

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 18 FEBRUARY 2021 TIME 7.30 PM**

PLACE: **MICROSOFT TEAMS REMOTE 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, 9 February 2021

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 18 February 2021

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

**(1) Personal interests**

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

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

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

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

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

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

### (3) Other registerable interests

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

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

### (4) Non registerable interests

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

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

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

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

**(6) Sensitive information**

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

**(7) Exempt categories**

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

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

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 18 February 2021

### MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 10 December 2020.

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**LEWISHAM COUNCIL  
PLANNING COMMITTEE C  
THURSDAY, 10 DECEMBER 2020 AT 7.30 PM  
MINUTES**

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

**APOLOGIES FOR ABSENCE:** Councillor Mark Ingleby.

**OFFICERS:** Team Leader, Planning Officers, Committee Officer.

**ALSO PRESENT:** Legal Representative.

**Item  
No.**

**1     Declarations of Interest**

Councillor Krupski advised the Committee that Rushey Green was her Ward.

**2     Minutes**

RESOLVED that the minutes of the Planning Committee C meeting held on 8 October 2020, be agreed and signed as a correct record.

**3     25 Scrooby Street, SE6 4JB**

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing buildings and the construction of a part one/part two storey block, comprising:

- 1, one bedroom and 3, two bedroom dwelling houses on the site of 25 Scrooby Street SE6, together with ancillary works including cycle and refuse/recycling stores, boundary fences, entrance gates and landscaping.

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

- Principle of Development, including loss of commercial

- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport

Members raised enquiries relating to the unit size, prior application approvals, waste management and sought legal advice regarding the application being refused.

The Officer clarified to Members the circumstances surrounding the prior application approvals, as outlined in the officer report. It was advised that the prior approvals were granted prior to the government's legislative amendments to certain planning Prior Approval application requirements, which included unit sizes. The Committee was informed by the Team Leader that after April 2021, it was unlikely such applications would be approved, as undersized units were actively being phased out.

The Committee were advised by the Officer that one unit of the scheme would have a large 16 squared metre private garden. Officers also advised that the positioning of the bins on the residential boundaries, did not necessarily constitute harm. However the Officer agreed an informative could be added to advise the Developer that the waste condition details should propose an enclosure, for onsite waste storage to protect amenity.

The Legal Representative provided legal clarification to the Committee with regard to the implications of refusing the application. The Legal Representative concluded that if the application was refused, the developer would be able to resort to their 'fall-back' option of the prior applications granted approval.

The agent on behalf of the applicant, addressed the Committee. The agent outlined the nature of the applicants business. Members were advised the applicant had purchased the application site with its prior granted consents. He described the businesses currently on site and the approved change of use applications granted to the application site. Members were advised the current application intended to enhance on the existing building and create 'a better development'. The Committee were informed of issues relating to light and wear and tear of the building, to be addressed by the applicant. The agent then discussed the intention to add space so that units would become family dwellings. Emphasis was placed on the encouragement of residents 'putting down roots' in the community. It was advised the current application applied for would provide this

and was preferable, despite the availability of the fall-back option. The agent noted the ecological enhancements, green roof, car free intentions and local amenities. Attention was also drawn by the agent, to privacy screens for windows on the scheme. It was stated as a result, there were no overlooking issues. The agent concluded the development would be a 'good quality replacement scheme' and would contribute to the community, providing much needed accommodation.

The following enquiries from Members related to unit size, number of units and privacy.

The agent advised the Committee that the current application would be an improvement upon the prior approved applications that constituted the 'fall-back' option for the developer. It was conceded that whilst unit 2 of the scheme did not meet the pending national space standards, the ground floor open plan was an improvement on the prior approved applications.

It was confirmed by the agent that the developer had specified 4 units and therefore, it was not possible to speak for the applicant with regard to reducing the number of units to 3 to provide more family dwelling space per unit. The agent also added such a measure would put pressure on the share of amenity space, where children were concerned. The agent again advised Members the scheme had been purchased by the developer with the prior application approvals already in place.

The agent informed Members that the schemes windows were half covered by a louvre design, which prevented overlooking onto other properties.

During the course of the meeting, several Members voiced intense opposition to granting the application, but noted the developers' fall back option was a much worse scenario, if it were to be executed. A Member felt that to avoid the fall-back option by approving the current application, was an act 'consigning' people to poor living conditions and was a 'poor line to follow'. A fellow Member felt the application was only brought before the Committee to demolish the current development, because it was financially better to do so, rather than build on the existing scheme. Another Member raised concerns to the lack of light and unit size, commenting that 'hovels' were being built.

The Legal Representative and Team Leader reiterated their earlier advice with regard to the implications of a refusal of the current application and the developer's available fall back option.

Members considered the advice and were in agreement that further legal advice should be sought.

A Member proposed the Committee went into closed session, to seek further legal advice on the application before them.

A motion was proposed that the meeting go into closed session for legal advice. The motion was successful, followed by a vote. The result of the vote was 6 in favour, 1 abstention and 2 against the proposal to move the meeting into closed session.

The meeting went into closed session at 8.43pm. The meeting reconvened at 9.04 pm.

A representative addressed the Committee, on behalf of the Wildfell Road Residents Association, advising that residents were opposed to the proposal because of concerns related to: asbestos, design, materials, overlooking, privacy, light, disturbance, overcrowding, parking and traffic.

Members voted on the recommendation in the report, with a result of 5 in favour, 2 abstentions and 2 against the proposal.

## **RESOLVED**

That it be noted that the Committee agreed to:

**GRANT** planning permission for the demolition of the existing buildings and the construction of a part one/part two storey block, comprising:

- 1, one bedroom and 3, two bedroom dwelling houses on the site of 25 Scrooby Street SE6, together with ancillary works including cycle and refuse/recycling stores, boundary fences, entrance gates and landscaping.

Subject to the prior completion of a legal agreement pursuant to Section 106 of the 1990 Act (and other appropriate powers) to secure the planning obligations set out in paragraph 10 of the report, and the conditions and informatives as outlined in the report and,

A requirement that officers should:

- Add an Informative to the Planning Decision Notice to advise the Developer that the waste condition details should propose an enclosure for onsite waste storage to protect amenity, with the wording of the Informative delegated to Officers.

The meeting closed at 9.11 pm

Chair

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Committee	PLANNING COMMITTEE C	
Report Title	17 Minard Road, SE6 1NS	
Ward	Lewisham Central	
Contributors	Samuel James	
Class	PART 1	28 <sup>th</sup> February 2021

<u>Reg. Nos.</u>	(A) DC/20/116332
<u>Application dated</u>	27 March 2020
<u>Applicant</u>	Resi on behalf of Mr Ozoilo
<u>Proposal</u>	The construction of a part one, part two storey building, plus habitable roofspace at 17 Minard Road SE6 to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 2 off-street car parking spaces, 5 bicycle spaces and refuse storage facilities.
<u>Background Papers</u>	(1) Case File LE/667/17/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 2 Previously Existing use: C3 single family dwellinghouse. Site currently vacant land.
<u>Screening</u>	N/A

## 1 SUMMARY

- 1 This report sets out the officer's recommendation to approve the above proposal. The case is brought before members because permission is recommended to be approved and twenty-three individual planning objections have been received from local residents.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The site is a roughly triangular shaped plot of land located at 17 Minard Road. It is on the south-eastern side of Minard Road at the end of an existing terraced row, approximately 70m from the junction with Brownhill Road, and the last plot on this side of the street before the junction. A two-storey, end of terrace house previously stood on the land, but this was demolished in 2017 following an application for prior approval.

### *Character of area*

- 3 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road exhibits a strong architectural vernacular. The vast majority of surrounding dwellings are finished in red brick, bar a few exceptions, where the brick has been rendered and/or painted.
- 4 They style of the properties is consistent with that of the wider Corbett Estate, in which the proposal site is situated.

#### ***Heritage/archaeology***

- 5 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.
- 6 There site is not within an area of archaeological interest.

#### ***Surrounding area***

- 7 The surrounding area is residential in nature, however there are various commercial uses and local shopping parades along Brownhill Road (A205) to the south. The site is within walking distance of Hither Green Rail Station.

#### ***Local environment***

- 8 The site is in flood zone risk area 1 meaning the risk of river flooding is low.
- 9 The site is within an area of designated Local Open Space Deficiency.

#### ***Transport***

- 10 The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is below average for London areas. Hither Green Rail station is an approximate 12-minute walk from to site.
- 11 Minard Road is a public highway with a speed limit of 20mph. Minard Road forms a junction with Brownhill Road, a classified A-Road, approximately 70m to the south-west of the site.
- 12 The existing property benefits from a vehicular crossover to the highway.

### **3 RELEVANT PLANNING HISTORY**

- 13 There is significant planning history pertaining to this property but the most relevant is outlined below:
- 14 **DC/17/104165** - The construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 2 x No. three bedroom houses and 1 x No. two bedroom house,

together with the provision of 3 car parking spaces, 6 bicycle spaces and a refuse storage area – **Refused 8th January 2018**, for the following reasons:

- 1. The proposed development, given its footprint, massing and proximity to the shared boundary with the properties along Brownhill Road, would not be in keeping with the prevailing plot coverage of the surrounding area and would represent a development which is disproportionate to the size of the application site, whilst also resulting in an unacceptable impact on the amenity of the occupiers of 315 Brownhill Road as a result of appearing overbearing, and on the amenity of the occupiers of 317 Brownhill Road due to increased overlooking and loss of privacy to their rear amenity space, contrary to Policy 7.4 Local Character and Policy 7.6 Architecture of the London Plan (2016), DM Policy 30 Urban design and local character of the Development Management Local Plan (2014), and Lewisham Core Strategy Policy 15 High quality design for Lewisham (June 2011).*
- 2. The proposed development, due to the depth, irregular shape and cramped nature of the outdoor amenity space for the end-terrace unit (Unit 3), would fail to provide an acceptable standard of accommodation, and is therefore contrary to Policy 3.5 Quality and Design of Housing Development of the London Plan (2016), DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014), Lewisham Residential Standards SPD (Updated 2012) and The London Plan Housing SPG (2016).*
- 3. The proposed cycle parking spaces would result in cycle parking which is not convenient to use or fully secure, contrary to Policy 6.9 of the London Plan (2016), and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).*

15 **DC/17/102697** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 three bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **Withdrawn 11th October 2017**.

16 **DC/16/099545** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 two bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **withdrawn 21st April 2017**.

17 **DC/16/095066** - Prior notification for the demolition of the existing two storey dwelling at 17 Minard Road SE6 – **Prior Approval not required 17th February 2016**.

18 **DC/14/090238** - The demolition of the existing buildings and the construction of a 2 storey building with basement and roof space at 17 Minard Road, SE6 to provide 2 one bedroom, 3 two bedroom and 1 three bedroom self-contained flats, together with the provision of 4 car parking spaces and 6 bicycle spaces – **Refused 16th April 2015**, for the following reasons:

- 1. The proposed development would result in the loss of a single dwelling house to the detriment of housing choice in the Borough, contrary to DM Policy 2 (Prevention of loss of existing housing) and DM Policy 3 (Conversion of a single dwelling to two or more dwellings) in the Development Management Local Plan.*
- 2. The proposed development, by reason of the location and design would result in an overbearing, dominant and visually intrusive form of development which would result in a loss of outlook, daylight/sunlight and increase the sense of enclosure on the occupiers at adjoining sites on Minard and Brownhill Roads contrary to Core Strategy Policy 15 High Quality Design for Lewisham of the*

*adopted Core Strategy (2011) and DM Policy 32 Housing design, layout and space standards, DM Policy 33 Development on infill sites, of the adopted Development Management Local Plan (2014).*

3. *The proposed development would result in a substandard living environment for future occupiers who would not benefit from adequate outlook, amenity/play space and natural light contrary to Policy 3.5 Quality and Design of Housing Developments and Policy 7.6 Architecture of the London Plan 2011; Core Strategy Policy 15 High quality design for Lewisham; Lewisham Council Residential Standards Supplementary Planning Document 2006, the Mayor of London's Housing Supplementary Guidance, November 2012 and 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).*
4. *The proposed development by reason of the location and design would result in an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider street scene and be contrary to Objective 10:Protect and enhance Lewisham's character; Policy 15: High Quality Design for Lewisham; in the adopted Core Strategy (2011); DM Policy 30 Urban design and local character; DM Policy 31 Alterations and extensions to existing buildings including residential extensions; DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill, backland, back garden and amenity area development of the adopted Development Management Local Plan (2014).*

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSAL**

19 The proposal is for construction of a part two storey, part single storey building plus habitable roof space consisting of two single family dwellinghouses (1, three bedroom, and 1, four bedroom).

20 The proposal includes off-street parking for two cars.

21 The proposal also includes landscaping works around the proposed building, and provision of 5 bicycle spaces and refuse storage.

### **4.2 Revisions during application**

22 During the course of the application assessment period, revisions were made to the proposal, including the addition of a dormer to the rear roofslope of the building, to accommodate an additional bedroom for each dwelling.

23 Other alterations include a reduction in the size of the 2-storey projection to the rear, and alterations to fenestration. Two parking spaces have also been removed from the proposal.

24 It is also noted that the proposed party wall width has been adjusted, which resulted in minor alterations to the internal configuration of the proposed dwellings. This was to ensure the existing party wall at No.17 Minard Road can be retained as a result of the proposed development. This amendment follows discussions between the applicant and the owners of No.15.

25 Interested parties were re-consulted on the revised proposals, in accordance with the Council's Statement of Community engagement.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

26 Letters were sent to residents and business in the surrounding area and Ward Councillors on 14<sup>th</sup> May 2020.

27 23 responses were received from individual parties, comprising 23 objections.

28 Following revisions to the proposal, re-consultation letters were sent to residents in the surrounding area, including all of those who had already commented on 26<sup>th</sup> November 2020. Letters were received from 5 parties who had already commented, reiterating previous objections.

#### 5.1.1 Table [1] Comments in objection

Comment	Para where addressed
Objections to loss of previously existing original Corbett house, and construction of two dwellings. Contrary to DM2 and DM3.	52
Pre-Existing / existing plan accuracy	Pre-existing plans have been updated during course of application
Proposed building is out of character with the surrounding area. Corbett Estate is of special interest.	103
Proposed building does not respect local context or original Corbett houses	104
Windows do not align, bays do not match, materials do not match	104
Overdevelopment of plot	<b>Error! Reference source not found.</b> 70
2 storey rear element is not in accordance with policy and guidance in SPD	107
Floor to ceiling heights are insufficient	76
Loss of sunlight and overshadowing to neighbours due to 2 storey rear extension, with reference to "25 and 45 degree rule" tests.	146
Overlooking to neighbours / loss of privacy	134
Increased sense of enclosure	128
Cycle parking spaces not secure	171
Object to 4 parking spaces for proposed development	176

Objections were received relating to the positioning of the proposed party wall. Following the local meeting, the applicant's agent liaised with the owners of No.15, and an

agreeable solution for both parties was found. It is noted that the party wall detailing is not a material planning consideration, however the impact of internal alterations that result from the alteration to the position of the party wall have been considered where relevant.

## 5.2 Local Meeting

29 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend 'Local Meeting'. This meeting was held on 12<sup>th</sup> November 2020. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Patrick Codd, and followed a webinar format. The Local Meeting was held in accordance with temporary changes to Lewisham's Statement of Community Involvement.

30 The developer was invited to give a short presentation on the scheme, followed by pre submitted questions which had been emailed to officers prior to the meeting. Follow up questions during the meeting were submitted via text on the Zoom web application.

31 The meeting was attended by nine local residents, Councillor Patrick Codd (Chair), Councillor Aisling Gallagher, the developer's planning agents, and planning officer Samuel James.

32 *Discussion*

33 The key concerns raised by objectors mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area and the impact on neighbouring amenity, particularly to No.15 Minard Road. Minutes are attached at **Appendix A** (at bottom).

## 5.3 INTERNAL CONSULTATION

34 The following internal consultees were notified on 14<sup>th</sup> May 2020.

35 Highways: comments incorporated and addressed into highways assessment.

36 Environmental Health: No comments received.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

37 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

38 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.

39 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.

40 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**

41 The Development Plan comprises:

- 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**

42 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

43 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**

- On 29<sup>th</sup> January 2021, The Secretary of State wrote to the Mayor of London confirming all necessary directed modifications to the Intent to Publish London Plan (December 2020) had been conformed with, and confirmed the new London Plan could now be published. The Publication London Plan (January 2021) is now a significant material consideration when determining planning applications.

## **7 PLANNING CONSIDERATIONS**

44 The main issues are:

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

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

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

46 Publication London Plan (PLP) at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham, and PLPPH1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

### *Policy*

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

48 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.

49 NPPF Chapter 12 seeks to achieve well-designed places and seeks to ensure that developments are visually attractive. London Plan Policy 3.4 supports new housing schemes where the local character and context are well considered.

50 PLPP H2 requires boroughs to pro-actively support well-designed new homes on small sites in order to help achieve the targets set out in Table 4.2. Lewisham has a ten year target to deliver 3,790 new dwellings on small sites.

51 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.

52 DMP 2 *Prevention of loss of existing housing* sets out that planning permission for loss of housing by demolition will only be granted in a limited set of circumstances. DMP 3 *Conversion of a single family house to two or more dwellings* sets out that planning permission will normally be refused for the conversion of a single family house into flats. The general aims of these policies is to protect the loss of the existing housing stock, and the loss of family housing respectively, to ensure an adequate supply and genuine choice of homes for residents of Lewisham.

53 The house that previously existed at No.17 was a three bedroom, single family dwellinghouse. That property was demolished following an application for prior approval to demolish in 2017. Planning permission was not required for this, and this proposal for demolition was not required to be assessed against DMP2 or DMP3 at the time because the demolition was Permitted Development – only the methodology of demolition could be assessed by the Council.

54 The current proposal is for the construction of two new dwellinghouses of three and four bedrooms, meaning that as a result of the proposal there would be an additional family sized dwellinghouse, compared to the previously existing situation. The principle of development is therefore acceptable as there would be an increase in provision of family

housing in line with the Development Plan, and the proposal would not be contrary with DMP2 nor DMP3.

55 The overall acceptability of the scheme is subject to a proposed building of an appropriate scale and design, which would have an acceptable impact on the surrounding area, including on the amenities of neighbours and the local highways network. These matters are discussed in the following sections of this report.

#### **7.1.1 Principle of development conclusions**

56 The site will make a valuable contribution towards meeting housing needs as identified in PLPPH1 and H2 to increase housing supply and optimise housing potential of the site. The proposal will make the most efficient use of the land and officers therefore support the principle of development. This is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided.

## 7.2 HOUSING

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

### *Policy*

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

59 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.

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

61 The new PLPP supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

62 The PLP sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029. National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes. NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

63 CSP 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

### *Discussion*

64 The proposal is for two new family sized dwellings, and the site measures approximately 0.04 hectares in a residential area.

65 The surrounding area comprises of predominantly blocks of perimeter form urban terraced housing of 2-stories in height. The A205 (Brownhill Road), which has a mix of commercial uses, and is a busy main road runs close to the site, and therefore the area is characterised as being urban,

66 Table 2 below sets out the measures of density criteria required by New PLPP D3 for all sites with new residential units.

**Table [2]: Measures of Density**

<b>Criteria</b>	<b>Value</b>	<b>Value/area</b>
Site Area (ha)	A 0.04	BLANK
Units	W 2	W/A: <b>50 U/Ha</b>
Habitable rooms	X 10	X/A: <b>250 Hr/Ha</b>
Bedrooms	Y 7	Y/A: <b>175 Br/Ha</b>
Bedspaces	Z 12	Z/A: <b>300 Bs/Ha</b>

### *Summary*

- 67 The new PLP no longer includes the density matrix, which was included in the previous London Plan and states that appropriate density should be achieved through a design led approach.
- 68 Policy D6 of the new PLP states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites.
- 69 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report.
- 70 Subject to the following matters, the proposed density is acceptable, and would not result in an over-intensification of the site. The proposed development would result in a more efficient use of the land and increase housing supply in line with the new PLPP.

## **7.2.1 Residential Quality**

### *General Policy*

- 71 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 Publication London Plan (PLPPD4 and D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 72 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*

- 73 The 'Technical housing standards – nationally described space standards' sets out the minimum floorspace requirements for dwellings.
- 74 DMP 32 'Housing design, layout and space standards' and PLPP D6 of the new Publication London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan (2017). In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods".

#### *Discussion*

75 The table below sets out proposed dwelling sizes.

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

House No.	Unit type ( <i>min req. GIA</i> )	Unit size (GIA) (sqm)	Room sizes (metres squared)( <i>min req.</i> )	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1	3b 5p 3-storey dwelling (99)	103	Bed 1 (double) –13.7 (11.5) Bed 2 (single) – 9.5 (7.5) Bed 3 (double) -17 (11.5)	2.7	46 (10)	Yes
2	4b 7p 3-storey dwelling (121)	132	Bed 1 (double) – 17.3 (11.5) Bed 2 (double) – 16.5 (11.5) Bed 3 (single) – 8 (7.5) Bed 4 (double) – 18 (11.5)	2.7	55 (11)	Yes

76 The floor to ceiling heights would be approximately 2.7m for the majority of rooms within the dwellings, which exceeds the requirements of Policy DM32 and PLPP D6, which require a minimum of 2.5m.

