with the Building Regulations in terms of overheating risk analysis, which would require a separate application. Furthermore, the submitted Sustainability Statement sets out measures to deal with overheating, and concludes that it will comply with the London Plan requirements regarding overheating.

7.6.3 Urban Greening

Policy

- 202 LPP 5.10 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.
- 203 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

- 204 The proposal includes several measures to contribute to urban greening, including green roofs, new and improved landscaping and significant planting of a number of species of plants, shrubs, hedges and trees on site.

Urban greening factor

- 205 Although the proposed building would cover more ground area than the previously existing garages, the proposed landscaping plan, planting proposals and brown roofs would ensure no harmful loss of green surface area. Most of the building would be built on an existing area of hardstanding.

- 206 It is noted that the site currently is not well landscaped, and consists of mostly poor quality grass, and hardstanding. The proposal would overall be an improvement due to the high quality landscaping which would increase the numbers of plant species, and coverage of the site in vegetation. A large number of trees are proposed to be planted along the eastern and southern boundaries, which once mature will provide a good degree of vegetation to screen the development.

Living roofs

- 207 Brown roofs are proposed to the flat roof areas around the solar panels, where they would be most successful in sustaining vegetation. The applicant has submitted an indicative 'brown roof proposal' which demonstrates this, but final details are to be secured by condition. Generally green roofs are encouraged over brown roofs, however, as solar panels are proposed, brown roofs would be more appropriate, as full biodiverse living roofs would be unable to flourish due to the panels blocking sunlight. Brown roofs, whilst they do not provide as much habitat as biodiverse living roofs, would provide some habitat and are preferable to normal flat roofs.
- 208 Subject to submission of final details, the brown roofs proposed would be acceptable, and would help to ensure the site contributes positively to urban greening.

7.6.4 Sustainable Urban Drainage

Policy

- 209 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.
- 210 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.
- 211 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 212 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

Discussion

- 213 As this is not a major application there was no requirement for SUDS calculations to be submitted, however they have been submitted nonetheless (Morph Structures). The scheme includes several merits to reduce surface run off, including soft landscaping, brown roofs, and a below ground water attenuation network to control surface water flow.
- 214 The submitted Surface Water Management Report concludes that the proposed works would be sufficient to meet all relevant national and local planning policy.
- 215 In light of the proposed measures, and considering the scale of the scheme, it would have no unacceptable impact on localised flooding, and run-off rates would be acceptable, in line with the above policies. The local lead flood officer raises no objections.

7.6.5 Sustainable Development conclusion

- 216 The proposal has been designed to reduce carbon emissions through an enhanced fabric and the use of PV panels, and it has been demonstrated that the reduction is policy compliant. A condition is proposed to secure these benefits. Through its enhanced hard and soft landscape scheme and use of green roof the proposal would contribute to urban greening in accordance with LP policies and furthermore it would not result in harmful additional surface water run off. As this is not a major application, some limited weight is given to this.

7.7 NATURAL ENVIRONMENT

General Policy

- 217 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 218 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 219 NPPF para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.
- 220 LPP 2.18 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

7.7.1 Green spaces and trees

Policy

- 221 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 222 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 223 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species. DLPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing

value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

- 224 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. DMP 25 sets out the required information to support development affecting trees.

Discussion

- 225 The site is subject to an historic TPO for 10 trees which was made in 1973.

Tree	Observations (from Arboricultural Statement)	Proposed Works
T1 Chestnut (front)	Category A	Retain, no dig zone in RPA
T2 Cherry (front)	Tree not present, historic stumps found.	N/A
T3 Chestnut (front)	Tree not present, now tarmac footpath in mapped location.	N/A
T4 Chestnut (front)	Tree not present, now tarmac footpath in mapped location.	N/A
T5 Sycamore (N Boundary)	Category C, laden with ivy which has been removed.	Retain, parking bays in close proximity to be of no dig construction. Hard surfacing replaced with woodchip to south of tree to increase water movement through soil to roots.
T6 Ash (NE Corner)	Not present, mapped location under tarmac	N/A
T7 Oak (NE Corner)	Category C, significant historic wound present and significant westerly incline. Low amenity value.	Remove
T8 Maple (NE Corner)	Category A	Retain, no dig zone in RPA. Requires crown reduction, and will require periodic pruning in future.
T9 Maple (S boundary)	Tree not present. Historic stump found.	N/A
T10 Lime (S boundary)	Category C, fair condition.	Retain, no dig zone in RPA

