

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 6 AUGUST 2020 TIME 7.30 PM**

PLACE: **MICROSOFT TEAMS VIRTUAL MEETING**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

Olurotimi Ogunbadewa (Chair)

Stephen Penfold (Vice-Chair)

Peter Bernards

Suzannah Clarke

Mark Ingleby

Silvana Kelleher

Louise Krupski

Paul Maslin

Jacq Paschoud

James Rathbone

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

Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 28 July 2020

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 6 August 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 not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 6 August 2020

MINUTES

To approve the minutes of the meetings of:

- Planning Committee C held on the 6 February 2020.
- AGM, Planning Committee C held on the 15 July 2020.

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**LEWISHAM COUNCIL
PLANNING COMMITTEE C
THURSDAY, 6 FEBRUARY 2020 AT 7.34 PM
MINUTES**

PRESENT: Councillor Olurotimi Ogunbadewa (Chair), Councillors Stephen Penfold, John Paschoud, Peter Bernards, James Rathbone, Louise Krupski, Paul Maslin, Liz Johnston-Franklin, Hilary Moore, Lionel Openshaw.

APOLOGIES FOR ABSENCE: None received.

OFFICERS: Service Group Manager, (SGM) Planning Officers and Committee Officer.

ALSO PRESENT: Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Bernards advised the Committee that, his children attended a school that was part of the Haberdashers' Aske's Federation.

The Chair announced a Variation of the Agenda, taking item 4 first and, advised Committee members, that the single objection received from the Telegraph Hill Society against item 4, had been withdrawn.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee A held on 31 October 2019 be agreed and signed as a correct record.

3 2- 2a Morley Road (Inc Reflections & The Glasshouse) London, SE13 6DQ.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the construction of an additional storey to the existing buildings at 1-8 The Glass House and 1-8 Reflections House, 2a Morley Road SE13 to provide 1 three bedroom self-contained unit, together with terrace area and new cycle and refuse stores.

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

Principle of Development
Standard of accommodation
Urban Design
Transport
Impact on living conditions of neighbours
Sustainable Development

Following members' enquiries relating to noise increase, availability to Members of officers' presentations, photographs, plans and, objections received prior to Committee meetings, the Officer advised that it was considered that the creation of an additional storey for a flat would be complementary to the existing residential use in the building and as such, no additional increase in noise and disturbance beyond that expected for the buildings in residential use, was foreseen.

The SGM advised the Committee that going forward, the planning department would make the officers' presentations, photographs, plans and objections received, available to the Committee members prior to meetings. It was confirmed that details of objections were published in officer reports, however due to data protection law, the exact locations of the objections could not be publicly provided.

The agent, on behalf of the applicant, addressed the Committee reiterating the main points of the Officers report. The agent acknowledged the objections received in relation to damage to the flats below, increased noise and disturbance. It was noted that to minimise these issues, Officers recommended a condition to secure a Construction Management Plan. The agent informed the Committee that, the applicant would be happy to comply with the Officers recommendation and, any further conditions required to mitigate any other potential issues.

A question was raised relating to the expected turnaround, for the application site construction works. The agent advised that this information would be outlined in the Construction Management Plan, to be submitted to the local planning authority for approval.

During the members' discussion, the potential of noise and disruption due to the site construction works was mentioned by a member and, it was

suggested that a condition should be included in the permission to further restrict the construction deliveries and hours. The SMG advised that such a condition could be included in the permission, however this would serve to significantly increase the expected turnaround of the sites construction. The majority of Committee members agreed with the SMGs' view and proposed to give permission and, keep the current condition as outlined in the report.

Members voted on the recommendation in the report with a result of 8 in favour of the proposal and, 1 abstention.

The Committee

RESOLVED

That planning permission be **GRANTED** for the construction of an additional storey to the existing buildings at 1-8 The Glass House and 1-8 Reflections House, 2a Morley Road SE13 to provide:

- 1 three bedroom self-contained unit, together with terrace area and new cycle and refuse stores.

Subject to Conditions and Informatives outlined in the report.

4 Haberdashers Askes Hatcham College, Pepys Road, SE14 5SF.

There was no illustrative officers' presentation at the meeting, but Members received the report, and considered the proposal therein.

The Committee raised concerns regarding the BREEAM pre-assessment report score for the development, building structure and heat generation, solar panels, and cooling.

The Officer advised the Committee that when the applicant started the application, costs were assessed. It was concluded that schools receive the same amount of funding. If a higher BREEAM score was required, the applicant may not have been able to secure the funding required.

It was advised that there were a number of plans related to the flat roof. The Officer stated that if members were minded, it would be possible to word an appropriate condition to see how many solar panels it would be possible to have fitted and the benefit they would have to the overall

scheme. It was advised that officers considered the scheme would achieve appropriate sustainability and energy standards.

RESOLVED - unanimously

That planning permission be **GRANTED** for the construction of single storey rear extension to EFAP block following demolition of the existing extension; refurbishment of the EFAP block including installation of new windows and door, provision of new rainwater goods, installation of barrier guarding on the roof and redevelopment of the shower block to create a

- Specialist IT facility at a building at Haberdashers Aske's Hatcham College, Pepys Road SE14.

Subject to Conditions and Informatives outlined in the report.

5 41 Tressillian Road, London, SE4 1YG.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the installation of a front entrance door and construction of steps to the side addition, together with a new entrance door in the side elevation, installation of a rooflight in the front roof slopes and associated landscaping at 41 Tressillian Road SE4, in connection with the alteration and conversion to provide 4, two bedroom self-contained flats.

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

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

Questions were raised relating to the status of the 1977 and 1980 applications, amenity space, entrance design, the rooflight and, breaches of conditions.

The Officer advised that in 1977 and 1980, planning permission was granted for both applications for the alteration and conversion of the property.

It was confirmed that none of the four proposed flats would benefit from private external amenity space. Instead, a communal space would be provided within the existing garden at the rear of the property, to be used by all four flats.

The Officer also advised that it would be possible to amend condition 3 to add a specific requirement for details of a path to the cycle store to be submitted and, approved in writing by the local planning authority (LPA), as part of the hard landscaping details.

It was suggested it would be possible for Condition 6 to be amended with regard to soft landscaping. It was also advised that within the same condition, details of the management and maintenance of the landscaping for a period of five years would be submitted to and, approved in writing by the LPA prior to the first occupation of the development.

The Officer confirmed that a condition was recommended to secure the detailed design specification and materials for the proposed development, which included the proposed front entrance door. It was advised that the rooflight would not be visible from public viewpoints due to the height of the building and, position relative to the larger gable roof.

The Legal Representative advised the Committee that conditions were enforceable, with the issue of a breach of condition notice. It would also be possible to serve a maintenance notice (section 215 notice) where the condition of land or buildings adversely affected the amenity of an area.

A representative from the Brockley Society addressed the Committee, advising that residents were opposed to the proposal because of concerns related to boundary treatment, impact on conservation area, and a loss of single family dwelling flats.

Following member's enquiries relating to boundary treatment, the representative advised Members that a good number of boundary walls were still in existence.

The Officer informed the Committee that a timber fence on the side boundary would be replaced with hedges and, a low timber fence with a gate introduced to provide access to the rear garden. It was also advised that due to the proximity to the trees which lined the boundary, the proposed fencing and hedges were considered to be preferable to a brick wall and as such, no objection was raised.

The Officer also advised the Committee that the Core Strategy policy did not allow the local authority to insist on a contribution to family housing, as only 4 units were being provided.

The SGM reiterated the Officers advice and emphasised the advice the officers had received from the tree officer had provided to Members with regard to boundary treatment by building a wall in close proximity to the mature trees. It was advised this would be detrimental, causing damage to the trees. The SGM advised Members if they were minded, an alternative condition would be possible. This would entail a condition that would require the applicant to submit an alternative boundary treatment, stipulated to be a hedge to the local authority for approval. The SGM confirmed the conditions would be worded so that the applicant would be required to be meet the specified obligations prior to the first occupation of the development.

During the discussion that followed, Members viewed a condition would be a good way to ensure the boundary treatment was in keeping with the conservation area. Another Member felt if a wall was built it should be conditioned that the materials used to build the wall would not have an impact on the trees. The SGM clarified the advice he had given Members related to providing a condition with regard to a hedge being built, as a wall went against the technical advice provided by officers to the Committee. The Legal Representative also advised Members, if a condition was worded to enable a wall to be built, the applicant would have the ability to appeal that condition.

The Committee considered the submissions made at the meeting, and

RESOLVED - unanimously

That planning permission be **GRANTED** for the installation of a front entrance door and construction of steps to the side addition, together with a new entrance door in the side elevation, installation of a rooflight in the front roof slopes and associated landscaping at 41 Tressillian Road SE4, in connection with the alteration and conversion to provide:

- 4, two bedroom self-contained flats.

Subject to Conditions and Informatives outlined in the report and,
A requirement that officers should:

- Amend condition 3 to add a specific requirement for details of a path to the cycle store to be submitted and approved in writing by the LPA as part of the hard landscaping details.

- Add a condition requiring the submission of details of a boundary hedge to be planted instead of the proposed timber fence indicated on the approved drawings, such details to be approved and implemented prior to first occupation of the development.

The meeting closed at 20.42 pm.

Chair

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MINUTES OF THE PLANNING COMMITTEE C

Wednesday, 15 July 2020 at 7.54 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernards, Suzannah Clarke, Mark Ingleby, Silvana Kelleher, Louise Krupski, Paul Maslin, Jacq Paschoud and James Rathbone.

1. Planning C membership

RESOLVED that the following membership of the Planning Committee (C) for the Municipal Year 2020/21 be confirmed:

Councillor Olurotimi Ogunbadewa (Downham) (Chair)
Councillor Stephen Penfold (Brockley) (Vice-Chair)
Councillor Suzannah Clarke (Grove Park)
Councillor Mark Ingleby (Whitefoot)
Councillor Peter Bernards (Forest Hill)
Councillor James Rathbone (Lee Green)
Councillor Silvana Kelleher (Evelyn)
Councillor Louise Krupski (Rushey Green)
Councillor Paul Maslin (New Cross)
Councillor Jacq Paschoud (Bellingham)

2. Planning C Election of Chair

RESOLVED that Councillor Olurotimi Ogunbadewa be elected as Chair and Councillor Stephen Penfold be elected as Vice Chair of Planning Committee (C) for the Municipal Year 2020/21.

The meeting ended at 8.49pm.

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Committee	PLANNING COMMITTEE C	
Report Title	Brockley Social Club, 240-242 Brockley Road, London, SE4 2SU	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	6 AUGUST 2020

Reg. Nos. DC/19/114244

Application dated 04/10/2019

Applicant Ravensgate (Brockley) Limited

Proposal Demolition of existing social club at 240-242 Brockley Road SE4 and the construction of a part four/part five storey building including basement comprising new social club with 9 residential units above (7 x 2 bedroom & 2 x 3 bedroom), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden.

Background Papers

- (1) Case File DE/92/41/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)

Designation PTAL 4
Local Open Space Deficiency
Air Quality Management Area

1 SUMMARY

- 1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as permission is recommended to be approved and there are 10 or more valid planning objections from residents. Under the temporarily amended Statement of Community Involvement (SCI), schemes with more than 10 objections will proceed to planning without a Chair's Review Meeting.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is the Brockley Social Club, a two storey property located on the west side of Brockley Road. The site occupies a prominent corner plot at the junction with Foxberry Road; it is not only highly visible but there is a significant amount of public traffic passing the site.

Figure 2. Map of the Brockley Conservation Area



Surrounding area

- 7 The surrounding area has a mix of uses, which contribute towards the character of the area. Brockley Road has a commercial character with shopping parades located to the north and south of the site. The parades feature a mix of uses including retail, cafés, restaurants and bars, typically with residential uses above. These are interspersed with areas of residential properties. The roads that adjoin Brockley Road to the east and west are predominantly residential, including Foxberry Road. The nearest park is Hilly Fields located approximately 500m to the east of the site.

Transport

- 8 The social club has no dedicated off-street parking however there are no parking restrictions in the surrounding roads. The site is considered a sustainable urban location; the PTAL of 4 indicates a good level of accessibility owing to its proximity to Brockley Station (approximately 450m). Brockley Road is also served by a number of bus routes.

3 RELEVANT PLANNING HISTORY

- 9 None relevant to this application.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 10 The proposed development would involve the demolition the existing social club and redevelopment of the site to re-provide the social club (sui generis) and nine residential units (C3 Use), with associated refuse and cycle storage, and landscaping.
- 11 The proposed building would be five storeys in height together a basement level and would contain nine residential apartments with a mix comprising five x 2b3p units, two x 2b4p units and two x 3b4p units. The residential accommodation would be arranged over part of the ground floor and all of the levels above. The building would feature balconies to its front and rear elevations and a communal amenity space at ground floor level providing external amenity for the residential accommodation. There would be two residential entrances, one in the front elevation with access from Brockley Road, and one in the rear elevation accessed from Foxberry Road.
- 12 The main entrance for the social club would be from Foxberry Road in the side (southern) elevation of the building. The main bar area for the social club would remain at ground floor level with the kitchen, storage and function room at basement level. The social club would have a sunken terrace to the front of the property, providing a small outdoor area for patrons. Servicing for the social club would take place from the rear via Foxberry Road.
- 13 The building would feature facing yellow bricks up to the third floor with darker coloured bricks on part of the ground floor to distinguish the social club entrance. The top storey would be set in from the elevations and would be clad in a dark coloured metal. The windows would be aluminium in a dark grey colour. The front balconies would be brick with metal balustrades. The rear balconies would be enclosed winter gardens with dark coloured metal frames.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 14 The applicant arranged a public meeting featuring a public exhibition, presentation and meeting at the social club on 11 June 2019 for local residents and amenity societies. The applicant also made a presentation at a meeting of the Brockley Society held on 2 July 2019.

5.2 APPLICATION PUBLICITY

- 15 Site notices were displayed and a press notice was published on 27 November 2019.
- 16 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22 October 2019.
- 17 18 responses were received, comprising 18 objections. The concerns raised are summarised below.

5.2.1 Comments in objection

Comment	Para where addressed
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Lack of affordable housing	42
Design and materials	79, 80
Overbearing visual impact	76, 77, 78
Loss of daylight and sunlight	111, 112, 113, 114
Loss of outlook	102, 103
Loss of privacy	105, 106, 107, 108
Increased noise and disturbance <ul style="list-style-type: none"> ▪ intensifying use of the club ▪ opening hours ▪ use of the outside space 	61, 62, 63, 64, 89, 118, 119
Security	58
Parking	95, 96
Deliveries and servicing	89
Highways safety	89
Disruption from construction	97

18 A number of the objections raised concerns with the consultation process and stated that they were not consulted. Officers note that more than 300 neighbouring addresses were notified of the planning application including all of the adjoining properties and properties on Foxberry Road and Foxberry Court. In addition, site notices were displayed in the vicinity. Therefore, Officers are satisfied that publicity of the planning application was carried out in accordance with the statutory requirements and the Council's Statement of Community Involvement.

19 The Brockley Society commented in support of the application subject to clarification of the green roof strategy and solar panel at the roof level, and these matters are assessed in paras 126 and 129. The Brockley Society also commented that consideration should be given to the provision of street trees.

5.3 LOCAL MEETING

20 Due to the number of submissions received, a Local Meeting was held on Thursday 23rd January 2020 at Brockley Social Club. The meeting was chaired by Councillor Stephen Penfold and attended by 30 people. A record of the Local Meeting is contained in Appendix 1 of this report.

5.4 INTERNAL CONSULTATION

21 The following internal consultees were notified on 8 November 2019.

22 Highways: raised no objections subject to a legal agreement securing improvements to the public realm and a financial contribution to a Controlled Parking Zone (CPZ) consultation. See paras 95 and 96 for further details

23 Urban Design: raised no objections subject to a condition securing details of the architectural treatments and materials.

24 Flood Risk: raised no objections subject to conditions. See para 133 for further details

- 25 Sustainability: raised no objections subject to conditions securing details of the proposed energy strategy and details of the PV panel installation. See para 126 for further details.
- 26 Environmental Health: raised no objections subject to a condition securing the recommendations of the Noise Impact Assessment. See paras 61-64 for further details.

5.5 EXTERNAL CONSULTATION

- 27 The following external consultee was notified on 11 November 2019.
- 28 Thames Water: raised no objections subject to a condition securing the submission of a piling method statement prior to commencement of the development.

6 POLICY CONTEXT

6.1 LEGISLATION

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

6.2 MATERIAL CONSIDERATIONS

- 30 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.
- 31 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.
- 32 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

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

- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

34 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

35 London Plan SPG/SPD:

- Housing (March 2016)
- Culture & Night Time Economy (November 2017)
- Energy Assessment Guidance (October 2018)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: 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 was held between 15 January and 22 May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9 December 2019. On 13 March 2020 the Secretary of State wrote to the Mayor to direct a series of changes to the Intend to Publish London Plan that are required ahead of publication. The Intend to Publish London Plan now has some weight as a material consideration when determining planning applications, notwithstanding that more limited weight should be attached to those policies where the Secretary of State has directed modifications. The relevant draft policies are discussed within the report (DLPP).

7 PLANNING CONSIDERATIONS

36 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 37 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.
- 38 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.

Housing

- 39 The Core Strategy Spatial Policy 1 defines the location of the site as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that the Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for approximately 14% of the borough's requirement in order to meet local housing need and contribute towards meeting and exceeding London Plan targets. This will be achieved by making the best use of previously developed land in the borough through infill development provided that it is designed to complement the character of surrounding developments, the design and layout make for suitable residential accommodation, and it provides for garden and amenity space.
- 40 The current London Plan sets an annual target of 1,385 new homes until 2025. The Intend to Publish London Plan identifies a ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported, which are of the highest quality and of varying sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 41 Housing is therefore a priority use for the borough. Accordingly, the provision of nine new residential units is considered a planning merit. In addition, the South East London Strategic Housing Market Assessment identifies a need for family sized dwellings (3+ bedrooms). A contribution to family housing is not a policy requirement as the number of dwellings does not meet the trigger (10+) set by CSP 1. Nevertheless, the contribution of two family sized dwellings is welcomed and is considered a planning merit.
- 42 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e. development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more). As such, the application proposal falls below the threshold for seeking affordable housing provision.

Social club

- 43 LPP 3.1 seeks to ensure equal life chances for all. As a means of tackling inequality across London, development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Loss of these

facilities without adequate justification or replacement should be resisted. Boroughs are encouraged to consider the needs of specific groups such as those who experience particular disadvantage and social exclusion.

- 44 LPP 3.16 Protection and enhancement of social infrastructure affords protection to existing social infrastructure and identifies that development proposals which provide high quality social infrastructure will be supported. The policy confirms that social infrastructure covers a wide range of facilities, including community facilities. It identifies that proposals which would result in a loss of social infrastructure in areas of defined need without realistic proposals for re-provision should be resisted. The principles of this policy are reflected in Policy S1 of the Intend to Publish London Plan.
- 45 DMP 41 Innovative community provision, states that the Council will encourage the use of innovative solutions to the provision of community meeting space. The aim of this policy is to promote the provision of community facilities. These facilities can form the heart of communities and neighbourhoods and can be important to promoting social cohesion and opportunities to meet, socialise, learn and develop interests and skills. DMP 41 is also clear that community facilities refer not only to community halls and centres, but to all other spaces where people can meet, such as rooms above shops and pubs, as well as sports and leisure space.
- 46 The applicants, within both the Planning Statement (DHA, September 2019) and the Management Strategy, emphasise that the social club has developed strong ties within the community since its foundation and regularly provides facilities for social and community groups. The re-provision of the social club facilities as part of the proposed development would be broadly commensurate with the extent and nature of the club's existing facilities, comprising a club room and bar, function room, kitchen and associated facilities, together with an outdoor area, and would result in a qualitative improvement in the quality of the facilities. As such, Officers consider that the social club would meet the definition of a community facility and therefore the re-provision of the social club would accord with the principles of LPP 3.16 and DMP 41.
- 47 The Management Strategy includes a Community Access Plan that proposes making the facilities open to local groups for 20 – 25 hours per week charged at a nominal fee (£10 - £20 per hour) for community groups or free of charge for official charities. This is considered to be a significant planning merit, which would be secured via legal agreement.
- 48 The re-provision of the social club would also secure the retention of an employment use on the site. It is anticipated that the improved facilities would result in an increase to the number of staff employed at the social club from 6 full time equivalent (FTE) to 9 FTE members of staff.