77 It is noted that PLPP D6 recommends a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling, which would be exceeded.

78 The bedrooms in the loft have one side of their ceiling sloping due to the pitch of the roof. Approximately 1.3m<sup>2</sup> of each of these bedrooms would have a floor to ceiling height of less than 1.5m at the sloping side. Based upon the PLPP D6, this should not be counted in the overall GIA. This is not a significant area. As these rooms are significantly larger than the minimum required floor area for double bedrooms, this would not reduce the usable area of the rooms below the minimum requirements, and the rooms are compliant with the standards and considered to provide a high level of amenity.

79 The proposed houses would both exceed the minimum requirements in terms of overall floor areas, and in terms of the sizes of individual bedrooms. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

### **Outlook & Privacy**

#### *Policy*

80 Publication London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

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

### *Discussion*

- 82 Given both dwellings would have dual aspects, and the amount of glazing proposed, they would be provided with good levels of outlook overall. It is noted that the rear bedroom at first floor level (bedroom 2) of House 1 would have an obscure glazed window up to 1.7m, however as this would be a single bedroom, and there would be outlook from the high level clear glazing, as well as the rooflight, this is considered acceptable.
- 83 The proposed houses would not be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.
- 84 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

### ***Daylight and Sunlight***

#### *Policy*

- 85 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. PLPP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

#### *Discussion*

- 86 The proposed houses would all be provided with good levels of glazing, and they would all have windows on the south easterly and north westerly elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight. It is noted that living areas and amenity spaces are located facing south, to provide optimum levels of lighting to the most needed areas.

### ***External space standards***

#### *Policy*

- 87 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*

- 88 Each unit would be provided with a private amenity space in the form of rear garden. Table 3 above shows that they would both be provided with significantly larger than the minimum required private amenity space. The gardens are on the southerly face of the proposal for optimum daylight and sunlight. The shape of the gardens is considered suitable for children's play.
- 89 The gardens would be located at the rear of the house and would therefore be afforded sufficient privacy for a garden in an urban area. They would be overlooked to a similar degree to the previously existing garden for No.17 Minard Road, and other surrounding properties and are therefore considered to be acceptable.

### ***Summary of Residential Quality***

- 90 In summary, the quality of the proposed residential dwellings would be high. Each dwelling would exceed the relevant internal and external space standards, would be

provided with good levels of internal natural daylight and sunlight, appropriate levels of outlook and privacy, and good sized private external amenity space, in line with the previously mentioned policies.

## **7.2.2 Housing conclusion**

91 The proposal would deliver two new family sized dwellings, which would be provided with a high standard of residential amenity. It would contribute one additional unit to the Borough's housing targets in a predominantly residential and sustainable urban location, making the more efficient use of land and increasing housing density. This is a planning merit to which very significant weight is given.

## 7.4 URBAN DESIGN

### *General Policy*

- 92 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.
- 93 PLPP Table 3.2 states the built form, massing and height of development should be appropriate for the surrounding context.
- 94 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 95 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.
- 96 DM Policy 33 relates to development on infill sites, and states that development will only be permitted where they:
- a. make a high quality positive contribution to an area
  - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
  - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
  - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
  - e. retain appropriate garden space for adjacent dwellings
  - f. repair the street frontage and provide additional natural surveillance
  - g. provide adequate privacy for the new development and
  - h. respect the character, proportions and spacing of existing houses.

### 7.4.1 Appearance and character

#### *Policy*

- 97 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.
- 98 PLPPD3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 99 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

100 DM Policy 32 expects new residential development to be attractive and neighbourly.

101 DM Policy 33 relates to development on infill sites, and sets out a number of specific requirements for development of these sites.

*Discussion*

102 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road and surrounding streets exhibit a strong architectural vernacular. The dwellings are largely red brick, bar a few exceptions, which have been painted.

103 The proposed building would be of the same height as the adjoining terrace, the roof pitch would match, and the width of the building would be the same as the building which previously stood on site, and the existing properties along the terrace, though it would contain two instead of one terraced houses. The footprint of the proposed building is slightly larger than that which previously existed on site at the rear, but the overall scale of the proposal is comparable. Therefore, the proposal respects the scale and massing of surrounding development.

104 The proposal incorporates two double height forward projections to the front elevation, in roughly similar positions to the bays of the house which previously stood on site. This is an interpretative design cue from the prevalent two storey bays on surrounding properties. The proposal includes a similar solid to void ratio and glazing proportions to the front elevation when compared with surrounding properties, though the design is a modern interpretation of the existing street style and typology rather than a pastiche. The building would be built in similar red brick with a concrete tiled roof.

105 A more modern approach would be taken with the introduction of vertical zinc cladding which would be used on the first floor front elevation protrusions and on the roof of the single storey side element. The windows would be aluminium framed and the doors would be aluminium/timber. Zinc is considered a high quality material. Final details of materials are recommended to be secured by condition, to ensure the choice of brick matches as closely as possible with adjoining properties, and other materials are high quality and durable as required by DMP30.

106 To the rear of the building, it would feature a 3.6m deep single storey projection, with a 2m deep first floor projection above, which would be set in from the main side elevations by 1m. This would have an acceptable appearance, similar to a domestic rear extension. Objections relating to the rear projection have been received, with the suggestion it is contrary to policy, and the guidance set out in the Alterations and Extensions SPD.

107 There are no planning policies prohibiting 2-storey rear extensions, and the alterations and extensions SPD states that 2 storey rear extensions may be achieved where they are well designed, and do not dominate the host building.

108 The 2-storey element of the rear projection would be moderate in scale, projecting just 2m from the main rear elevation, and set away from the shared boundaries. It would read as a subordinate addition to the main building, and would not result in harm to the appearance of the surrounding area. It is noted that the part-single, party two-storey projection was reduced in scale during the course of the application.

109 At roof level at the rear the proposal includes a dormer. This element was added to the proposal during the course of the application assessment. The proposed dormer would be moderate in scale, being clearly set in from each of the party wall and the side elevation, as well as down from the ridgeline and back from the eaves of the roof. This element is proposed to be finished in zinc, which is a high quality and durable material.

- 110 The Council's Alterations and Extensions SPD (2019) gives guidance on rear roofslope extensions. It states that they must be set in from the party wall on each side by at least 0.3m, a minimum of 0.3m below the ridge line, 0.3m from the edge of any hip and at least 0.3m above the existing eaves line. The proposed dormer complies with the SPD, and officers consider it would have a high quality appearance.
- 111 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition to the street, which would have a positive impact on the character and appearance of the area.

### **Layout and landscaping**

#### *Policy*

- 112 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 113 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

#### *Discussion*

- 114 The building would be in the same position, and would have a similar footprint to the house which previously stood on site, however to the rear it would have a part single, part two storey 'extension', and to the side where the garage once stood would also be a single storey side 'extension'.
- 115 Each house would have its own front door, and would be accessed via a segregated pedestrian pathway.
- 116 The submitted landscaping scheme is indicative at this stage, but indicates grassed areas and a tree to the front garden area.
- 117 The private gardens would be to the rear, and the side of the proposed building, and a significant area to the front would remain soft landscaped, with hardstanding used only for the pedestrian path, and off-street parking spaces.
- 118 Overall the proposed layout makes good use of the site, subject to assessment of the final scheme of landscaping, which is proposed to be secured by condition.

### **7.4.2 Urban design conclusion**

- 119 In summary, the proposed building is considered to be a high quality, site specific response that would create interest at this currently under optimised site. It is of an appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

## 7.6 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 120 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 Publication London Plan PLPP D3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).
- 121 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 122 The surrounding area is residential in nature.

### **7.6.1 Enclosure and Outlook**

#### *Policy*

- 123 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

#### *Discussion*

- 124 *No.15 Minard Road (adjoining to the easterly side):* The single storey element of the proposed part-single, part-two storey protrusion would extend past the rear elevation of No.15 by 3.8m, and would have a height at the eaves along the boundary of 2.6m. The single storey element would have some impact on the outlook of the closest rear facing window at ground floor level, however at the moderate height of 2.6m, this would not be so significant to cause a harmful sense of enclosure or overbearing.
- 125 The first floor element would be set away from the shared boundary with No.15 by 1m, and would have a depth of 2m. 45 degree tests taken from the closest first floor and ground floor rear facing widow and glazed door suggest that a first floor structure of this scale would not significantly impact on the outlook from these windows, and would therefore cause no harmful increased sense of enclosure or overbearingness.
- 126 No.15 has a small single storey extension along the boundary with No.13 Minard Road, which is approximately 6.5m from the shared boundary with the host property. This structure has windows facing towards the host site, which could have its outlook impacted by the proposed 2-storey extension. Officers consider, the 2-storey element would be approximately 7.5m from these windows, and due to its limited depth of 2m, this impact would not be harmful. Notwithstanding this, due to the size of this extension, it is unlikely to contain a main habitable room.
- 127 Concern has been raised that the proposed bays to the front could harm the outlook or cause an increased sense of enclosure to the adjacent front bay window at No.15. The proposed first floor bay window would have a depth of approximately 1m from the front elevation and would therefore be visible from certain angles when looking out of the side facing bay windows at No.15. Although it would be visible, due to its limited depth of 1m and the 0.65m separation distance from the outer bay window at No.15, this would not cause a significant loss of outlook, or sense of enclosure.
- 128 The impact on outlook to No.15 is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure nor overbearing to occupants of No.15 Minard Road

129 *Properties on Brownhill Road, which adjoin to the rear.* The two storey element of the building would be a minimum of 16m from the rear elevation of No.317 and 319 Brownhill Road and the building would not directly face these properties, but would be at an approximate 45 degree angle. At this distance there would be no significant impact in terms of loss of outlook to the rear of these properties. Furthermore the two storey element of the proposal would be at least 3m from the rear boundary of these properties, and due to the off-set angle, this would not cause any significant sense of enclosure to the occupants.

## 7.6.2 Privacy

### *Policy*

130 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

131 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

### *Discussion*

132 Brownhill Road Properties: It is noted that the rear elevation of the proposed building would not directly face the rear elevations of Brownhill Road properties. The first floor rear facing windows would all be obscure glazed to avoid direct overlooking of Brownhill Road properties and their amenity spaces. The second floor rear elevation windows serving the proposed dormer would be the same distance to Brownhill Road properties as the previously existing first floor windows of No.17, and therefore they would not cause any harmful loss of privacy to neighbours.

133 No.15 Minard Road: No windows would overlook this property directly, and the impact of the new second floor windows would be similar to the previously existing first floor windows of No.17.

134 In light of the above, the impact to neighbouring privacy would be acceptable, in line with Policy DM32, and the London Housing SPD (2017). .

## 7.6.3 Daylight and Sunlight

### *Policy*

135 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

136 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree 'rules'.

### *Discussion*

- 137 No daylight and sunlight impact assessment has been submitted, which is usual, and acceptable for a development of this scale.
- 138 Officers consider the only property which could potentially be impacted by the proposal in terms of daylight and sunlight would be No.15 Minard Road, due to the proposed part single, part two storey rear projection. Other than this element to the rear, the massing and scale of the proposed building is commensurate to that which previously stood on site, and therefore the impact on daylight would not be significantly altered.
- 139 The 45 degree 'rule' test should be used where the proposed development is at right angles to the affected window of the neighbouring property:
- Draw a line at 45 degrees upwards from the centre of the affected window.
  - Draw a line at 45 degrees sideways from the centre of the affected window.
- 140 If the proposed development is **both** higher and wider than these 45 degree lines, there **may** be an unacceptable loss of daylight to the affected window.
- 141 Ground floor glazed door closest to the boundary at No.15:
- The 'upwards' 45 degree tests taken from the glazed door would clear the single storey element, however the line would clip the proposed 2-storey element, near its roofline. This does not suggest a significant level of harm.
  - The 'sideways' 45 degree test taken from the ground floor plan would not clear the single storey element, however it would clear the 2-storey element. It is usual for a single storey extension to not pass the sideways 45 degree test.
- 142 This suggests that whilst there may be some impact to the ground floor glazed door, that it would not be significantly harmful. Furthermore, due to the limited 2m depth of the first floor element and its set away from the boundary, together with the south-easterly orientation and large amount of glazing to the door that the impact on levels of light would be acceptable.
- 143 First Floor window closest to boundary at No.15:
- The 'upwards' and 'sideward' 45 degree tests show there would be no significant impacts to this window.
- 144 The 25 degree 'rule' test is used where the proposed development faces the affected window of the neighbouring property. The impacts to the ground floor side facing window (within rear extension at No.15) can be assessed using this test. The 25 degree line taken from this window shows that there could be some impact to the levels of daylight reaching this window, but that this would be minimal. Considering the limited 2m depth of the 2-storey element, and the south-westerly orientation, the impacts on levels of daylight to this room would not be significantly harmful. Furthermore, this room does not appear to be a main habitable room, based upon its relatively small size.
- 145 Concern has been raised that the proposed front bay window could have an impact on levels of light reaching the front bay window of No.15. The 1m depth of the proposed front bays would ensure there would not be a significant impact on levels of daylight reaching No.15. Furthermore the front elevations are north-westerly facing, and therefore levels of sunlight reaching these windows is already heavily restricted by the main building, and would have been affected similarly by the house which previously stood at No.17.

### *Summary*

- 146 Although no sunlight and daylight impact assessment has been submitted, officers have assessed the impact of the proposal on levels of sunlight and daylight to neighbouring properties using the appropriate 45 and 25 degree 'rule' tests, and their professional planning judgement, and are satisfied that the impacts would not be significantly harmful.
- 147 This conclusion also takes account of the planning history of the site. Officers note the current scheme is of a commensurate massing and scale to the demolished dwelling, and would have commensurate daylight/sunlight impacts to adjoining properties.
- 148 The proposal would be in line with Policy DM32 and DM33 in these respects.

#### **7.6.4 Noise and disturbance**

##### *Policy*

- 149 DM policy 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

##### *Discussion*

- 150 Two residential dwellings unlikely to generate a significantly higher level of comings and goings and general residential activity than the previously existing single family dwellinghouse, and as this is a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.
- 151 Notwithstanding this, a new dwellinghouse would be covered by Part E of the Building Regulations and the adjoining owner has rights under the Party Wall Act. Both of those pieces of legislation would provide appropriate mitigation to this issue and are separate to Planning and would bite in this situation.
- 152 Nevertheless, officers have considered the potential for harmful noise impacts to the living conditions of neighbours, both in terms of noise break-in from airborne noise and structural-borne noise, and conclude that harmful impacts would not arise. Officers reach this conclusion on the basis that this proposal is for 2 family-sized dwelling houses in an area of predominantly family housing, therefore airborne noise generated by the scheme would not be materially different to the existing situation (and that which existed before the house was demolished). In terms of structural-borne noise, officers consider the proposed use, in light of the previous use prior to the demolition of the house and the mitigation measures afforded by separate legislation (Building Regulations and Party Wall act), would not give rise to harmful impacts on amenity.

#### **7.6.5 Impact on neighbours conclusion**

- 153 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

## 7.7 TRANSPORT IMPACT

### *General policy*

- 154 NPPF Paragraph 108 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 155 Para 109 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.
- 156 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.
- 157 The site has a PTAL rating of 2, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is relatively poorly accessible.

### **7.7.1 Access**

#### *Policy*

- 158 The London Plan policies comply with the NPPF aims in relation to sustainability. It aims to increase sustainable modes of transport through promoting cycling and walking within new development.

#### *Discussion*

- 159 Pedestrian accessibility to the site is considered to be good, as Minard Road is paved on both sides of the street.
- 160 The property benefits from an existing vehicular crossover, but this would be removed as part of the proposal. Two new vehicular crossovers would be constructed to access the proposed off-street parking spaces.
- 161 Accessibility to the proposed dwellings is considered to be good.

### **7.7.2 Local Transport Network**

#### *Policy*

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

#### *Discussion*

- 163 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.
- 164 The site is not in a controlled parking zone. The proposed provision of on-site car parking would be one space per dwelling, which is sufficient to ensure there would be no harmful impacts to surrounding streets in terms of parking capacity.

165 A preliminary construction management plan has been submitted, and a full Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

### **7.7.3 Servicing and refuse**

#### *Policy*

166 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.

#### *Discussion*

167 The proposal includes provision for the storage of refuse for each dwelling, in separate stores towards the front of the site. The positioning and size of the bin stores appears to be acceptable, however final details of these are recommended to be secured by condition.

### **7.7.4 Transport modes**

#### ***Walking and cycling***

#### *Policy*

168 PLPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

169 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

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

#### *Discussion*

171 A bicycle store for five bikes would be provided within the proposed development, in the western corner of the site. This is in line with current London Plan Table 6.3, and DLPP table 10.2. The cycle parking spaces would be secured by condition, to ensure they are secure and dry.

#### ***Car parking***

#### *Policy*

172 Policy T6 of the Publication London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

#### *Discussion*

173 The proposal includes a relatively high level of parking provision at one space per dwelling; however, this is justifiable considering the relative poor accessibility (PTAL 2) of the site, and that both properties would be larger family sized dwellings.

- 174 Highways officers have raised concerns that the proposal is not compliant with Policy T6 of the Publication London Plan, which recommends a maximum of 0.5 spaces per new dwelling for inner London areas with a PTAL rating of 2.
- 175 However, considering one additional dwelling is being proposed, and one additional off-street parking space would be provided compared to the previously existing situation, on a balance, the one additional parking space this is not sufficient grounds to warrant refusal of the application only on the basis the existing London Plan has not yet been superseded. No severe impact to the highway network, nor any impact to highway safety has been identified.
- 176 It is also noted that four parking spaces were originally proposed, and this has been reduced to 2. On a balance therefore the provision of parking is considered to be acceptable.

### **7.7.5 Transport impact conclusion**

- 7.8 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian and vehicular accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies.

## 7.9 LOCAL FINANCE CONSIDERATIONS

177 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).

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

179 The CIL is therefore a material consideration, and this would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

180 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.

181 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.

182 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.

183 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>

184 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

185 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>

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

## 9 HUMAN RIGHTS IMPLICATIONS

- 187 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
  - Article 9: Freedom of thought, belief and religion
  - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 188 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.
- 189 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.
- 190 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

- 191 This application has been considered in the light of policies set out in the development plan and other material considerations
- 192 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:
- Increasing the housing potential of an underused residential site, including one additional family sized dwelling.
  - Comprising an appropriate scaled and high quality building that takes account of the existing context, including neighbouring residential amenity.
- 193 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.
- 194 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents of the proposed family sized homes.
- 195 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.
- 196 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy
- 197 In light of the above, the application is recommended for approval.

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

#### Conditions

1. 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:

1239-PL-05 Rev.E; 1239-PL-06 Rev.E; 1239-PL-07 Rev.E; 1239-PL-08 Rev.E; 1239-PL-09 Rev.E; 1239-PL-10 Rev.B; 1239-PL-11 Rev.D; 1239-PL-12 Rev.A Received 26 November 2020

1239-PL-01; 1239-PL-02 Rev.A; 1239-PL-03 Rev.A; 1239-PL-04 Rev.A Received 17 July 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 a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site, and 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. It must include swept path analysis if vehicles are to enter the site
- (b) Rationalise where materials and waste will be stored, and where safe and legal loading can take place.
- (c) Measures to deal with safe pedestrian movement.

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

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

### 4. Residential Soundproofing

- (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<sub>ax</sub> (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.
- (b) The development shall not be occupied until a sound insulation scheme pursuant to paragraph (a) has been approved in writing by the local planning authority and implemented in its entirety.
- (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.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

5. Materials details

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

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

6. Refuse Storage details

- (a) The development shall not be occupied until full details of proposals for the storage, and collection of refuse and recycling facilities, including enclosed bin storage, for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

7. Cycle Parking Details

- (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

8. Hard Landscaping Details

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

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

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

#### 9. Soft Landscaping

- (a) A scheme of soft landscaping (including details of any proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 10. Boundary Treatments

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

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, and DM Policy 33 Infill, backland, back garden and amenity area development of the Development Management Local Plan (November 2014).

#### 11. External Lighting Scheme

- (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

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

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

12. The development hereby approved shall not be occupied until the vehicular access as shown on plan 1239-PL-05 Rev.E has been constructed in full accordance with the said plan.

**Reason:** In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

13. Prior to the commencement of the development, an agreement pursuant to S278 of the Highways Act 1980 shall be entered into for works to remove the existing vehicular crossover and the reinstatement of the footway. The works the subject of the agreement shall be completed prior to the occupation of the development hereby approved.

**Reason:** To increase on-street parking provision, and to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

14. Removal of Permitted Development Rights

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

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

15. Obscure Glazing to first floor rear windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the rear elevation at first floor level of the building hereby approved shall be fitted with obscure glazing, as shown on Plan No.1239-PL-07 Rev.E and retained in perpetuity.