- 226 The submitted Arboricultural Impact Assessment and Method Statement (CAS/2018/121A: Cantia 2019) in its Tree Survey (site visit 12th March 2018), details the trees in respect of dimension and quality in accordance with the methodology set out in the British Standard 5837:2012. Trees were recorded in Category A (high quality, at least 40 years life expectancy); Category B (moderate quality, at least 20 years life expectancy); Category C (low quality, at least 10 years life expectancy); Category U (cannot realistically be retained for more than 10 years).

- 227 The document also outlines how the retained trees would be protected during construction. All but one of the existing trees on site with a TPO would be retained, and the removed TPO tree (T7) is Category C and of a low amenity value. Its removal is

required to facilitate the development, and on a balance this is considered to be acceptable.

228 Each of the other trees to be removed are not considered to be of high individual value (T11, T13, T14, T15 and T18), being Category C or U and their removal is required to facilitate the development.

229 It is noted that objections have been received related to the removal of trees and vegetation on-site prior to this application being submitted. The submitted Arboricultural Impact Assessment outlines that 5 of the trees protected in the 1973 TPO were not present on-site. Of the 5 trees that were not present, stumps were found for 2 of these, and the other 3 were located underneath tarmac.

230 The applicant claims that they did not remove the trees, but they had been removed before they had acquired the site. Whilst the Council holds no evidence either way, the fact that the mapped position of 3 of the 1973 TPO trees is now covered by tarmac suggests that TPO trees have been historically removed.

231 The loss of the vegetation and trees on-site that was not covered by the TPO, whilst regrettable, would not have been resisted by officers.

232 The proposal includes the planting of significant numbers of new trees on site. 4x semi mature Italian alders (*Alnus cordata*) are proposed to the eastern boundary, 9x Silver Birch (*Betula pendula*) are proposed to the southern boundary, 4x Callery Pear (*Pyrus calleyrana*) are proposed around the parking spaces at the rear, and several smaller trees are proposed for the communal amenity area, and to the front and rear of the underpass.

7.7.2 Ecology

233 The application has been submitted with a Preliminary Ecological Appraisal (NRG Consulting dated May 2018). The report concludes that the proposal can proceed without adverse impacts upon legally protected or priority species and habitats, provided the specific mitigation guidance and enhancement recommendations are followed. The report recommends that Ivy Covered trees are further inspected for bat roots prior to Ivy removal or other works; general guidance on nesting birds; and enhancement measures such as bird / bat boxes, as well as permeable boundary treatments for hedgehogs.

234 A condition requiring the submission of details of bird and bat boxes would be added to the permission if granted, as well as a condition requiring the recommendations of the ecology report to be carried out in full.

235 An objection has been received relating to the loss of ecology which may have previously existed on site, prior to vegetation clearance. Whilst regrettable, this is an undesignated site, on previously developed land, and therefore the loss of vegetation was not controllable by planning, and therefore neither was any loss of ecology which occurred. It is also noted that any damage to protected species is controlled by separate legislation to planning, under the The Wildlife and Countryside Act (as amended) 1981.

7.7.3 Natural Environment conclusion

To conclude, on a balance of the significant weight given to the contribution to the borough's housing stock (including five new family dwellings) by officers, and the optimisation of the site, together with the high quality design and on-site landscaping and planting schemes, the loss of the on-site trees is considered to be acceptable.

8 PLANNING OBLIGATIONS

236 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. The NPPF 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 revised NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

237 (a) Necessary to make the development acceptable

238 (b) Directly related to the development; and

239 (c) Fairly and reasonably related in scale and kind to the development

240 Regulation 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. A planning obligation cannot be a reason for granting planning permission, unless it satisfies the tests set out in Regulation 122.