7.1.1 Principle of development conclusions

- 49 In summary, redevelopment of the site for the proposed mix of uses is supported. The development would see the existing social club retained and employment on the site potentially increase. Additionally, the proposals would see the offer to local community groups expanded and formalised, which would accord with the principles of LPP 3.16 and DMP 41 and is considered a planning merit. The provision of nine residential units, including two family sized dwellings, would contribute towards the borough's housing requirement.

7.2 HOUSING

50 This section assesses the standard of residential accommodation.

7.2.1 Residential Quality

General Policy

51 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).

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

Internal space standards

Policy

53 DMP 32 states that the standards in the London Plan and Technical Housing Standards will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meets the criteria relating to minimum space standards, floor to ceiling heights and storage space.

Discussion

54 The table below sets out proposed dwelling sizes.

Table 1: Internal space standards

Dwelling	Layout	GIA m ²	B1 m ²	B2 m ²	B3 m ²	Amenity m ²	Floor
Flat 1	3b/4p	75.7	14.1	8.1	7.8	12	Ground
Flat 2	2b/3p	62.9	12.8	8	-	6	1st
Flat 3	2b/3p	62.2	12.5	7.5	-	-	1st
Flat 4	2b/3p	61.1	12.5	7.5	-	7	1st
Flat 5	2b/3p	62.1	14.4	8.1	-	15	2nd
Flat 6	2b/4p	77.7	13.5	11.5	-	13	2nd
Flat 7	2b/3p	62.1	14.4	8.1	-	10	3rd
Flat 8	2b4p	77.7	13.5	11.5	-	14	3rd
Flat 9	3b/4p	75	11.9	9.9	8	25	4th

55 Table 1 demonstrates that the proposed residential accommodation would exceed the Technical Housing Standards, given that all of flats would exceed the required gross internal area (GIA) of 61sqm for a 2b3p unit, 70sqm for a 2b4p and 74sqm for a 3b4p.

Additionally the bedroom sizes would all either meet or exceed the 11.5sqm requirement for a double bedroom and 7.5sqm for a single bedroom. The widths of the bedrooms would also be policy compliant. The floor to ceiling height for each unit would be a minimum of 2.5m in accordance with the requirement of the London Plan and DMP 32. The provision of storage is considered to be adequate and would meet the requirements of the Technical Housing Standards.

Outlook, Privacy, Daylight and Sunlight

Policy

- 56 DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.

Discussion

- 57 All of the proposed residential units would have triple aspect as a minimum with the windows providing a good standard of sunlight, daylight and outlook. The windows are also considered to provide good levels of ventilation preventing the need for a mechanical system and providing adequate mitigation against overheating. The shape of the units provide efficient layouts, which contribute to the overall good standard of outlook, light and ventilation provided by the windows. Most bathrooms and kitchens would be naturally lit and ventilated. Additionally, the stair core is naturally lit and ventilated. All these elements serve to demonstrate that this is a well designed scheme delivering a good standard of accommodation.
- 58 Privacy is not considered to be a significant issue given that the majority of the units are on upper floors with sufficient distance maintained to the surrounding properties. The Proposed Site Layout (L2551/05 Rev E) also shows that care has been taken with the landscaping and layout of the ground floor external areas to ensure that the social club and ground floor flat (Flat 01) are afforded a suitable level of separation. However, the gaps in the planting around the external terraces for Flat 01 mean there is some potential for direct views into the terraces and windows from the communal areas at the front and rear. These areas contain the cycle stores so are likely to be used frequently. There is also a passage adjacent to the windows on the northern side elevation that does not appear to be gated. Officers, consider that these issues would be easily overcome by minor alterations to the planting and partitions. The details will therefore be secured as part of the landscaping condition.

Noise and Disturbance

Policy

- 59 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Paragraph 180 of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 60 The Intend to Publish London Plan Policy D13 Agent of Change places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It identifies that development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. Planning controls the effect of noise from external sources on

residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night – time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T

Discussion

- 61 The applicant has submitted two reports by Clement Acoustics; a Noise Exposure Assessment (NEA) and Noise Impact Assessment (NIA). The NEA provides an environmental noise survey for the external environment at the site, which found that background noise levels are dominated by traffic and pedestrian activity from Brockley Road. Table 6.2 of the NEA details the glazing and ventilation specification required to mitigate background noise and ensure that levels are within acceptable levels.
- 62 The NIA models the noise impact of the Social Club to the nearest noise sensitive receptors, which in this case would be the ground floor and first floor residential accommodation (Flats 1 to 4). On page 12 of the report the NIA summarises a number of recommendations that would need to be implemented in full in order to ensure noise levels would be within acceptable limits. These are set out below:
- Ensuring noise levels inside the function room do not exceed the predicted source noise levels;
 - Music noise levels in the social club should not exceed a ‘background’ noise level;
 - It should be ensured that loudspeakers are resiliently fixed to the building structure, such that structure borne noise is minimised;
 - External glazed elements should be selected to provide the specified sound reduction performance;
 - Proposed separating floor constructions should be implemented to the identified specification;
 - Staff should be instructed to ensure that entrance doors are kept closed where possible;
 - The lobby area should be used to ensure at least one door stays closed at all times;
 - Staff should remind patrons using the venue of the residential nature of surrounding premises and behaviour outside the premises should be monitored accordingly; and
 - The outdoor terraces should not be used after 22:30 and the glazed doors should be kept closed after this time.
- 63 Both reports have been reviewed by the Council’s Environmental Health Officer, who accepted the methodology and recommendations of the reports. Conditions are recommended to secure the levels of sound insulation and glazing specification recommended in the NIA and NEA. The proposed floor plans show a lobby area at the entrance of the social club with an internal door providing access to the bar area. There are also internal doors within the stair core at each level of the building, in compliance with the recommendation of the NIA.
- 64 The recommendations that relate to the management of the social club will be included in a Management Strategy to be secured by condition. In addition, a welcome pack for

residents would be secure by condition explaining the management strategy to residents of the residential accommodation prior to the occupation of each flat. However, the welcome pack cannot restrict a resident's right to report noise disturbances as that is a statutory right.

- 65 Officers are satisfied that, subject to the provisions identified above, the new noise sensitive uses would not be unduly affected by noise and nuisance from the social club nor would the operation and viability of the social club be unreasonably restricted by the proposed mitigation measures.

External space standards

Policy

- 66 The London Plan recognises the importance of private amenity space as a means of retreat to withdraw from the daily activity of London life. For that reason, all new development should have private amenity space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5m² is required with an extra 1m² for each extra occupant.

Discussion

- 67 Eight of the nine flats would benefit from private external amenity space that would either meet or exceed the requirements of the Housing SPG. However, Flat 3 located on the first floor would not have a balcony. This is due to flat's location above the external terrace and canopy for the social club. The canopy has a use beyond its function of providing shelter for the terrace beneath given that it helps to identify the social club from Brockley Road due to the signage. Further, it contributes to the distinct architectural treatments that have been used to differentiate the social club from the residential accommodation. It would therefore not be desirable to remove the canopy and provide a balcony on the front elevation. Nor would it be desirable to include a balcony on the side elevation as this would appear incongruous in the context of the elevation as a whole.
- 68 Officers are therefore satisfied that it would not be possible to provide a balcony for the Flat 3. This is regrettable but balanced against the benefits of providing an additional dwelling, the clear planning merits of the scheme as a whole and the overall high standard of residential accommodation, this is considered to be acceptable.

Residential Quality Conclusions

- 69 Overall, the proposed building would provide a good standard of residential accommodation subject to conditions securing the recommendations of the NEA and NIA reports.

7.3 URBAN DESIGN

Policy

- 70 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF therefore requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 71 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.
- 72 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement
- 73 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.

74 *Discussion*

- 75 The existing building is of similar typology to the neighbouring Victorian properties on the western side of Brockley Road. However, it is not of any special architectural merit and the original building has been subject to extensive later alterations and extensions. As such its demolition and replacement is not objectionable.
- 76 Although the existing building is two storey in height there are larger buildings in the immediate vicinity. These include the four storey Foxberry Court located to the south on the opposite side of Foxberry Road and the six and seven storey blocks located on the eastern side of Brockley Road known as Pear Tree House, Conifer House and Holly Tree House.
- 77 In townscape terms there is some precedent within the townscape for larger buildings on corner plots at the junctions with Brockley Road. Historically, this is exemplified by the siting of St Andrew's Church at the junction of Brockley Road and Wickham Road to the south of the application site. There are also more contemporary examples at the northern end of Foxberry Road, which features a large four storey building and the three storey Brockley Barge at the junction with Brockley Road, which contrast with the two storey terraces which characterise the majority of Foxberry Road. A five storey building would therefore be appropriate within this context and would not be out of character with the variety of building heights within the local townscape.
- 78 In terms of massing, the building is stepped in from the northern and south elevations at third and fourth storey level with the top floor inset from all sides to offer a more lightweight appearance. The stepping also helps mediate the contrast in height with the adjoining two storey properties to the north of the site. Officers consider that the stepped design and inset top level would prevent the building from appearing overly dominant and visually overbearing.

- 79 The building would feature facing bricks, which is considered appropriate and would create a good quality contextual development that respects its surroundings. In particular, the differentiation between the social club and the residential units in terms of the different colour material, architectural treatments and signage is considered a positive feature of the building, which would provide a welcome sense of identity for the social club. The detailing in the brickwork would add articulation and visual interest to the elevations.
- 80 Turning to the design features, the building would have dark coloured metal external doors, windows, balconies and balustrades, which are considered to be high quality and appropriate for a contemporary building. This would be in keeping with the appearance of the top floor, which would feature grey metal cladding.
- 81 The proposed development would introduce soft landscaping to a site that at present has limited areas of planting. The most significant improvement would be to the south-western elevation that addresses Foxberry Road. At present the site features extensions with an 3m blank brick wall facing Foxberry Road. The introduction of a garden with planted areas is considered to represent a welcome improvement to the streetscene on this corner. The front of the site facing Brockley Road would also see the level of planting increased in the communal area for the residential accommodation and on the sloped bank for the basement terrace area for the social club. The existing hedges on the front boundary would be retained.
- 82 The landscaping is also considered to be successful in maintaining the distinction between the social club and residential accommodation established by the architectural treatments and materials. The planting and partitions help to separate the servicing and entrances for the residential and social club uses. The details of the species and specification for paving and boundary treatments would be secured by the landscaping conditions.
- 83 The prominence of the site and the height of the building demand that a very high level of architectural quality and finishing is required. As such, Officers consider that a more textured dark brick should be used for the social club and some variety introduced within the yellow brick of the upper floors. The materials will be secured by condition, in addition to specification of all external features and junction details.

7.3.1 Urban design conclusion

- 84 Overall, Officers are satisfied that the proposed building would represent a high quality and contextual addition to the area that responds positively to the surrounding architecture and townscape. Therefore, the proposed development is considered compliant with the relevant national, regional and local urban design policies.

7.4 TRANSPORT IMPACT

General policy

85 Chapter 9 of the NPPF sets an expectation that transport issues will be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be addressed and opportunities from existing or proposed transport infrastructure are realised. The NPPF also emphasises that opportunities to promote sustainable transport and address the environmental impacts of traffic and transport are identified and pursued.

7.4.1 Local Transport Network

86 The application site is located within a sustainable location with a good level of public transport accessibility (PTAL 4) due to its proximity to Brockley Station and the bus routes serving Brockley Road. As such, Officers are satisfied that nine additional residential units could be comfortably accommodated within the local transport network. This is also true of any intensification to the use of the social club resulting from the redevelopment. It should also be recognised that use of the social club could be intensified without the need for planning permission.

7.4.2 Servicing and refuse

Policy

87 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

Discussion

88 The proposed development would provide independent refuse storage for the residential accommodation and the social club that meets the Council's requirements in terms of capacity. Both refuse stores would be within the curtilage of the site, to be located in the rear yard facing Foxberry Road, which would prevent clutter and obstruction to the public highway. The stores would also be within 10m of the kerb in accordance with Council guidelines. A condition is recommended securing the provision of the refuse storage prior to the occupation of the building.

89 The social club would retain its existing servicing arrangement, with servicing from Foxberry Road via a new cellar hatch to be installed within the curtilage of the site. The Management Strategy states that deliveries would continue to take place during normal working hours 08:00 – 18:00 Monday – Saturday limited to a maximum of two per week, which is not considered likely to result in any significant disturbances to the surrounding residential properties. The modest number of deliveries proposed mean it would be unlikely that there would be any significant obstruction to the highway or adverse impact to highway safety. The provision of a loading bay is not considered to be necessary given that the social club can continue to operate without requiring further planning permission and no such bay existed in the past or exists now.

7.4.3 Transport modes

Walking and cycling

Policy

90 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in

accordance with the requirements of table 6.3 of the London Plan. Further to the London Plan requirements, Transport for London's (TfL's) 'London Cycling Design Standards' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.

- 91 LLP 6.10 states that development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance.

Discussion

- 92 18 semi-vertical cycle parking spaces equating to two per flat would be provided within two covered and secure cycle stores to be located within the front and rear yard areas. This would meet the requirements of the London Plan and as such is considered acceptable. It is recognised that semi-vertical cycle parking is not fully accessible to all, however due to the specific constraints of the site it is considered acceptable in this particular case given that revisions were secured increasing the space around the entrances to 1.8m. A condition is recommended securing the provision of the cycle stores prior to occupation of the building.

- 93 Turning to walking and the pedestrian environment, improvements would be required to the footway around the boundary of the site in order to encourage walking and improve accessibility. These should include dropped kerb and tactiles across Foxberry Road at the junction with Brockley Road and raising of the kerb height at the nearest bus stops on Brockley Road in order to improve accessibility. The alterations to the footway will be secured by legal agreement.

Cars parking

Policy

- 94 Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit.

Discussion

- 95 The Parking Survey (Highway Planning Ltd, February 2020) submitted with the application demonstrates that there some capacity within the surrounding roads to accommodate for the likely increase in parking before the area experiences an unacceptable level of parking stress. The roads adjacent to the social club are the most congested and the proposals have the potential to impact on the available parking within Foxberry Road. The streets with the greatest spare capacity are Breakspears Road, Wickham Road and St Margaret's Road, on the opposite side of Brockley Road.

- 96 Given the findings of the Parking Survey, it is considered reasonable to a secure a contribution towards a future CPZ consultation along with other improvements to the pedestrian environment as mitigation for the likely parking impacts of the development. The financial contribution and improvements to the footway will be secured by legal agreement.

7.4.4 Construction

- 97 The site is located at the junction of a busy B Road serving several bus routes (Brockley Road) and a residential street (Foxberry Road). As such, there is significant potential for

disruption to traffic and disturbance to residential properties from the construction phase of development. Limited information regarding the construction phase has been provided with this submission so it is not possible to fully assess those impacts. For this reason a condition is recommended securing the submission of a Construction Management Plan prior to commencement of the development.

7.4.5 Transport impact conclusion

98 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to securing the identified measures via legal agreement and the imposition of the conditions recommended above.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 99 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 100 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

7.5.1 Enclosure and Outlook

Policy

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

Discussion

- 102 The proposed development would introduce a scale of development that is clearly greater than the existing two storey building. The nearest buildings directly opposite the site on the south-western side of Foxberry Road (Nos 132-146) are located between approximately 16m and 23m from the proposed development. Officers acknowledge that the proposed five storey building would represent a significant change to the existing outlook from these properties. However, the separation distance to these properties is considered sufficient to prevent this impact from being overbearing, given that it would ensure that views either side of the site would be retained. Furthermore, the full impact of the height is mitigated in part by the top floor being inset from elevations below.
- 103 The site adjoins No.238 Brockley Road to the north-west. At the front, the proposed building broadly maintains the established building line preventing any adverse impact to the front gardens and windows of properties on Brockley Road. At the rear the building projects approximately 2.5m beyond the rear elevation of No.238. The building would be set in 1m from this boundary and the massing above two storey level would be set in by a further 1.7m. Officers as a matter of planning judgement consider that the set in from the boundary and the stepping of the massing would ensure that any harm would be within acceptable levels. There would also be some improvement to the existing situation given that existing 3m high extension that projects along the full length of the boundary with the rear garden of No. 238 would be demolished.

7.5.2 Privacy

Policy

- 104 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.

Discussion

- 105 The proposed building would not directly face any main rear elevations and as such the 21m guidance stipulated within DMP 32 does not apply. The main impacts in terms of

privacy would be from overlooking from the rear balconies to the front elevation windows of properties on the south-western side of Foxberry Road and the rear gardens of the properties located to the north on Brockley Road, principally Nos. 236 and 238.

- 106 The winter garden design of the balconies on the rear elevation, which are enclosed by glazing, have been designed to reduce the impact to the privacy of neighbours. The glazing towards the north would be obscured to prevent overlooking towards the gardens of Nos. 236 and 238 Brockley Road so that there would be not be any perceptible loss of privacy. The enclosed design of the balconies would assist in reducing the prominence of the internal area of the balcony. As such, views from the balconies are not considered to be as intrusive as they would be from a balcony with an open design. It is also entirely typical to have directly facing front elevation windows and this reflects the relationship which exists between facing properties further west along Foxberry Road.
- 107 At roof level the top floor flat would feature two areas of external amenity space; one at the front and one to the side (south-east). The remaining area of the flat roof would be utilised as green roof. There is potential that the roof terrace could result in overlooking of neighbouring properties and therefore a condition is recommended to secure details of the screening for the roof terrace. The green roof would not be accessible to residents and should therefore not afford any overlooking. A condition is recommended to prevent any future use of the green roof as amenity space.
- 108 The upper floor windows in the side elevation (north-western) would be obscure glazed preventing overlooking to the adjacent properties on Brockley Road.

7.5.3 Daylight and Sunlight

Policy

- 109 LLP 7.6 states that residential development should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to overshadowing.
- 110 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours

Discussion

- 111 A Daylight, Sunlight and Overshadowing Impact Assessment (Hawkins Environmental, June 2019) accompanied the application. The report sets out the impact of the proposed building to the closest residential properties in terms of daylight and sunlight levels to windows and overshadowing of amenity spaces. The modelling was carried out in accordance with BRE Guidelines and provides an assessment against the relevant criteria.
- 112 The report demonstrates that the impact to the nearest garden and amenity spaces would be negligible and as such would comply with BRE Guidelines. However, the assessment with regard to daylight and sunlight levels to windows identifies one transgression beyond the acceptable levels proposed within the BRE Guidelines. The window in question is located in the side elevation of No.238 Brockley Road and serves the loft space. The impact to this window would be assessed to be minor adverse, which is the least severe adverse impact below moderate, and major adverse.
- 113 It is not clear from the report whether this window serves a habitable room. Notwithstanding the use of the room, Officers consider the following guidance at paragraph 1.3.45 of the London Plan SPD to be relevant

“An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.”

- 114 The application site is located within an accessible urban location on a main road. Accordingly, it is considered appropriate to apply BRE Guidelines pragmatically in this case, given the relatively modest transgression and weighed against the considerable planning merits of providing nine good quality housing units and increased employment and community contribution of the re-provided social club.

7.5.4 Noise and disturbance

Policy

- 115 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 116 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;
 - an adverse effect is occurring or likely to occur; and
 - a good standard of amenity can be achieved.
- 117 Intend to Publish London Plan Policy D14 states that residential development should avoid significant adverse impacts to quality of life.
- 118 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.