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

16. Amenity Space

The whole of the amenity space hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

17. Construction Works and Delivery Hours

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

## 11.2 **INFORMATIVES**

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through pre-application discussions. Furthermore, during the course of assessment of the application positive discussions took place which resulted in further information being submitted.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- D. 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.
- E. The developer is reminded of their responsibility to ensure appropriate party wall agreements are in place, prior to commencement of works.

## Appendix A

Meeting opened at 19:00

Councillor Patrick Codd introduced themselves and other Panel members: Councillor Aisling Gallagher – Lewisham Central Ward Councillor; Sam James - Planning Officer; Mark Hood – Planning Agent for Resi, and Antoine Edgehill, Architect for Resi.

The reason for the virtual meeting was outlined: to discuss planning application DC/20/116332. The purpose of this meeting is to allow residents to ask questions of, and put their views to, the developer and Council officers. The meeting format was explained, including how the questioning process would work, following the Planning Agent's presentation.

Mark Hood, planning agent gave a short opening statement and presentation of the proposal, and summarised the design intent and other facts of the case.

Following the presentation, the meeting proceeded in 'themes' which broadly covered each of the main material planning considerations pre submitted questions were read out by Cllr Codd, followed by follow up comments or questions in the text chat function. Cllr Gallagher kept track of comments and questions in the chat function throughout

The order of discussion was to be as follows:

1. Principle of development
2. Design and impact on appearance of surrounding area
3. Impacts to neighbouring amenity
4. Highway impacts
5. Other concerns and considerations

The first theme of questioning was the principle of development, and the main concern related to whether the proposal complied with DM2 and DM3. It was explained by the planning officer that the previously existing house was demolished under prior approval, with limited scope for the Council to object to this. As the current proposal is for two family sized dwellings on a vacant plot of land, it would result in a net gain of family housing, and is therefore compliant with DM2 and DM3. The officer explained the DM2 and DM3 remains relevant and applies to existing single family dwellinghouses, which are protected from being sub-divided into smaller residential units (i.e. flats).

The second theme related to the design of the proposal and its impact on the appearance of the surrounding area. Questions and comments related to how and whether the design successfully relates to the surrounding area, and particular concern was raised over the impact to the character of the Corbett Estate. Clarifications were also sought around the height of the proposal, window alignment and whether the two storey rear addition was policy compliant, and the proposed number of occupants for each dwelling, and whether the space standards were met.

The planning agent explained that they had designed the proposal to be in keeping with the scale of existing houses, and clarified that the height would match, and windows broadly align. They explained how the design had evolved significantly since previous iterations, with the help of pre app advice, and the footprint and height of the building was now in keeping with the previously existing house. The brick was proposed to match the neighbouring houses, and the intent was to provide a modern building, which nods to surrounding development, through the projecting front bays, but does not provide a pastiche response. The planning officer stated that development is not expected to directly replicate the design of neighbouring buildings, and that a modern interpretation can remain respectful to surrounding development, also confirmed that the brick would be conditioned to ensure a good match, and that zinc was considered a high quality material. The planning officer also confirmed that 2-story rear extensions are not contrary to the Local Plan, and that in this case the 2-storey protrusion was of a moderate scale, which would not harm the appearance of the surrounding area, and would be set away from the shared boundary to

protect neighbouring amenity. It was also confirmed that the space standards would be met, the planning agent stated that the beds shown on the plans were indicative, however that the plans would be updated to reflect the accurate number of bedspaces.

The third theme related to the impact on neighbouring amenity. Concern was raised to the impact of the projecting front bay windows, and 2-storey projection on neighbouring amenity, and whether the proposed new build would meet building regulations with regards to the passage of sound.

The planning agent explained that their intent was of course to comply with all necessary building regulations as this is a legal requirement, and the planning officer confirmed that details of residential sound insulation would be secured by condition. The agent also explained that the size of the 2-storey extension had been reduced, and it had been moved 1m away from the shared boundary to protect the amenity of No.15 on the advice of the planners. The agent also confirmed that the front bay window would be moved away from No.15, on revised plans, following feedback from neighbours. They also confirmed that the revised plans would include 25 and 45 degree test lines to indicate the impact to the rear windows. The planning officer explained the 25 and 45 degree 'rule' tests for impacts to neighbouring light, and that these had been applied when assessing the impact to No.15. These suggest, together with the moderate scale of the proposed rear protrusion, and the orientation of the rear elevations, the impact to neighbouring light would be acceptable in his professional planning judgement. It was acknowledged there was a side facing window in the small rear extension to the rear of No.15, and the impact on this would be considered in officer's final assessment.

The fourth theme related to the highway impacts of the proposed development. Concern was raised over the impacts during construction works. It was confirmed that a preliminary construction management plan had been assessed by highways officers, who had suggested a condition requiring submission of a final Construction Logistics Statement, and that that this would be secured should the application be approved. Construction hours would also be limited to ensure no unacceptable disruption at unsociable hours.

The fifth theme related to all other concerns and considerations. Concern was raised about the accuracy of the plans. Neighbours felt that the interface with 15 Minard Road is not simply a party wall issue. Either the existing walls need to be demolished, or the location of the building on the proposed plans needs to be adjusted to take into account the wall. Neighbours consider the applicant has not accounted for this cavity wall on the plans, and that this cavity wall cannot legally be demolished due to a court order. In their view even if it is demolished, there will need to be a new cavity wall built between the buildings to meet Building Control regulations. Whether the existing cavity wall will be demolished, and if so, whether the applicant has the legal right to do so, considering the court order. Neighbours are also concerned that when the cavity wall is accounted for, the proposals will not meet the space standard requirements as set out in the London Plan. Concern was raised to the planning and enforcement history of the site, and whether conditions could be imposed to ensure compliance with building control and health and safety regulations.

The applicant's agent stated they were unaware of the court order, however this was presented to them during the meeting. It was agreed that they would contact the owner of the neighbouring No.15 following the meeting to discuss this, and that the plans would be updated accordingly to ensure no party wall issues would arise during future works. They stated the revised plans will ensure the dwellings meet the space standards. They also confirmed that they would comply with all building control regulations, as this was a legal requirement, and they wanted to ensure everything would be done properly this time, acknowledging some issues had arisen in the past, prior to the current planning agent (Resi) being involved with the site. It was confirmed that a construction management plan would outline health and safety on site, and a planning condition would restrict working hours. The planning officer confirmed that any future breaches of planning would be investigated by enforcement officers.

Concern was raised that neighbours had not received consultation letters on the updated set of plans which included a rear dormer and reduced the number of parking spaces, and that these were uploaded to the council website back in August. This was acknowledged as a mistake and the planning officer confirmed that re-consultation letters would be sent out in the following days, which would give any interested parties another opportunity to comment on the revised plans. Cllr Gallagher stated that it was unfortunate but sometimes mistakes in consultation do happen, and officers would ensure correct re-consultation would take place prior to any committee meeting. They also acknowledged the frustration that neighbours felt due to the virtual format of the meeting, however in light of the Covid-19 situation, this was the most appropriate solution.

Councillor Codd drew the meeting to a close, explained that further questions and comments can be submitted in writing, and residents can write to councillors, the planning team and the applicant. He confirmed residents who have commented on the application will be notified of the date any future planning committee meeting relating to the proposal, thanked everyone for attending and for participating in the meeting.

**Meeting closed 20:35**



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Committee	PLANNING COMMITTEE C	
Report Title	The Curve, Chudleigh Road, SE4 1HD	
Ward	Ladywell	
Contributors	Jesenka Ozdalga	
Class	PART 1	18 February 2021

<u>Reg. Nos.</u>	DC/20/117809
<u>Application dated</u>	4 August 2020
<u>Applicant</u>	Architects Plus (on behalf of Applicant)
<u>Proposal</u>	The construction of an additional storey at The Curve Building, Chudleigh Road SE4 to provide 3, one bedroom self-contained flats, together with the provision of 6 additional cycle spaces.
<u>Background Papers</u>	(1) Core Strategy (June 2011) (2) Development Management Local Plan (November 2014) (3) London Plan (March 2016)
<u>Designation</u>	PTAL 3; Flood Risk Zone 2 and 3; Air Quality
<u>Screening</u>	LDD Monitoring

## 1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The case has been brought before Members for a decision as the recommendation is to approve and there are more than ten valid planning objections. In accordance with the Council's SCI (Statement of Community Involvement), a local meeting was held on 21 January 2021.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application relates to a three storey block of flats located on the eastern corner of Chudleigh Road and Bexhill Road. Bexhill Road slopes to the south, down towards the railway underpass.

**Figure 1: Site location plan**



***Heritage/archaeology***

- 3 The site is not located within a Conservation Area, is not subject to an Article 4 direction, nor is it a listed building or in the vicinity of any.

***Surrounding area***

- 4 Chudleigh Road is a traditional residential road with predominately two storey semi-detached or terraced dwellings.
- 5 The application property is in Flood Risk Zone 2 and 3. As the site is in existing residential use it is not considered to have a risk of ground contamination.

***Transport***

- 6 The application site has a PTAL of 3, however it is located on a bus route and in proximity of Crofton Park and Ladywell local centres, which makes this a sustainable location in terms of transport links and local amenities. There are six on-site parking spaces.

**3 RELEVANT PLANNING HISTORY**

- 7 **DC/19/115138** - The construction of an additional storey at The Curve Building, Chudleigh Road SE4 to provide 2, one bedroom and 1, two bedroom self-contained flats, together with the provision of 6 additional cycle spaces. **Refused by reason of:**

- The proposed additional storey would, by virtue of its scale, massing and design be an incongruous and unsympathetic addition to the host building resulting in material harm to the character and appearance of the host building and the wider area.

- The proposed amenity space for the new flats in the form of balconies to the front elevation of the existing building would result in an increased overlooking and loss of privacy on the amenities of the neighbouring properties.
- In the absence of detailed information including a parking survey, the proposal fails to demonstrate its car-free layout would not result in unacceptable overspill parking on surrounding streets.
- The proposal fails to provide an acceptable location for the additional cycle and bin storage as set out on Drawing No. 19890 PL02, as the bin storage would not be easily accessible for collection and they would cumulatively reduce existing limited amenity space area.

8 **DC/03/055290** - The demolition of the existing builder's premises at 159a Chudleigh Road SE4 and the construction of a three storey block comprising 3 one bedroom and 8 two bedroom, self-contained flats, together with associated landscaping and the provision of covered bicycle racks, a refuse store and 6 car parking spaces with access onto Bexhill Road. **Granted and implemented.**

## 4 CURRENT PLANNING APPLICATION

### 4.1 THE PROPOSAL

9 The proposal seeks permission for a construction of an additional storey to provide three new self-contained residential units. The proposed units would sit upon the top floor of the existing building and would be set back from the front, rear and side elevations.

10 The proposed materials for the additional storey are grey aluminium cladding and aluminium windows.

11 During the application period, the proposal was amended in response to Officer advice, to include: addition of two balconies to the rear; daylight/sunlight assessment; changes to site layout to reflect existing and proposed situation on the site more accurately; and to address other inconsistencies in the application (Design and Access statement and Parking Survey). Following these amendments, the application was re-consulted in November 2020 (see Consultation section, below).

### 4.2 COMPARISON WITH REFUSED SCHEME

12 The current proposal differs from previously refused scheme to include set back from all elevations of the existing building, amenity space in form of balconies is proposed to the rear of the existing building, fenestration patterns are better aligned and complementary to the patterns of the elevations below. Amendments were also made to accurately demonstrate existing ground floor car park and cycle park arrangements and Parking Survey and Daylight/Sunlight assessment were provided with the current application.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

13 Due to Covid-19 pandemic and Council's arrangements in terms of printing and posting, initial site notice sent from the Council was not received by the applicant. Therefore, site notice was displayed on 20 January 2021, prior to the local meeting and committee meeting and evidence of display was provided.

- 14 Consultation letters were initially sent to local residents on 18 August 2020 and consultation email was sent to relevant ward councillors on the same date.
- 15 Ten responses from local residents were received objecting the proposal.
- 16 One letter of objection was received from Ladywell Society.
- 17 No letters of support were received.
- 18 Following amendments, residents that have submitted comments on the initial proposal were sent letters for re-consultation on 25 November 2020.

### 5.1.1 Comments in objection

Comment	Para where addressed
<i>Urban design</i>	
The proposed design is considered overdominant and not to be in keeping with the surrounding area.	[paras 78, 79, 80, 81, 82 and 83]
<i>Highways and servicing</i>	
Cycle, refuse storage and car park issues.	[paras 91, 94 and 99]
<i>Impact on living conditions of neighbours</i>	
Noise and disturbance from construction works.	[paras 127 and 128]
The design of new layouts to have living room above existing bedroom below.	[para 127]
Loss of privacy and overlooking.	[paras 113, 114, 115 and 116]
Loss of daylight/sunlight.	[paras 121 and 122]
<i>Other matters</i>	
Structural impact on the existing block.	Structural impact is usually not a material planning consideration and Officers do not consider it to be one in this case. Structural matters are controlled by Building Regulations.
Whether existing servicing capacities of sewerage system would be sufficient for additional flats.	Servicing capacities are not a material planning consideration. It is a building control matter.

## 5.2 LOCAL MEETING

- 19 Due to the number of submissions received, a virtual Local Meeting was held on Thursday 21 January 2021. The meeting was chaired by Councillor Handley and attended by 11 people. A record of the Local Meeting is contained in Appendix A of this report.

## 5.3 INTERNAL CONSULTATION

- 20 The following internal consultees were notified on 18 August 2020 and on 25 November 2020.

21 **Highways officers** raised no objections subject to conditions requiring more details on bin and cycle storage. See sections 7.4.3 and 7.4.4 for further details.

## **5.4 EXTERNAL CONSULTATION**

22 No external consultation was undertaken for this application.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

23 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**

24 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.

25 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.

26 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**

27 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**

28 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## 6.6 OTHER MATERIAL DOCUMENTS

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

## 7 PLANNING CONSIDERATIONS

30 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Transport
- Impact on living conditions of neighbours

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

31 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.

32 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.

33 The Development Plan is generally supportive of extensions and alterations to the existing buildings to provide more homes, subject to details.

#### *Policy*

34 The current London Plan sets an annual target of 1,385 new homes until 2025. The Publication London Plan at PLPP H1 and table 4.1 identifies a total ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, equating to an annual target of 1,667. To help achieve this target, a strategic priority of the PLP is to increase the rate of housing delivery from small sites. PLPP H2 and table 4.2 sets a ten year minimum target of 3,790 homes on small sites for Lewisham. H2 states Boroughs should pro-actively support well-designed new homes on small sites (below 0.25ha). In doing so, Boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

35 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. Housing is therefore a priority use for the borough

*Discussion*

36 The site is less than 0.25ha and lies within the established urban area and in proximity to the local centres with good public transport accessibility. It therefore meets the criteria in PLPP H1 and H2 for optimising the potential for housing delivery. The principle of high density residential development in this location is considered acceptable. The proposal will optimise the potential of the site to accommodate development of three additional homes within a sustainable and accessible location.

37 Government’s recent addition to Part 20 of the GPDO introduced permitted development rights for upward extensions subject to a prior approval. Lewisham Council has not received such application and therefore no fallback position has been established yet. However legislative changes in respect of this type of development are considered relevant when considering acceptability of the principle of the development.

**7.1.1 Principle of development conclusions**

38 Officers consider that this development would make efficient use the land, in accordance with the PLP, and provide additional residential accommodation in a sustainable location which would make a modest contribution to Lewisham’s housing targets. Therefore, the principle of the development is acceptable.

**7.2 HOUSING**

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

**7.2.1 Contribution to housing supply**

*Policy*

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

41 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.

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

*Discussion*

43 The proposal seeks to deliver three new one-bedroom, two-person units in a highly sustainable location. The proposed mix of units is as following:

Type of units provided	Number of units provided	Proposed GIA	Proposed amenity space area
Flat 12 - 1bedroom /2 person flat	1	50 m2	5 m2

Flat 13 - 1bedroom /2 person flat	1	57 m2	5 m2
Flat 14 - 1bedroom/2 person flat	1	53 m2	5 m2

*Summary*

44 The proposal would use the land efficiently and optimise density, making a modest contribution to Lewisham’s housing targets. This is a planning merit to which great weight is given.

**7.2.2 Residential Quality**

*General Policy*

45 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 and PLPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA).

46 The main components of residential quality in this case are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight and (v) external space standards.

***Internal space standards***

47 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 Table 3.3 of the London Plan (PLPP D6 and table 3.1 of the PLP).

*Discussion*

48 An assessment of the proposal against required space standards is considered below. Numbers are taken from the submitted drawings and largely comply with officer’s measurement.

<b>Unit Type</b>	<b>Measurement</b>	<b>Value</b>	<b>Required</b>	<b>Compliance</b>
Flat 12 -1b/2p	Unit Size	50 m2	50 m2	Y
	Floor-Ceiling Height	2.38m	2.3m for at least 75%	Y
	Bedroom 1	14.5m2	At least 11.5m2	Y
Flat 13 1b/2p	Unit Size	57 m2	50 m2	Y
	Floor-Ceiling Height	2.38m	2.3m for at least 75%	Y
	Bedroom 1	12.5m2	At least 11.5m2	Y
Flat 14 1b/2p	Unit Size	53m2	50m2	Y
	Floor-Ceiling Height	2.38m	2.3m for at least 75%	Y
	Bedroom 1	12.2m2	11.5m2	Y

***Outlook and privacy***

49 All units would have dual aspect, are of appropriate layout with good levels of outlook and privacy.

***Overheating***

### *Policy*

50 LPP 5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. PLPP D6 and PLPP SI4 echo this.

51 DMP 22 reflects regional policy.

### *Discussion*

52 Officers note that the new flats would have dual aspect, facing northwest and southeast. The ratio of solid/glazed areas of the proposed additional storey is considered acceptable and not to result in increased overheating in new units.

### *Summary*

53 It is considered that the proposal would meet this objective.

## **Daylight and sunlight**

### *Policy*

54 PLPP D6(D) states the design of development should provide sufficient daylight and sunlight to new housing that is appropriate for its context.

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

56 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

57 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

### *Discussion*

58 The proposed units are located on the top of the existing building and all of them have dual aspect. Proposed windows are of good size and as such, the proposed units are considered to receive sufficient levels of daylight and sunlight.

### *Summary*

59 It is considered that the proposal would meet with the policy above.

## **Noise, Vibration & Disturbance**

### *Policy*

60 Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.

61 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.

62 This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700).

### *Discussion*

63 As the proposed units are located at height above the road and set back from the front elevation, external noise that may arise from the road is not considered to adversely impact living conditions of future occupants. It is noted that the railway passes adjacent to the rear and side of the application site. The proposed amenity space/roof terraces are located to the back of the building overlooking green area and as such would allow the enjoyment of the outside areas.

64 In terms of potential vibration impact from the nearby railway, it is noted that the original application for this development included condition for sound insulation against external noise and vibration and it is considered appropriate to add the same condition to ensure that proposed extension achieves same levels of sound insulation for future occupiers. The quality of proposed windows should be as such to minimise the noise impact and condition would be added to secure high quality windows are used for this proposal.

### *Summary*

65 It is considered that the proposal would meet this objective

### **Accessibility and inclusivity**

#### *Policy*

66 LPP 3.8 and PLPP D5 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.

#### *Discussion*

67 LPP 3.8 under paragraph 3.48A states that: As set out in Approved Document M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access.

68 In this instance, the additional storey would constitute a fourth storey and therefore, it is considered that the installation of lifts would not be required from a planning or Building Regulations perspective.

#### *Summary*

69 The proposal would satisfy this objective.

### **External space standards**

#### *Policy*

70 PLPP D6(F)(9) and 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*

71 The layout of the additional storey also includes external amenity area in form of the balconies to the rear of the main building accessed separately from each new flat. Each balcony would have 5 sqm which is considered to satisfy above mentioned requirements.

### 7.2.3 Housing conclusion

72 Officers are satisfied that the proposed flats within the additional storey of the main building would be of appropriate layout, would have good outlook and receive good levels of daylight, sunlight and natural ventilation and would therefore provide high quality standard of accommodation and amenity space for future occupants. The new homes would make a modest contribution to housing supply, a planning merit to which moderate weight is given.

## 7.3 URBAN DESIGN

### *General Policy*

73 Urban design is a key consideration in the planning process. Part 10 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

74 LPPs 7.1-7.7 (inclusive), PLPP D3 and Core Strategy Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

75 CSP 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

76 DMP 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including: The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context. DMP 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building.

77 Section 5.14 (Adding an additional storey) of Alterations and Extensions SPD states that this type of extension is only likely to be acceptable on a flat roof and that the style of the extension must complement the appearance of the existing building and surrounding and must relate to the building proportions in terms of height and scale.

### *Discussion*

78 Objectors have raised concerns that additional storey would be overly dominant and out of keeping with the character of the area.

79 With the exception of The Curve building, the immediate locality of the site largely consists of two storey houses with pitched roofs and numerous alterations in form of large roof extensions. However, the road where the existing block of flats slopes down and the building is adjacent to the railway bridge. Officers consider that this, combined with the spaciousness at the back of the application building, allows an additional storey to be introduced without it appearing overdominant. To the east are examples of higher rise structures, including the blocks at Foxborough Gardens and the former water tower on Dressington Avenue. While it would increase the height and prominence of the building, Officers consider it would do so in acceptable way.

