

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 6 JANUARY 2022 TIME 7.30 PM**

PLACE: **CATFORD LIBRARY, LAURENCE HOUSE, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**James-J Walsh (Chair)
James Royston (Vice-Chair)
Obajimi Adefiranye
Liam Curran
Sophie Davis
Carl Handley
Octavia Holland
Jonathan Slater
Luke Sorba**

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

**Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 28 December
2021**

**For further information please contact:
Claudette Minott Committee Officer
2nd Floor Civic Suite
Catford Road SE6 4RU
Email: committee@lewisham.gov.uk**



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	PLANNING COMMITTEE A	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 6 January 2022

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 A	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 6 January 2022

MINUTES

To approve the minutes of the meeting of Planning Committee A held on the 26 October 2021.

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**LEWISHAM COUNCIL
PLANNING COMMITTEE A
THURSDAY, 26 OCTOBER 2021 AT 7.30 PM
MINUTES**

PRESENT: Councillor James-JWalsh (Chair), Councillors: James Royston (Vice-Chair), and Sophie Davis.

UNDER STANDING ORDERS: N/A

APOLOGIES FOR ABSENCE: Councillors: Obajimi Adefiranye, Liam Curran, Carl Handley, Octavia Holland, Jonathan Sater, Luke Sorba.

OFFICERS: Development Management Team Leader (DMTL), Planning Officer, Committee Officer.

ALSO PRESENT: – Legal Representative: Jby Ukadike, Senior Planning Lawyer.

**Item
No.**

1 Declarations of Interest

The Chair advised the Committee:

- There would be a variation in the order of the meeting's agenda.

2 Minutes

RESOLVED that the minutes of the meetings Planning Committee A held on the 10 June 2021 and Planning Committee A (Council AGM), held on 26 May 2021 be agreed.

3 34 Sydenham Hill, London, SE26 6LS

The Planning Officer gave an illustrative presentation, recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

Principle of Development o Housing o Urban Design and Heritage Impacts o Impact on Adjoining Properties o Transport o Sustainable Development o Natural Environment.

Following the Officer's presentation, Members questions related to the coach house.

The Officer confirmed the details of the coach house would be recorded for historical purposes, before it was demolished. The Committee were assured the local authority's conservation officer recommended and supported this action. The Officer also confirmed the features of the development that would be retained and treated sensitively, as outlined in the Officer's report, such as the staircase and lightwells. This would ensure the development retained its character.

The applicant addressed the Committee and described the application site. The applicant discussed: consultation, conservation, trees and the public benefit of the development against the loss of the coach house.

Questions were put to the applicant by the Committee members related to: the coach house.

The applicant advised Members the coach house was in a poor state of repair. In addition, its layout did not provide suitable family living. The applicant also advised the Committee of the viability of the development, stating the value of the development with the conversion had increased. Members were told the development with the coach house would not be viable.

A representative with objections addressed the Committee. The representative discussed: Scale, heritage of existing development, design, the impact on the local area, ecological concerns, accommodation and infrastructure. The representative requested conditions, to mitigate concerns raised and residents to be included in consultation.

No questions were put to the representative by the Committee.

The following member's questions put to the Officer related to: design review panels, the difference between major and minor considerations, site and heritage, accommodation, conservation,
The Officer advised Members that design review panels were helpful, but did not replace professional judgement.
The Officer provided clarification to Members with regard to the difference between major and minor considerations. The Officer advised the

Committee that many of the concerns raised were already conditioned with the applicant, such as materials to be used. It was confirmed that officers were satisfied with the conditions placed upon the applicant.

The Officer advised the local authority's conservation officer had assessed the development closely over the past few years. The conservation officer supported the proposal for the demolition of the coach houses.

During the Members discussion, concerns were raised with regard to parking, highway safety and bin storage.

The Officer advised that the development was not in a CPZ and permits could not be introduced.

The Officer advised that an informative could be added to request the developer consulted with the local authority's highways officer on the matter of highway safety.