Discussion

- 119 As detailed in the Housing Section of this report under *Noise and Disturbance*, the applicant has submitted two acoustic reports by Clement Acoustics; a Noise Exposure Assessment (NEA) and Noise Impact Assessment (NIA). These reports set out a number of recommendations in terms of noise and design to ensure that the noise impact of the social club would be acceptable to the new residential accommodation. These recommendations were deemed acceptable by the Council’s Environmental Health Officer and would be included within the management plan to be secured by condition. The introduction of residential units into an area comprising a high proportion of residential accommodation would not result in any issues of noise or disturbance.

120 Accordingly, Officers are satisfied that the proposed development would have an acceptable impact in terms of noise and disturbance and is likely to be an improvement on the existing situation given that no such Management Plan relating to the operation of the social club currently exists.

7.5.5 Impact on neighbours conclusion

121 The proposed development is considered to have an acceptable impact on the living conditions of neighbouring properties, with the adverse impacts considered to be relatively modest. The adverse impacts have been weighed against the benefits of the proposal and as a matter of planning judgement are assessed to be acceptable.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

- 122 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 123 CS Objective 5 reflect the principles of the NPPF and 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

- 124 LLP 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 125 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

Discussion

- 126 An Energy Strategy (Blue Burton Ltd) has been submitted with the application as required by CSP 8. The report sets out the strategy to minimise emissions in accordance with the energy hierarchy established by LLP 5.2. The Energy Strategy has been reviewed by the Council's Sustainability Officer who was broadly satisfied with the proposed strategy. This is subject to a condition securing details of how the proposed scheme will achieve the 35% reduction in CO2 emissions targeted in their energy strategy, which requires the submission of SAP data sheets or EPCs as evidence. A condition is also recommended to secure the details of the proposed PV installation to ensure it achieves or exceeds the 8.5 and 6.5kWp arrays specified in the Energy Strategy.

7.6.2 Urban Greening

Policy

- 127 LLP 5.10 states that development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include tree planting, green roofs and walls, and soft landscaping.
- 128 DMP 24 states that new living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such a base is not feasible and achievable.

Discussion

- 129 The proposed development would make a positive contribution to urban greening via increased planting within the soft landscaping scheme and the provision of green roofs

at second and fourth floor level. Additionally, the south-eastern elevation at the entrance to the social club would feature a living wall, the cycle stores would have green roofs and the bin store would incorporate a pergola to increase the level of planting. The flat roof of the top floor would not feature a green roof as it has been designed to be a lightweight structure and as such would not be structurally able to support a living roof. As such, the proposal is considered to maximise the potential for urban greening and is considered acceptable. A condition is recommended securing the specification of the green roof system to ensure that the green roof spaces would provide an acceptable contribution to biodiversity.

7.6.3 Sustainable Urban Drainage

Policy

- 130 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.
- 131 202 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 132 203 CSP 10 requires applicants to 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

- 133 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) have requested the submission of additional information in terms of submission of detailed drainage design and groundwater investigation. This is required as the proposal includes development at basement level. If groundwater is found to be present the drainage strategy would need to include measures to mitigate the risk of groundwater flooding both to and from the development. This information will be secured by condition prior to the commencement of any works.

7.6.4 Sustainable Development Conclusion

- 134 The recommended conditions are considered to be sufficient to prevent any unacceptable impacts in terms of sustainable development. As such, the development is considered to be compliant with the relevant national, regional and local policies.

7.7 NATURAL ENVIRONMENT

General Policy

- 135 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 136 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 137 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

7.7.1 Ecology and biodiversity

Policy

- 138 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 139 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 140 CSP 12 seeks to preserve or enhance local biodiversity.
- 141 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

- 142 The application site currently makes a very limited contribution to biodiversity due to being occupied by buildings and hardstanding. The proposed development would create additional opportunities for biodiversity through the introduction of living roof areas, a living wall and soft landscaping. Therefore, the proposal is likely to result in a net gain in biodiversity in accordance with the principles of the NPPF and other relevant policy guidance.

7.7.2 Air Pollution

Policy

- 143 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

- 144 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.
- 145 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

Discussion

- 146 The proposed development does not feature any off-street car parking but could result in a limited increase in vehicle movements. This increase would be limited given that this is a minor residential development comprising just nine dwellings. As such, officers are satisfied that any associated increase in vehicle movements would have a negligible impact in terms of local air quality.
- 147 The proposed development would introduce sensitive receptors (the residential accommodation) to a site within an Air Quality Management Area. The site is not located adjacent to significant sources of emissions, with traffic levels on Brockley Road not considered to justify a requirement for windows to be fixed closed. Furthermore, the residential accommodation is of a high standard featuring triple aspect units with sufficient windows to allow for cross-ventilation of the apartments. As such, Officers are satisfied that the residential dwellings would not require any form of additional mitigation such as mechanical ventilation.

7.7.3 Noise pollution

- 148 The assessment of impacts arising from noise and disturbance from the social club to the residential units is discussed above under 'Noise and Disturbance' with the Housing and Living Conditions of Neighbours sections of this report. The introduction of residential units into an area comprising a high proportion of residential accommodation would not result in any issues of noise pollution.

7.7.4 Natural Environment conclusion

- 149 In summary, Officers are satisfied that there would be any significant adverse impacts to the natural environment. In addition, the proposal is likely to result in a net gain in biodiversity due to the additional soft landscaping and increased levels of planting that would be introduced within the site.

8 LOCAL FINANCE CONSIDERATIONS

150 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).

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

152 £35,983.54 Lewisham CIL and £23,774.84 MCIL for the residential accommodation and £17,010.01 Lewisham CIL and £9,833.91 MCIL for the social club is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

153 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.

154 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.

155 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.

156 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>

157 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

158 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>

159 The planning issues set out above do include some factors that relate to the equalities categories set out in the Act given that the current community offer does include the provision of facilities and events for over 50s and church groups. Therefore, it is acknowledged that there is a potential impact on equality given the fact that the existing social club would be demolished. However, this would be mitigated by the re-provision of the social club and the intention to continue the provision of the existing events and potentially extend this offer, as made clear in the Management Strategy submitted with the application. The community offer would be formalised within the legal agreement which would secure a Community Access Plan, see para 166 below for details of the heads of terms.

10 HUMAN RIGHTS IMPLICATIONS

- 160 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
- 161 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.
- 162 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.
- 163 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

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

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

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

166 The following are the draft Heads of Terms to which the applicant has agreed in writing:

Transport and Public Realm

- S278 agreement to undertake improvements to the pedestrian environment in the local area.
- a financial contribution of £15,000 towards work to assess the potential to introduce a Controlled Parking Zone in the local area

Community Access Plan

- a Community Access Plan for the social club requiring the facilities to be made available for a minimum of 20hrs per week for community and voluntary groups at rates equivalent to similar Council facilities in the local area

Monitoring and Costs

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

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

12 CONCLUSION

- 168 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 169 The principle of the proposed development is supported given that the existing social club would be re-provided as part of the redevelopment of the site, resulting in a qualitative improvement to the club's facilities and an expanded employment and community access offer. The proposal would also deliver nine dwellings, which would make a contribution to the borough's housing requirement. The standard of the accommodation provided by the nine dwellings is considered to be of good quality. In terms of design, the quality of the materials and detailing are considered to justify the increased bulk, height and massing, which is judged to be appropriate for this prominent corner plot at a junction with a busy main road.
- 170 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment and would deliver benefits in terms of a net increase in urban greening. The impacts to the local transport network are broadly acceptable and would be mitigated by the improvements to the pedestrian environment and contribution to a CPZ consultation secured by legal agreement. The development is not considered to result in any significant adverse impacts to the living conditions of neighbours. The one transgression against BRE guidance in relation to the daylight and sunlight received to one window within a neighbouring property, as identified by the Daylight, Sunlight and Overshadowing Impact Assessment, is not considered to warrant the refusal of the application when weighed against the considerable planning merits of the scheme.
- 171 Subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and in accordance with the Development Plan.

13 RECOMMENDATION

- 173 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the conditions and informatives set out below under ‘Planning Application (DC/19/111720)’, and authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.
- 174 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT** planning permission subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

13.1 CONDITIONS

1)	<p>FULL PLANNING PERMISSION TIME LIMIT</p> <p>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.</p> <p>Reason: As required by Section 91 of the Town and Country Planning Act 1990.</p>
2)	<p>DEVELOP IN ACCORDANCE WITH APPROVED DRAWINGS AND DOCUMENTS</p> <p>The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:</p> <p>L2551/LP Rev A; L2551/03; L2551/07 Rev E; BON-2127-001; BON-2127-002; BON-2127-003; BON-2127-004; BON-2127-005 received 11 October 2019</p> <p>L2551/05 Rev F; L2551/06 Rev F; L2551/08 Rev F; L2551/09 Rev G; L2551/10 Rev F; 2551-RDJWL-XX-XX-DR-A-0050 received 26 February 2020</p> <p>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.</p>
3)	<p>CONSTRUCTION LOGISTICS PLAN</p> <p>No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-</p> <p>(a) Rationalise travel and traffic routes to and from the site.</p> <p>(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.</p>

	<p>(c) Measures to deal with safe pedestrian movement.</p> <p>The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.</p> <p>Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).</p>
<p>4)</p>	<p>FOUL AND SURFACE WATER DRAINAGE</p> <p>(a) Prior to commencement of groundworks (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings and supporting calculations to the Lead Local Flood Authority for review and approval, aligned with the Foul and Surface Water Drainage Statement (Revision B, March 2020) and associated drawings. This should include site specific ground investigations to determine the presence or absence of groundwater. If groundwater is found to be present measures must be included within the development to mitigate the risk of groundwater flooding both to and from the site. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.</p> <p>(b) No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.</p> <p>Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage of the London Plan (March 2016) and Objective 6: Flood risk reduction and water management and Policy 10: Managing and reducing the risk of flooding of the Core Strategy (2011).</p>
<p>5)</p>	<p>NOISE INSULATION SCHEME</p> <p>(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.</p>

	<p>(b) No above ground works shall be carried out until a sound insulation scheme demonstrating achievement of the standards set out in paragraph (a) has been submitted to and approved in writing by the local planning authority.</p> <p>(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
6)	<p>NOISE MITIGATION MEASURES</p> <p>The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority confirming that the measures identified within the Noise Exposure Assessment (Clement Acoustics, Report 14563-NEA-01 (18 July 2019) and Noise Impact Assessment (Clement Acoustics, Report 14563-NIA-01 (18 July 2019) have been implemented in full.</p> <p>Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
7)	<p>SOUNDPROOFING WORKS</p> <p>(a) No above ground works shall take place until full written details have been submitted to and approved by the local planning authority in relation to proposed soundproofing works, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet $D'nT,w + Ctr$ dB of not less than 55 for walls and/or ceilings where residential parties non domestic use.</p> <p>(b) The development shall not be occupied until the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.</p> <p>(c) The soundproofing shall be retained permanently in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to ensure the continued viability of the social club and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014) and Intend to Publish London Plan Policy D13 Agent of Change.</p>
8)	<p>MATERIALS</p>

	<p>(a) No above ground works shall commence on site until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:</p> <ul style="list-style-type: none"> i) bricks; ii) external cladding; iii) windows and external doors; iv) balconies, ballustrades and privacy screens; v) entrance canopies and signage; vi) paving and paths; <p>has been be submitted to and approved in writing by the Council.</p> <p>(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.</p> <p>Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).</p>
<p>9)</p>	<p>LANDSCAPING</p> <p>(a) A landscaping scheme:</p> <ul style="list-style-type: none"> I. including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits; II. partitions, gates or planting required to ensure acceptable levels of security and privacy are provided to the neighbouring properties and the ground floor flat hereby approved; III. and details of the management and maintenance of the landscaping for a period of five years <p>shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.</p> <p>(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p> <p>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, DM Policy 30 Urban design and local character and DM 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
<p>10)</p>	<p>BOUNDARY TREATMENT</p> <p>(a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.</p>

	<p>(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.</p> <p>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).</p>
11)	<p>REFUSE AND RECYCLING STORAGE FACILITIES</p> <p>(a) Prior to first occupation, full design details of the refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority.</p> <p>(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.</p> <p>Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).</p>
12)	<p>CYCLE STORAGE FACILITIES</p> <p>(a) Prior to first occupation, full design details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.</p> <p>(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.</p> <p>Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).</p>
13)	<p>TRAVEL PLAN</p> <p>a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.</p> <p>b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.</p> <p>c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).</p>

	Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).
14)	<p>LIVING ROOF SPECIFICATION</p> <p>(a) The development shall not be occupied until the specification for the proposed living roofs has been submitted to and approved in writing by the local planning authority.</p> <p>(b) The living roofs shall laid out in accordance with plan no L2551/05 Rev F hereby approved and maintained thereafter, and shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>(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.</p> <p>Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing 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).</p>
15)	<p>SOCIAL CLUB MANAGEMENT PLAN</p> <p>The development shall not be occupied until a management plan for the social club, compiled in accordance with the recommendations set out in Section 10 of the Noise Impact Assessment (Clement Acoustics, Report 14563-NIA-01, 18 July 2019), has been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, Intend to Publish London Plan Policy D13 Agent of Change and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
16)	<p>RESIDENT WELCOME PACK</p> <p>No residential unit shall be occupied until a Welcome Pack for residents has been submitted to and approved in writing by the local planning authority. The Welcome Pack shall include but not be limited to:</p> <p>i. A clear notice stating that the property they will occupy shares a building with a social club and that a degree of noise and other disturbance can be expected</p> <p>ii. A copy and explanation of the Management Strategy for the social club</p>

	<p>iii. Set out a means by which residents may discuss the on-going management of the social club with the building's landlord and the social club operating company to resolves concerns</p> <p>The Welcome Pack shall be supplied to all new residents prior to occupation of their unit.</p> <p>Reason: To ensure that all future residents are aware of the social club use and to ensure the continued viability of the social club in order to comply with Intend to Publish London Plan Policy D13 Agent of Change.</p>
<p>17)</p>	<p>ENERGY STRATEGY</p> <p>The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the measures identified within the Energy Strategy (Blew Burton Ltd, July 2019) have been implemented in full in order to reduce annual carbon emissions by 35% (based against 2013 Building Regulations standards) through the use of energy efficient design and low or zero carbon technologies. This should include details which demonstrate that solar PV arrays of at least 8.5kWp and 6.5kWp have been installed on the building.</p> <p>Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, and 5.7 Renewable energy of the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).</p>
<p>18)</p>	<p>BALCONY AND TERRACE SCREENING</p> <p>The residential units hereby permitted shall not be occupied until details of the siting and specification of screening to all balconies and external terraces has been submitted to and approved in writing by the local planning authority.</p> <p>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, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
<p>19)</p>	<p>CONSTRUCTION WORKING AND DELIVERIES</p> <p>No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.</p> <p>No construction work shall take place on the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.</p>

	<p>Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
20)	<p>HOURS OF SERVICING AND DELIVERIES – OPERATIONAL</p> <p>No deliveries to the social club shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Saturdays and not at all on Sundays or Public Holidays.</p> <p>Reason: In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
21)	<p>CONTAMINATION</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority prior to occupation.</p> <p>Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, and to ensure that the local planning authority may be satisfied that any potential site contamination is identified and remedied to comply with the National Planning Policy Framework (Paragraph 170) and DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).</p>
22)	<p>PILING METHOD STATEMENT</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other</p>

13.2 INFORMATIVES

1)	<p>Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.</p>
2)	<p>You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CII@lewisham.gov.uk.</p>
3)	<p>As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx</p>
4)	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.</p> <p>Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk Application forms should be completed online via https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWlO_lpOq&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QM_u-6ha_RdQ&m=d_zUGYxxDKjFqZ5BFdZcxOIZJ8TtQc8gRYzxcaPEJJw&s=TRkGOFJczKkiqgdkOoKpf3U52l34nrKe-p4dv0ybcBE&e= Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
5)	<p>The proposed development is located within 15 metres of Thames Water's underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-</p>

	<p>2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour- 2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0__lpOg&r=A6bK4sK7myXptjA_ua aZPj7OE6BO0ng5QMu- 6ha_RdQ&m=d_zUGYxxDKjFqZ5BFdZcxOIZJ8TtQc8gRYzxcaPEJJw&s=Rws4 Fnp0Dtq4T5VrJFxXwn FWIFMZ6GbYIH0bdUimPQ&e= . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>

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Appendix 1

Local Meeting Thursday 23rd January 2020

DC/19/114244: The demolition of existing social club at 240-242 Brockley Road, and the construction of a part four/part five storey building including basement comprising new social club with 9 residential units above (7 x 2 & 2 x 3), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden

Participants:

Cllr Stephen Penfold (Chair)

Alfie Williams (Case Officer)

Marc Stennett from Ravensgate Developments (Applicant)

Anna Madej from Robert Davies John West Architects

Minutes of the meeting

Cllr Penfold (KB) – Introduction to the meeting

Alfie Williams (AW) – Introduction to the case and the purpose of the meeting

Anna Madej (AM) and Marc Stennett (MS) – Provide a presentation detailing the history of the scheme and the current proposals.

At this stage of the meeting the chair opened the floor to the public to ask both parties questions and make comments. It is reiterated that questions relating to process should be directed towards Alfie Williams and those relating directly to the application should be directed to the application team.

Questions and comments from members of the public are detailed below:

Q: Austin Musto – Are the flank window facing No.238 obscure glazed.

A: AM – Yes at first floor level and above.

Q: Mrs Hibbert - The building would be too high and would result in overlooking

A: AM - There are higher buildings on the opposite side of Brockley Road and there is existing overlooking from Foxberry Court.

Q: Mrs Hibbert - In response disagrees

A: AM – The balconies have been designed to prevent overlooking.

Q: Lionel Lewis – The architecture is good, however the height is required due to the retention of the social club.

A: MS – Foxberry Court is four storeys.

Q: Tony Green – The social club is good for the local community.

Q: Danny – Will there be an increase to deliveries and parking pressures in the area.

A: MS – There were three pre-application meetings and we were advised to be car free.

A: AM – The site has a high PTAL due to the proximity to the station and bus routes. We are also promoting car club membership.

Q: Danny – There will also be parking pressures caused by increased use of the social club.

A: AM – A parking study was submitted with the application.

Q: Tony Green – The parking pressure is caused by parking for the train stations and schools. We need residents parking permits.

Q: Imogen – There will be noise and disturbance from the use of the social club due to the late nights. Will the opening hours increase?

A: AM – A management strategy for the social club and a noise impacts assessment have been submitted. Music events would be restricted to the basement to ensure that noise is limited and doors will be kept closed.

A: Louise Hagen (Social Club Secretary) – The aim is to expand our offer wider to include a more diverse range of groups and create relationships with the community. The club can be used for community groups, yoga and children/baby groups. There will also be improved disabled access.

Q: Derek Griggs – Concern with the height of the building due to impact on light.

A: AM – A report was submitted with the application which demonstrates that the impact would be restricted to two small windows at No.238.

Q: Jane Dickinson – It is impossible it wouldn't block light. It is overly dominant.

A: MS – We were encouraged to design a feature corner building.

Q: Imogen – There is always a pressure from the Council to increase housing.

Q: Gordon – Would the housing be affordable?

A: M – The cost of re-providing the social club mean that it is not viable to provide affordable housing.

Q: Gordon – You have saved money from not having to purchase the site.

A: MS – The cost of re-providing the social club is the equivalent of purchasing the site.

A: AW – The proposed development does not meet the policy threshold for an affordable housing contribution.

A: MS – The original proposal was for 11 one bedroom flats but this evolved with the design.

A: AM – Two and three bedroom flats are considered more desirable.

Q: Angela – Was the height of the building and number of flats encouraged by the Council?

A: Mark – The original proposal was for a smaller building with a higher number of flats. Viability and comments on the design dictated changes to the scheme.

Q: Jane Dickinson – Other developments have reduced the height in subsequent proposals.

A: AM – There is precedent for larger buildings on corner plots on Brockley Road.

Q: Jane Dickinson – It's out of keeping.

Q: Question relating to overlooking from the top floor to the gardens on Foxberry Road?