- 80 The proposed design of the additional storey is lightweight with high quality materials and detailing to include grey aluminium cladding. As such it is considered to complement the architectural style of the existing building. The proposed set back of approx. 0.9m from each elevation would reduce the massing to create a subservient top floor which would not over-dominate the existing building. It is also noted that the additional storey would not extend above the most prominent, curved part of the existing building.
- 81 The proposed treatment of the additional storey in terms of fenestration patterns at the front and rear elevation is a continuation of the principle of the existing elevations below.
- 82 Officers are satisfied that this type of the roof extension is suitable in this instance, as the existing building features a flat roof. It is also considered that the proposal successfully addresses the provisions and requirements of the Alterations and Extensions SPD in terms of its scale and design and being subservient and suitably set back from the front and sides elevations of the host building.
- 83 The initially submitted proposal included only one balcony to the rear as amenity space. However, the application was amended to include two more inset balconies at the rear elevation. Furthermore, a condition would be recommended to restrict any future use of flat roof areas which are result of the set back of the additional storey.

### **7.3.1 Urban design conclusion**

- 84 Officers conclude the proposed additional storey would be of high design quality, evident in the detail and proposed materials, and relate successfully to the surroundings and sustain the host building.

## **7.4 TRANSPORT**

### *General policy*

- 85 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places.
- 86 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 87 PLPP T4 requires transport assessments to be submitted with development proposals when required in accordance with national or local guidance, to ensure any impacts are fully assessed. No transport assessment is required for this application due to the scale of the proposed development.
- 88 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### *Discussion*

#### **7.4.1 Local Transport Network**

- 89 The site is located close to Crofton Park and Ladywell local centers and their shops, services, facilities and stations. The site also lies within PTAL 3, however, the site is

located along the 284 bus route and a short walk from the P4 bus route. Therefore, this location is considered of good accessibility overall.

#### **7.4.2 Car Parking**

##### *Policy*

90 PLPP T6 states that car-free developments should be the starting point for all development proposals in places that are well-connected to public transport.

##### *Discussion*

91 The existing block of flats currently have six parking spaces on site. No further parking spaces are proposed in this application. The site is not in CPZ. Objectors have raised concerns that there is insufficient capacity in the vicinity of the site to safely accommodate overspill parking. Following discussions with Highways Officers, a revised Parking Survey was submitted to demonstrate that additional three one-bedroom units would not result in an unacceptable increase in car parking stress in the area.

##### *Summary*

92 Officers are satisfied the proposal would not result in unacceptable overspill parking in the local area and consider no other mitigation measures are required.

#### **7.4.3 Cycle storage**

##### *Policy*

93 Cycle parking should be provided in accordance with PLPP T5, table 10.2 of the Publication London Plan and London Cycle Design Standards. This is similar to LPP 6.9 stating that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3; the main difference being table 10.2 increases the cycle parking standards above table 6.3.

##### *Discussion*

94 Objectors have raised concerns about the proposed cycle storage. The existing flats have an open area to the rear of the building allocated for cycle storage, however, there is no enclosed structure. The proposal includes erecting an enclosed structure for cycle storage to the existing allocated area to accommodate 12 cycles. Additional 4 enclosed and secured cycle spaces are provided to the west of the site, adjacent to car park. Both locations for cycle storage within the site would have step free access. This would comply with PLPP T5 and Highways officers considered this acceptable.

##### *Summary*

95 Officers consider the arrangements for cycle parking to be acceptable in principle. Should Members be minded to grant planning permission, a condition is recommended to secure further details of the structures and their construction prior to the occupation of the dwellings hereby proposed.

#### **7.4.4 Servicing and refuse storage**

##### *Policy*

96 PLPP D6(E) states housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste as well as residual waste.

97 Core Strategy Policy 13 Addressing Lewisham's waste management requirements states that the Council will support the objectives of sustainable waste management and promote the waste hierarchy of prevention, reuse, compost, recycle, energy recovery and disposal through a partnership approach.

98 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

*Discussion*

99 The submitted site plan indicates existing bin storage to the southwest of the application site. Objectors have raised concerns about the adequacy of this arrangement. Officers consider this area for bin storage is sufficient to accommodate the increased capacity for refuse and recycling; nevertheless, further information is required and would be secured by the condition to detail and secure the existing and proposed capacity for both refuse and recycling along with the appearance of any enclosure.

*Summary*

100 Officers are satisfied the proposal would adequately provide for refuse and recycling, subject to further details to be secured by condition.

#### **7.4.5 Access**

*Policy*

101 The NPPF requires safe and suitable access for all users.

*Discussion*

102 Council's Highways officer provided comment that, in order to ensure that unsafe parking does not take place outside the block entrance on Bexhill Road, waiting and loading restrictions would be required during the construction of the proposed development. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. The function and access to the nearby bus stop must not be impacted during the construction of the proposed development. All vehicles associated with the construction of the proposed development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway at any time.

*Summary*

103 Officers acknowledge that mitigation measures are required in order to make this aspect of the proposal acceptable in planning terms; therefore, submission of a detailed Construction Logistics and Construction Management Plan prior to commencement of works would be secured through condition.

#### **7.4.6 Transport impact conclusion**

104 In line with Highways officer's comments, Officers are satisfied that 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*

105 Relevant regional and local policies are LPP 7.6, PLPP D3, D6 and D14 and DM Policy 31.

106 The main considerations in terms of amenity in this case are: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas. Noise would be limited to that generated by domestic properties.

### **7.5.1 Enclosure and Outlook**

#### *Policy*

107 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

#### *Discussion*

108 The proposal is set back from the front, rear and side elevations of the building below and contained within the existing flat roof.

109 In regard to neighbouring buildings, immediately to the northeast of the existing building is a pair of semi-detached properties (nos 157 and 159 Chudleigh Road). To the northwest of the building, across Bexhill Road, is a semi-detached property no 169 Chudleigh Road. To the rear of the building, properties and garages of Foxborough Gardens are considered of sufficient distance from the application site for any adverse impact in terms of enclosure and loss of outlook to occur.

110 The scale and massing of the proposed additional storey and its position on the roof is considered of modest scale and not to result in an increased sense of enclosure on adjacent properties. Furthermore, the position of application and adjacent buildings is as such that windows are not directly facing each other. With that regard, it is considered that there would be no significant loss of outlook for neighbouring properties.

#### *Summary*

111 The proposal would meet the objective in terms of enclosure and outlook. This is a planning merit to which great weight is given as it would not result in material harm to the living conditions of neighbours in terms of overbearing, enclosure and loss of outlook.

### **7.5.1 Privacy**

#### *Policy*

112 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

#### *Discussion*

113 Objectors have raised concerns over loss of privacy. As mentioned in section 7.5.1 above, windows of the application building and those of the immediate neighbouring properties do not directly face each other. Concerns were raised by local residents on potential adverse impact in terms of loss of privacy on the rear gardens of properties at nos 157, 159 and 161 Chudleigh Road.

114 The proposed windows of the additional storey are aligned with the existing windows of the elevations below and set back from the front, rear and side elevations.

115 Given the height of the additional storey, set back from the elevations and distances from the gardens of nos 157, 159, 161, the proposed windows of additional storey would largely

overlook roofs of the surrounding properties and as such are not considered to result in a loss of privacy or increased overlooking on surrounding properties.

- 116 The proposed two balconies at the rear are designed with set back from the elevation below to mitigate potential overlooking and loss of privacy on gardens of nos 157 and 159. The proposed balcony at the south corner of the existing building would overlook existing railway and trees to the back and side of the application site. As such, they are considered not to result in an unacceptable loss of privacy on the neighbouring amenities.

*Summary*

- 117 The proposal would meet objective in terms of overlooking and loss of privacy.

### **7.5.2 Daylight and Sunlight**

*General policy*

- 118 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.

- 119 PLPP D6(D) states the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context.

- 120 The GLA goes on to state that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).

*Discussion*

- 121 A Daylight and Sunlight Assessment (prepared by Herrington Consulting Ltd) was submitted in support of the application. According to the assessment of VSC (Vertical Sky component), this Assessment demonstrates that there is no significant change between the VSC available to the windows analysed before and after the proposed development and the assessment of the APSH (Annual probable sunlight hours) demonstrates that all examined windows and amenity areas will achieve the sunlight hours for BRE compliance.

- 122 Officers consider that, given the distances between surrounding properties, height, scale and set back from the existing building's elevations, the massing of the proposed additional storey would not result in an unacceptable loss of daylight and sunlight on neighbouring amenities.

*Summary*

- 123 Therefore, the proposed additional storey would not result in an unacceptable impact in terms of overshadowing, loss of daylight and sunlight to the neighbouring amenity and no mitigation measures are required.

### **7.5.3 Noise and disturbance**

*Policy*

124 NPPG states LPAs should consider noise when new developments may create additional noise. Local planning authorities' 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;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved

125 PLPP D14 states that development should reduce, manage and mitigate noise to improve health and quality of life by avoiding significant adverse noise impacts on health and quality.

126 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations. In certain circumstances, particularly large or complex works may require specific control by planning. A range of other legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation. Further guidance is given in the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014).

#### *Discussion*

127 In terms of noise increase, Officers consider that creation of an additional storey for three flats would be complementary to the existing residential use in the building and as such, no additional increase in noise and disturbance beyond the expected for the buildings in residential use is foreseen. Objectors have raised concerns that the design involves the positioning of living rooms above bedrooms. Noise transfer vertically between floors of the same use is covered by Part E of the Building Regulations. Therefore Officers are satisfied that this arrangement would not give rise to unacceptable loss of amenity through structural-borne noise as the structure can be designed to accommodate the requirements of Part E.

128 Local residents raised concerns on the impact on the flats in the existing building in terms of noise disturbance and safety during construction works. Disturbance during constructions works are not normally a material planning consideration for a proposal of this scale. In this case, the impact of construction works are likely to be limited in their scope and short lived.

#### *Summary*

129 Should Members be minded to grant planning permission, a condition is recommended to secure a Construction Management Plan to minimise disturbance during construction.

### **7.5.4 Impact on neighbours conclusion**

130 The proposal is considered to have an acceptable impact in terms of living conditions of neighbours in terms of overbearing, overshadowing, loss of daylight/sunlight, privacy and outlook and noise and disturbance. The impact during construction would be acceptable subject to the conditions attached to the decision notice.

## **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 £18,000.00 Lewisham CIL and £11,892.86 MCIL (total of **£29,892.86**) 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 Off 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 new residential units. The rights potentially engaged by this application, 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, including relevant policies of the Publication London Plan.

147 In reaching this recommendation, Officers have given significant weight to the merit of efficient use of land to provide additional residential units, offering a good residential quality, in a sustainable location. Officers judge the scheme would sustain the character and appearance of the host building. The living conditions of neighbours, including those within the block, would not be unacceptably harmed. Therefore, Officers recommend that

planning permission should be granted subject to the imposition of suitable planning conditions.

## 12 RECOMMENDATION

148 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) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

19890 PL101 Rev B; 19890 PL102 Rev D; 19890 PL03 Rev C; 19890 PL104 Rev D received on 24 November 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) MATERIAL AND DESIGN QUALITY

No development shall commence on site until a detailed schedule and specification/samples/technical brochures of all external materials and finishes to be used on additional storey extension have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4) USE OF FLAT ROOFS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof to the front, rear and sides of the existing building shall be accessed for maintenance purpose only and as set out in the application and no development or the formation of any door providing access to these parts of the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

5) CONSTRUCTION DELIVERIES AND HOURS

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** By reason of the relationship between the development and existing residents, 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).

6) CONSTRUCTION MANAGEMENT PLAN

No development whatsoever 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 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 and details of location for loading/unloading of materials with the intention and aim of reducing the impact on construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(d) Security Management (to minimise risks to unauthorised personnel)

(e) Location of storage of materials and any associated plant and workers accommodation on site.

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

**Reason:** In order that the local planning authority may be satisfied that the construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects

of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

7) CYCLE PARKING AND STORAGE

- (a) **Prior to first occupation**, full details of the design, materials and location of existing and proposed cycle storage shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

8) REFUSE AND RECYCLING STORAGE

- (a) **Prior to first occupation**, full details of the design, materials and location of existing and proposed storage of refuse and recycling facilities for existing building and flats and house hereby approved, shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

9) WINDOWS AND DOORS DETAILS

No development shall commence on site until details and detailed schedule and drawings/specification/samples/technical brochures of windows and doors to be used on additional storey extension to demonstrate their design compliance and noise resistance have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the design and noise resistance is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard in detailing and safeguard amenity of future occupiers in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 26 Noise and Vibration and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

10) SOUND INSULATION

- (a) The building shall be constructed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided.
- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.

**Reason:** To safeguard amenities of future occupiers in accordance with DM Policy 26 Noise and Vibration of 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) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 3) You are advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 4) The applicant attention is drawn to the requirements of Part E of Building Regulations in terms of vertical noise transmission between residential units.

- 5) 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>

## APPENDIX A – Local meeting minutes

### DC/20/117809 - The Curve virtual local meeting held on 21<sup>st</sup> January 2021 – Meeting Minutes

#### Introductions

The virtual local meeting started at 7pm and was hosted by the architect and the agent of the application, Colin Sharpe acting on behalf of the applicant. Representing Council were North Area Team leader Angus Saunders and Case officer Jesenka Ozdalga. Cllr Handley (Chair) introduced the local meeting and case officer gave introduction on the purpose of the local meeting. Eleven local residents were present at the meeting along with the developer of the scheme.

The agent started his presentation by answering questions that were submitted prior to the meeting and clarified that he would try to address technical matters along with planning matters.

#### Questions submitted prior to the meeting were the following:

1. *Question relating to noise and disruption during construction works* and whether there would be alternative accommodation provided for the occupants of the existing flats. The agent responded that noise would be limited to construction of a structural slab on the top of the existing building, after which it would be less noisy. Notice would be given to residents prior to noisy construction works. A construction method statement would be provided together with conditions restricting working hours.
2. *Question relating to the choice of cladding material and its fire safety compliance.* The agent responded that cladding materials would be at least A2 standard with non-combustible insulation, photo evidence would be taken during the installation of cladding and guarantees for the cladding would be given upon completion.
3. *Question of potential installation of a green roof,* the agent answered with preference to avoid extra weight on the building and increase in height of the additional storey.
4. *Question on the type and size of proposed cycle storage* at the back was answered by agent stating that the proposed are Sheffield stands with 1m spaces and that are more compact types of cycle store that could be considered.

Case officer answered questions relating to planning matters and procedure.

5. *Question on site notice not being displayed* outside the property, case officer clarified that due to changed printing and posting in pandemic, site notice was posted to the actual address of the building. However, applicant has put the site notice up prior to the local meeting and any comments received would be considered in the committee report.
6. *Question on submitted Parking Survey,* case officer clarified that it was assessed by Council's Highways Officer and concluded that there would be parking capacity on street, bearing in mind the size of the units and probability of owning cars by future occupants.

Following this, the agent and case officer started with answering the questions submitted by local residents present at the meeting. All questions were asked through chat feature and agent, team leader and case officer took turns in answering them.

Questions submitted during the meeting were the following:

1. *Question was raised on design, scale and proportion* of the proposed additional storey and the agent responded that he felt it was in keeping. Case officer further confirmed that the proposal meets Council's design guidance for this type of extensions.
2. *Question was raised on whether there would be sufficient space for recycling bins* and the agent confirmed that they have liaised with Lewisham Council and have provided the standard required.
3. *Question was raised on current parking difficulties in the area* and the agent responded that Parking Survey was undertaken and assessed by Council's Highways Officers.
4. *Question on was raised on who decides impact and loss of privacy and sunlight* and the case officer explained how those issues are assessed and how in this instance, windows of the extension would not directly overlook windows of the surrounding properties. In terms of overlooking on rear gardens, it was considered that they are of sufficient distance and due to the height and set back the proposed extension is located, those impacts were assessed to be acceptable.
5. *Question was raised over ROL of light survey* and the agent confirmed that BRE Daylight/Sunlight assessment was submitted with the application. Planning team leader clarified that ROL is civil matter distinct from the planning consideration of daylight and sunlight impact.
6. *Question was raised on whether guarantees can be provided on fixing ongoing issues with the existing roof* and the agent stated that it is a matter of maintenance by building management and not a planning issue.
7. *Question was raised on the size of the area for 4 cycle parking spaces* in the corner of the ground floor and the agent and case officer confirmed that it is acceptable and that further condition would be imposed to provide specific details for cycle storage.
8. *Question was raised on how long would the works take* and agent stated that 6 months is a reasonable expected time for works to take place.
9. *Question was raised on what is the best way to object to stop this happening.* Case officer clarified that at this stage, objections were received and considered and residents can further register to speak and object at the committee meeting.
10. *Question was raised on what weight is given to views of local people* when deciding the application and the team leded clarified that members at the committee meeting can give weight, but also have to decide in accordance with the development plan and other relevant material planning considerations.

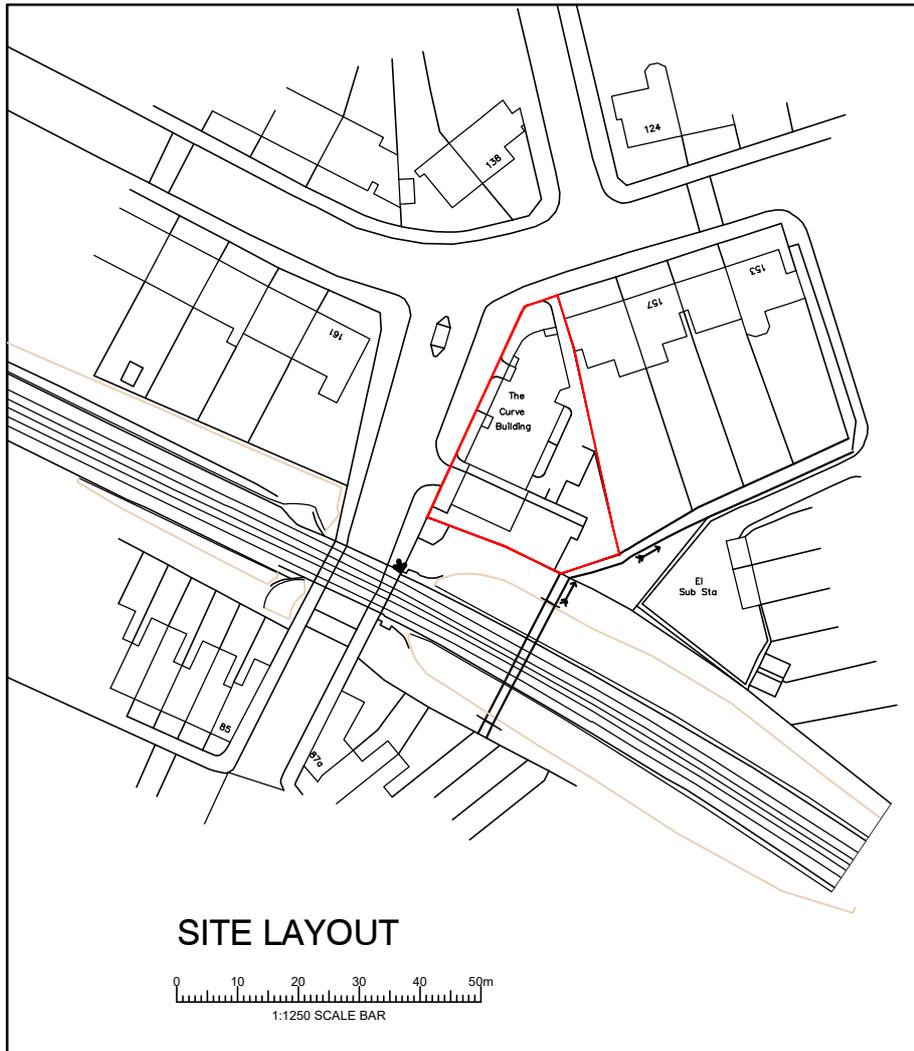
11. *Question was raised on whether similar projects are happening in Lewisham* and team leader clarified that it is common and becoming more common and it has to be kept in mind that recent government changes consider this type of extension under permitted development.
12. *Question was raised on whether the meeting is recorded* and agent responded that it is not. Case officer clarified that notes of the meeting would be available online and would be part of the committee report.
13. *Question was raised on whether the new flats would be affordable housing* and agent clarified that there would be no affordable housing flats and that they would market flats.
14. *Question was raised on whether committee is held on Zoom* and team leader clarified that committee meetings are held on Microsoft Teams and live streamed. All residents who have submitted their comments would receive letter with details and instructions on how to register to speak at the committee meeting.
15. *Question was raised on whether proposed balconies are moved to the rear of the building* and case officer confirmed that they are located to the rear.
16. *Question was raised on whether members would have a site visit of the application site* and team leader explained that they wouldn't but they would have presentation material with images of the location site to be able to assess. Team leader further confirmed that case officer already visited the site.

Meeting was concluded by Angus Saunders, North Area Team Leader at 7.40pm.