241 The obligations secured need to be considered in the context the infrastructure payments covered by the Community Infrastructure Levy CIL.

242 In this case it is not considered necessary or proportionate to require additional obligations from the developer.

9 LOCAL FINANCE CONSIDERATIONS

243 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).

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

245 The CIL is therefore a material consideration.

£51,540 Lewisham CIL and £38,655 Mayoral CIL 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.

10 EQUALITIES CONSIDERATIONS

246 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.

- 247 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.
- 248 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.
- 249 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:
- 250 <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>
- 251 <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 252 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
- 253 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>
- 254 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.

11 HUMAN RIGHTS IMPLICATIONS

255 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

256 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.

257 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.

12 CONCLUSION

258 This Report has considered the proposals in light of adopted development plan policies and other material considerations.

259 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:

- Optimising the housing potential of an underused residential site;
- Providing a range of type and sizes of new homes, including family housing;
- Comprising an appropriate scaled and high quality building that takes account of the existing context

260 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.

261 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents.

262 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

263 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy

264 In light of the above, the application is recommended for approval.

13 RECOMMENDATION

That the Committee resolve to **GRANT** planning permission subject to:

13.1 CONDITIONS

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

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

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

JMA-01-00-DR-A-21-6001; JMA-01-00-DR-A-21-6003; JMA-01-00-DR-A-21-6004;
L(0)003; L(0)004; S(0)107 Rev.A; S(0)108 Rev.B; S(0)109 Rev.B; S(0)110 Rev.B;
S(0)111 Rev.A; S(0)111;

S(0)301; S(0)302; S(0)303; S(0)304; S(0)305; S(0)306; S(0)307; S(0)308; S(0)309;
S(0)310; S(0)311;

S(0)320 Rev.G; S(0)321 Rev.F; S(0)322 Rev.F; S(0)330 Rev.F; S(0)331 Rev.F;
S(0)332 Rev.F; S(0)333 Rev.F; S(0)334 Rev.F;

S(0)335; S(0)336; S(0)401; S(0)402; S(0)403; S(0)405; S(0)406

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. The development hereby approved must be constructed in strict accordance with the measures specified in the submitted Construction Management Plan (Arcadis Dated Jun 2019) and they shall be adhered to during the full period of construction.

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

4. The development shall be carried out in accordance with the recommendations set out in the submitted Surface Water Management Report (Morph Structures dated 26 Jun 2019). Thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (March 2016) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011)..

5. No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors, roof coverings and other site specific features 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 strict 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.

6. The refuse and recycling storage facilities shown on Plan No. S(0)320 Rev.G and in the submitted Landscape Design Statement Ref: L0577DS01 Rev.D (Davis Landscape Architecture dated 19 June 2019) which forms part of the approved scheme shall be installed prior to occupation of the development and permanently retained thereafter.

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

7.
 - (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).

8. The hard landscaping works shown in the submitted Landscape Design Statement Ref: L0577DS01 Rev.D (Davis Landscape Architecture dated 19 June 2019) which forms part of the approved scheme shall be completed prior to first occupation of the development. The hard landscaping works must be carried out and retained in strict accordance with the approved plans.

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

9.
 - (a) The schemes of tree and vegetation planting, and soft landscaping must be completed in accordance with the submitted Landscape Design Statement Ref: L0577DS01 Rev.D (Davis Landscape Architecture dated 19 June 2019), prior to first occupation of the dwellings hereby approved.
 - (b) Details of the management and maintenance of the trees and landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to occupation of the development hereby approved. The approved maintenance scheme must be implemented for the duration of the development hereby approved.
 - (c) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the submitted Landscape Design Statement Ref: L0577DS01 Rev. D (Davis Landscape Architecture date 19 June 2019). 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).

10. The boundary treatments shall be completed in accordance with the details set out in the submitted Landscape Design Statement Ref: L0577DS01 Rev.D (Davis Landscape Architecture dated 19 June 2019) which forms part of the approved scheme and shall be completed prior to first occupation of the development 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).