A: AM – The terrace faces Brockley Road and the petrol garage, and is stepped backed. We can also obscure the windows facing Foxberry Road as they are secondary windows.

Q: There is potential for overlooking from the green roof?

A: MS – The green roof would will be fenced off.

A: AW – The use of the green roof as an amenity space could be restricted by condition were planning permission to be granted.

Q: Austin Musto – Question relating to the boundary with No.238 and security?

A: AM – It would have a 1.8m high close-board timber fence with a side alley for maintenance.

A: MS – The alley can be gated.

Q: Imogen - Question regarding the opening hours of the club

A: Louise Hagen (Social Club Secretary) – The opening hours would remain the same midnight Monday – Thursday, 1am Friday and Saturday and 11pm Sunday.

Q: Derek Griggs – Problem with people leaving the club late at night due to talking, smoking, slamming car doors etc.

A: Louise Hagen (Social Club Secretary) – The aim is to maximise revenue during the day through community groups and other uses so we are not so reliant on late nights. This would allow the club to revert to a members club during the evenings

and promote games and other activities. Parties and discos will be restricted to the basement and kept to Fridays and Saturdays.

A: SP – Some of these issues are more relevant to licencing.

Q: Ken – Where will bins and deliveries be collected?

A: MS – Maintaining the existing arrangement from Foxberry Road.

Q: Jen Parker – The previous scheme was smaller, is there a possibility of reverting to a smaller building?

A: AW – We are required to assess the scheme that has been submitted.

A: MS – This scheme is considered to be the best proposal for the site and reports have been carried out based on the current scheme.

Q: Lionel Lewis – There appears to be a contradiction between the requirements of the Council and the requirements of the developer.

A: M – There are different parameters when working across different boroughs. The initial advice was to look at the wider area and assess what has been done well and let that inform the next proposal. We were not told a specific design or height.

Q: Lionel Lewis – What happens if the club does not succeed.

A: M – The club has been here for 100 years and the aim is that this development will allow the club to thrive. However, the club could be converted to residential.

Q: Jen Parker – So it would become residential by the backdoor?

A: AW – The retention of the social club would be secured by condition and any change of use would require planning permission.

Q: Question relating to flooding and high water table.

A: AW – A drainage report has been submitted with the application and is being reviewed by Council Officers.

A: AM – A structural engineer would review the water table after the planning stage.

The chair brings to meeting to a close at this stage and thanks everyone for taking the time to come and informs the attendees that the minutes of this meeting will be made public to view.



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Committee	PLANNING COMMITTEE C	
Report Title	WOODELM COURT, DEVONSHIRE ROAD, SE23 3LX	
Ward	FOREST HILL	
Contributors	GEORGIA MCBIRNEY	
Class	PART 1	6 AUGUST 2020

<u>Reg. Nos.</u>	(A) DC/20/115985
<u>Application dated</u>	25/02/2020 as amended 04/03/2020
<u>Applicant</u>	Playle & Partners LLP on behalf of Vista Investment Projects Limited
<u>Proposal</u>	An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission (DC/17/104524) granted on appeal (reference APP/C5690/W/18/3196082) dated 19 February 2019 for the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23.
<u>Background Papers</u>	(1) Case File LE/33/123/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 3 Air Quality Local Open Space Deficiency Adjacent to the Forest Hill Conservation Area

1 SUMMARY

- 1 This report sets out the officer's recommendation for the above proposal. Eight neighbour objections and one Resident Association objection were received. Temporary changes were made to the Council Scheme of Delegation which were agreed by the Council's Strategic Planning Committee at a meeting held on 9th June 2020 and changes to the Council's Statement of Community Involvement which were agreed at a Meeting of the Mayor and Cabinet held on 10th June 2020.
- 2 These temporary arrangements were put in place in response to the Covid-10 pandemic which has resulted in reduced resourcing capacity within the planning department. The application has been reviewed by a chairperson of one the Council's planning committee who has confirmed on 30th June 2020 that the application should be brought before a planning committee for a decision.

2 SITE AND CONTEXT

Site description and current use

- 3 The application site comprises of a proposed built block of flatted accommodation which is three storeys height which dates from approximately the 1970s. The block is brick built, with horizontal windows, projecting balconies and a flat roof and currently accommodates seven residential units with integral garaging to the rear.
- 4 The application site is situated on a corner plot on the western side of Devonshire Road and the southern corner of Ewelme Road. A number of mature trees are located within the site along the boundaries with these roads and the property is situated in open grounds which are grassed. The ground rises to the rear of the site.



Figure 1 Site Location Plan

Character of area

- 5 To the side and rear of the site are also post-war 20th Century modern flatted accommodation blocks, three and four storey in height, also set in open grounds.
- 6 The wider area comprises of Victorian dwellings, terraced and semi-detached which are three and four storeys in height with some units having basement level accommodation and/or accommodation within the roof. These properties fall within the Forest Hill Conservation Area.

Heritage/archaeology

7 The application property is located adjacent to the Forest Hill Conservation Area, as the application site is enveloped by the conservation area to the north, east and west.

Local environment

8 The site lies within Flood Risk Zone 1.

Transport

9 The application site has a PTAL of 3, on a scale of 0 to 6b with, 0 being the lowest and 6b being the highest.

3 RELEVANT PLANNING HISTORY

10 **DC/17/104524:** Proposed extension of the existing building to include the erection of two storeys to provide 5 x 2 bed flats with associated parking, external elevational works to the existing building, the provision of a new lift and external landscaping at Woodelm Court, 123, Devonshire Road SE23.

11 DC/17/104524 was refused by the Council on the 8th February 2018 for the following reason:

The proposal, by reason of excessive scale and height accentuated by the site's prominent location, would appear as a jarring and incongruous form of development out of character with the urban typology of the area, and would impact adversely upon the significance of the adjacent Forest Hill Conservation Area, contrary to the National Planning Policy Framework (2012); Core Strategy Policy 15: High quality design for Lewisham and Core Strategy Policy 16: Conservation areas, heritage assets and the historic environment of the Core Strategy (2011); DM Policy 30: Urban design and local character and DM Policy 36: Listed Buildings, Conservation Areas and other designated heritage assets of the Development Management Local Plan (2014).

12 The refusal was appealed (APP/C5690/W/18/3196082) and the Planning Inspectorate (PINS) overturned the Council's delegated decision and allowed planning for the development subject to conditions on 19th February 2019.

13 PINS concluded that the proposed development would be congruent with the general scale and character of the host building and wider development in the area and would accord with planning policies.

14 The full appeal decision (APP/C5690/W/18/3196082) is attached in **Appendix 1**.

15 **DC/20/116056:** Details submitted in compliance with Condition 4 (Materials Schedule) of the planning appeal APP/C5690/W/18/3196082 dated 19/02/19 with regards to (DC/17/104524) for the proposed extension of the existing building to include the erection of two storeys to provide 5 x 2 bed flats with associated parking, external elevational works to the existing building, the provision of a new lift and external landscaping at Woodelm Court, 123, Devonshire Road SE23. **Granted 05/05/2020**

16 **DC/20/116238:** Details submitted in compliance with Condition 5 (landscaping) and Condition 6 (cycle storage details and waste management plan) of the planning permission (DC/17/104524) dated 19/02/19 for the proposed extension of the existing building to include the erection of two storeys to provide 5 x 2 bed flats with associated parking, external elevational works to the existing building, the provision of a new lift and external landscaping at Woodelm Court, 123, Devonshire Road SE23. **Granted 06/07/2020**

- 17 **DC/20/116535:** Details submitted in compliance with Condition 3 (construction management plan) of the planning permission (DC/17/104524) dated 19/02/19 for the proposed extension of the existing building to include the erection of two storeys to provide 5 x 2 bed flats with associated parking, external elevational works to the existing building, the provision of a new lift and external landscaping at Woodelm Court, 123, Devonshire Road SE23. **Granted 27/07/2020**

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 18 The present application is an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission (DC/17/104524) granted on Appeal reference APP/C5690/W/18/3196082 dated 19 February 2019 for the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23. in order to allow:-

- Increase in height of the building
- Alterations to building and roof line
- Relocation of the lift core and associated changes
- Removal of privacy screen
- Installation of signage
- Internal Alterations
- Alterations to the entrance layout and relocation of steps
- Alterations to windows and doors
- Alterations to balconies
- Alterations to rooflights
- Insertion of AVO Access hatch
- Alterations to materials

This application has been submitted as the proposed amendments would allow the approved scheme to comply with building regulations and be implemented. It is highlighted that this application does not seek any additional units.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 19 No pre-application was undertaken prior to the submission of the current application.

5.2 APPLICATION PUBLICITY

20 Site notices were displayed on 18th March 2020 and a press notice was published on 18th March 2020.

21 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 10th March and re-consultation taking place on the 2nd and 9th April due to errors with the description and issues with all the submitted being publically displayed on the website.

22 Nine responses were received, comprising of eight neighbour objections and one residents association objection.

5.2.1 Comments in objections

23 Neighbour objections:

Comment	Section where addressed
The amendments are not minor material	Section 7.1
Loss of natural light	Section 7.6
Loss of privacy	Section 7.6
Negative impact on the conservation area	Section 7.4.2
Loss of views	Section 7.6
Increased congestion and pollution from associated car parking	Section 7.5
The increase in height is unacceptable	Section 7.4.1
Overshadowing	Section 7.6
The increase in height would be imposing and have an overbearing nature	Section 7.6

24 Objection from the Belle Vue Residents Association

Comment	Section where addressed
The amendments are not minor material as the increase in height is significant	Section 7.1
Daylight reduction issues	Section 7.6
Impact on the removal of privacy screens	Section 7.6

5.3 INTERNAL CONSULTATION

25 The following internal consultees were notified on 10th March 2020.

26 Conservation: Comments are integrated in planning consideration section below.

5.4 EXTERNAL CONSULTATION

27 The following External Consultees were notified on 10th March 2020

28 The Forest Hill Society: No response received.

6 POLICY CONTEXT

6.1 LEGISLATION

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

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

6.2 MATERIAL CONSIDERATIONS

31 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.

32 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.

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

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

34 The Development Plan comprises:

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

6.5 SUPPLEMENTARY PLANNING GUIDANCE

35 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

36 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

6.6 OTHER MATERIAL DOCUMENTS

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

7 PLANNING CONSIDERATIONS

37 The main issues are:

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

7.1 APPLICATION TYPE

38 Section 73 of the Town and Country Planning Act (1990) concerns applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Due to the proposed amendments, condition 2 attached to appeal decision APP/C5690/W/18/3196082 is proposed to be amended to include updated drawing numbers to reflect the proposed amendments.

39 This section sets out an application of planning guidance to this issue for member's reference. Members should note that valid applications are to be determined against the provisions of the development plan and material considerations.

40 Guidance states, "a minor material amendment is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved." This is not a statutory definition. It is the judgement of the local planning authority, on an individual basis as to whether the alterations to the original scheme are non-material, minor material or material but not so substantial/fundamental as to warrant a new planning application.

41 If granted the legal effect of an application made under Section 73 is to generate a new planning permission with the amended condition then placed on the application.

42 The application seeks a number of changes to the external appearance of the building and the height of the building. The proposed amendments would not result in any additional residential units or storeys compared to the approved scheme, as such the proposed amendments to the drawings and condition 2 are considered to be minor in the context of the above.

7.2 PRINCIPLE OF DEVELOPMENT

43 The previous appeal decision established that the principle of two new storeys to the existing three storey building, in order to provide a net increase of five new residential units is acceptable. Lewisham as Local Planning Authority is bound by the Inspector's findings in relation to the principle of an addition to the existing building. The proposed amendments would still provide no increase in residential units compared to the appeal position and officers understand the application is made largely to address building controls issues. The principle of development is still considered to be acceptable.

44 It should be highlighted that as of the 1st August 2020 subject to a prior approval process, two additional storeys to provide new flats on an existing purpose-built detached block of flats can be constructed utilising permitted development rights. Therefore, Class A of Part 20 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 establishes the principle of the two storey upward extension to be acceptable.

7.2.1 Principle of development conclusions

45 The principle of development is still considered to be acceptable subject to the other considerations set out in this report.

7.3 HOUSING

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

7.3.1 Contribution to housing supply

Policy

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

48 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.

49 The NPPF encourage the efficient use of land subject to several criteria set out in paragraph 122. Paragraph 123 applies where there is an existing or anticipated shortage of land for meeting, identified housing needs and strongly encourage the optimal use of the potential of each site.

50 LPP 3.3 and 3.4 seeks to increase the housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality (SRQ) matrix.

- 51 Draft LPPs H1 and H2 support 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.
- 52 The current London Plan sets an annual target of 1,385 new homes until 2025.
- 53 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate houses.
- 54 NPPF para 61 expects planning policies to reflect the need to housing size, type and tenure (including affordable housing) for different groups in the community.
- 55 LPP 3.8 states that Londoners should have a genuine choice of homes, including differing sizes and types. Draft LPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 56 CSP 1 echoes the above with several criteria however expects the provision of family housing (3+ bedrooms) in major developments. This is not directly applicable to the current application as it is not a major development as only five units are proposed.

Discussion

- 57 The current application still proposes 5x two-bedroom units. The previous appeal decision established that proposed 5x two-bedroom units are considered to make a positive contribution to the housing delivery in the borough and are suitable for the location given the reasonable PTAL. Given that the proposed amendments would not alter the number and type of units, the provision of 5x two-bedroom units is still considered to be acceptable.

7.3.2 Affordable housing

Percentage of affordable housing

- 58 CSP 1 and DMP 7 seek to provide a mix of dwellings and provide affordable housing. CSP 1 requires major residential development to provide a proportion of family sized dwellings. These policies are not applicable to this application as the current application is not a major application as only five units are proposed and no changes are proposed in respect of this compared to the approved application.

7.3.3 Residential Quality

General Policy

- 59 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).
- 60 The previous application (DC/17/104524) established that the proposed application would provide an acceptable standard of accommodation. Due to the proposed amendments, officers need to have regards as to whether the proposed development would still provide an acceptable standard of accommodation.

Space standards

Policy

61 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), LPP 3.5 and DMP 32 set out or make reference to the minimum internal space standards to achieve housing development that provide the highest quality of space internally in relation to its context.

Discussion

62 Any 2B/3P dwelling as outlined by the London Plan is required to provide a minimum of 61m² Gross Internal Area (GIA) with a minimum of 2m² of built in storage and a 2B/4P dwelling is required to provide a minimum of 70m² GIA with a minimum of 2.0m². Application DC/17/104524 established that the proposed development would provide an acceptable standard of accommodation.

63 It should be highlighted to Members that the proposed units have been labelled differently on the plans submitted on the current application and the changes in the unit numbers are detailed in the table 1 below.

64 The table below sets out proposed dwelling sizes.

Table 1: Unit references

Application DC/17/104524	Current Application
3.01	8
3.02	9
3.03	10
4.01	11
4.02	12

65 Table 2 below details the amendments proposed to each unit compared to approve application.

Table 2: Proposed amendments

Unit	Proposed Amendments
8	<ul style="list-style-type: none">• GIA of unit reduced to 60.02m²• Kitchen and balcony enlarged

	<ul style="list-style-type: none"> • Bedroom 1 and 2 and storage reduced in size
9	<ul style="list-style-type: none"> • Single and double bedrooms have changed places • Balcony reduced in size by 0.65m²
10	<ul style="list-style-type: none"> • Single and double bedroom have changed places • Balcony reduced in size by 0.65m²
11	<ul style="list-style-type: none"> • GIA of unit enlarged to 79.9m² • En-suite is relocated to bedroom 2
12	<ul style="list-style-type: none"> • Reduction in private amenity space to 13m² due to the removal of 1 balcony

66 Units 9 to 12 would still comply or exceed with the minimum GIA requirements. In regards to the reduction in size of the balconies for units 9 and 10, this reduction in size is not considered to result in unacceptable standard of accommodation that would warrant a refusal on this ground. Whilst officers note that it is regrettable that one balcony would be omitted from unit 12, the unit would still comply with the requirements for private amenity space and as such, this is considered to be acceptable.

67 The GIA of Unit 8 (Unit 3.01 on the approved plans) would be reduced from 61m² to 60.02m², officers acknowledge that would result in the unit failing to comply with the minimum GIA for a 2B3P which is 61m². Given that the reduction in size compared to the approved would be 0.98m² and that both of the bedrooms would exceed the minimum size requirements, the reduction in the GIA compared to the approved is not considered to result in an unacceptable standard of accommodation that would warrant a refusal on this ground.

Outlook, Privacy and Natural Light

Policy

68 DMP 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPG. Furthermore, LPP 5.3 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single aspect units.

Discussion

69 Application DC/17/104524 established that the proposed units would be provided with an acceptable level of outlook and privacy for a typical urban setting; and also that the units would be provided with acceptable levels of natural light. The reduction in size of windows is not considered to result in an unacceptable outlook from the units or

considered to result in an unacceptable level of privacy. The reduction in size of the windows is not considered to reduce the natural light to the units to an unacceptable level; it should be noted that the proposed windows would be similar in the size to those which serve the existing flats within the building.

Summary of Residential Quality

70 Application DC/17/104524 established that the proposed development would provide an acceptable standard of accommodation; officers acknowledge that amendments are proposed. The proposed amendments are still considered to result in the proposed development providing an acceptable standard of accommodation.

7.3.4 Housing conclusion

71 Five new units were approved by APP/C5690/W/18/3196082 and significant weight needs to be attached to this. The amendments proposed to the development allowed by APP/C5690/W/18/3196082 would still provide five new units, which are considered to provide good quality accommodation. The proposed development is still considered to comply with the NPPF, LPP 3.5, CSP 15 and DMP 32.

7.4 URBAN DESIGN

General Policy

72 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. The NPPG encourages decision taker to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered.

73 LPP 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.

74 CSP 15 repeats the necessity to achieve high quality design. DMP 30 and 36 states that new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

7.4.1 Appearance and character

Policy

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

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

Form, Scale and Layout

Policy

77 LPP 7.4 states that buildings, streets and open space should provide a high-quality design that has regard to pattern and grain of the existing building spaces and street,

scale, proportion and mass. LPP 7.6 states that buildings should be of proportion, composition, scale and orientation that enhances activates and appropriately defines the public realm and further states that the building form and layout should have regard to the density and character of the surrounding development.

Discussion

- 78 The Planning Inspector stated in appeal decision APP/C5690/W/18/3196082 that 'due to the flat roofed nature of the host building, I consider that the overall height would be largely consistent with the height of other accommodation blocks and Victorian terraced dwellings surrounding the site. In particular the overall height would be compatible with the 4-storey mansion block to the south and the 3-storey terrace to the north, or building at Belle Vue, opposite the site on Devonshire Road.'
- 79 Appeal decision APP/C5690/W/18/3196082, goes on to state that the 'property is positioned forward of the general building line along Devonshire Road. However, in light of the open setting of the building and the boundary trees, I do not consider that the building is particular prominent in the streetscene. I accept that the addition of an upwards extension would increase the visibility of the building, particularly looking northwards along Devonshire Road, but I do not consider that this would increase in dominance in any great effect, in light of the prevailing characteristics and building heights within the area. Moreover, the set back of the top floor would help to reduce its overall massing and general bulk, even with a small overhang of the roof and thus I am satisfied that the development would not have a jarring and incongruous effect.'
- 80 The appeal decision also highlights that the proposed development is not considered to have an unacceptable impact on the setting of the Forest Hill Conservation Area.
- 81 Compared to the development approved by APP/C5690/W/18/3196082, the maximum height of the building would increase by 1.47m and the building line would be extended by 2m on each level (on the elevation facing towards Ewelme Road). The applicant outlines that the amendments to the height and building line are proposed due the re-location of the lift core and to meet acoustic and structural requirements whilst maintaining the floor to ceiling heights.
- 82 Figure 2 below shows the proposed amendments to the height and building line (in pink) overlaid the approved elevation.