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**NOTES**

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Project The Curve Chudleigh Road	Dm CS	Chkd	<p style="margin: 0;"><b>architects plus</b></p> <p style="margin: 0; font-size: small;">2nd Floor, The Grange, Market Square Westerham, Kent, TN16 1HB T: +44 (0)1959 561078 F: +44 (0)1732 448118 E: office@architects-plus.co.uk W: www.architects-plus.co.uk</p>
Client DPS	Date 1-21	Scale 1-1250	
Drawing Location Plan	Drawing No 19890 PLL 01	Rev	

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

<u>Reg. Nos.</u>	(A) DC/20/119250
<u>Application dated</u>	18 <sup>th</sup> November 2020
<u>Applicant</u>	Lichfields on behalf of (RUSS Rural Urban Synthesis Society)
<u>Proposal</u>	<p>An application submitted under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to the planning permission DC/17/104264 dated 14 December 2018 as amended by DC/20/119249 dated 03<sup>rd</sup> February 2021 for ' The construction of a part three/part four storey building incorporating balconies on vacant land at Church Grove SE13 comprising self build residential units (Use Class C3) together with community facilities, shared landscaping space, car parking, secure cycle and refuse storage, alterations to access and other associated works;- <b>in order to make the following amendments:</b></p> <ul style="list-style-type: none"> <li>• Increase the number of dwellings from 33 to 36</li> <li>• Increase the maximum height of the building by 450mm</li> <li>• Simplify the building form</li> <li>• Replace the external and structural combustible materials</li> <li>• Associated amendments to landscaping and other works</li> </ul> <p><b>In addition to providing details to amend the following conditions to compliance conditions:</b></p> <ul style="list-style-type: none"> <li>• Condition 3- Archaeology;</li> <li>• Condition 4- Outline Construction Logistics Management Plan;</li> <li>• Condition 10- Tree Protection Plan;</li> <li>• Condition 20- Window and Door Reveals;</li> <li>• Condition 36- Design Code; and</li> <li>• Condition 37- Noise mitigation on Walkways.</li> </ul>
<u>Background Papers</u>	<p>(1) Case File DC/20/119250  (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted</p>

Designation

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

Screening

N/A

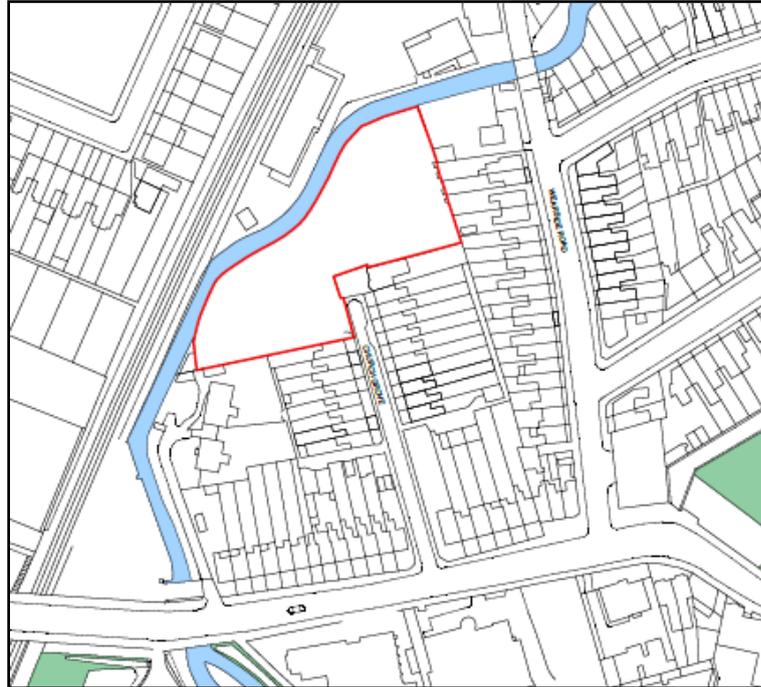
## 1 SUMMARY

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

## 2 SITE AND CONTEXT

### *Site description and current use*

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



**Figure 1: Site Location Plan**

### ***Character of area***

### **Heritage/archaeology**

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

### ***Surrounding area***

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

### ***Local environment***

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

### ***Transport***

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

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

### 3 RELEVANT PLANNING HISTORY

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

#### *Extant planning permission*

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

20 The S.106 Agreement attached to the extant planning permission secures the development as 100% affordable housing. Additionally, amongst other things, it includes an Allocations Policy at Appendix 4. The allocation policy sets out that in order to be eligible to apply for a dwelling within the Church Grove scheme, RUSS members must have a local connection to Lewisham by having lived there for at least two (2) of the last five (5) years, or currently work or study in the borough. For social rented dwellings, applicants must be on the Lewisham Council waiting list. Applicants must also be a member of RUSS at the time of the ballot and must be unable to afford to purchase a suitable home on the open market.

21 A number of planning conditions have been discharged against the extant planning permission (Refs: DC/19/112829 and DC/19/112091) and are set out in table 1 below.

*Temporary planning permission: Community Hub*

22 On 11 June 2018 planning permission was granted for “the erection of a temporary single storey building for the purpose of a shared office space and multi-use community space on land at Church Grove” (Ref: DC/18/105951). This temporary structure was constructed in 2019 and is required to be removed from the site by March 2022.

23 Following grant of planning permission for the main residential development in December 2018, two Non Material Amendment applications were approved (Refs: DC/19/11428 and DC/19/111594) to amend the operation hours, building materials, siting and omit the living roof from the temporary community hub.

24 The temporary community hub does not form part of the current application, and would remain temporary pursuant to its temporary planning permission.

*Application under s.96a (Non Material Amendment)*

25 A non-material amendment application (ref: DC/20/119249) in order to amend the description of development, which is not able to be achieved through the use of a s.73 application to vary conditions (as set out in section 6 below) was approved on 03 February 2021.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

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

The main amendments include:

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

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

27 The principle of the development, in addition to its height, massing and design remain established and approved under the extant planning permission. The extant planning permission would not be impacted by the proposed amendments. If approved, the current application would issue a whole new planning permission with the amendments that would sit alongside the existing planning permission. The commencement date of the development would not be amended, and would remain at 14<sup>th</sup> December 2021 within a new planning permission granted under s.73 of the TCPA (1990) (as amended).

28 As set out above, the temporary planning permission for the community hub remains intact and its status is not impacted by the current s.73 application.

*Conditions*

29 These amendments would require a number of conditions to be updated.

30 In addition to the proposed amendments to the building itself, the current application also provides the details that are required for five conditions attached extant planning permission (Ref DC/17/104264)(identified with an \* in table 1 below).

31 A number of planning conditions have been discharged, and these conditions would be updated as part of the current application to reflect those approved and revised details.

32 A three conditions are currently under determination as part of a separate application and as such they would remain unamended as a part of the current application, as set out below.

33 The details to support Condition 5 and Condition 24 were original submitted in support of the current application but were withdrawn and are being dealt with separately.

*Table 1*

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

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

\* Details submitted as part of the current application.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

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

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

## 5.2 APPLICATION PUBLICITY

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

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

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

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

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

44 Summary of themes of individual objections

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

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

45

A number of other comments were also raised as follows:

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

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

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

### **5.2.1 Comments in support**

47 24 comments were received in support of the scheme.

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

### **5.2.2 Local Meeting**

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

## **5.3 INTERNAL CONSULTATION**

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

#### Environmental Protection

50 Land Contamination – raised no objections.

51 Noise – raised no objections.

52 Air Quality- raised no objections.

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

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

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

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

## **5.4 EXTERNAL CONSULTATION**

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

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION AND MATERIAL CONSIDERATIONS**

- 67 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).
- 68 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

#### *Applications under s.73 of the TCPA*

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

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

70 It is further stated within the NPPG that the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered. Having said that, when determining the application the Local Planning Authority (LPA) has to consider the application in the light of current development plan policy. The LPA therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

71 In this case, there has been no relevant shift in adopted planning policy and the adopted development plan. The Publication London Plan (PLP) (December 2020) is further progressed than at the time of the original planning permission and is now post examination and as of 29<sup>th</sup> January 2021 the Secretary of State has confirmed that the PLP is in a position to be Adopted. As a result substantial weight can be applied to its policies where no amendments are sought by the Secretary of State. However, until it is adopted it remains a material consideration, rather than development plan policy. As such its weight is relative to its non- adopted status, unless it is adopted by the date of the planning committee on 18<sup>th</sup> February 2021, in which case its policies shall have full weight.

72 The proposed changes will therefore be assessed in accordance with the relevant national, regional and local policy and guidance, detailed within the Committee Report for the original planning permission, London Borough of Lewisham (LBL) reference DC/17/104264 dated 7<sup>th</sup> June 2018.

73 Returning to the scope of applications under s.73 of the TCPA (1990) (as amended), there exists a large amount of case law. The most recent relevant Judgement was handed down from the court of Appeal in November 2019; ‘Finney v Welsh Ministers & Ors’<sup>2</sup>. In this judgement, Lewison J refers to the correct interpretation of s.73 as that by Collins J, in the 2017 ‘Vue’<sup>3</sup> judgement, who at paragraph 19 states “*It is, I suppose, possible that there might be a case where a change of condition, albeit it did not seek to vary the permission itself on its face, was so different as to be what could properly be described as a fundamental variation of the effect of the permission overall.*” (emphasis added).

74 The ‘fundamental variation’, reiterated by Lewison J in the ‘ Finney’ Judgement further clarifies that this test should be applied when assessing the scope of amendments proposed through the use of a s.73 application.

#### *Description of development*

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

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1.1 <sup>1</sup> 017 Reference ID: 17a-017-20140306

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

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

## **6.2 MATERIAL CONSIDERATIONS**

- 76 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account. The NPPG is a material consideration in the determination of applications.
- 77 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 78 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

## **6.3 NATIONAL POLICY & GUIDANCE**

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

## **6.4 DEVELOPMENT PLAN**

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

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

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

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

## **6.6 OTHER MATERIAL DOCUMENTS**

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

## **7 PLANNING CONSIDERATIONS**

82 The main issues are:

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

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy and Statutory Context*

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

### *Discussion*

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

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

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

### *Removal of community 'hub'*

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

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

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

### **7.1.1 Principle of development conclusions**

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

## 7.2 HOUSING

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

### 7.2.1 Contribution to housing supply

#### *Policy*

91 National and regional policy promotes the most efficient use of land. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

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

93 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality matrix.

94 The London Plan is clear that it is not appropriate to apply the matrix mechanistically (para 3.28). The Mayor's Housing SPG (2016) elaborates that the density matrix should be a starting point and a guide rather than an absolute rule (para 1.3.8). DMP 32 reflects this approach. The emerging Draft London Plan takes this approach further, removing the density matrix and focusing on a design-led approach in accordance with the PLP Policy D2.

95 The PLP Policies H1 and D6 support the most efficient use of land and development at the optimum density. Defining optimum density is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

96 The current London Plan sets an annual target for Lewisham of 1,385 new homes until 2025. The Intend to Publish London Plan identifies a ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, which equates to an annualised average of 1,667 new homes per year.

#### *Discussion*

97 As set out above, the planning assessment only relates to the acceptability of the proposed amendments. In terms of the proposed amendments contribution to housing supply, an additional three affordable units would be provided. This a material benefit of the proposed amendments.

98 This would represent an 8% increase (from 33 to 36 units), and officers consider this would not be a fundamental variation from the extant planning permission.

### 7.2.2 Affordable housing

#### ***Percentage of affordable housing***

#### *Policy*

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

*Discussion*

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

***Affordable housing tenure split and dwelling size mix***

*Policy*

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

*Discussion*

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

**Table 2: Proposed Tenure Mix by Dwelling Size\***

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

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

\*M4(3) units shown in ( )

**Table 3: Extant Tenure Mix by Dwelling Size\***

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

\*M4(3) units shown in ( )

108 The proposed development would make the following amendments

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

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

**Table 4: Dwelling Size Mix\***

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

\*M4(3) units shown in ( )

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

### **Summary of Affordable housing**

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

### **7.2.3 Residential Quality**

#### *General Policy*

- 113 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPG2016, GLA; Alterations and Extensions SPD 2019, LBL).
- 114 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

#### **Internal space standards**

##### *Policy*

- 115 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and includes space suitable for children's play.
- 116 With regard to private amenity space, Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

##### *Discussion*

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

#### **Outlook & Privacy**

##### *Policy*

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

### *Discussion*

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

### **Daylight and Sunlight**

#### *Policy*

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

#### *Discussion*

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

### **Noise & Disturbance**

#### *Policy*

- 130 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions.
- 131 With regard to internal noise levels, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.
- 132 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states

the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night (2300-0700).

- 133 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T

*Discussion*

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

**Accessibility and inclusivity**

*Policy*

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

*Discussion*

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

**External space standards and children's play space**

*Policy*

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

*Discussion*

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

#### ***Summary of Residential Quality***

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

#### **7.2.4 Housing Conclusion**

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

## 7.3 URBAN DESIGN AND HERITAGE ASSETS

### *General Policy*

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

### 7.3.1 Appearance and character

#### *Policy*

- 152 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 153 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.
- 154 LPP 7.4 expects development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. LPP 7.6 states architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape.

#### *Discussion*

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

### **Form, Siting, Scale and Layout**

#### *Policy*

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

#### *Discussion*

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

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

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



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

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

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

### ***Detailing and Materials***

#### *Policy*

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

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

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

*Discussion*

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

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

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

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



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

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

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

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

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

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

### **7.3.2 Impact on Heritage Assets**

#### *Policy*

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

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

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

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

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

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

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

#### *Discussion*

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

*Significance*

184 In terms of significance, the site lies outside but adjacent to the northern boundary of St Mary's Conservation Area, focussed on the area around the parish church which lies on the east bank of the Ravensbourne, and Edwardian civic development at the junction with Lewisham High Street.

185 As a result the development would impact on the setting of residential houses on either side of Church Grove. These are unlisted but make a positive contribution to the CA and as such are Non-Designated Heritage Assets (NDHA).

186 The development would also be partly visible from Ladywell Playtower, and vice versa. Church Grove creates an axis with these two sites at either end. Whilst this site could be said to be in the setting of Ladywell Playtower, it is considered that the significance of it to the Listed Building's significance is marginal and that townscape impact is more relevant.

*Proposed amendments to the building*

187 As set out above, the southern elevation would be pulled away from the end of Church Grove on both sides, slightly increasing the distance between the NDHAs and the new building. This would have a minor impact but nonetheless will help mediate between the heights of the two groups.

188 The 450mm increase in height would not result in unacceptable impact on the setting of the NDHAs on Church Grove. The previously proposed height difference was not considered harmful and sufficient gap exists for this small increase in height not to result in an uncontextual response to the terraced houses.

189 In terms of the proposed amendment to the materiality of extant scheme from timber to fibre cement is considered that, as revised through pre-app discussions, small modules in varied natural tones would not harm the setting of the nearby heritage assets.

190 The retention of the stepped footprint of the bridge link is beneficial as this provides architectural interest in the key location where the structure will be most visible at the end of the Church Grove axis and prevents this structure appearing too flat.

*Proposed amendments to hard and soft landscaping*

191 The Conservation officer considered the provision of urban greening would additionally help in creating a natural setting for the development, as befits its riverside location. However it was noted that the landscaping proposed around the entrance of the site looks rather hard as approved and it is consider that more lush and verdant planting that reflects the riverside context of the site and the adjacent CA should be proposed.

192 A mature tree on the river bank is currently visible in views towards the north end of Church Grove, and this contributes significantly to greening of the street, along with the many small but well planted front gardens. The tree will remain but will be substantially obscured from view by the bridge link. The landscaping plan doesn't show a tree that would re-provide this effect on Church Grove and it is therefore suggested that a new tree at the entrance to the site should be investigated (In the area marked 7 on the landscaping plan. This is considered to mitigate the loss from view of the existing tree, effectively signalling the green credentials of the site and would also contribute positively to the appearance of Church Grove and the setting of the heritage assets.

193 The entrance area marked 7 (revised as 6 on most up to date plan rev D) on the landscape plan is a large area proposed to be resin bound gravel. Concern was raised that this would

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

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

#### *Archaeology*

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

#### *Summary*

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

### **7.3.3 Public Realm**

#### *Policy*

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

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

*Discussion*

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

**7.3.4 Urban design and heritage conclusion**

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

## 7.4 TRANSPORT IMPACT

### *General policy*

- 210 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 211 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 212 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 213 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### **7.4.1 Access**

#### *Policy*

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

#### *Discussion*

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

#### *Courtyard*

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

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

220 However, the proposed amendments to the extant scheme do not proposed any amendments to the approved access. As a result, it is not considered within the scope of this application to seek amendments to the proposed access. Officers therefore consider that this access remains acceptable.

221 Notwithstanding this, the applicant has proposed to the following measures to assist in the safe operation of the courtyard; road markings, colour changes and signage can be used to demarcate the likely pedestrian/cyclist desire lines and alert drivers to the presence of possible pedestrian/cyclist movements. These are considered reasonable and would be secured through the hard landscaping condition.

#### *Fire access*

222 A number of objections to the scheme raised concern regarding access for emergency vehicles along Church Grove. Whilst access is not proposed to be amended as part of the proposed amendments, the applicant has provided additional information to further satisfy the Council that satisfactory access can be achieved.

223 This assessment was undertaken for both the extant planning permission and the proposed amendments at Church Grove. Swept path analysis was requested with both applications to demonstrate that a fire appliance and refuse vehicle can access the application site. The swept path analysis was provided for a 7.9m fire appliance (that is 2.5m wide), and a 11.2m refuse vehicle (that is 2.45m wide). The swept path analysis provided for the applications demonstrated that a fire appliance, and a refuse vehicle are able to access the application site.

224 In Highways terms, the access arrangements for both the extant and proposed amendments are required to comply with the design standards in Government's The Manual for Streets guidance document. The Manual for Streets requires 'new streets' to be a minimum of 3.7m wide (kerb to kerb measurement), this is required to provide operating space at the scene of a fire. But, the guidance states "to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances";

225 Measurements of the Church Grove carriageway that were provided (along the length of the fire appliance route) confirm the 'existing street' design does comply with the minimum 2.75m width requirement referred to in the Manual for streets guidance. The width of Church Grove is 4.6m (kerb to kerb), but the width has been reduced for most of its length to 2.8m to provide on-street parking for existing Church Grove residents.

226 Therefore, for the reasons outlined above and in consideration of the Highways assessment of the scheme, the access strategy for the application site is unobjectionable.

## **7.4.2 Local Transport Network**

### *Policy*

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

### *Discussion*

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

### **7.4.3 Servicing, refuse and emergency vehicle access**

#### *Policy*

229 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.

230 LPP 6.13 requires schemes to provide for the needs of businesses and residents for delivery and servicing and LPP 6.14 states that development proposals should promote the uptake of Delivery and Service Plans.

231 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

232 CSP 13 requires all major development to submit and implement a site waste management plan, and to provide well designed recycling facilities for all proposed uses.

#### *Discussion*

233 The proposed development would provide 6 Eurobins. The Council's Highways and Transport team commented that one bin storage area for 3 x Eurobins has been provided for each block and that this would be insufficient for 18 households on the basis that each household requires 180L for refuse and 240L for recycling. They also commented that there is no detail in the application to explain who will move the Eurobins to/from the temporary holding area.

234 Following this the applicant clarified the calculations that led to the refuse calculations. As a result the Highways officer agreed that these are acceptable.

235 In terms of waste management, the applicant responded that RUSS would be maintaining the site in conjunction with a resident led management group, as part of RUSS's community-led housing principles. The Eurobins would be part of this management plan, and would be moved by a site caretaker (who would either be a resident or a paid employee).

236 This would be the situation with extant scheme and has not been amended as part of the proposed scheme. As result, it is not considered within the scope of this application to seek amendments to the proposed access. Officers therefore consider that this access remains acceptable.

### **7.4.4 Transport modes**

#### ***Walking and cycling***

#### *Policy*

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

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

Discussion

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

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

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

*Policy*

241 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport.

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

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

*Discussion*

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

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

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

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

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

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

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

### ***Construction logistics management plan***

#### *Policy*

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

#### *Discussion*

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

### **7.4.5 Transport impact conclusion**

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

## 7.5 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 253 PF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 254 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 255 LPP 7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing. LPP 7.7 states that tall buildings should not affect their surroundings adversely in terms of (amongst others) microclimate or overshadowing.
- 256 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 257 Further guidance is given in the Mayor's Housing SPG (2017) and Lewisham's Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly

### **7.5.1 Enclosure, Outlook and Privacy**

#### *Policy*

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

#### *Discussion*

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

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

- 263 The layout of the site would remain the same with deck/walkway access located on the southern elevation facing Church Grove. The entrance to units would remain located here, and access between the two buildings would be through the walkway, however the fenestration would be amended to reflect the amended layouts of the proposed building. The roof garden proposed at the northern end of the eastern block has been removed. The building would be angled slightly closer towards 55-57 Ladywell Road towards its southern end.
- 264 This increase to the potential for overlooking is not considered to have materially altered from the extant scheme, if anything it has improved due to the removal of the roof garden.