11. Details of the number and location of the bird and bat boxes, and permeable boundaries, to be provided as part of the development hereby approved in accordance with the recommendations of the submitted *Preliminary Ecological Appraisal (NRG Consulting dated May 2018)* shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works. The bird and bat boxes shall subsequently be installed in accordance with the approved details prior to the occupation of the building hereby approved, and maintained as such in perpetuity.

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

12. The electric vehicle charging points as shown on Plan No.S(0)320 Rev.G shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in full working order for the duration of the development hereby permitted.

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

13. (a) Full details of the brown roofs as indicatively shown in the submitted Landscape Design Statement Ref: L0577DS01 Rev.D (Davis Landscape Architecture dated 19 June 2019), which shall allow for a substrate depth of at least 150 mm shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.
- (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. The brown roofs must be maintained and retained for the lifetime of the development.

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).

14. (a) Prior to first occupation of the development hereby permitted a scheme for any external lighting to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed and maintained in accordance with the technical details, including measures to prevent light spillage, for the lifetime of the development.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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

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

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

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the Northern elevation of the building hereby approved shall be fitted as obscure glazed and retained in perpetuity.

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

17. The whole of the communal amenity space as shown in the submitted Landscape Design Statement Ref: L0577DS01 Rev.D (Davis Landscape Architecture dated 19 June 2019) which forms part of the approved scheme, shall be completed prior to first occupation of the development and retained permanently for the benefit of the occupiers of the existing and the proposed residential units hereby permitted.

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

18. a. The whole of the car parking accommodation shown on drawing no.S(0)320 Rev.G hereby approved shall be provided prior to the occupation of any dwelling hereby approved and retained permanently thereafter in strict accordance with the plans.
- b. The parking spaces shall be allocated and managed in full accordance with the submitted Car Parking Management Plan (Arcadis dated 2018) for the lifetime of the development.

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

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

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

20. The 1.8m high (from finished floor level) obscure glass screening to the terraces, as shown on drawing Nos. S(0)330 Rev.G; S(0)331 Rev.G; S(0)332 Rev.G; S(0)333 Rev.G; S(0)334 Rev.G hereby approved, shall be installed prior to first occupation of the development, and retained and maintained for the lifetime of the development.

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

21. a. Full details of the Photovoltaic Panels as indicatively shown in the submitted Roof Plan S(0)322 Rev.F shall be submitted to and approved in writing by the local planning prior to commencement of above ground works.
- b. Evidence that the Photovoltaic Panels have been installed in accordance with the details approved under part (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.
- c. The photovoltaic panels shall be maintained in working order and retained for the lifetime of the development hereby approved.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

22. The development shall be constructed in full accordance with the design measures and recommendations, including an enhanced building fabric and the inclusion of renewable LZC technologies, to reduce CO2 emissions by 35.59% beyond a baseline

Part L compliant development, as set out in the submitted Energy Statement Rev.02 (Delap & Waller Ltd. dated 18 Dec 2019) Received 6 Jan 2020.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

23. Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons entitled under section 21 of the Chronically Sick and Disabled Persons Act 1970, no resident of the development shall obtain a resident's parking permit within the Grove Park Controlled Parking Zone which may be in force in the area at any time.

Reason: To ensure the proposed dwellings do not have an unacceptable impact on parking stress in the surrounding area, and in compliance with London Plan Policy 6.13, Draft London Plan Policy T6, Core Strategy Policy 14 Sustainable Movement and Transport and DM Policy 29 Car parking.

24. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that before occupation of the development may take place a car club agreement has been entered by the developer and a car club provider to provide every first occupier of the development (subject to the rules of the car club provider) at least 3 years free membership to the car club.