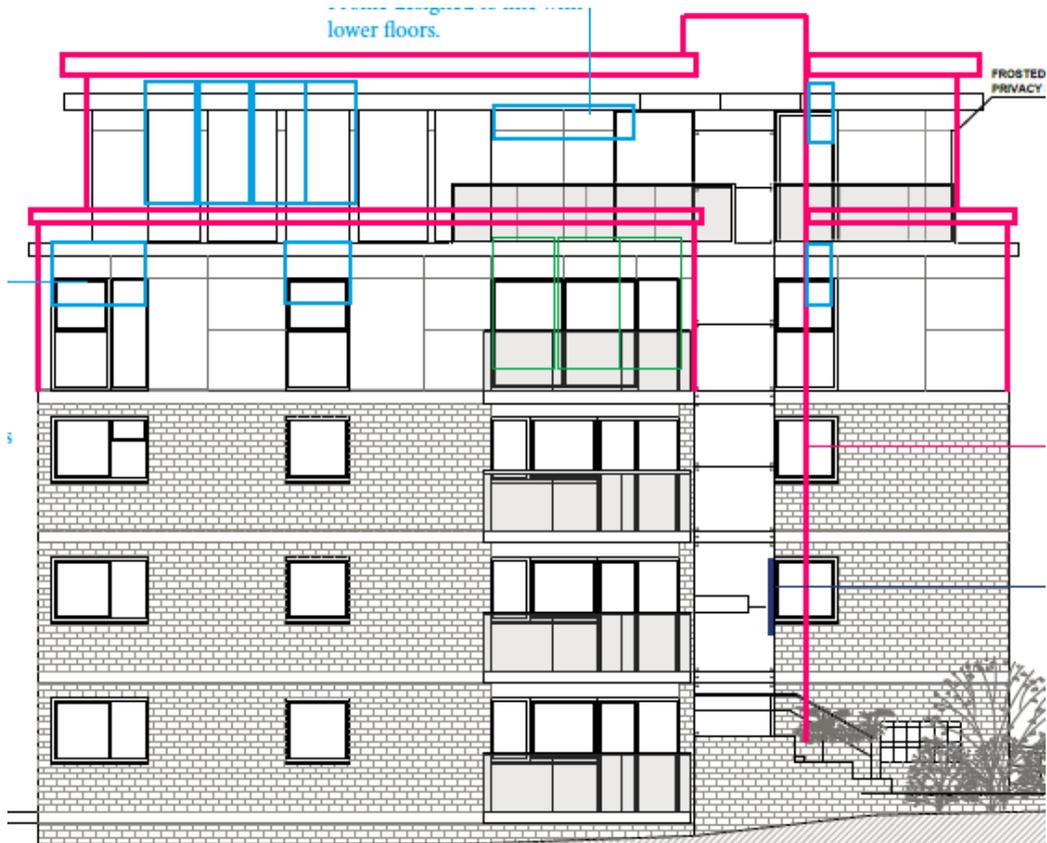


Figure 2 Proposed amendments overlaid approved

83 The proposed increase in height and amendments to the building and roofline would not result in any additional storeys nor are any additional units proposed. Officers needs to also have regard to the comments made by the Planning Inspector in APP/C5690/W/18/3196082. Given that the application site is not considered to be in a particularly prominent location, the set in of the building within the application site and as the increase in height and scale would not result in an increase in the number of storey or units, the proposed alterations to the height and scale of the development are not considered to result in the proposed development appearing as an over dominant addition within the site or wider streetscene, nor having an unacceptable impact on the setting of the Forest Hill Conservation Area.

Detailing and Materials

Policy

84 The LPP 7.6 and DMP 32 seek to ensure buildings are of a high architectural quality and comprise details and materials that complement the local architecture without necessarily replicating it.

Discussion

85 On all four elevations amendments are proposed to windows and doors within the two storey extension which would accommodate the five proposed units.

86 Figures 3, 4, 5 and 6 below illustrate the proposed amendments to the windows and doors on the proposed second and third floors.

87 It should be highlighted that appeal decision APP/C5690/W/18/3196082 states ‘although the proposed windows would be full height, this would echo the rhythm and pattern of the existing fenestration and thus I find no harm’.

88 On the front elevation as shown in Figure 3, the proposed full height window openings on the second floor level are proposed to be replaced by window openings similar to those on the existing building at lower ground to first floor level. The replacement of the full height windows is considered to be more in keeping with the existing fenestration pattern on the building and as such are considered to be acceptable.

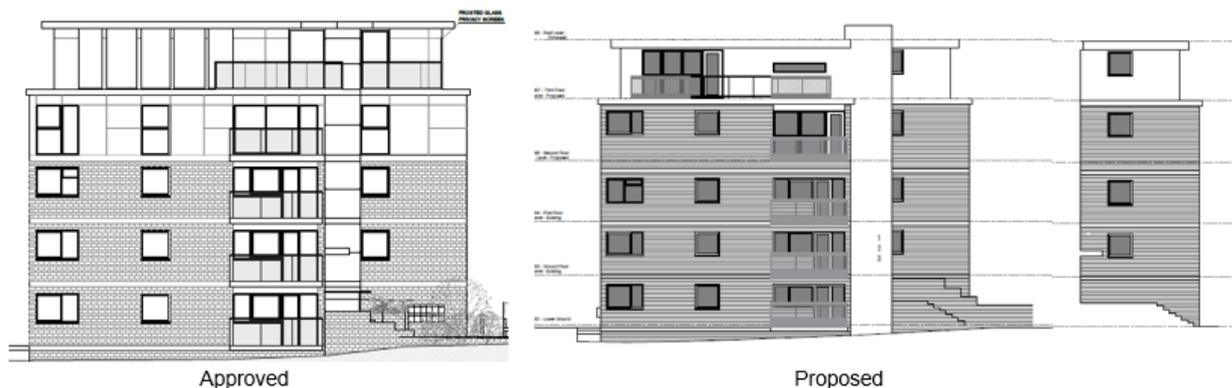


Figure 3 Approved and Proposed Front Elevation

89 On the front elevation of the proposed third floor level, it is proposed for the glazed portion of the elevation to be replaced by three window and door openings (the amendments are proposed to due to alterations proposed to balconies) and a floor to ceiling window would be replaced by a high-level horizontal window opening. The proposed window and door arrangement providing access to the balcony is similar in appearance to the others of the building and as such is not considered to have an unacceptable impact on the character and appearance of host building. Officers do acknowledge that the proposed high-level horizontal window would be a new feature within the building, however the introduction of a high-level window is not considered to have an unacceptable impact on the character and appearance building nor on the adjoining conservation area.

90 On the rear as shown in Figure 4, the full height window openings on the proposed second floor are proposed to be replaced by windows openings to match those on the levels below as such the alterations to the proposed windows at second floor level are considered to be acceptable.

91 On the rear as shown in Figure 4, it is proposed that on the proposed third floor level, the openings are proposed to be reduced in size and positioning adjusted to accommodate the alterations in building height. The proposed alterations would be similar in appearance to the other openings on the property and as such are not considered to have an unacceptable impact on the character and appearance of the building or adjacent conservation area.



Figure 4 Approved and Proposed Rear Elevation

- 92 On the side elevation as shown in Figure 5, on the proposed second floor level it is proposed for the approved full height window openings to be replaced by window openings similar to those on the lower levels. The proposed windows are not considered to have an unacceptable impact on the character and appearance of the host building or on the adjoining conservation area.
- 93 On the side elevation of the proposed third floor level, it is proposed for the approved widow openings to be replaced by a double full height window opening and a horizontal high-level window as shown in Figure 5. Given that the approved window openings were full height, the proposed double full height window opening is considered to be acceptable. As highlighted above in paragraph 90 the introduction of high-level windows are not considered to have an unacceptable impact on the character and appearance of the host building or adjoining conservation area.

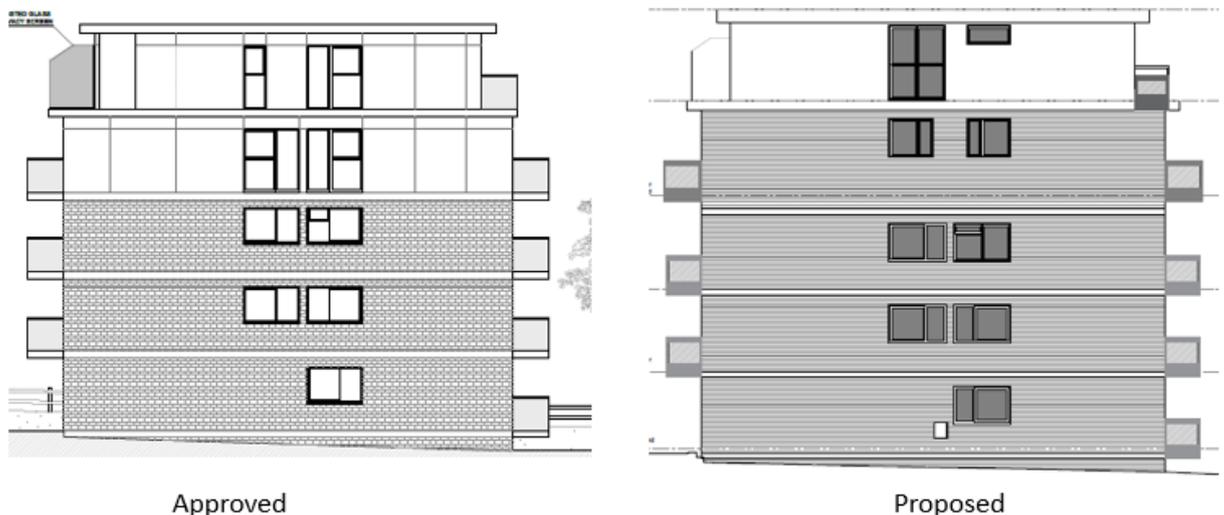


Figure 5 Approved and Proposed Side Elevation

- 94 On the side elevation as shown in Figure 6, due to the re-location of the lift core, windows have been amended and repositioned at ground level and above. These alterations would incorporate windows which extend between floor levels as they serve the stairwell and lift lobby. These windows would be similar to those proposed in other elevations of the building and as such are not considered to have an unacceptable

impact on the character and appearance of the host building or adjacent conservation area.

- 95 In addition, on the side elevation as shown in Figure 6, the full height window in the proposed second floor level is proposed to be replaced by a window similar in appearance to the windows on the lower levels. On the third floor, the proposed floor to ceiling windows are proposed to be re-sited due to the alterations to the building height. The proposed alterations at both second and third floor are considered to be in-keeping with the existing character of the building and are not considered to have an unacceptable impact on the character and appearance of the host building or adjacent conservation area.

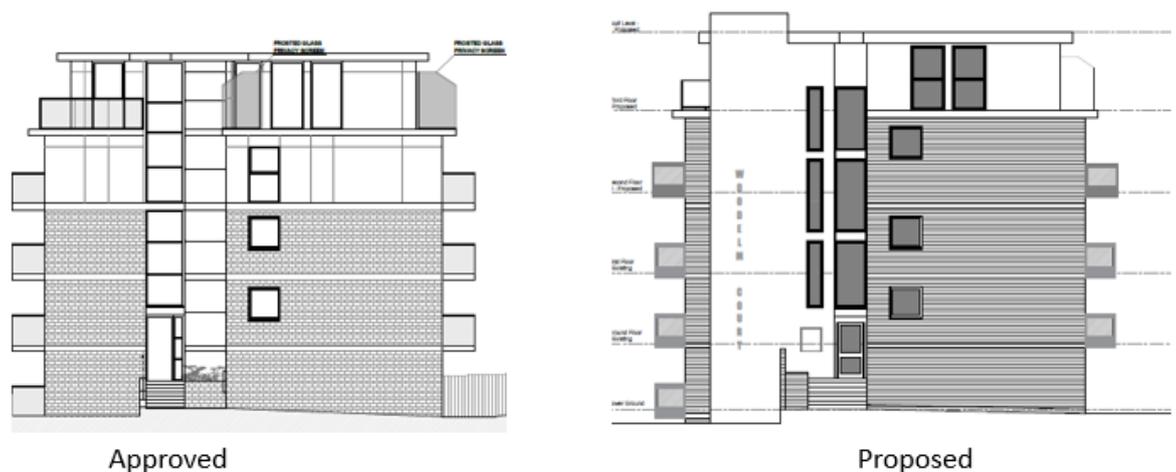


Figure 6 Approved and Proposed Side Elevation

- 96 The proposed balcony and privacy screen which was approved on the front and side elevation which would serve unit 12 are to be removed from the development. The removal of these elements are not considered to have an unacceptable impact on the character and appearance of the building nor on the adjacent conversation area.
- 97 On the front elevation it is proposed for the length of the approved balcony which would serve unit 11 to be extended. Given that the principle of balconies is already established by the existing building and the appeal decision, the extension to the approved balcony is not considered to have an unacceptable impact on the character and appearance of the host building and adjacent conservation area.
- 98 Due to the alterations to the building line and relocation of the lift core the proposed entrance and steps would be amended. The entrance door to the building would be relocated within the same elevation and the entrance steps would be re-sited. The proposed entrance and steps is similar that which was approved, the proposed amendments are not considered to have an unacceptable impact on the character and appearance of the host building and adjacent conservation area.
- 99 Signage detailing the name of the building is proposed to be installed on the front and side elevation of the building. The principle of signage is considered to be acceptable, the material and detailed design of the signage would be secured by condition.
- 100 On the flat roof of the building, three rooflights and an AVO access hatch are proposed. These would have limited visibility as they would not project above the proposed roofline.

The proposed rooflights and AVO access hatch are not considered to have an unacceptable impact on the character and appearance of the host building or adjacent conservation area.

101 APP/C5690/W/18/3196082 was approved with a condition requiring for external material to be submitted and approved in writing. The external materials have been approved by DC/20/116056 and Condition 4 of the APP/C5690/W/18/3196082 would be amended as to comply with the approved details.

102 APP/C5690/W/18/3196082 was approved with a condition requiring for details of Hard and Soft Landscaping to be submitted to and approved in writing. The Hard and Soft Landscaping were approved by DC/20/116238 and Condition 5 would be amended as to comply with the approved details.

7.4.2 Impact on Heritage Assets

Policy

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

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

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

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

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

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

Discussion

109 Officers need to have regards to appeal decision APP/C5690/W/18/3196082 in which the Planning Inspector outlined that the existing building makes a limited contribution to the setting of the conservation area and that the development proposed on APP/C5690/W/18/3196082 would not harm the setting of the conservation area.

110 Whilst officers acknowledge the increase in height and alterations to the building line, considering the comments made by the Planning Inspectorate and the scope of the amendments proposed on the current application, the proposed alterations are not considered to harm the setting of the Forest Hill Conservation Area.

Summary

111 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment are satisfied the proposal would preserve the character or appearance of the Forest Hill Conservation Area.

7.4.3 Urban design conclusion

112 In conclusion, the amendments to the development approved by APP/C5690/W/18/3196082 are considered to have an acceptable impact on the character and appearance of the approved scheme, the wider street scene and the adjacent Forest Hill Conservation Area.

7.5 TRANSPORT

General policy

113 Nationally, the NPPF requires the planning system to actively manage growth to support the objective of para 102. This includes: (a) addressing impact on the transport network; (b) realised opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality design.

114 As this present application is a Section 73 application only the aspect which are being proposed to be amended are considered below.

115 It should be highlighted that appeal decision APP/C5690/W/18/3196082 did not raise any concerns in regards to impact in terms of transport or on the Highway network. The Planning Inspectorate attached conditions in regards to cycle parking and refuse storage and a Construction Management Plan.

116 APP/C5690/W/18/3196082 was approved with a condition requiring cycle parking and refuse details to be submitted and approved in writing. The cycle parking and refuse details have been approved by DC/20/116238 and Condition 6 will be amended as to comply with the approved details.

117 APP/C5690/W/18/3196082 was approved with a Construction Management Plan condition. The Construction Management Plan was approved by DC/20/116535 and Condition 3 will be amended as to comply with the approved details.

7.6 LIVING CONDITIONS OF NEIGHBOURS

118 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At paragraph 180 it stated decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of living conditions.

119 This is reflect in relevant policies of the London Plan (LPP 7.6), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (Housing SPD, 2017, GLA).

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

121 It should be acknowledged that APP/C5690/W/18/3196082 did not consider the development proposed to have an unacceptable impact in terms of loss of privacy, or sunlight and daylight due to the separation distances. The Planning Inspectorate in APP/C5690/W/18/3196082 also stated that there would be no violation of rights in regards to Article 1 and 8 of the European Convention on Human Rights.

122 Officers will only have regards to the impacts of the proposed amendments on neighbouring amenity.

Alterations to Height and Building Line

123 Whilst officers acknowledge that the overall height of the building would be increase by 1.47m and the building line would be altered to accommodate the re-location of the lift core, the proposed amendments would not result in the development extending beyond the established building line fronting Devonshire Road. Given that the separation distance would be between be between 19-21m to the properties on eastern side of Devonshire, the proposed increased height and alterations to the building line are not considered to result in an unacceptable impact in terms of sense of enclosure, loss of outlook or loss of light.

124 Drakes Court is situated to the side and rear of the application site and the separation distance to the building within Drakes Court fronting Devonshire Road and Ewelme Road is approximately 21m. Due to the siting of the alterations to the building line, this would have negligible impact on Drakes Court. Due to the separation distance between the building at the application site and the building within Drakes Court, the proposed increase in height by 1.47m is not considered to have an unacceptable impact in terms of sense of enclosure, loss of outlook or loss of light.

125 No. 131A Devonshire Road is situated on the opposite side of the junction with Ewelme Road. The separation distance is approximately 19m and No.131A is the closest neighbour. Whilst officers acknowledge that alterations that the alterations to the building line would bring elements of the development closer to No. 131A, the separation distance is considered to be sufficient so that the increase in height and alterations to the building line would not have an unacceptable in terms of sense of enclosure, loss of outlook or loss of light.

Alterations to Windows, Doors and Balconies

126 As shown in Figure 3, the openings and glazing on the proposed second and third levels would be reduced in size compared to the openings and glazing which was approved. Given the separation distance to the properties on the eastern side of Devonshire Road, the proposed alterations to the openings and glazing on the front elevation are not considered to have an unacceptable impact in terms of overlooking of loss of privacy. In addition, whilst officers acknowledge that on the length of the proposed balcony on the third floor level would be increased, given the separation distance and as the principle of balconies is established at the site, the proposed alterations to the balcony on the front elevation are not considered to result on an unacceptable impact in terms of overlooking or loss or privacy or an unacceptable impact in terms of noise and disturbance.

127 Due to the separation distance to Drakes Court to the side and rear and the scale of alterations to the windows proposed on the side and rear elevations facing Drakes Court (as shown in Figures 4 and 5), the proposed alterations to the openings are not considered to have an unacceptable impact in terms of overlooking or loss of privacy.

128 Due to the separation distance across the junction to No.131A Devonshire Road, the alterations to the windows in the proposed second and third storeys are not considered to have an unacceptable impact in terms of loss of overlooking and loss of privacy.

Officers acknowledge that due to the alterations to the building line that the windows on part of the side elevation would be closer to No. 131A by 2m, however, considering that the separation distance would still be approximately 17m and as the windows would serve the stairwell and lift lobby the proposed windows are not considered to have an unacceptable impact in terms of overlooking or loss of privacy.

129 The alterations in regards to the entrance, signage and rooflights and AVO access hatch are not considered to have an unacceptable impact on neighbouring amenity

7.6.1 Impact on neighbours conclusion

130 Officers consider that the proposed amendments to the scheme approved by APP/C5690/W/18/3196082 would still have an acceptable impact on the neighbouring amenity of surrounding properties.

8 LOCAL FINANCE CONSIDERATIONS

131 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).

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

133 The CIL is therefore a material consideration.

134 £37,101 Lewisham CIL and £24,513 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

135 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.

136 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.

- 137 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.
- 138 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>
- 139 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
- 140 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>
- 141 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 142 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

143 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.

144 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.