## 7.5.2 Daylight and Sunlight

### *Policy*

- 265 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards.
- 266 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 267 The Mayor's Housing SPG states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).
- 268 Alternatives may include 'drawing on broadly comparable residential typologies within the area and of a similar nature across London' (ibid, para 1.3.46).
- 269 It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.
- 270 In the first instance, if a proposed development falls beneath a 25 degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.
- 271 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sun rise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.

### *Discussion*

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

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

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

*Nos. 7-11 and 13-14 Church Grove*

274 As indicated at table 4.1 all rooms would comply with the BRE Guidelines for daylight and sunlight on Church Grove other than 3 rooms at 11 Church Grove and 1 room at 10 Church Grove. DD was only assessed at 11 and 8 Church Grove, where the floor plans could be obtained. At these properties it is only VSC that would be impacted and window W1 in 10 Church Grove retaining 0.79 times its former value and windows W1 and W2 of 11 Church Grove being 2 of 4 windows serving the ground floor living space where the remaining windows retain full compliance.

275 A resident who raised objections to the proposed amendments scheme noted that the daylight and sunlight report incorrectly labelled some of the properties on church grove, and as such it was amended. This did not however change the findings of the report.

276 Additionally the objection noted that a window serving a study at first floor on the front elevation had not been included as part of the assessment, in addition to a skylight serving a utility room. BRE guidelines do not require detailed assessment of office space, and utility rooms are not considered to be habitable rooms.

277 However an addendum letter has been provided to the applicant's daylight and sunlight report extrapolating the data of nearby rooms that have been assessed to understand the likely impact on the rooms omitted (even though this is not required by the guidance). Given the directly adjacent windows exceed BRE requirements, it is considered that these are likely to achieve the BRE standards.

*Ladywell Road*

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

*Nos. 135-143 (odd) Marsala Road*

279 VSC analysis shows that all of the 24 windows tested will maintain full BRE Report compliance. APSH analysis shows all but one of the windows will see full sunlight compliance also.

280 4.17 The one APSH transgression sees a small secondary window (W3) at the ground floor of 139 Masala Road with a transgression of its winter sunlight amenity. However, the overall retention sees that the reduction is less than 4% annually and as such the window would comply with the overall sunlight guidance.

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

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

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

#### *Overshadowing*

283 All tested spaces would remain compliant with BRE standards.

#### *Comparison with extant scheme*

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

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

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

#### *Summary*

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

### **7.5.3 Noise and disturbance**

#### *Policy*

286 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions.

287 With regard to internal noise levels, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.

288 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night (2300-0700).

289 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

#### *Discussion*

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

### **7.5.4 Impact on neighbours conclusion**

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

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

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

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

## 7.6 SUSTAINABLE DEVELOPMENT

### *General Policy*

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

### 7.6.1 Energy and carbon emissions reduction

#### *Policy*

- 300 LPP 5.1 seeks an overall reduction in CO2 emissions whilst LPP 5.2 (Minimising Carbon Dioxide Emissions) states that major development proposals should make the fullest contribution to minimising CO2 in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.
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305 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy

*Discussion*

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

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

***Be Lean, Be Clean, Be Green***

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

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

***Carbon Offset***

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

***Overheating***

*Policy*

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

312 DMP 22 reflects regional policy.

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

*Discussion*

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

## 7.6.2 Urban Greening

### *Policy*

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

### *Discussion*

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

## 7.6.3 Flood Risk and Sustainable Urban Drainage

### *Policy*

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

### *Discussion*

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

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

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

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

#### **7.6.4 Sustainable Infrastructure conclusion**

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

## 7.7 NATURAL ENVIRONMENT

### *General Policy*

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

### 7.7.1 Ecology and biodiversity

#### *Policy*

- 334 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 335 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 336 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 337 CSP 12 seeks to preserve or enhance local biodiversity.
- 338 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity

#### *Discussion*

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

### 7.7.2 Green spaces and trees

#### *Policy*

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

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

341 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species.

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

343 DM Policy 25 (Landscaping and Trees) states that Development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

#### *Discussion*

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

#### *Site entrance into parking area*

345 The tree and landscape officer commented that the access into the site has a wide entrance into the parking area which not an attractive site entrance and does not enhance the street scape of Church Grove which is characterised by enclosed vegetated front gardens. The entrance to the former Watergate School had incurving walls to reduce the view into the site car park. The current entrance plan does not show such careful design consideration and needs to be amended.

346 However, as set out above, the existing car park area is approved as part of the extant scheme, as result it is not considered appropriate to request as part of the amendments application. Officers consider that these can be secured through the use of the existing hard and soft landscaping condition.

#### *Riverside*

347 The tree and landscape officer commented that more new trees are required along the river bank to develop a riverine landscape character with alder, birch, willow, poplar, dogwood etc, to include coppice and pollard management of willows. The raised planting beds beside the river should be removed. Remove gates on riverside path/road to allow public access as always intended for the riverside walk.

348 Officers consider that these details were not approved under extant permission can be secured through the use of the existing hard and soft landscaping condition.

#### *South and east boundaries*

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

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

#### *Temporary Community Hub*

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

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

#### *Building elevations*

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

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

#### *Tree Protection Plan*

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

#### *Summary*

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

### **7.7.3 Ground pollution**

#### *Policy*

357 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

358 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is

suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

- 359 DMP 28 'Contaminated land' provides the policy basis for assessing development proposals in terms of site contamination.
- 360 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.
- 361 The test is that after remediation, land should not be capable of being determined as "contaminated land" under Part 2A of the EPA.
- 362 If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. DEFRA has published a policy companion document considering the use of '[Category 4 Screening Levels](#)' in providing a simple test for deciding when land is suitable for use and definitely not contaminated land.
- 363 The risk assessment should also identify the potential sources, pathways and receptors ('pollutant linkages') and evaluate the risks. This information will enable the local planning authority to determine whether further more detailed investigation is required, or whether any proposed remediation is satisfactory.
- 364 At this stage, an applicant may be required to provide at least the report of a desk study and site walk-over. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant linkages can be broken.
- 365 Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined.

#### *Discussion*

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

### **7.7.4 Air pollution**

#### *Policy*

- 367 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 368 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.

369 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

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

*Discussion*

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

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

**7.7.5 Natural Environment conclusion**

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

## **8 LOCAL FINANCE CONSIDERATIONS**

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

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

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

376 The CIL is therefore a material consideration.

377 The proposed development would qualify for affordable housing relief and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 9 EQUALITIES CONSIDERATIONS

- 378 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 379 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between people who share a protected characteristic and persons who do not share it.
- 380 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 381 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 382 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty
  - Equality objectives and the equality duty
  - Equality information and the equality duty
- 383 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

## 10 HUMAN RIGHTS IMPLICATIONS

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

# 11 LEGAL AGREEMENT

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

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

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

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

Namely;

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

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

## **12 CONCLUSION**

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

RECOMMENDATION

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

**12.1 CONDITIONS**

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

dated 28 October 2020), Walkway Acoustics Technical Notes (prepared by iON acoustics, dated 04th November 2020) ; Planning condition 4 investigation of use of Wearside Depot for construction access (prepared by Rural Urban Synthesis Society, dated 06th November 2020), ; Received 18th November 2020

Daylight, Sunlight and Overshadowing Assessment Report (prepared by Lichfields, dated October 2020); Daylight and Sunlight Letter (prepared by Lichfields, 02 February 2021), Arboricultural Report (prepared by GRS, dated 23 October 2020); 0177\_001 Rev D; Fire Appliance Technical Note (Prepared by Fire Ingenuity, dated February 2021), Fire Strategy Statement (prepared by Shephard Epstein Hunter, dated February 2021), CHG - SEH - ZZ - 00 - DR - A - 0101 Rev P02, received 02 February 2021

Revised Design Code: planning condition 036 rev 02 (prepared by Shephard Epstein Hunter, dated February 2021), received 04 February 2021

Approved under Condition 2 of DC/17/ 104264;

Arboricultural Report (including Arboricultural Impact Assessment & Tree Survey & Tree Location Plan, Tree Constraints Plan and Tree Protection Plan), dated 24 October 2017 (Prepared by GRS Arboricultural Consultant); Air Quality Assessment, dated 18 October 2017 (Prepared by WYG); Archaeological Desk-based Assessment, dated May 2017 (Prepared by Thames Valley Archaeological Services Ltd); Design and Access Statement, dated 16 October 2017 (Prepared by Architype); Energy Assessment, dated 23 October 2017 (Prepared by Ritchie + Daffin); Fire Strategy Statement, dated March 2018 (Prepared by Architype); Flood Risk Assessment, dated 11 May 2018 (Prepared by Price & Myers); Ground Investigation, dated 18 November 2014 (Prepared by AP Geotechnics Ltd); Heritage Impact Assessment, dated October 2017 (Prepared by Lichfields); Internal Layout and Vehicle Movement Strategy, dated 14 February 2018 (Prepared by WYG); Noise & Vibration Assessment, dated 13 October 2017 (Prepared by WYG); Outline Construction Logistic Plan, dated 14 February 2018 (Prepared by WYG); Parking Demand Assessment (Technical Note 01), dated 14 February 2018 (Prepared by WYG); PERS-Style Audit (Technical Note 01), dated 14 February 2018 (Prepared by WYG); Planning Statement, dated October 2017 (Prepared by Lichfields); Preliminary Ecological Appraisal, dated 08 June 2017 (Prepared by Middlemarch Environmental); Reptile Survey, dated 08 June 2017 (Prepared by Middlemarch Environmental); Transport Statement, dated 18 October 2017 (Prepared by WYG); Travel Plan, dated 5 October 2017 (Prepared by WYG); Unexploded Ordnance Desk Study, dated 08 May 2017 (Prepared by MACC International Limited)

**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. **Archaeological Programme of Work**

	<p>(a) No development other than demolition to existing ground level shall take place until a programme of archaeological evaluation has taken place in accordance with the document “Project specification for archaeological evaluation” (Thames Valley Archaeological Services, dated 28 October 2020).</p> <p>(b) A report of the evaluation results will be submitted for approval by the local planning authority which will be given in writing.</p> <p>(c) Under part (b) of this condition, the applicant shall implement any recommended programme of archaeological mitigation in accordance with the report</p> <p>(d) The site investigation and post-investigation assessment will be completed prior to one year post the completion date of the development as defined by the borough building regulation officer, in accordance with the programme set out in the documents approved under parts (a) and (b) of this condition, and the provision for post-investigation assessment, analysis, of the results and archive deposition has been secured.</p> <p><b>Reason:</b> To conserve, protect and enhance the archaeological heritage of Lewisham in accordance with <i>Development Management Local Plan</i> (November 2014) DM Policy 37 Non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest</p>
4.	<p><b>Construction Logistics Plan (Revised)</b></p> <p>a) The development shall be constructed in accordance with “Planning condition 4 investigation of use of Wearside Depot for construction access (prepared by Rural Urban Synthesis Society, dated 06<sup>th</sup> November 2020)”, “Construction Method and Logistics Plan Addendum” (prepared by WYG, November 2020) and Outline Construction Logistic Plan, dated 14 February 2018 (Prepared by WYG);</p> <p>b) The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.</p> <p><b>Reason:</b> In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).</p>
5.	<p><b>Piling Operations</b></p> <p>a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the Local Planning Authority in consultation with Thames Water.</p>

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

	<p>b) No occupation shall occur until the applicant has submitted further details (elevations) of the proposed sheltered timber storage housing for the refuse and recycling bins.</p> <p><b>Reason:</b> In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).</p>
8	<p><b>Cycle Parking Provision</b></p> <p>a) A minimum of sixty-six (66) cycle parking spaces shall be provided within the development as indicated on the plans hereby approved CHG - SEH - ZZ - 00 - DR - A - 0101 Rev P02)).</p> <p>b) No development above ground level shall commence on site until such time as the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.</p> <p>c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.</p> <p><b>Reason:</b> In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).</p>
9	<p><b>Hard Landscape</b></p> <p>a) No development above ground level shall commence on site until such time as showing hard landscaping or any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>b) No occupation shall occur until such time as all hard landscaping works which form part of the approved scheme under part a) have been completed.</p> <p><b>Reason:</b> In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and Trees, and DM Policy 30 Urban Design and Local Character.</p>
10	<p><b>Tree Protection Plan</b></p> <p>The development hereby approved shall be carried out in accordance with Arbouricultural Report (prepared by GRS, dated 23 October 2020)</p>

	<p><b>Reason:</b> To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).</p>
11	<p><b>Soft Landscaping</b></p> <p>a) No development above ground shall commence until such time as a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years has been submitted to and approved in writing by the Local Planning Authority.</p> <p>b) The scheme under part (a) shall include exploration of providing a tree near to the area set as 6 on the approved landscaping plan 0177_001 Rev D</p> <p>c) No trees shown as being retained on the permitted plans shall be lopped or felled without prior written consent of the Local Planning Authority.</p> <p>d) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p> <p><b>Reason:</b> In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open Space and Environmental Assets, Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and Trees and DM Policy 30 Urban Design and Local Character of the Development Management Local Plan (November 2014).</p>
12	<p><b>Boundary Treatment</b></p> <p>a) Details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.</p> <p>b) These details submitted under a) must include details of the riverside gates and any associated fencing</p> <p>c) The development shall be carried out in accordance with the details approved under part a) and retained in perpetuity.</p> <p><b>Reason:</b> To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local</p>

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

	and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).
16	<p><b>External Lighting</b></p> <p>a) Prior to first occupation of the development, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy under shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their territory or having access to their breeding sites and resting places.</p> <p>b) All external lighting shall be installed in accordance with the specifications and locations set out in the document , and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority</p> <p><b>Reason:</b> In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM policy 24 and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).</p>
17	<p><b>Delivery and Servicing Plan</b></p> <p>a) A Delivery and Servicing Plan must be submitted to and approved in writing by the Local Planning Authority prior to first occupation.</p> <p>b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.</p> <p>c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved with the approved details and shall be adhered to in perpetuity.</p> <p><b>Reason:</b> In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).</p>
18	<p><b>Wheelchair Dwellings</b></p> <p>a) The three (3) wheelchair dwellings (Units W.00.01 (2B), W.00.06 (1B) and W.01.12(1B) hereby approved shall be constructed as Wheelchair user (adaptable) in accordance with the required</p>

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

	DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).
22	<p><b>Construction and Delivery Hours</b></p> <p>a) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.</p> <p>b) No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.</p> <p><b>Reason:</b> In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).</p>
23	
24	<p><b>Flood Water Storage</b></p> <p>Before the development commences, a scheme for the flood water storage/conveyance void structures below the buildings and the soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:</p> <ol style="list-style-type: none"> <li>1. Detail extent and type of new planting (NB planting to be of native species);</li> <li>2. Details of treatment of site boundaries (including all walls, gates and fencing) and buffers around water bodies;</li> </ol> <ul style="list-style-type: none"> <li>• Maintenance plan;</li> <li>• Tree root containment where close to the river wall;</li> <li>• Details of the bars/grilles to control access to the void areas; and</li> <li>• Calculations and hydraulic flood modelling to demonstrate that the void structures and landscaping have been optimised to minimise flood risk to the existing built environment at risk of flooding that could be affected by changes to the floodplain on the site.</li> </ul> <p><b>Reason:</b> To maintain operational access to the river and the river wall, to prevent damage to the river wall, to prevent an increased risk of flooding, to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the national planning policy.</p>
25	<p><b>Management Plan</b></p> <p>The development hereby permitted shall be carried out in accordance with Management Plan – void areas and boundary fence (prepared</p>

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

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

	<p>the Flood Risk Assessment (revised May 2018) must be amended to:</p> <ol style="list-style-type: none"> <li>1. Provide a detailed breakdown of the permeable and impermeable areas on site.</li> <li>2. Include calculations for post-development runoff-rate and storage volume, which must incorporate the 40% Upper End climate change allowance.</li> <li>3. Consideration to the benefits that the proposed drainage strategy brings in terms of water quality, environmental and social benefits.</li> <li>4. Consideration to the incorporation of complementary SuDS features which maximise multi-functional benefit and the operation of proposed SuDS under flooded outfall conditions and specification of additional storage volume or pumping requirements if necessary to avoid flooding on site or of the surrounding areas.</li> <li>5. Include provision of a drainage layout (including dimensions, volumes, pipe size/cover/inlet levels, gradients and flow control features) in accordance with the submitted calculations.</li> <li>6. Include provision of a detailed site specific maintenance plan for the proposed SuDS, including details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development.</li> <li>7. Consideration of how exceedance flows for events greater than the 1 in 100 year + 40% climate change event will be managed and mitigated on site without significantly increasing flood risks (both on site and outside the development) with clear consideration of the performance of the drainage system during fluvial flood event.</li> </ol> <p><b>Reason:</b> To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).</p>
33	<p><b>Environment Agency Correspondence</b></p> <p>No development shall commence until such time as the applicant provides evidence of correspondence with the Environment Agency agreeing consent for the proposed point of discharge and discharge rate into the River Ravensbourne.</p> <p><b>Reason:</b> To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).</p>

34	<p><b>Contaminated Land</b></p> <p>a) The development shall be carried out in accordance with ; Phase II Geoenvironmental Investigation (Prepared by AP Geotechnics dated 12<sup>th</sup> February 2019); Groundwater Contamination Assessment' (Prepared by GCA, dated 4th September 2019), and 'Piling Works Risk Assessment' (Prepared by PWRA, dated 23 September 2019) approved under DC/19/112091 dated 06 November 2020.</p> <p>b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.</p> <p>c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.</p> <p>This shall include verification of all measures, or treatments as required in (Section (a) i &amp; ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.</p> <p>The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.</p> <p><b>Reason:</b> To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).</p>
35	<p><b>Phase 1 Report</b></p> <p>The development shall be carried out in accordance with Phase I Environmental Assessment (Prepared by AP Geotechnics dated 12<sup>th</sup> October 2018) approved under DC/19/112091, dated 06 November 2020.</p> <p><b>Reason:</b> In order that the Local Planning Authority may be satisfied with the details of the proposal.</p>
36	<p><b>Design Code</b></p>

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

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

## 12.2 INFORMATIVES

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

	works in, over, under or within 8 metres of the top of bank or river wall, where one exists, may require a permit from ourselves. Please be aware that we will not usually approve works which obstruct access to the watercourse. To apply for a flood risk activity permit the applicant should contact our Flood and Coastal Risk Management team
3)	<p><b>Thames Water</b></p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.</p> <p>Legal changes under the Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> to determine if a building over / near to agreement is required.</p> <p>'We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>."</p> <p><b>CIL - Community Infrastructure Levy</b></p> <p>As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '<b>assumption of liability form</b>' must be completed and before development commences you must submit a '<b>CIL Commencement Notice form</b>' 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: - <a href="http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx">http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx</a></p>

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

## Appendix A - Church Grove – Local Meeting (Minutes)

### Information:

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

Chair: Councillor Patrick Codd (Lewisham Central Ward)

### **Attendees :**

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

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

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

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

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

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

### Summary:

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

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

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

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

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

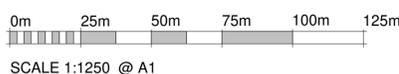
**END**



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- NOTES
1. Work to figured dimensions where shown
  2. Confirm dimensions on site before fabrication or construction - report any discrepancies to CA



STATUS <b>FOR PLANNING</b>		SUITABILITY DESCRIPTION <b>S2 - Suitable for Information</b>	
<b>Shepherd Epstein Hunter</b> architecture planning landscape Phoenix Yard, 65 Kings Cross Road, London WC1X 9LW tel: 020 7841 7500 email: architecture@seh.co.uk web: www.seh.co.uk			
TITLE <b>Existing Site Location Plan</b>		PROJECT CLIENT <b>Church Grove</b> <b>RUSS</b>	
SEH PROJECT NUMBER <b>19157</b>	DRAWN BY <b>ABU</b>	CHECKED BY <b>BC</b>	SCALE <b>1 : 1250</b>
DRAWING NUMBER <b>0001</b>	STATUS CODE <b>S2</b>	VERSION <b>P01</b>	SIZE <b>A1</b>
FILE NAME PROJECT CODE - DESIGNATOR - ZONE LEVEL TYPE ROLE SHEET NO. <b>CHG - SEH - XX - XX - DR - A - 0001</b>			

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Committee	PLANNING COMMITTEE C ( <b>ADDENDUM</b> )
Report Title	LAND AT CHURCH GROVE, LONDON, SE13 7UU
Ward	Lewisham Central
Contributors	Louisa Orchard

Reg. Nos.

DC/20/119250

## 1.0 INTRODUCTION

- 1.1 This report has been prepared as additional representations have been received since publication of the agenda, and in order to clarify the weight and application of the Publication London Plan (December 2020) Policy D12 Fire Safety.

## 2.0 SUMMARY OF ISSUES

### *Additional Comments in Support*

- 2.1 10 additional individual comments supporting the planning application have been received since the publication of the committee report. The comments raise no new matters to those set out at 5.2.1 of the committee report.