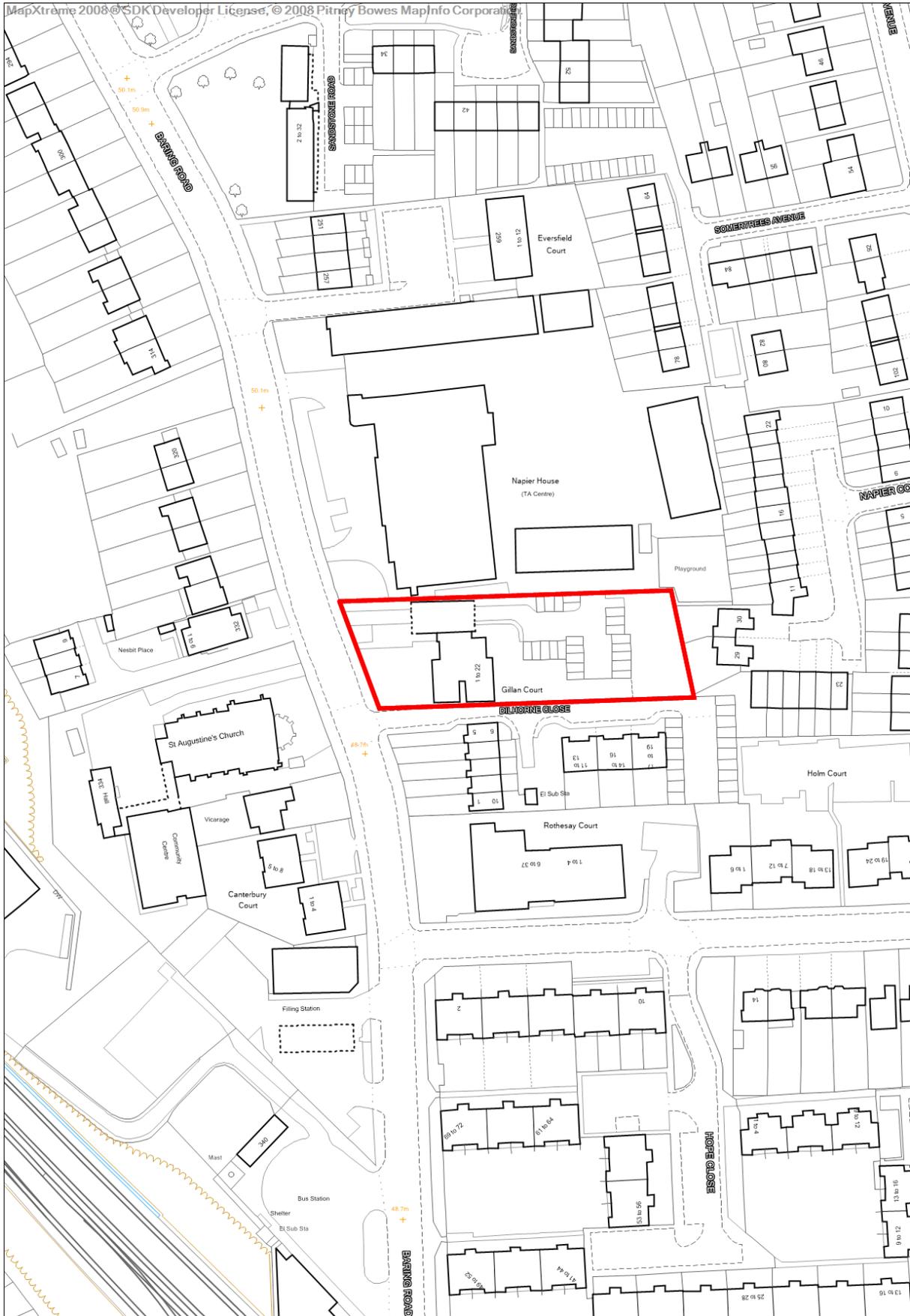
Reason: To incentivise use of car club services and reduce reliance on private car ownership, to reduce parking stress in the surrounding area, in compliance with London Plan Policy 6.13, Draft London Plan Policy T6, and Core Strategy Policy 14 Sustainable Movement and Transport.

13.2 INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- B. 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>

- C. 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.
- A. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- B. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- C. 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.

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