145 This application has the legitimate aim of providing a two storey extension to provide five new dwellings. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

147 The application seeks to amendments under Section 73 to a scheme which was granted planning permission (APP/C5690/W/18/3196082) by the Planning Inspector.

148 The proposed amendments are considered to be minor material in the context of the approved scheme and as such the application type is considered to be correct.

149 The proposed alterations to the approved scheme are considered to be acceptable in terms of design and impact on neighbouring amenity.

150 Subject to the imposition of conditions the development is acceptable and in accordance with the development plan.

12 RECOMMENDATION

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

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date 19 February 2019 on which the original permission APP/C5690/W/18/3196082 was granted.

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

2) APPROVED DRAWINGS

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

Documents from DC/17/104524 allowed by appeal APP/C5690/W/18/3196082

PBA Consulting BS5837 2012 Trees in Relation to Design, Demolition and Construction, Tree Report Ref no. 6210 (dated December 2017); Heritage Statement; Highways Note by Waterman Infrastructure and Environment Limited (dated 29 November 2017) received 21 December 2017

Documents from DC/20/115985

9945-00-3103 Rev C; 9945-00-3401 Rev E; 9945-01-3104 Rev B; 9945-02-3105 Rev C; 9945-04-3107 Rev E; 9945-05-3108 Rev F; 9945-06-3109 Rev B; 9945-ZZ-3201 Rev G; 9945-ZZ-3202 Rev G; 9945-ZZ-3203 Rev F; 9945-ZZ-3204 Rev F received 4th March 2020

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

3) CONSTRUCTION MANAGEMENT PLAN

The development shall be carried out in accordance with the approved Construction Management Plan approved under DC/20/116535 granted 27th July 2020.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4) EXTERNAL MATERIALS

The development shall be constructed in accordance with the approved External Materials approved under application reference DC/20/116056 granted 5th May 2020.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(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.

5) HARD AND SOFT LANDSCAPING

(a) The development shall be carried out in accordance with the approved Hard and Soft Landscaping approved under application reference DC/20/116238 granted 6th July 2020.

(b) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

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 Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 12 Open space and environmental assets and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

6) CYCLE PARKING AND REFUSE STORAGE

(a) The development shall be carried out in accordance with the approved cycle parking facilities and refuse/recycling facilities approved under application reference DC/20/116238 dated 6th July 2020.

(b) These shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage and Cycle Parkin in the interest of safeguarding the amenities of neighbouring occupiers and the area in general and to ensure adequate provision for cycle parking, in compliance Core Strategy Policy 13 Addressing Lewisham waste management requirements and Core Strategy Policy 14 Sustainable movement and transport (2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014)

12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

2) **Street Naming and Numbering**

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.



Appeal Decision

Site visit made on 15 January 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 February 2019

Appeal Ref: APP/C5690/W/18/3196082

123 Woodelm Court, Devonshire Road, London, SE23 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Helen Dennis against the decision of London Borough of Lewisham.
 - The application Ref DC/17/104524, dated 13 November 2017, was refused by notice dated 8 February 2018.
 - The development proposed is the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23 3LX in accordance with the terms of the application, Ref DC/17/104524, dated 13 November 2017, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the wider area, including the adjacent Forest Hill Conservation Area.

Reasons

3. The appeal property comprises of a purpose built block of flatted accommodation which is 3-storeys high. Dating from c1970 it is brick built, with horizontal windows, projecting balconies and a flat roof and currently accommodates 7 residential units with integral garaging to the rear.
4. The site is located on a corner plot on the western side of Devonshire Road and the southern corner of Ewelme Road. A number of mature trees are located within the site along the boundaries with these roads and the property is situated in open grounds which are grassed. The ground rises to the rear of the site. To the side and rear of the site are also 20th Century modern flatted accommodation blocks, 3 and 4 storey in height, also set in open grounds.
5. The wider area comprises of Victorian dwellings, terraced and semi-detached, which are 3-4 storeys in height with some units having basement level

accommodation and/or accommodation within the roof. These properties fall within the Forest Hill Conservation Area (CA).

6. The proposals would entail the addition of 2 further floors to the appeal property in order to create 5 additional 2-bedroom flats. The new 4th floor would follow the existing footprint of No 128 while the new 5th floor would be stepped in on all sides, creating a terrace with glazed balcony and there would be a small overhang to the proposed flat roof. The proposed extension would have a contemporary design, utilising grey and brown cladding to the external walls.
7. The proposed development would create a 5-storey block, and developments in the area typically extend across 4-storeys. However, from the submitted streetscene elevations and based upon my own site observations, due to the flat roofed nature of the host building, I consider that the overall height would be largely consistent with the height of other accommodation blocks and Victorian terraced dwellings surrounding the site. In particular the overall height would be compatible with the 4-storey mansion block to the south, and the 3-storey terrace to the north, or buildings at Belle Vue Court, opposite the site on Devonshire Road.
8. The appeal property is positioned forward of the general building line along Devonshire Road. However, in light of the open setting of the building and the boundary trees, I do not consider that the building is particularly prominent in the streetscene. I accept that the addition of an upwards extension would increase the visibility of the building, particularly when looking northwards along Devonshire Road, but I do not consider that this would increase its dominance to any great effect, in light of the prevailing characteristics and building heights within the area. Moreover, the set back of the top floor would help to reduce its overall massing and general bulk, even with a small overhang of the roof and thus I am satisfied that the development would not have a jarring and incongruous effect.
9. Concern is also raised regarding the design of the extension, particularly as the area is typically characterised by brick buildings of both traditional and modern design. The use of coloured cladding panels for the external walls is not commonplace in the area, however, in combination with the wider plans to rejuvenate the external appearance of the building, I am satisfied that the development would read as a cohesive structure. I do not consider that the use of cladding would be inappropriate on a c1970's building, nor in the wider area as to justify refusal and I am mindful that the final colours of the panels could reasonably be dealt with by a materials condition.
10. In terms of fenestration, although all of the proposed windows would be full height, this would echo the rhythm and pattern of the existing fenestration and thus I find no harm in this regard.
11. The site is located adjacent to the Forest Hill CA which is characterised as a 19th Century residential suburb. The appeal property forms part of a later enclave of 20th Century flatted accommodation blocks which already has a markedly different character to the CA and makes a limited contribution to its setting.
12. The trees within the site also fall outside of the CA. While it may be regrettable if trees are to be felled, the imposition of a landscaping condition with

replacement tree planting as suggested by the appellant could remedy this. In light of my findings relating to the proposed development in terms of its scale and design and landscaping, I am satisfied that there would be no harm to the setting of the CA.

13. Overall I am satisfied that the proposals would be congruent with the general scale and character of the host building and wider development in the area. The development would accord with Policies 15 and 16 of the Lewisham Core Strategy which seek to secure high quality design which responds to local character and preserves the setting of heritage assets. The development would also accord with Policies DM30 and DM36 of the Lewisham Development Management Local Plan (2014) which sets out detailed design criteria and restricts development that development adjacent to a CA would have a negative impact on the significance of that area. The development would also accord with the design and heritage aims of the National Planning Policy Framework, as amended in 2018.

Other Matters

14. A number of other concerns have been raised by local residents, including impacts upon living conditions of neighbouring residents in respect of privacy, sunlight and daylight, and noise and disturbance.
15. The extension would be located between 19-21m away from adjacent dwellings and in this regard I consider that there would be no material loss of privacy or daylight and sunlight. While there is debate regarding the accuracy of neighbouring habitable windows as depicted on the plans, the plots are separated by a road and are a distance away in what is a built up urban area.
16. There is likely to be a general increase in comings and goings to the site within the car park and internally within the flatted block, but again these would be commensurate with day-to-day living and I do not consider that there would be a harmful effect from this. Construction effects would be temporary and could be adequately controlled by a condition for a construction management plan. Other matters in terms of structural issues would come under separate regulatory requirements.
17. The rights of local residents under the European Convention on Human Rights (as incorporated into UK law by the Human Rights Act 1998) must also be considered. Article 1 of the Convention concerns the protection of property and Article 8 deals with the right to respect for family life and the home. These are qualified rights, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
18. In light of the separation distances between neighbouring dwellings and the urban character of the area, I am satisfied that there would be no unacceptable violation of the rights of existing occupants of No 123 or any neighbours. The limited degree of interference that would be caused would be insufficient to give rise to a violation of rights under Articles 1 and 8.
19. Finally, the impact on property values has also been raised. It is, however, a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

20. I have had regard to the conditions as put forward by the Council, which the appellant has stated their agreement with.
21. Having regard to these conditions, I have imposed the standard time, and plans and documents conditions, in the interests of proper planning. As referenced above, I have imposed a condition for a construction management plan, in order to protect the living conditions of residents at the site and their neighbours.
22. I have also imposed conditions relating to materials and landscaping in order to protect the character and appearance of the area, including the adjacent Conservation Area. I have combined the Council's suggested landscaping conditions, for brevity.
23. Conditions relating to the detailed provision and implementation of refuse/recycling storage and cycle storage are necessary in order to protect the living conditions of residents as well as for highway safety reasons. Again, these are combined, for brevity.
24. Conditions 3-6 are pre-commencement conditions, however I have amended the wording slightly to make this explicit due to the nature of the proposed roof extension. These are necessary due to such details needing to be provided before work begins on-site.
25. Finally, I do not consider that a condition restricting the use of the roof to the extension as a balcony, garden area or amenity area and the creation of a roof access is necessary as such works would not be permitted development in any case. I have therefore omitted this.

Conclusion

26. For all the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

C Searson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

WODLM-E001, WODLM-E002, WODLM-E003, WODLM-E004,
WODLM-E201, WODLM-E202, WODLM-E203, WODLM-E204,
WODLM-L201, WODLM-LP201, WODLM-M201, WODLM-O201,
WODLM-O202, WODLM-CE201, WODLM-CE202, WODLM-D201,
WODLM-DV201, WODLM-DV202, WODLM-DV203, WODLM-P001,
WODLM-P002, WODLM-P003, WODLM-P004, WODLM-P201,
WODLM-P202, WODLM-P203, WODLM-P204, WODLM-P205,
WODLM-P206, WODLM-S001, WODLM-S201, WODLM-ST001,
WODLM-ST201, Planning, Design and Access Statement (dated
November 2017) received 14 November 2017

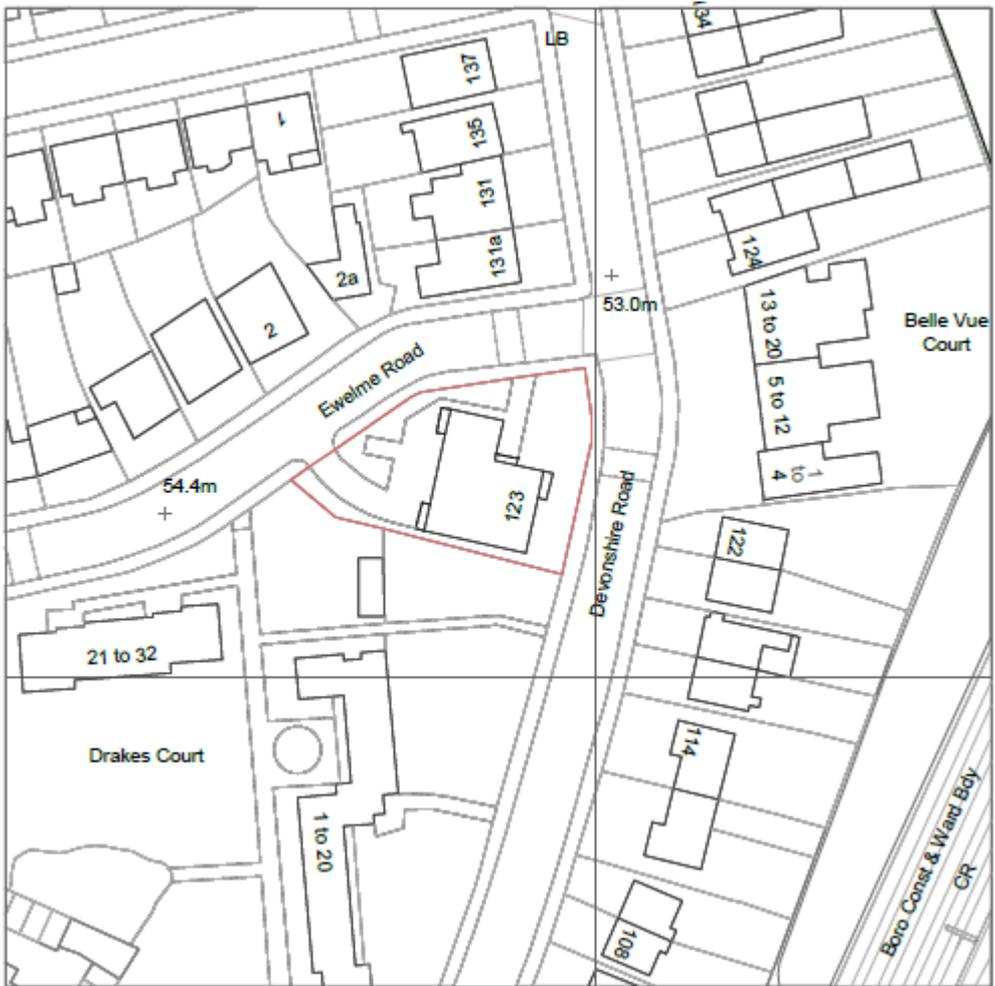
PBA Consulting BS5837 2012 Trees in Relation to Design,
Demolition and Construction, Tree Report Ref no. 6210 (dated
December 2017), Heritage Statement, Highways Note by
Waterman Infrastructure and Environment Limited (dated 29
November 2017) received 21 December 2017
- 3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.
- 4) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) a statement setting out the design objectives and how these will be delivered;
 - ii) means of enclosure and retaining structures;
 - iii) vehicle parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials (including details of permeability);
 - vi) lighting, floodlighting and CCTV;
 - vii) details of any trees or hedges to be retained/replaced and proposed replacement planting, plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years.
 - viii) an implementation programme, including phasing of work where relevant. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

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.

- 6) No development shall take place until details of the dedicated cycle storage facilities and the refuse / recycling storage facilities, including details of a refuse management plan, have been submitted to and approved in writing by the local planning authority. These shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Committee	PLANNING COMMITTEE C	
Report Title	LAND AT REAR OF 148, DEPTFORD HIGH STREET, LONDON, SE8	
Ward	Evelyn	
Contributors	Zahra Rad	
Class	PART 1	6 AUGUST 2020

<u>Reg. Nos.</u>	(A) DC/20/114710
<u>Application dated</u>	19 11 2019
<u>Applicant</u>	Mr J. Leader
<u>Agent</u>	Ms Ana Popovic
<u>Agent Company</u>	Urbanist Architecture Ltd.
<u>Proposal</u>	The construction of a two-storey 3-bedroom single-family dwellinghouse on land at the rear of 148 Deptford High Street, SE8.
<u>Background Papers</u>	(1) Development Management Local Plan (adopted November 2014) (2) Local Development Framework Documents (3) Core Strategy (adopted June 2011) (4) The London Plan
<u>Designation</u>	PTAL 4 Major District Centre Shopping Non-Core Area Deptford Neighbourhood Forum Area of Archaeological Priority Deptford High St. & St Paul's Conservation Area Existing Use: C3
<u>Screening</u>	N/A

1 SUMMARY

- 1 This report sets out officer's recommendation to approve the above proposal. The case has been brought before members for a decision as permission is recommended to be approved and the Deptford Society has objected to the proposed development. In accordance with the extended delegated authority arrangements which are in place until 16th September 2020, this application has been reviewed by a chair person of one of the Council's planning committees who has confirmed they require the application to be decided by Members at Planning Committee.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is an irregular-shaped plot of vacant land at the back of No 148 Deptford High Street, with a 9.09m frontage on Crossfield Street. This plot was until recently associated with No 148 Deptford High Street for access. The plot housed a dwellinghouse during the pre-war period. The subject plot is accessed via a temporary timber gate on Crossfield Street, and still has a door with access from No 148 at the back.

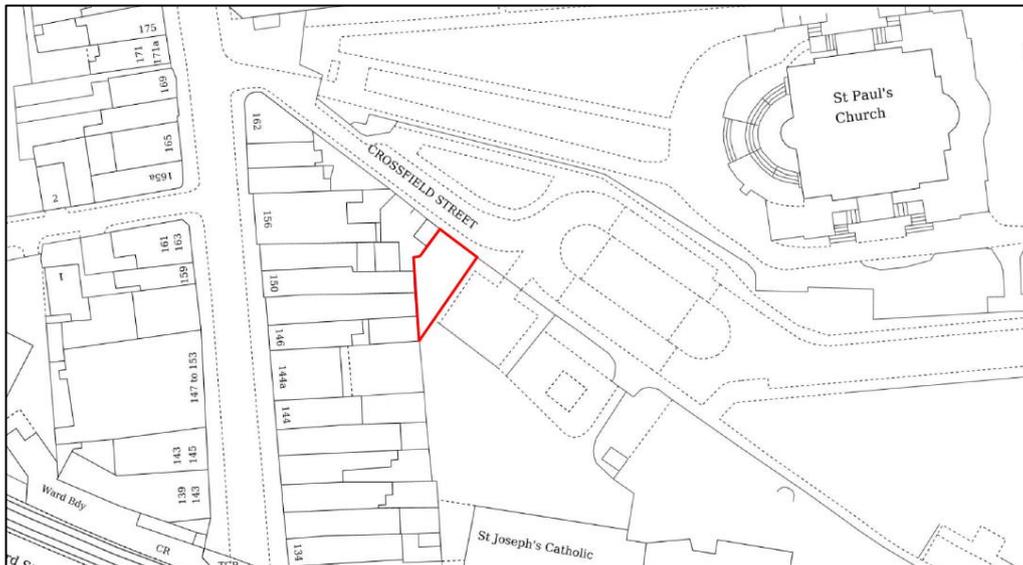


Figure 1 Site Location Plan

- 3 The site is 136sqm in area and is an irregular shape. To the west, the plot shares an 8.9m long boundary wall with No 1 Crossfield Street. To the front is a wooden fence with a gate, which provides access to the site from Crossfield Street, which continues the brick wall frontage of No 1 Crossfield Street. It is not known when or why the brick wall fronting the site (identical to that on either side of the site) was removed. The boundary wall to the back is a brick wall with a height of 1.4m and a timber trellis fence on top (see photo below).



Figure 2 photo of front of site

Character of area

- 4 The surrounding area is characterised by a mix of building forms and land uses. Deptford High Street is comprised of two and three storey terraces with a mixture of residential (flats) and commercial (shops etc.) properties. The Grade I Listed, St Paul's Church, and its churchyard dominate this part of Crossfield Street on one side, as mixed

uses mostly workshops, residential, and St Joseph's primary School are in other parts of the area.

Heritage/Archaeology

- 5 The site is in the Deptford High Street and St Paul's Conservation Area, in the vicinity of the Grade I Listed St Paul's Church that was built by Thomas Archer between 1712 – 1730.). It also sits within an Area of Archaeological Priority (Upper Deptford).
- 6 The Deptford High Street and St Paul's Church Conservation Area was formed by combining two smaller conservation areas and its Appraisal and Management Plan was adopted on 11 December 2019.
- 7 To the rear of buildings along this part of Deptford High Street are their back yards, the majority of which are related to the businesses at the ground floor level of Deptford High Street. Historically there was a terrace of houses along this side of Crossfield Street, thus this site is not an original, undeveloped yard associated solely with the frontage property on Deptford High Street. The new modern element and the only residential building in this part of Crossfield is No 1, adjoining the north west of the application site, built in 2018. To the immediate east of the application site is St Joseph's Primary School, which is significantly set back from Crossfield Street, and was constructed in the late 19th century.
- 8 Inside the application site, the only element remaining from the earlier terrace of houses is part of a wall and chimneybreast on the shared boundary with No1 Crossfield Street.