### *Additional Objections*

- 2.2 1 additional individual comment objecting to the planning application has been received. The comment does not raise new matters to those set out at paragraph 44 of the committee report.
- 2.3 Since the publication of the committee report, 5 individuals who had previously objected to the application submitted further objections to the Council. Two related to material planning matters and are considered below. One did not relate to a material planning matter. The remaining follow up objections raised matters which are already addressed at Paragraphs' 44 and 45 of the committee report.

### *Material planning matters*

- 2.4 One of the objectors made further comments relating to the 'Fire Appliance Technical Note (Prepared by Fire Ingenuity, dated February 2021) that was submitted during the application's determination period and contends that the information provided is inaccurate.
- 2.5 Another objector raised further comments relating to the Daylight and Sunlight Letter (prepared by Lichfields, 02 February 2021) which was submitted during the application's determination period.

### *Non material planning matters*

- 2.6 A Non – material matter in the additional objections from individuals who had already objected to the scheme has also been raised. This matter relates to the circumstances surrounding the lapsed planning permission for the traveller's site included at paragraph 11 of the committee report. This however is not relevant to the proposed amendments which relate to the extant planning permission only.

### **Meeting with Local Residents**

- 2.7 At the local meeting held on 28<sup>th</sup> January 2021, officers encouraged RUSS (the applicant) to meet with local residents prior to the application being heard by planning committee. This was in order for RUSS and residents to discuss building regulations approval for fire safety matters, which is outside of the planning process. It is understood that this meeting took place on 15<sup>th</sup> February 2021. For clarity, this meeting was non-statutory and is not material to the planning decision before members.

### **Supplementary Fire Safety Information**

- 2.8 Given the concern from local residents regarding fire safety, this addendum also clarifies fire safety matters so far as they fall within the scope of this application for amendments to an extant planning permission under s.73 of the TCPA 1990 (as amended).

## **3.0 CONSIDERATIONS**

### *Additional Daylight and Sunlight information*

- 3.1 The details of the Daylight and Sunlight Letter (prepared by Lichfields, 02 February 2021) provided in response to an objection from a local resident are assessed at paragraphs 274-276 of the committee report.
- 3.2 The resident has made a further objection in response to the letter provided, setting out that a different number of windows have been assessed at their property compared to the extant planning permission, that they are not satisfied with the further justification provided and that it is misleading.
- 3.3 Officer's remain satisfied that the assessment has been carried out in accordance with the guidance. The conclusion at paragraph's 291-293 of the committee report that the proposed amendments are not considered to cause a fundamental variation to the proposed scheme in terms of impact on neighbours, and a satisfactory level of daylight and sunlight would be retained remains unchanged.

### *Summary of Fire Safety Matters within the Committee Report*

- 3.4 As set out at paragraph 66 of the committee report, the London Fire Brigade have been consulted on the current amendments application and have not objected to the proposals. This is on the basis that further detail would be secured following the grant of planning permission when the applicant seeks building regulations approval. The LFB did not object to the extant planning permission on the same basis, and access to the site remains unchanged.
- 3.5 Paragraphs 222-226 of the committee report set out that Highways Officers consider that the applicant has demonstrated that emergency vehicles could access the site through the provision of swept path analysis, and road measurements that are within 'Fire Appliance Technical Note (Prepared by Fire Ingenuity, dated February 2021). Highways Officers did not object to the extant planning permission, and access to the site remains unchanged.
- 3.6 As set out in the committee report, one of the main reasons this application for amendments to the extant planning permission has been submitted is due to the

applicant's desire to reduce the potential fire risk posed by the extensive use of timber. This is not a legal or policy requirement and timber remains a widely used building material. The amendments proposed under the current application therefore represent an improvement to the extant scheme in terms of potential fire safety risks. The extant planning permission can still be implemented, as set out at paragraph 27 of the committee report.

*Publication London Plan Policy D12: Fire Safety*

- 3.7 During the determination period of the application, the Publication London Plan (December 2020) (PLP) has gained more weight as a material consideration as set out at 6.6 of the committee report. However, it remains un-adopted and does not have the full weight afforded to the Adopted London Plan (March 2016).
- 3.8 PLP Policy D12 sets out that all development proposals must achieve the highest standards of fire safety. This policy with the weight now afforded to it did not exist at the time of the determination of the extant planning permission.
- 3.9 At Part A points 1-6, Policy D12 sets out the matters that must be addressed to achieve these high standards. At Part B, it sets out that '*All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy - produced by a third party, suitably qualified, assessor*'. It then sets out what the Fire Statement should detail, at points 1-6.
- 3.10 The applicant submitted a Fire Strategy Statement (prepared by Shephard Epstein Hunter, dated February 2021), and the aforementioned 'Fire Appliance Technical Note' (Prepared by Fire Ingenuity, dated February 2021). Officers requested that this information was re-organised, so that it more explicitly addressed the requirements of PLP D12 B, with regard to the London Plan Guidance Sheet produced in support of this policy.
- 3.11 As a result a "London Plan Policy D12 Fire Safety: Compliance Statement" (Prepared by Fire Ingenuity, dated February 2020) has been provided to officers. This is attached at **Appendix 1** of this addendum.
- 3.12 In the Statement it includes the CV of its author, Nigel Hiorns, who is a Managing Partner of Fire Ingenuity and a member of the Institution of Fire Engineers with over 25 years experience in the field. Officers are therefore satisfied that the author is a suitably qualified assessor. The Compliance Statement then goes on to detail the information as required under each part of PLP D12 B 1-6.
- 3.13 Officer's are therefore satisfied that the "London Plan Policy D12 Fire Safety: Compliance Statement" (Prepared by Fire Ingenuity, dated February 2020) complies with Policy D12 of the Publication London Plan (December 2020).
- 3.14 As a matter of planning judgement, officers consider that the application complies with the relevant Development Plan Policy as set out in the committee report, and PLP Policy D12 which carries substantial weight as a material consideration. For complete robustness, given the level of public interest in this matter, an additional planning condition is recommended to be added to the planning permission:

**Condition 41. Fire Statement**

The development must be carried out in accordance with the provisions of the "London Plan Policy D12 Fire Safety: Compliance Statement" (Prepared by Fire

Ingenuity, dated February 2020) unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's Publication London Plan Policy D12.

## **4.0 CONCLUSION**

- 4.1 The additional comments and information received have been reviewed and are not considered to change the assessment undertaken or the conclusion and recommendation of the officer report to committee.

## Appendix 1

RURAL URBAN SYNTHESIS SOCIETY

**Shepherd Epstein Hunter**

architecture planning landscape

**RUSS Church Grove**

**London Plan Policy D12**

**Fire Safety**

**Compliance Statement**

**Draft B**

**Client:** RUSS  
**Architect:** SEH  
**Date:** February 2020  
**Author:** Nigel Hiorns



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**CV OF AUTHOR****NIGEL HIORNS**

Managing Partner  
Fire Ingenuity

[nigel.hiorns@fireingenuity.co.uk](mailto:nigel.hiorns@fireingenuity.co.uk)  
 BSc (Hons) Mech Eng 1<sup>st</sup> Class  
 MIFireE, (by exam)  
 MSFPE  
 AIMEchE  
 FIHEEM

Nigel is Managing Partner of Fire Ingenuity. Nigel has a fundamental engineering and safety & reliability background complemented by over 25 years as a fire engineer in leading building design consultancies. Nigel has also developed British and European Fire Safety Engineering standards for buildings and advice for UK Government on how to apply and assess building fire safety. Nigel has class-leading experience in the practice and practising of fire engineering as a consultant.

Nigel is acknowledged for his ability to develop sophisticated solutions from a technically-excellent skill-base:

- Fundamental (mechanical) engineering skills, with specialist expertise in fluid dynamics, mathematics, & thermodynamics.
- Formal Safety, Risk & Reliability expertise, having operated in mature risk-based sectors including defence, nuclear, transport, oil & gas.
- Sophisticated modelling expertise, having developed commercial and in-house CFD software and commercial evacuation modelling software.

Nigel has had involvement, and continues to be involved, in development of national and European standards, guidance, and national strategy via committee representation. This includes:

- FSH24, continuing development of BS 7974, the fire engineering standard for the design of buildings. This has recently been re-written and issued (March 2019). As well as a general overview role, Nigel has specific roles in the following Published Documents (BS7974 comprises the Standard and supporting Published Documents):
  - Panel Chair PD-7: Probability Risk Assessment
  - Panel Member PD-2: Fire modelling
  - Panel Member PD-5: Fire & Rescue Service Intervention
  - Panel Member PD-6: Evacuation Modelling
- Designated UK Principal Expert on Fire Safety Engineering for development of CEN European Fire Safety Engineering Standards in Buildings (CEN TC127 WG8)
- General role in rationale for development of FIRECODE for DoH
- BS9999 Means of Escape for BSI.
- Developing Key Performance Indicators for Fire Engineering and also developing fire safety guidance - both for the Office of the Deputy Prime Minister (ODPM), to enable Building Control to assess engineered solutions more effectively.

Nigel is currently acting as an expert witness on a c500apartment multi-block mixed-use development, having been specifically requested by the fire engineering consultancy (part of a major national multi-disciplinary building engineering consultancy practice) to represent them due to his expert knowledge and experience of residential design and approvals processes.

In accordance with the London Plan Policy D12, Nigel is a suitably qualified assessor: a qualified engineer and Member of the Institution of Fire Engineers and a competent professional with the demonstrable experience to address the complexity of the design being proposed.

## 1 INTRODUCTION

RUSS is a volunteer-led Community Land Trust (CLT) based in Lewisham, with a current membership of over 700 and rising. Founded in 2009 with the mission of creating sustainable neighbourhoods and genuinely affordable homes, RUSS aims to tackle the housing crisis across London with a new model for sustainable, affordable, and community-led housing. As RUSS' first housing project, Church Grove will establish, refine and prove the RUSS model, enabling future developments in Lewisham and elsewhere in London.

The design is for 36 flats and houses in three and four storey terraces facing south onto shared open space. The mix of dwellings is:

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Across the scheme there will be:

- 90% Building Regulation Part M4(2) Accessible and Adaptable Dwellings and 10% M4(3) Wheelchair User Dwellings.
- Two 1Bed and one 2Bed dwellings are designated as M4(3) Wheelchair User Dwellings.
- In accordance with the 2017 extant scheme's planning condition, the M4(3) dwellings will be delivered as M4(3)(2a) Wheelchair Adaptable Dwellings

The amended scheme maintains (and improves) the degree to which the site is accessible to the local community:

- The revised scheme (2020) proposes to relocate the community hub to the building erected at the eastern corner of the site which currently has a temporary planning consent. RUSS and the residents will apply for planning permission to retain this temporary hub as a permanent building which will provide shared facilities for the development, establish links with the local community, provide a wider community resource and create a base for RUSS to disseminate information on sustainable development. *The community hub is a temporary building separate to the MMA proposals.*
- The communal laundry room, RUSS office / shared workspace and guest room are located to the southern end of the East Block.

The basis of the fire strategy design is BS9991 (2015) "Fire safety in the design, management and use of residential buildings – Code of practice". The housing is all Mainstream as defined in BS9991 (there is no specialised or residential care housing).

RUSS is a “major development” in terms of planning, since it comprises more than 10 households.

This fire strategy statement demonstrates how compliance with “Policy D12 Fire Safety” of the London Plan is achieved:

- A In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
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  - 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
  - 3) are constructed in an appropriate way to minimise the risk of fire spread
  - 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
  - 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
  - 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- B All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.
- The statement should detail how the development proposal will function in terms of:
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  - 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
  - 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

## 2 OVERVIEW

The development is for residential and associated use, and comprises low-rise buildings with a maximum of 4 storeys and no apartment storey greater than 11m above ground level.

The fire strategy has been coordinated into the design from the outset to achieve an enhanced standard for Building Regulations compliance. The initial strategy was for sprinklers to apartments, an evacuation lift, and use of BS9991 (2015).

There were initial discussions with Guy Shattock Associates (Approved Inspector) at Stage 2 in 2016 to agree principles for the design.

BS9991(2015) was selected as the design guidance for the project since:

- It was the most up-to-date guidance at that time.
- It explicitly dealt with the balcony deck access.
- It dealt with the open-plan apartment options that were proposed.
- In common with its sister publication BS9999, BS9991 is intended for “designing buildings to be managed”.

BS9999 (2015) can still be regarded as the highest standard guidance for our development, noting Approved Document B (November 2020):

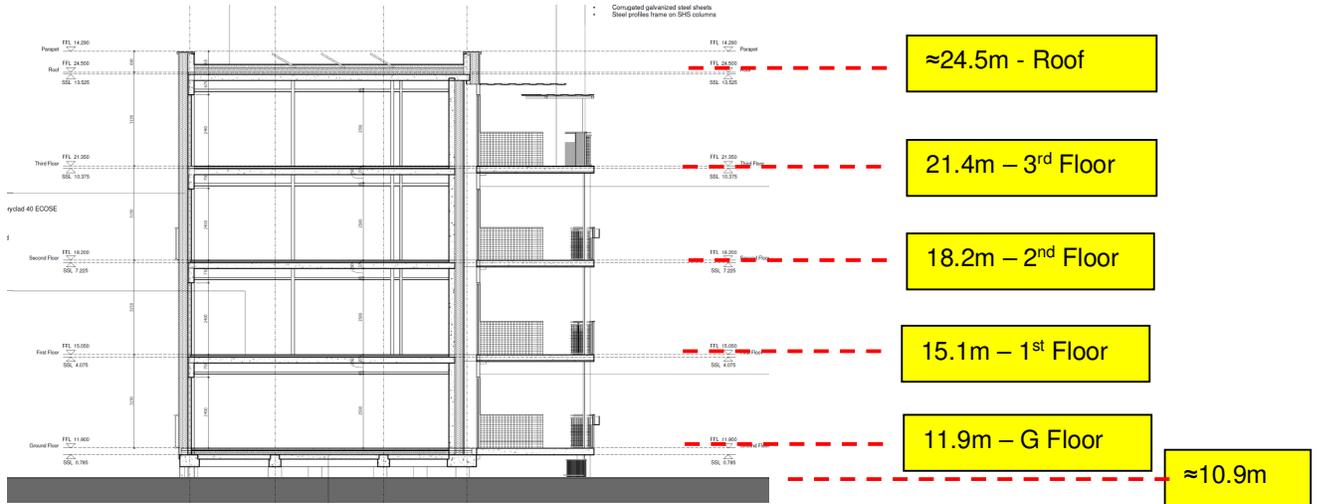
- Refers to BS991 (2015) for balcony deck access situations.
- Still has no explicit guidance on open-plan apartments.
- Still has little guidance on management.

As can be appreciated, the ambition from the outset has been to improve on the already high standard required for Building Regulations compliance. Also, learning has been taken from the Hackitt Review and the Moore-Bick Inquiry following the Grenfell tragedy (subsequent to the start of our project) in June 2017. The enhancements above the standard required for Building Regulations compliance include:

- All dwellings are provided with a BS9251 residential sprinkler system, even though the buildings could have been designed to achieve Building Regulations compliance without any need for sprinklers.
- All dwellings are provided with a mains-based Grade D LD1 fire alarm system, even though the buildings could have been designed to achieve Building Regulations compliance with a lower standard system.
- The insulation and facade in the external walls system will be either non-combustible (European Classification A1) or of limited combustibility (European Classification A2-s1, d0), even though the legislation (SI 1230) would only require this in residential buildings over 18m.
- An evacuation lift is provided; this would not be necessary for Building Regulations compliance.
- Fire information signs are to be provided in a means that all residents can understand.
- The building construction is concrete frame, which has inherent fire resistant, with jumbo-stud partitions forming apartment walls. The standard of fire resistance for elements of structure and for separation between the apartments is 60mins. 60mins is the guidance for Building Regulations compliance non-sprinklered apartments, and it can therefore be appreciated that the performance in the RUSS development (with residential sprinklers in every apartment) will significantly exceed the performance required for Building Regulations compliance.
- The balcony access decks are fire-rated to 60min, as opposed to the guidance 30min.
- RUSS has appointed its contractor (Rooff) in line with the “Golden Thread” construction control plan (Hackitt’s intent of this is to ensure that the fire strategy is not compromised by changes during construction).
- The Tenants’ handbook and the RUSS office on site will further assist ensuring that the fire strategy is not compromised during operation, as will maintenance of systems in accordance with the manufacturers’ recommendations.

**3 BUILDING DESCRIPTION**

There are a variety of dwellings provided over four storeys, as per the introduction. The ground floor is on a podium and the units are accessed by a deck, with the deck served by a central lift and three principal stairs. The approximate storey heights are as per the schematic below.



#### 4 BUILDING CONSTRUCTION

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The residential sprinkler system is to be extended to provide coverage to the communal areas in the East Block (Communal laundry room, RUSS office / shared workspace and guest room) (noting this as an additional benefit, over the performance required for Building Regs compliance). The supply will be the residential sprinkler supply and sprinkler heads will be provided in the communal areas. *Therefore this will not be a "standard" system; the intention is to provide a benefit taking advantage of the infrastructure for the residential sprinklers.*

#### 5 MEANS OF ESCAPE

The residential escape comprises:

- Escape from the dwelling.
- Escape in common areas.
- Escape for disabled persons.

The means of escape strategy is "stay-put", in accordance with best practice; only the apartment of fire origin will evacuate initially. The alarm system is stand-alone; alarm is only given in the dwelling affected by fire.

- All dwellings are provided with a BS9251 residential sprinkler system, even though the buildings could have been designed to achieve Building Regulations compliance without any need for sprinklers.
- All dwellings are provided with a mains-based Grade D LD1 fire alarm system, even though the buildings could have been designed to achieve Building Regulations compliance with a lower standard system.

Once out of the apartment, the escape is via the external balcony access deck. Three escape stairs are provided to serve the access deck. The central core is also provided with an evacuation lift, which is above the standard necessary for Building Regulations compliance. Ramps give flexibility of use and escape from the ground storey.

Given the presence of sprinklers and the building construction, the risk of fire spread to other dwellings is significantly reduced (significantly lower than the risk accepted for Building Regulations compliance). The persons who evacuated from the fire apartment can readily be accommodated on site clear of firefighting vehicles and firefighting operations. There is also potential for use of the community hub. The situation is the same (persons evacuated can be accommodated on site clear of firefighting vehicles and operations) should other dwellings choose to evacuate or if the fire service (following a dynamic risk assessment on arrival) choose to evacuate additional dwellings.

## 6 PV FIRE SAFETY

Church Grove has roof-mounted PV systems.

The roof would only be accessed for maintenance of the roof or PV panels.

A single direction of escape is sufficient on the following guidance basis: *'Plant room or rooftop plant: escape route in open air (overall travel distance 60m if one direction only, 100m if more than one direction).'*

The fire safety implications of PV systems are only recently beginning to be considered in the UK. The principal life safety concern associated with PV panels is firefighting. There are two aspects:

- PV cells will continue to create voltage and current if there is received insolation.
- The DC voltage causes muscles to contract; therefore there is a tendency for muscles to “grip” rather than be thrown –off. This is therefore more inherently dangerous

An isolator switch is to be provided at fire service access **AND** at roof access level within any core(s) serving roofs with PV's. This isolator switch is to isolate the voltage as close as practicable to the PV cells.

## 7 ACCESS AND FACILITIES FOR THE FIRE SERVICE

The development does not have a storey above 18m, so firefighting shafts are not required.

A fire main is proposed with outlets in each of the three stairs and additional locations, to facilitate effective firefighting. The fire main is specified to BS9990 (2015).