Local environment

- 9 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).
- 10 There is a mature tree (T1 which is a Sycamore) in the parking area of St Joseph's Catholic Primary School adjacent to the eastern boundary of the application site, and another one at the back of the plot (T2 is recognised as London Plane), within the back garden of No 146.

Transport

- 11 The site lies within a major District Centre and has a PTAL rating of 4. It has good connectivity and is within a walking distance of Deptford High Street, Deptford Station, and Deptford Bridge DLR station. There are also nearby bus stops located in Deptford Church Street, and Creek street.

3 RELEVANT PLANNING HISTORY

- 12 The most relevant applications are:

- 13 DC/17/102362- The construction of a two storey, 4 bedroom dwellinghouse on land at the rear of 148 Deptford High Street, SE8 (fronting Crossfield Street). Refused 07/12/2017 (Appeal dismissed APP/C5690/A/14/2216363) for:

- The first floor mansard roof of the proposed development would fail to properly integrate with the pitch roof of the new dwelling currently under construction to the north west of the site and would therefore appear as an incongruous addition to the streetscene which would fail to preserve or enhance the character and appearance of the Deptford High Street and St Paul's Conservation Areas,

contrary to Policies 7.4 Local Character of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), Policies DM 30 Urban design and local character and DM 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Plan (November 2014).

- The proposed development would provide a poor standard of residential accommodation for future occupiers of the proposed dwelling by reason of lack of outlook from the first floor bedroom windows at the rear of the building, contrary to Policies 3.5 Quality and design of housing developments and DM Policy 32 Housing design, layout and space of the Development Management Local Plan (November 2014).
- The rear of the proposed mansard roof would have an overbearing impact on the dwelling currently under construction to the north west of the site, giving rise to a loss of natural light and poor outlook for the future occupiers of this building, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), Policies 3.5 Quality and design of housing developments and DM Policy 32 Housing design, layout and space of the Development Management Local Plan (November 2014) and The Residential Standards SPD (2006, updated 2012).

14 PRE/17/104944- New two storey residential dwelling fronting Crossfield St at the rear of No 148 Deptford High St, SE8. Response was sent 25/09/2018.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

15 The application seeks to construct a part two-storey part one-storey 3-bedroom single-family dwellinghouse. The two-storey part would be built along the northern part of the Crossfield Street frontage and the single storey section would be alongside the shared boundary with No 1 Crossfield Street, and Nos 148 and 150 Deptford High Street.

16 To the front and along Crossfield Street, the wall frontage would be rebuilt, with the same dimensions and matching materials. The proposed dwelling would be built behind this wall. The main entrance door on Crossfield Street would be a wooden door, almost in the middle of the frontage and set back from the wall. This door would be the only access to the building.

17 The roof at the two-storey part would comprise of a projected barn style pitched roof and gable ends similar to the traditional vernacular massing, with two modern full height dormers one looking onto Crossfield Street and one to the rear. A green roof has been proposed for the rear slope of the pitched roof. The flat roof of the single-storey element would be green flat roof with two rooflights. The total height of the two-storey part would be approximately 5.9m and the single storey part would have a height of 2.5m measured from the pavement level. The flat roof of the single part would have a parapet for 0.2m.

18 At the ground floor, would be two bedrooms, a study room, dining/living room, kitchen and a central courtyard. The first floor would comprise of a bedroom and en-suite with two dormer windows, one looking onto Crossfield Street and one to the rear.

19 The study room would have a window with a view onto Crossfield Street. The kitchen, living/dining room area, and bedrooms 1 and 2 have access to the amenity open space

in the middle (central courtyard) via sliding and folding doors. The amenity open space would have an area of 21sqm, which would have a shared boundary wall with St Joseph's School parking area. A new boundary brick wall (2.1m) would be constructed along the boundary with the school.

20 The proposed materials are:

- Facing Brick - Dickensian Yellow London Stock similar to the existing historic wall;
- Horizontally oriented external Siberian Larch wooden cladding - located on the elevations facing the private amenity space, roof and part of the front elevation;
- Window frames and glazing - Aluminium clad windows mix of clear and obscure glazing with grey beige (RAL 1019) frames.

4.2 COMPARISON WITH PREVIOUS SCHEME

21 The design concept and proposal within this application is significantly different from the refused proposal DC/17/102362 in 2017. The previous proposal was to introduce a two-storey building with a typical traditional character, which did not add to the special character of the Conservation Area, whilst the new proposal is a modern addition.

22 The current proposal was submitted after two pre applications (PRE/19/111522 and PRE/19/113555).

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

23 Two pre-application meetings were held. The principle of residential development was supported, subject to high quality design; within the conservation area and the Grade I listed building nearby, improvement and revision of the internal layout to mitigate the impact on the adjoining neighbours, and provision of high quality materials.

- PRE/19/111522- Erection of a new dwelling on land at the rear of 148 Deptford High Street London SE8 3PQ. Letter sent 28/05/2019.
- PRE/19/113555- Follow-up pre-application to PRE/19/111522 for the construction of new 3 bedrooms dwelling house on the land at the back of 148 Deptford High Street, SE8 3PQ. Letter sent 17/04/2019.

5.2 APPLICATION PUBLICITY

24 The Council's consultation was undertaken in accordance with the statutory requirements and those required by the Council's adopted Statement of Community Involvement.

25 Site notices were displayed on 12th Dec 2019 and a press notice was published on 12th Dec 2019.

26 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 02 Dec 2019.

27 Three objections were received, one from a direct neighbour, one from a resident and one from the Deptford Society.

5.2.1 Comments in objections

28 Neighbour objections:

Objection / concern raised	Para where addressed
<i>Housing</i>	
Overdevelopment	93
<i>Urban Design</i>	
The appearance of the front elevation: <ul style="list-style-type: none"> • details regarding the gap between the proposed roof and the dormer at No1 • form and shape of windows, the • front boundary wall (the continuity of the historic wall) and • details of its connection to the main building at the ground and first floor. 	90, 100, 128, 134
Regarding the height of proposed development	141
Materials: objection to timber slats, light and proposed colour	98
Impact on heritage assets including the Grade I listed building and the Conservation Area	107 and 108
<i>Living conditions of neighbours</i>	
End gable would cause overbearing impact	132,140
Impact of the proposed building on the outlook and daylight/sunlight of neighbours	126-127, 135-139
Impacts on privacy	128
<i>Natural environment</i>	
Tree loss / damage	167-173
<i>Other matters</i>	
Internal layout	59, 67, 69 and 74

29 Deptford Society raised no objection to the principle of the development, however, objection were raised on the following issues.

Comment	Para where addressed
Design including, its bulk and mass	86-87 and 90-93
Harm to the character of the Heritage Assets	107 and 108
Unacceptable proposed green roof	163
Impact on amenity of the neighbours No1 Crossfield Street and 146 Deptford High Street	66, 100, 128, and 134

5.3 INTERNAL CONSULTATION

30 The following internal consultees were notified on 02/12/2019.

- Highways officer: No objections subject to conditions
- Conservation Officers: No objection subject to conditions
- Design Officer: No objection
- Tree Officer: Comments addressed in report.

5.4 EXTERNAL CONSULTATION

31 The following External Consultees were notified on 02/12/2019:

- Historic England: raised no objections subject to conditions.
- Environment Agency: raised no objections subject to conditions.

6 POLICY CONTEXT

6.1 LEGISLATION

32 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).

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

6.2 MATERIAL CONSIDERATIONS

34 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.

35 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.

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

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

37 The Development Plan comprises:

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

6.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

39 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6.6 OTHER MATERIAL DOCUMENTS

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

7 PLANNING CONSIDERATIONS

40 The main issues are:

- Principle of Development
- Housing
- Urban Design and Impact on heritage assets
- Transport
- Living conditions of neighbours
- Sustainable development
- Natural environment

7.1 PRINCIPLE OF DEVELOPMENT

General Policy

- 41 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.
- 42 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

- 43 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.
- 44 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.
- 45 The principle of the proposed development will be assessed in relation to the NPPF, London Plan Policy 3.5, Core Strategy Policy 15 and Development Management Local Plan DM Policy 33 and DM Policy 36 'New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens'.

7.1.1 Proposed residential use

- 46 The proposed development seeks to deliver residential accommodation on a piece of vacant land at the back of No 148 Deptford High Street. The proposal does not result in the loss of existing residential gardens or public open space. The site was part of terraced housing which lined both sides of Crossfield Street prior to WWII. Since these houses were demolished during and after WWII, the plot has been vacant. The applicant has provided land registry documents to confirm this. The previous appeal decision (APP/C5690/A/14/2216363) confirmed the principle of development and residential use on this plot is supported.
- 47 DM Policy 33 states if the site is considered suitable for development, planning permission will only be granted if the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets.

7.1.2 Principle of development conclusions

- 48 The site will make a contribution towards meeting housing needs in a sustainable urban location. The proposal will make efficient use of the land and is consistent with the previous appeal decision. The development is acceptable in principle.

7.2 HOUSING

49 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

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

51 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.

52 The NPPF encourage the efficient use of land subject to several criteria set out in paragraph 122. Paragraph 123 applies where there is an existing or anticipated shortage of land for meeting, identified housing needs and strongly encourage the optimal use of the potential of each site.

53 LPP 3.3 and 3.4 seeks to increase the housing supply and to optimise housing output.

Discussion

54 The proposed dwelling would modestly contribute to the borough's housing supply and weight is given to this in assessment of the proposal.

7.2.2 Residential Quality

General Policy

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

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

Internal space standards

Policy

56 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in the London Plan.

57 DM Policy 32 'Housing design, layout and space standards' and Policy 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. In particular DM Policy 32 states that it will assess whether new housing development including conversions provide an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight

and daylight, adequate privacy and storage facilities to ensure the long term sustainability and usability of the homes. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan.

Discussion

58 The table below sets out acceptable dwelling sizes.

Type	Criteria	Size	Required	Compliance
Two storey, three bedroom dwelling	Dwelling Size (3B4P)	136m ²	90m ²	Pass
	Bedroom 1	9.66m ² and 2.97m wide	7.5 m2 and at least 2.15m wide	Pass
	Bedroom 2	10.26 m ² and 2.8m wide	7.5m2 and is at least 2.15m wide	Pass
	Bedroom 3	13.37 m ² and 4.3m wide	11.5m2 and at least 2.75m wide	Pass
	Floor to ceiling height	Min. height at the first floor 2.37m And 2.5m at the ground floor	2.3m for at least 75%	Pass
	Built in storage	4.15m ²	3.5m ²	Pass
	Private amenity space	21.29m ²	12m ²	Pass

59 The new dwelling would be two storey 4p 3b with an area of 136m² and would provide a greater area than the minimum required Gross Internal Area of 84sqm. In this respect, the standard of amenity would be acceptable. The rooms are all of a good layout, and the individual bedrooms meet the standards. The minimum floor to ceiling height would be 2.5m at the ground floor and 2.37m at the first floor, which meets the London Plan requirements.

External space standards

Policy

60 Standard 4.10.1 of the Mayor’s Housing SPG states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’.

Discussion

61 Outside amenity, space with an area of 21m² would be provided as a central courtyard, which is more than the minimum above standard.

62 Beyond the boundaries of the proposed development, there is ample open space within the area including St Paul’s Church garden, therefore the proposed scheme is policy compliant with regards to provision of external amenity space.

Outlook & Privacy

Policy

63 LPP 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D3(7) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D6 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

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

Discussion

65 The proposal seeks to construct a three bedroom single-family dwelling house. On the southern side of Crossfield Street, the residential properties on this part of Crossfield Street with access from Crossfield Street are the top floor flats at No162 Deptford High Street (4 flats) and No 1 Crossfield Street, which is a single family house.

66 In terms of privacy, the properties on Deptford High Street (Nos 146 – 162) have ground floors in commercial use and the floors above are residential. Nos 146 to 152 Deptford High Street have upper floor rear windows (and one with a balcony at first floor level) which face onto the site and towards St. Paul’s Church. The applicant has submitted section drawings of the proposed house in the context of rear windows of properties in Deptford High Street, showing that all of the proposed habitable rooms would be provided with adequate levels of privacy.

67 The proposed dwelling would be dual aspect, and would provide good levels of daylight and sunlight and views from habitable spaces. The courtyard arrangement is unusual and acceptable in the context of the dense urban character of the area.

Daylight and Sunlight

Policy

68 LPP 3.5 seeks high quality internal and external design of housing development. DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

Discussion

69 The applicant has provided Internal Daylight Assessment. The internal light for all bedrooms were assessed by ADF test as recommended by BS8206 and the BRE guidance. The result demonstrates that the rooms would meet guidance levels for daylight and sunlight. Given the dual aspect of the proposed dwelling, and the amount of glazing proposed, the dwellings would be provided with good levels of natural daylight and sunlight internally. All habitable rooms would be provided with windows, and officers consider the levels of daylight and sunlight to be acceptable.

70 Overall, the levels of daylight and sunlight provided would be acceptable, in line with Policy DM32.

Accessibility and inclusivity

Policy

71 This is not a major scheme as one family size dwelling, so CSP 1 Housing provision, mix and affordability does not apply. The building would have step-free entrance and

bedrooms and bathrooms at the ground floor level would be accessed with flush thresholds designed in accordance with building control requirements.

72 Officers are satisfied that the building would comply with accessibility and inclusivity guidelines.

Summary of residential quality

73 Officers are satisfied that the design and layout of the proposed units would be suitable and the proposal would provide an acceptable standard of residential accommodation in accordance with the above policies.

7.2.3 Housing conclusion

74 The proposal would deliver a family-sized dwelling, with a high standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making the most efficient use of land and optimising density.

7.3 URBAN DESIGN

General Policy

75 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.

76 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.

77 CSP 12 seeks to protect the character, historic interest and amenity of, and within, open spaces, as well as the effects of development outside their boundaries.

78 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, is sensitive to the local context, and responds to local character.

79 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.

Heritage policies

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

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

82 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight

to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset: para 193 of the NPPF. Further, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

- 83 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.
- 84 Core Strategy Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 85 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

- 86 The application site is within an area of Archaeological Priority, Officers had concerns that the development could cause harm to archaeological assets and as such consultation with Historic England indicated that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.
- 87 The existing 2.5m high boundary wall would be extended to the front of the development site, in order to maintain the continuity of the main urban aspect of this section of Crossfield Street. The new dwelling would follow the context of the successful design of No1, which was accredited as a high quality design in Deptford High Street and St Paul's Church Conservation Area Appraisal and Management Plan. The details of the design would be discussed in the following sections.

7.3.1 Appearance and character

Policy

- 88 In addition to the policies set out above, DM Policy 32 on sub para 2.256 explains that developments need sensitive design in order to not detract from the character of the street scene, the architectural integrity and scale of adjacent buildings.

Discussion

- 89 Officers consider that the proposed two-storey house facing Crossfield Street is a suitably scaled building for this location, having regard to the relationship of the site with: the frontage buildings on Deptford High Street; the adjoining property at No 1; the wider setting including the heritage implications.
- 90 The scale and appearance is similar to that of No 1. This design approach is considered suitable for this location. The main feature of this part of Crossfield Street is the high brick wall frontage. The new dwelling would sit behind the rebuilt front wall and would have the same height and roof style as No1 on the front elevation. However, this continuity would be interrupted at the first floor, where there would be a gap between the two slopped roofs of No 1 and the proposed dwelling, which was widened to 0.63m and a window would be installed to provide access for maintenance. This gap is not

considered to harm the street scene as the shape and material of both roofs would be similar, although in different colour.

- 91 The massing of the proposed new building comprises a projected barn style pitched roof with gable ends, which is similar to the building at No 1 and would be visible above the retained front boundary wall. The proposed building and the dwelling at No 1 cumulatively would create a distinct visual separation and contrast between old and new, without an adverse impact on the character of the conservation area and Grade I listed Building.
- 92 The maximum height of the new building would be 5.93m taking the pavement as a zero level. Taking into account the sensitivity of the site in terms of heritage implications, the need to match the height of No 1 and the possible implications of the tree roots, Officers consider it is necessary to impose a condition requiring an accurate topographical survey to be carried out to establish existing and proposed levels on site and immediately adjoining the site. Considering the importance of this and what it seeks to control that condition would by necessity be a prior to commencement condition.
- 93 The building would be visible from surrounding main roads as well as in the context of St. Paul's Church, however, the site is considered to be at a sufficient distance from the grounds of the church, so as to not appear overbearing or intrusive given the width of Crossfield Street and presence of several trees within the setting of the church. The building is considered to be modest in scale and of high quality design and that; it would enhance the character of the conservation area and the streetscene.
- 94 Overall, the height, scale and massing are considered to be appropriate for the site and surrounding area.
- 95 The current proposal has been assessed against the relevant DM Policy 32 and CS15, and is considered to be acceptable in terms of its height and massing.

7.3.2 Detailing and Materials

Policy

- 96 DM Policies 30 Urban design and local character and 36 New development in line with the Core Strategy Policies 15 High Quality design for Lewisham and Policy 16 Conservation areas, require that new development in the borough achieve a high standard of design which sets out a framework for the protection of the borough's designated heritage assets.

Discussion

- 97 Officers are satisfied the materials proposed would be appropriate for the design and location, subject to a condition requiring samples to be approved.
- 98 The main material would be timber cladding, similar to that used on No 1 Crossfield Street. The key difference is the cladding to No 1 is stained dark black. Objectors raised concerns regarding the proposed materials, in part due to the light colour of the timber and the potential for unsightly staining in the future. Officers do not consider a light coloured timber would necessarily deteriorate to an unacceptable degree over time. All timber weathers over time, though the rate of weathering can be significantly different depending on various factors. The specific timber to be used, any preservative to be applied and proper maintenance are all factors that influence how timber weathers over time. Under the circumstances, should Members be minded to grant planning permission, Officers consider it necessary and proportionate to requiring submission and

approval of a timber management plan by condition. The purpose would be to ensure the timber is preserved and maintained in a way to prevent rapid or unsightly weathering.

99 As the building is unadorned, the quality of certain details would be important factors in ensuring the building would be of a high quality addition. Therefore, details of the junctions of the different types of materials and details such as depths of window reveals have been provided.

100 The front elevation wall would be in bricks to match the size, colour and texture of those used in the existing wall at No 1 Crossfield Street. A condition will require the bricks to be laid in a bond to match the existing, with a mortar colour and pointing method to match.

Summary

101 Officers are satisfied the materials and detailing are acceptable and would contribute to a high quality building, subject to three conditions requiring approval of materials, approval of a timber maintenance plan and details.

7.3.3 Impact on Heritage Assets

Policy

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

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

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

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

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

Discussion

107 The proposed dwelling would be 58m away from the main building of St Paul Grade I listed Church, which is on the opposite side of the road. It would occupy a plot of land which currently is derelict and unsightly. The highest point of the dwelling would be 5.93m, which would be far lower than the height of the listed building. The proposed dwelling would have similar features to No1 with a different colour. The design is considered as modern design with modern dormer, which due to the set back from the boundary wall and limited opening to Crossfield Street, is considered to enhance the Deptford High Street and St Paul's Church Conservation Area.

Summary

108 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would enhance the character and appearance of Deptford High Street and St Paul's Church Conservation Area.

7.3.4 Urban design conclusion

109 In summary, the proposed building is a creative and high quality, site-specific proposal that would create interest at this currently under-optimised site and improve the frontage of this part of Crossfield Street. It is of an appropriate height and scale, and would use suitable materials for the sensitive setting in a Conservation Area and the Grade I listed building nearby; it is considered that the proposed scheme would enhance the character of the Conservation Area and the streetscene. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

7.4 TRANSPORT

General policy

110 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.

111 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.

112 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.

7.4.1 Local Transport Network

Discussion

113 The application site is well connected to the wider public transport network with a PTAL rating of 4. There are bus stops close to the site on Deptford Church Street and Creek Road, which are served by various London-wide Bus routes. The site is also within walking distance of Deptford High Street, Deptford Station, bus stops located in Deptford Church Street, and Deptford Bridge DLR station.