It is noted that all dwellings are provided with a BS9251 Category 1 residential sprinkler system – which is a higher standard than required for Building Regulations compliance – and this should reduce the implications of a fire and may extinguish it. Therefore there would be an associated benefit to firefighting and rescue operations. As stated in LFB's consultation response (1/3/19) to the Technical Review of ADB (and consistent with Fire Service general recommendations):

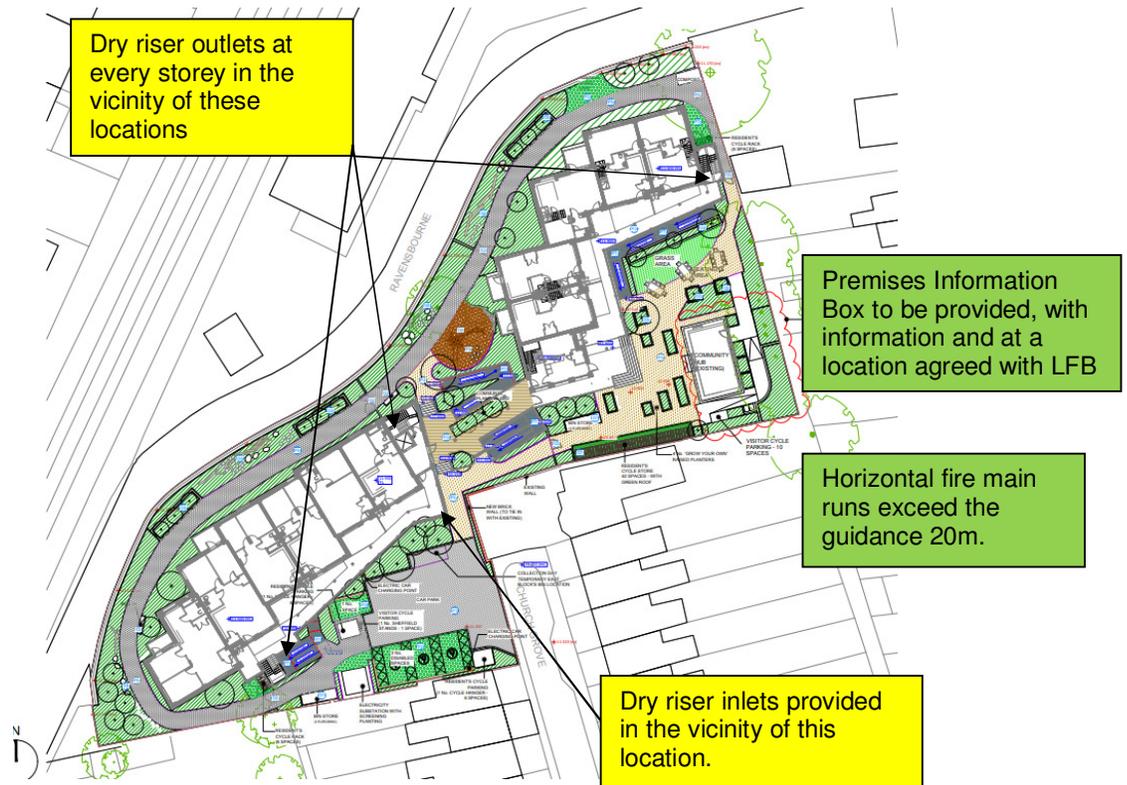
“There will be an additional cost to the design for the suppression system. However, occupants will have the protection of a suppression system to aid their escape. It is also expected that firefighters will be attending smaller fires causing less damage from smoke, fire and water. “

Tracking for a 7.9m pumping appliance was undertaken in May 2018 following LFB GN 29 (Guidance Note 29) Appendix 1. *It is noted that the LFB response to planning dated 3/5/18 also did not anticipate issues with fire vehicle access or water supply: It stated “Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In all other respects the proposal should conform to the requirements of part B5 of ADB”.* There has been a reconfirmation (by a different consultant) of the ability of a 7.9m pumping appliance to access the site and turn (refer to tracking drawing below), as there was a need to redo the tracking due to a minor change to the site plan.



It is noted that the existing Church Grove has an extensive dead-end condition without an associated turning facility.

The proposal is for the dry riser inlets to be located as follows, so that they are within 18m of the fire vehicle (as per the standard guidance). Outlets are proposed as indicated, to reduce travel distance for firefighters and enable all points of all apartments to be reached within 45m of the outlet.



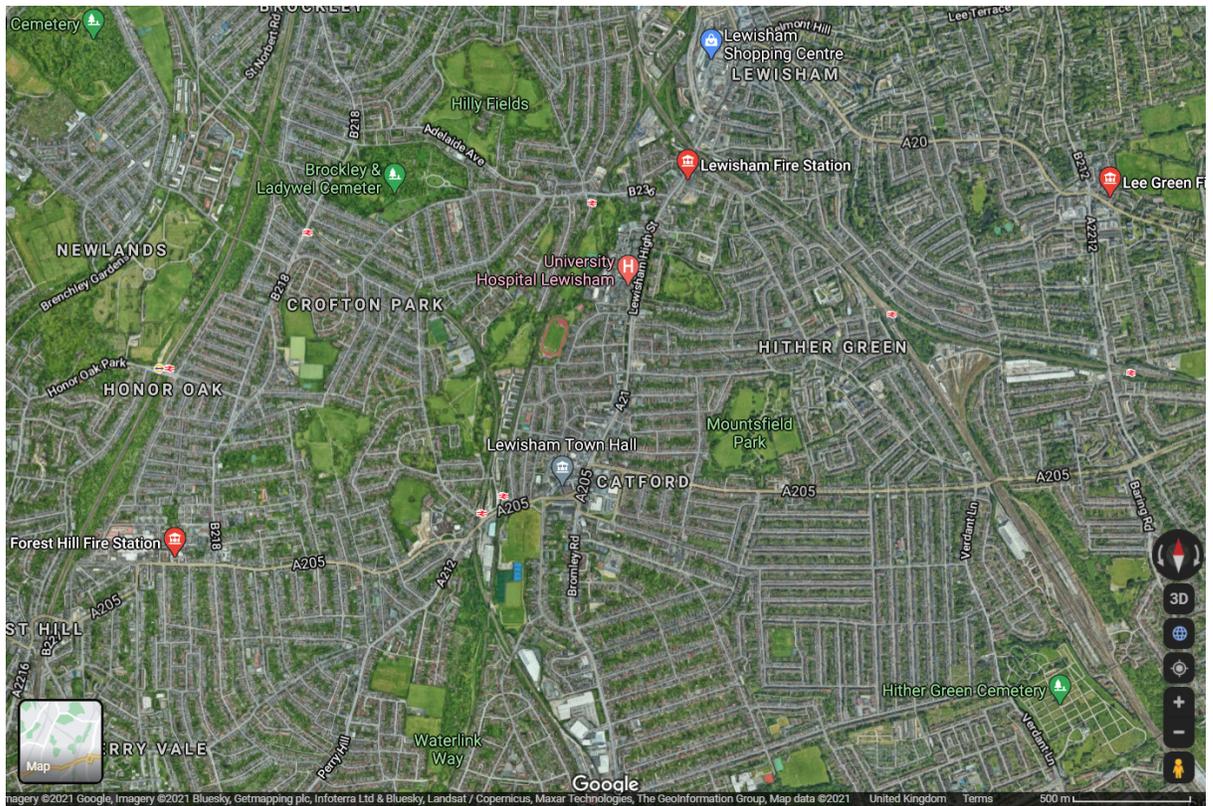
This does involve horizontal runs in excess of the guidance 20m, yet the hydraulic design of the system should be straightforward to ensure that the performance of the fire main is satisfactory. It is noted that a dry main can serve storeys up to 50m, and as our top storey is only approximately 10m above access level and it is more difficult to pump vertically (against gravity and the friction of the pipe) than horizontally (no gravity forces)

Similarly, there will be horizontal distances for the firefighters to travel. However, it is noted that the implications are significantly less than in other guidance-compliant accepted situations (e.g. unsprinklered hospitals with hospital streets, where the guidance is that final exits – and fire service entry points - are located with a maximum distance of 180m and stairs every 60m, and then the compartments served by a street have an outlet at the entrance and hoselaying within the compartment of up to 45m. A stair can serve storeys up to 18m without a firefighting lift). In comparison, in Church Grove

- The horizontal travel will be less.
- The vertical travel will be less.
- The access to the apartments are external, with benefits to smoke and heat ventilation.
- All apartments are sprinklered.

A premises information box is to be provided, with information and at a location agreed with the LFB. *It is noted that this is also a recommendation from the Moore-Bick Grenfell Inquiry.*

Church Grove is only approximately 250m drive from Lewisham Fire Station and there are two nearby fire stations (Lee Green and Forest Hill) within a 3-5km drive.



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RURAL URBAN SYNTHESIS SOCIETY

**Shepherd Epstein Hunter**

architecture planning landscape

**RUSS Church Grove**

**London Plan Policy D12  
Fire Safety**

**Compliance Statement**

**Draft B**

**Client:** RUSS  
**Architect:** SEH  
**Date:** February 2020  
**Author:** Nigel Hiorns



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**CV OF AUTHOR****NIGEL HIORNS**

Managing Partner  
Fire Ingenuity

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 BSc (Hons) Mech Eng 1<sup>st</sup> Class  
 MIFireE, (by exam)  
 MSFPE  
 AIMEchE  
 FIHEEM

Nigel is Managing Partner of Fire Ingenuity. Nigel has a fundamental engineering and safety & reliability background complemented by over 25 years as a fire engineer in leading building design consultancies. Nigel has also developed British and European Fire Safety Engineering standards for buildings and advice for UK Government on how to apply and assess building fire safety. Nigel has class-leading experience in the practice and practising of fire engineering as a consultant.

Nigel is acknowledged for his ability to develop sophisticated solutions from a technically-excellent skill-base:

- Fundamental (mechanical) engineering skills, with specialist expertise in fluid dynamics, mathematics, & thermodynamics.
- Formal Safety, Risk & Reliability expertise, having operated in mature risk-based sectors including defence, nuclear, transport, oil & gas.
- Sophisticated modelling expertise, having developed commercial and in-house CFD software and commercial evacuation modelling software.

Nigel has had involvement, and continues to be involved, in development of national and European standards, guidance, and national strategy via committee representation. This includes:

- FSH24, continuing development of BS 7974, the fire engineering standard for the design of buildings. This has recently been re-written and issued (March 2019). As well as a general overview role, Nigel has specific roles in the following Published Documents (BS7974 comprises the Standard and supporting Published Documents):
  - Panel Chair PD-7: Probability Risk Assessment
  - Panel Member PD-2: Fire modelling
  - Panel Member PD-5: Fire & Rescue Service Intervention
  - Panel Member PD-6: Evacuation Modelling
- Designated UK Principal Expert on Fire Safety Engineering for development of CEN European Fire Safety Engineering Standards in Buildings (CEN TC127 WG8)
- General role in rationale for development of FIRECODE for DoH
- BS9999 Means of Escape for BSI.
- Developing Key Performance Indicators for Fire Engineering and also developing fire safety guidance - both for the Office of the Deputy Prime Minister (ODPM), to enable Building Control to assess engineered solutions more effectively.

Nigel is currently acting as an expert witness on a c500apartment multi-block mixed-use development, having been specifically requested by the fire engineering consultancy (part of a major national multi-disciplinary building engineering consultancy practice) to represent them due to his expert knowledge and experience of residential design and approvals processes.

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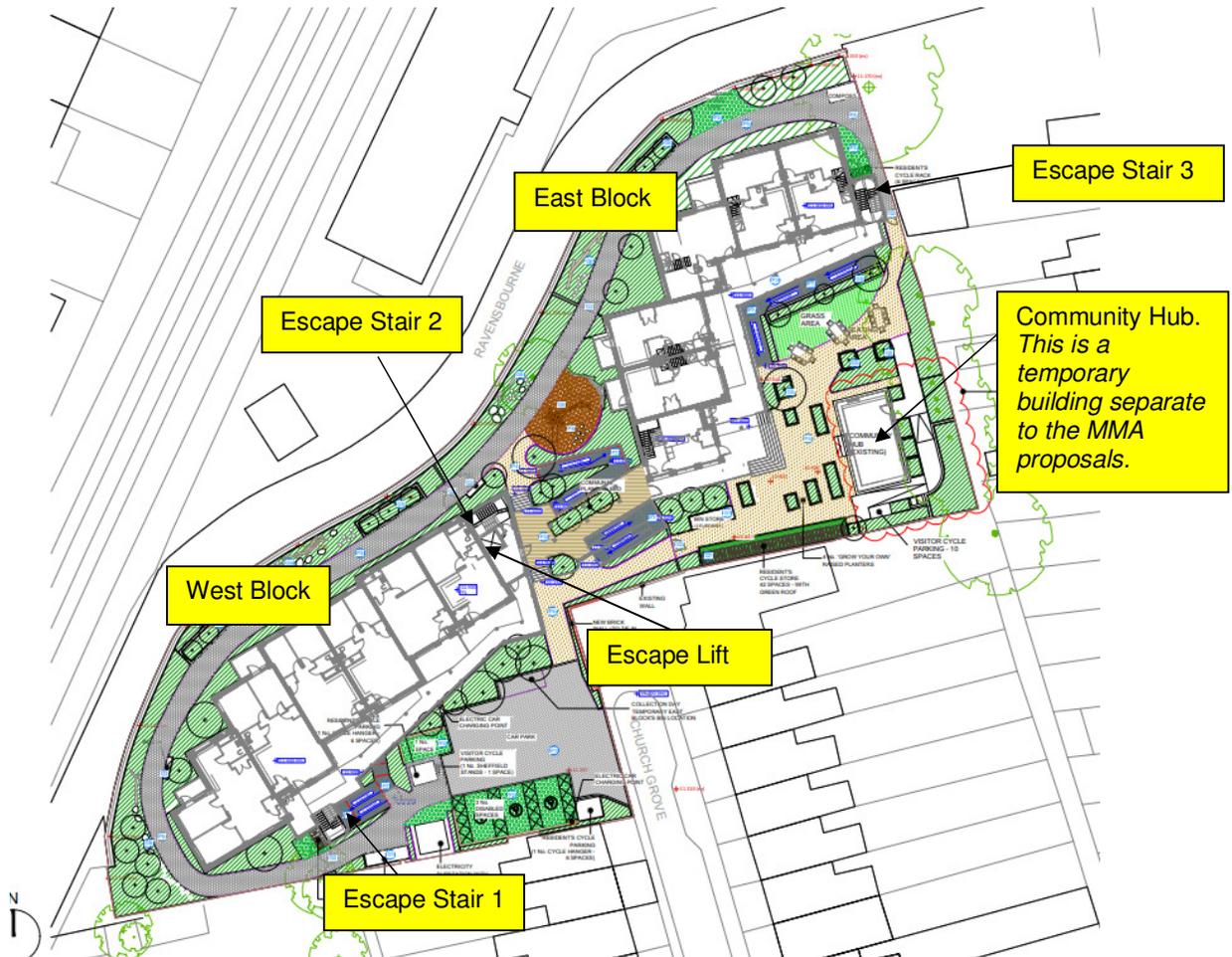
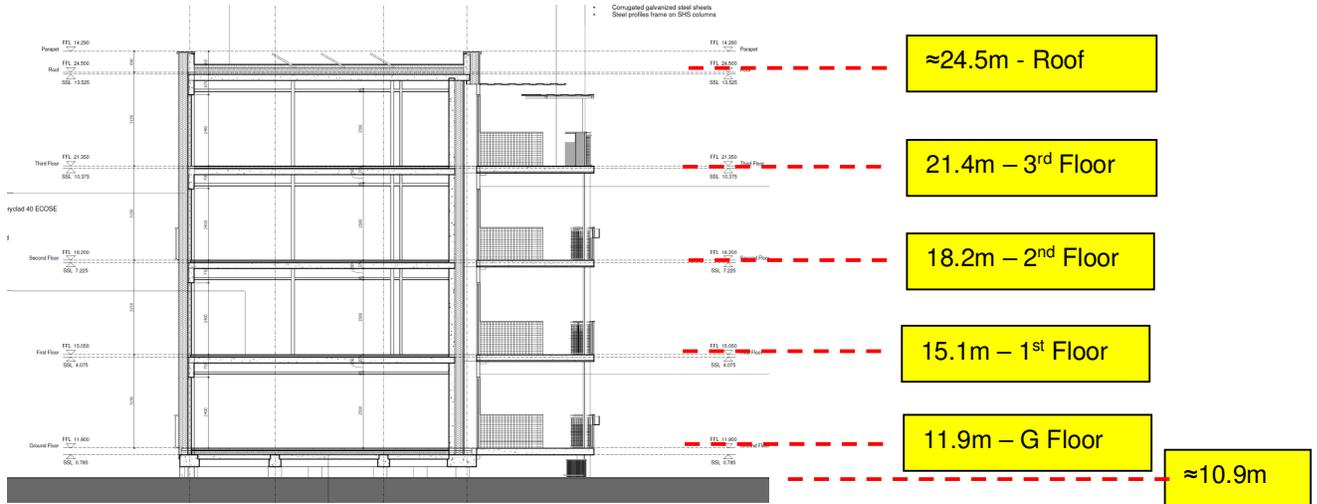
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The development does not have a storey above 18m, so firefighting shafts are not required.

A fire main is proposed with outlets in each of the three stairs and additional locations, to facilitate effective firefighting. The fire main is specified to BS9990 (2015).

It is noted that all dwellings are provided with a BS9251 Category 1 residential sprinkler system – which is a higher standard than required for Building Regulations compliance – and this should reduce the implications of a fire and may extinguish it. Therefore there would be an associated benefit to firefighting and rescue operations. As stated in LFB's consultation response (1/3/19) to the Technical Review of ADB (and consistent with Fire Service general recommendations):

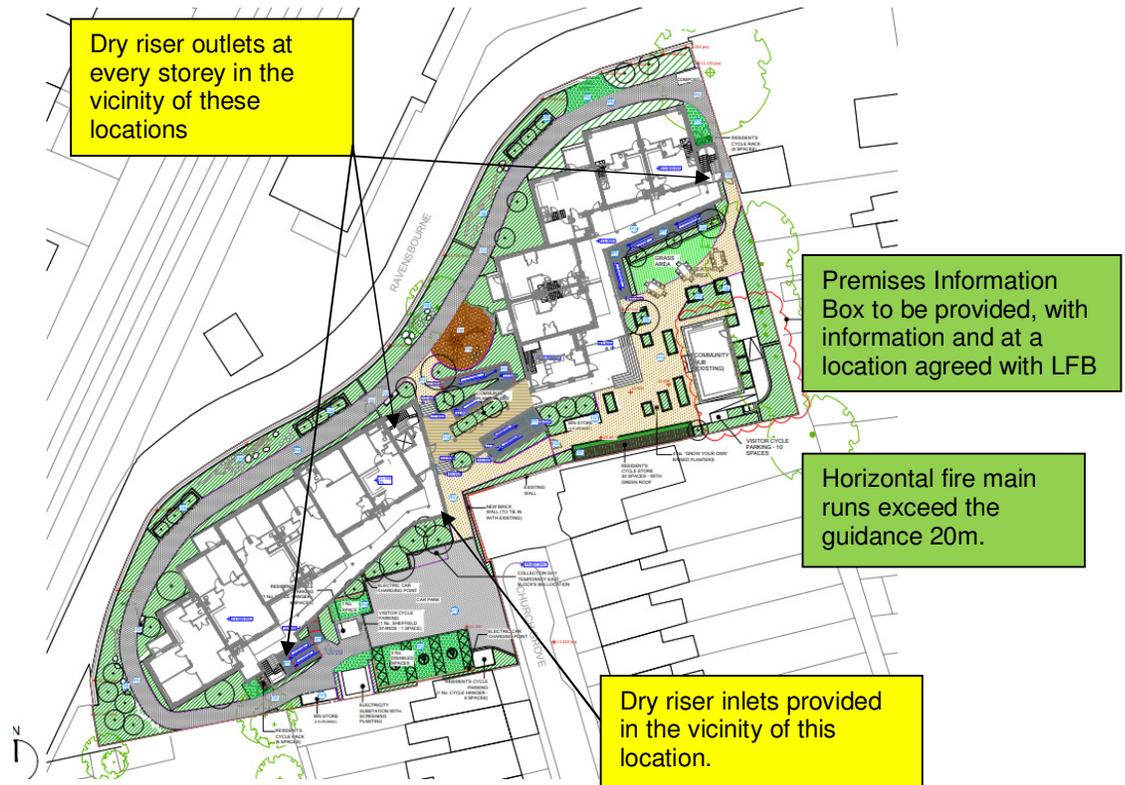
“There will be an additional cost to the design for the suppression system. However, occupants will have the protection of a suppression system to aid their escape. It is also expected that firefighters will be attending smaller fires causing less damage from smoke, fire and water. “

Tracking for a 7.9m pumping appliance was undertaken in May 2018 following LFB GN 29 (Guidance Note 29) Appendix 1. *It is noted that the LFB response to planning dated 3/5/18 also did not anticipate issues with fire vehicle access or water supply: It stated “Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In all other respects the proposal should conform to the requirements of part B5 of ADB”.* There has been a reconfirmation (by a different consultant) of the ability of a 7.9m pumping appliance to access the site and turn (refer to tracking drawing below), as there was a need to redo the tracking due to a minor change to the site plan.



*It is noted that the existing Church Grove has an extensive dead-end condition without an associated turning facility.*

The proposal is for the dry riser inlets to be located as follows, so that they are within 18m of the fire vehicle (as per the standard guidance). Outlets are proposed as indicated, to reduce travel distance for firefighters and enable all points of all apartments to be reached within 45m of the outlet.



This does involve horizontal runs in excess of the guidance 20m, yet the hydraulic design of the system should be straightforward to ensure that the performance of the fire main is satisfactory. It is noted that a dry main can serve storeys up to 50m, and as our top storey is only approximately 10m above access level and it is more difficult to pump vertically (against gravity and the friction of the pipe) than horizontally (no gravity forces)

Similarly, there will be horizontal distances for the firefighters to travel. However, it is noted that the implications are significantly less than in other guidance-compliant accepted situations (e.g. unsprinklered hospitals with hospital streets, where the guidance is that final exits – and fire service entry points - are located with a maximum distance of 180m and stairs every 60m, and then the compartments served by a street have an outlet at the entrance and hoselaying within the compartment of up to 45m. A stair can serve storeys up to 18m without a firefighting lift). In comparison, in Church Grove

- The horizontal travel will be less.
- The vertical travel will be less.
- The access to the apartments are external, with benefits to smoke and heat ventilation.
- All apartments are sprinklered.

A premises information box is to be provided, with information and at a location agreed with the LFB. *It is noted that this is also a recommendation from the Moore-Bick Grenfell Inquiry.*