7.4.2 Servicing and refuse

Policy

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

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

Discussion

116 An area is shown on plan for the storage of refuse and recycling within the ground floor courtyard. This has access both from the courtyard and via an entrance door opening onto Crossfield Street, refuse would be placed outside on designated collection days. The scheme proposes both refuse and recycle waste bins at 240L each, which is sufficient for a three-bedroom property. A condition is proposed to ensure the provision of this storage area prior to occupation of the development.

7.4.3 Car Parking

Policy

117 London Plan under sub-paragraph 6.3, Core Strategy Policy 14 and DM Policy 29 supports reducing the provision of on-site car parking where there are alternative methods of travel.

Discussion

118 There is no proposed provision for on-site car parking as part of this application. The proposal site is within PTAL 4; and a CPZ (Controlled Parking Zone); it has good access to public transport. Officers consider a car free approach to be acceptable. A condition will be added that prevents future residents from obtaining a parking permit if the area becomes part of a controlled parking zone.

7.4.4 Cycle Parking

Policy

119 Core Strategy Policy 14 states that Cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage.

Discussion

120 Three cycle spaces would be located within the entrance courtyard and would therefore be secure as has been shown on the plans and in the Design and Access statement. A condition is proposed to ensure the provision of these spaces prior to occupation.

7.4.5 Transport Conclusion

121 The proposal would have an acceptable impact on transport in terms of car park free approach, encouraging sustainable modes of movement and accommodating the sites servicing needs, subject to conditions.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

122 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).

- 123 DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 124 The main impacts on amenity arise from: (i) overbearing sense of 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.

7.5.1 Daylight, Sunlight

- 125 A study of the impact of the proposal on neighbours sunlight and daylight has been provided. It is noted that the BRE guidelines for impact of development on daylight/sunlight is a preferred recommendation and not a policy. In this case, given the scale of the development and the nature of the arrangement of No 1 Crossfield Street, the proposal is supported as the layout of the back garden of these properties (facing eastwards) allows both properties to benefit from adequate sunlight.
- 126 A site visit was arranged by Officers to assess the impact of the proposed development on the adjoining neighbours especially No1. Consequently, amendments were recommended and were carried out and specific 25 and 45 degrees tests conducted to demonstrate the impact on the amenities of No 1.
- 127 The submitted Daylight and Sunlight Assessment study demonstrates, the effect on VSC is within the 80% guidance value in all cases. Impact on neighbouring residents in terms of daylight are within BRE Criteria. In terms of sunlight all windows either retain 25% of annual and 5% of winter hours. The scheme is therefore compliant with BRE guidance in relation to sunlight impacts. The proposed development is acceptable with respect to daylight and sunlight impacts.

Overlooking

- 128 The proposed application site has a shared boundary wall with Nos 146 to 150 at Deptford High Street to the rear and with No1 Crossfield Street to the North. It also shares a boundary wall with St Joseph Catholic primary school to the South. Therefore, the nearest residential properties are to the rear at Nos. 146-150 Deptford High Street which would mean upper floor flats, and No1 Crossfield Street. Officers had concerns regarding the impact of the proposed development on the privacy of the adjacent neighbours at No1 Crossfield Street. The main concerns were potential for overlooking by the only dormer window to the rear, which could have direct view to bedroom and living room at No1. By undertaking amendments including setting back further from the edge and providing obscure glazing (secured by a condition), officers are satisfied that the changes would reduce the impact on the privacy of neighbours and is therefore, considered as acceptable.
- 129 It is noted that the height of the proposed building at 5.93m is lower than that of a traditional two-storey building facing Deptford High Street. No148 and 146 both benefit from rear extensions, which have been extended to the shared boundary with the application site. The shared boundary with No146 has a lower brick wall plus a trellis fence at the top, which would be retained. The window to the rear of the proposed scheme would be 15m away from the first floor window at No148 and 20m away from No 150 at Deptford High Street. Due to the distance and the angle of the buildings toward each other, it is considered that the proposed windows at the ground and first floor would not be subject to increasing overlook or have adverse impact on their sense of privacy.
- 130 To the rear a window with obscured glazing would be introduced facing No146, and would provide natural light to the bathroom. The rear boundary line of terraces at Nos146 and 148 are not straight due to various size of extensions in those properties. The rear elevations and windows of these properties (at first floor and above) are set

between 9m and 11m away from the rear elevation and windows of the proposed development with no direct overlooking, which would help reduce, impact on amenities.

131 The application site also has a shared boundary with the parking area of the primary school (approximately 18m), which is enclosed by high metal fence and has access only from Crossfield Street through a metal gate. The main building of the primary school is 38m away from this site.

132 Therefore, it is considered that the proposed development would not have any impact on privacy of No146 to No150 Deptford High Street and St Joseph Primary School.

7.5.2 Enclosure and Outlook

133 The Council has received objections regarding the impact of the new dwelling on No1 Crossfield Road. The objections relate to the bulk of the first floor element of the proposed scheme causing a sense of enclosure.

134 The sloped green roof to the rear initially joined the flat roof and projected 2m towards the rear elevation of No1 at the first floor, which could lead to a sense of enclosure. No1 also has a courtyard with a view to St. Paul's Church and the tree at the parking area of the primary school (T1). The revised plan introduced a sloped roof which would be shortened to align with rear of the roof on No1 mitigating the sense of enclosure.

135 It is noted that the existing side boundary wall of No1, as shown on the approved plan in 2016 has a height of 2.5m. As a part of the proposed dwelling would be constructed along this courtyard wall of No1, an informative has been added to advise the applicant to engage for party wall agreement with the adjoined neighbours.

136 Therefore, given the amendments it is not considered that the bulk of the first floor would give rise to an excessive sense of enclosure or be visually detrimental, given the slope of the roof and extent of the two-storey element of the proposed building.

137 Officers also assessed the impact of the single storey element of the proposed scheme on adjoining neighbours at No1.

138 At the ground floor the shared boundary with No1 is the 2.3m wall between the single and two storey elements of the proposed dwelling and the courtyard of No1, therefore the single storey element of the proposed scheme is not expected to have any unacceptable impact on the amenities of its adjoined neighbour at No1 Crossfield Street.

139 It is recommended that given the physical constraints of the site, and proximity to neighbouring buildings that all future permitted development rights are removed. A condition is proposed to secure this.

7.5.3 Noise and disturbance

140 The plot is currently vacant and occasionally used as a parking area for the ground floor shop at No148 Deptford High Street, although there are no cross over in front of the exiting gate in front of this plot, which make using the plot as a parking bay unlawful. In light of this setting, the new dwelling would not generate unacceptable levels of noise and disturbance.

7.5.4 Construction impacts

141 A level of disruption is to be expected whilst building works are ongoing, and this cannot be avoided. A construction management plan would be submitted, which details how levels of disruption will be minimised. The Management plan shall also demonstrate that

deliveries will take place outside of school peak arrival and departure times, in the interests of pedestrian safety. This would be subject to a condition to ensure it is adhered to during all construction works.

7.5.5 Maintenance of the roof and the gap between to roofs with No1

142 The proposed gap between the two roofs is considered just enough to maintain the space between the roofs. Access to the gap would be via a side window, which would not be visible from No1 or Crossfield street.

7.5.6 Impact on neighbours conclusion

143 The proposed development would not adversely impact the living conditions or amenities of the neighbours and is considered to be acceptable.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

144 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

145 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

146 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.

147 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

148 The application is accompanied by a Sustainability Statement, in line with Mayor's SPG: Sustainable Design and Construction (2014). This sets out the measures to be taken to reduce carbon emissions, including an enhanced fabric, and the installation of a communal air source heat pump to serve central heating and Domestic Hot Water. The Strategy concludes that the total reduction in emissions resulting from energy efficiency measures and the installation of renewable technology such as installing dual flush toilets, designed to meet Building Regulations (2013). Whilst this was not required since this is not a major case, the provision of such a Statement is welcomed.

7.6.2 Natural Materials

149 The proposed material would be timber and bricks, which are considered as natural and sympathetic materials.

7.6.3 Sustainable Urban Drainage

Policy

- 150 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.
- 151 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.
- 152 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 153 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

- 154 As this is not a major application there was no requirement for SUDS calculations to be submitted, however the scheme does include several merits to reduce surface run off.
- 155 Firstly, the area of hardstanding of the courtyard would use permeable surface materials and the retention of large grassed areas would attenuate surface water runoff.
- 156 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.

7.6.4 Sustainable Development conclusion

- 157 The proposal has been designed to reduce carbon emissions and it has been demonstrated that the reduction is policy compliant. 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.
- 158 As the history of site indicates mixed commercial and residential use, and there are no records of any prior industrial activity on the site industrial contamination is not a concern.

7.7 Natural Environment

- 159 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 160 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 161 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.
- 162 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 Living roofs

163 Flat roofs at the single storey part and the sloped roof at the rear would be green roofs to promote biodiversity and help with air pollution, which is considered acceptable for a scheme of this nature. The final details of the living roof are to be secured by condition. Subject to details, the living roofs proposed would be acceptable, and would help to ensure the site contributes positively to urban greening.

7.7.2 Green spaces and trees

Policy

164 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.

165 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.

166 Paragraph 170 of the NPPF (2019) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

167 The application is accompanied by a Arboricultural Impact Assessment, prepared by Crown Tree Consultancy on 9 August 2019, which concludes that the site is essentially devoid of trees with significant merit within it. Concerns were however raised by Officers regarding the impact of the new dwelling on the existing trees immediately outside the curtilage of the land, particularly the one at the parking area of the primary school.

168 The Assessment confirms in Para.3.3 to 3.5 that two existing trees in the south eastern (Category A London plane T2), and south (Category B sycamore T1) would be retained. Officers are mindful of the potential harm this development could cause to those retained trees, which are summarised as:

- Damage to roots within the Root Protection Area from construction activity and foundations
- Crown reduction of overhanging branches to accommodate the building
- Long term risk to tree from residential amenity impacts for instance from over shadowing or maintenance issues

169 In Para. 4 and 5, the Assessment justifies the methods, which should be taken into consideration during the construction. Sub-section 4.10.2 to 4 state that it is proposed to prune the lower branches of T1 and T2 back to the site boundary in order to create a clearance distance of 2.5m from the roof of the proposed dwelling. No hard surfacing is proposed in root protection areas. Foundations for the dwelling are proposed within the theoretical Root Protection Areas of T1 and T2.

170 In order to minimise the impact on tree roots, an above ground pile and beam or pile and raft foundation is proposed where the building extends into the Root Protection Areas, to ensure that appropriate piling method would be undertaken. This is proposed to be secured by condition.

171 The Arboriculture Method Statement refers to BS 5837, which recommends that a detailed methodology be agreed in the form of an Arboricultural Method Statement,

which shall ensure that trees are well protected during the construction phase. Provided protection measures are implemented, officers are satisfied no long-term detrimental impacts on the health of the adjacent trees will occur.

7.7.3 Natural Environment conclusion

172 The proposed green roofs are welcomed, and in order to ensure the quality of green roof a condition will be added. Concerns regarding the protection of adjoining trees will be addressed by condition. The proposal is acceptable in environmental terms.

8 LOCAL FINANCE CONSIDERATIONS

173 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).

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

175 The CIL is therefore a material consideration.

176 £10,443.37 Lewisham CIL and £6,900.08 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

177 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.

178 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.

179 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.

- 180 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>
- 181 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
- 182 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>
- 183 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 184 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
- 185 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.

186 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.

187 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application, including respect for private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

189 The proposal will provision of new family-sized home in a sustainable urban location with good access to public transport, local services and amenities, along with small scale environmental benefits from the living roof and permeable surfaces. The scheme has been well designed and would enhance the character of the Conservation Area, heritage assets and the wider area. The development would protect the amenity of adjoining occupiers and

190 For these reasons, it is recommended that the development be approved.

12 RECOMMENDATION

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

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

0001; 0002; 0003; 0004; 0005; 0006; 0007; 0008; 0009; Site Location Plan BS 5837 Arboricultural (received 20 Nov 2019)

0001 Indicative_Section_D1; 0002 Indicative_Section_D2; 0003 Indicative_Section_D3; 0004 Indicative_Section_D4 (received 08 Jan 2020)

0022 Drainage and maintenance indicative details (received 20 Jan 2020)

1001 - Rev C; 1002 - Rev C; 1003 - Rev C; 1004 - Rev C; 1005 - Rev C; 1006 - Rev C; 1007 - Rev C; 1008 - Rev C; 1009 - Rev C; 1010 - Rev C; 1011 - Rev C; 1012 - Rev C; 1013 - Rev C; 1014 - Rev C; 1020 - Rev C; 1021 - Rev C; 1022 - Rev C; 1023 - Rev C; 1024 - Rev C; 1025 - Rev C (received 01 May 2020)

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

3) CONSTRUCTION MANAGEMENT PLAN

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

- (a) Dust mitigation measures.
- (b) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (c) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (d) Security Management (to minimise risks to unauthorised personnel).
- (e) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4) SITE LEVELING

No development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:

A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site at regular intervals, roof levels of adjoining buildings and hard surfaces.

Reason: To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to its surroundings 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.

5) EXTERNAL MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and external doors, roof coverings, other site specific features to be used on the building have been submitted to and following a site visit, approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6) PROTECTION OF TREES DURING CONSTRUCTION

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

b) All works have to be in accordance with the above TPP.

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

7) LIVING ROOF

(a) The development shall not be occupied until the details of the specification of the proposed green roof, has been submitted to and approved in writing by the Council.

(b) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. 1001 - Rev C; 1003 - Rev C; 1004 - Rev C; 1010 - Rev C; 1013 - Rev C; 1014 - Rev C; 1020 - Rev C; 1021 - Rev C; 1022 - Rev C; 1023 - Rev C; 1024 - Rev C; 1025 - Rev C (received 01 May 2020) and 0004 Indicative_Section_D4 (received 08 Jan 2020) hereby approved and maintained thereafter.

- (c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (d) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

8) REMOVAL OF PD RIGHTS (EXTENSIONS)

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 Class A, B, and C 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).

9) ARCHAEOLOGICAL PROGRAMME OF WORK

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

a. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

b. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

10) PILLING OPERATION

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority **prior to commencement** of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

11) **Parking Permission**

No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the Controlled Parking Zone in which the development site is situated.

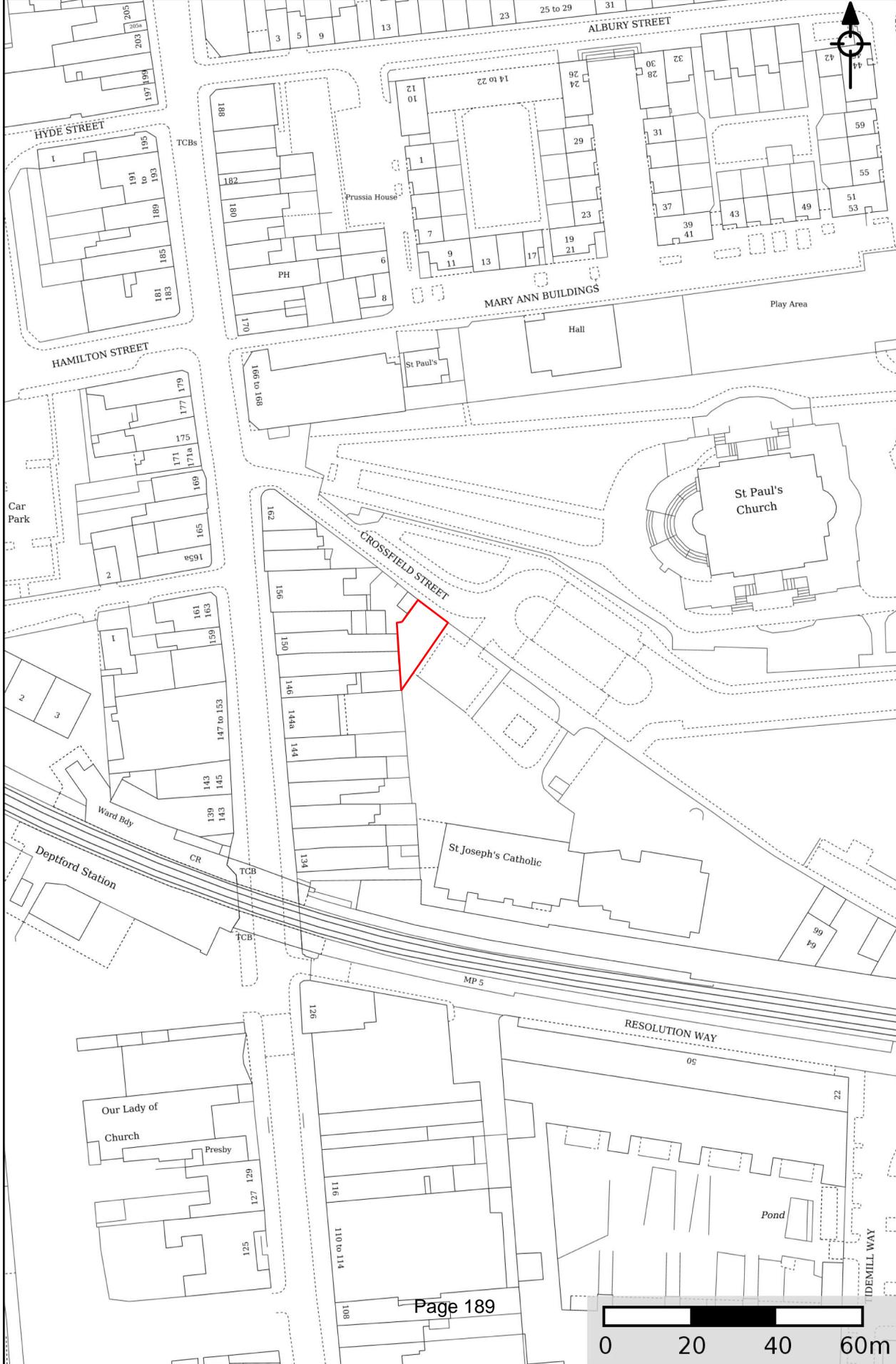
Reason: To ensure the proposed dwellings do not have an unacceptable impact on parking stress in the surrounding area, and in compliance with London Plan Policy 6.13, Draft London Plan Policy T6, Core Strategy Policy 14 Sustainable Movement and Transport and DM Policy 29 Car parking.

12.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- 2) You are advised that due to the proximity of the proposed new dwelling and shared boundary wall with the existing buildings particularly at No1 Corssfield Street, Party Wall Agreements will be required between adjoining neighbours to address development close to shared boundaries. This is a civil matter between landowners and not something, the Council can advise on further.
- 3) **Street Naming and Numbering:** 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.

- 4) The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Committee	PLANNING COMMITTEE C
Report Title	ADDENDUM - Land At Rear Of 148, Deptford High Street, London, SE8
Contributors	Zahra Rad
Date	06 August 2020

ADDENDUM

- 1 This is an addendum to the planning committee agenda published 20th July 2020 in respect of Planning Committee C on 6th August 2020.
- 2 This addendum provides a correction for Item 5 (Land At Rear Of 148, Deptford High Street, London, SE8).

ITEM 5 – Land At Rear Of 148, Deptford High Street, London, SE8

- 3 Following the publication of the committee agenda, it was identified that two suggested planning conditions referenced in the committee report were omitted from the condition list in error. The two conditions below are inserted in Section 12.1 of the committee report following Condition 11.

4 **Condition 12 ‘ARCHITECTURAL DESIGN’**

“(a) Notwithstanding the details hereby approved, no development above ground level shall commence for any phase of the development until the following has been submitted to and approved in writing by the Council:

- i) details of timbers and a timber management plan report;*
- ii) details of the frontage brick wall to be laid in a bond to match the existing*

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

5 **Condition 13 ‘OBSCURE GLAZING WINDOW’**

“The new windows to be installed in the first floor at the rear elevation (as shown on Plans 1010 Rev C and 1013 Rev C - received 01 May 2020) of the new building hereby approved shall be fitted as obscure glazed/fixed shut to be 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, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on backland sites and amenity areas of the Development Management Local Plan (November 2014).”*

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