The Committee considered the submissions made at the meeting, and

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the alteration, conversion and change of use of Cedars at 34 Sydenham Hill SE26 and the construction of a part single/part two storey extension at the rear, terraces at lower ground level and the provision of associated car parking spaces and bicycle storage to provide:

- 11 self-contained flats, together with the demolition of the existing Coach House and the construction of 8 two bedroom cottages and associated landscaping and parking area.

Subject to conditions and informatives outlined in the report and,

A requirement that officers should:

- Add an informative requiring the developer to engage with the local authority's highway officer, with regard to highway safety.
- Add wording to the refuse condition to ensure additional capacity is added to the bin store.

4 Garages adjacent to 7 & 9 Ewelme Road and to the rear of 30-38 Woodcombe Crescent, SE23

The Planning Officer gave an illustrative presentation, recommending the grant of planning permission for the proposal as outlined in the Officer's report.

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

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

Following the Officers' presentation, Member's questions related to: accessibility and waste disposal.

The Officer advised there were no issues regarding accessibility. The local authority's highways officer had raised no concerns.

The Officer used their presentation slides to clarify bin access on the development.

The applicant addressed the Committee and described the application site. The applicant discussed: accommodation, high quality design, working relationship with the local authority, waste management, accessibility and the low impact of the development on its neighbours.

Afterwards, questions were put to the applicant by the Committee in relation to: accessibility, lighting and waste management.

The applicant advised members the proposed ramp alongside steps design (ramp/steps) met building regulations. The applicant agreed that the design could be conditioned by officers.

The Committee were assured by the applicant, that low level lighting would be installed around the ramp/steps design.

The applicant also agreed to have a condition added to their proposed waste management plan for the development.

A representative with objections addressed the Committee. The representative discussed: fire safety, accessibility for services, the impact on neighbouring properties, design and waste management.

Standing Orders were suspended at 9.31pm.

After the representative addressed the Committee, Members asked questions that related to: accessibility and traffic.

The representative expressed concerns regarding accessibility for emergency and delivery services.

The representative also advised Members of their concern for school children using the road near the development. They felt the design of the access to the development would pose a hazard to the children.

Throughout the consideration of the application, Members raised concerns regarding the fire safety, the ramp/steps design, highway safety and waste management. Officers agreed that with the exception of highway safety, each issue raised could be conditioned, with wording allocated to Officers and agreed with the Chair.

The Committee considered the submissions made at the meeting, and

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of the garages adjacent to 7 & 9 Ewelme Road and to the rear of 30-38 Woodcombe Crescent, SE23, and the construction of a:

- 5 x 3-bedroom dwellinghouses and associated landscaping, refuse storage and cycle parking

Subject to conditions and informatives outlined in the report and,

A requirement that officers should:

- Add a condition requiring a Fire Strategy
- Add a condition requiring further details of the ramp/steps design to increase the width of the ramp
- Add a condition requiring further details of the arrangements for the management company necessary to handle waste/management provision.

5 107 Jerningham Road, SE14 5NH

The Planning Officer gave an illustrative presentation, recommending the grant of planning permission for the proposal as outlined in the Officer's report.

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

Principle of Development o Urban Design and Heritage Impact.

The applicant addressed the Committee and described the application site.

No questions were put to the applicant by the Committee members.

A representative with objections addressed the Committee. The representative discussed: design, conservation and character

The following member's question put to the representative related to: design.

The representative advised the Committee it was not felt the proposal was an upgrade to the existing development.

During the Members discussion concern was raised regarding the impact of the design on the conservation area.

The Officer advised the design was sympathetic to the conservation area, as outlined in the Officer's report. The Officer also used their presentation slides to provide further clarification.

The Committee considered the submissions made at the meeting, and

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition and re-building of the front boundary brick wall and piers at 107 Jerningham Road, SE14, together with the retention and modification of stone paving and planting layout in the front garden.

Subject to conditions and informatives outlined in the report.

6 Blitbolt Ltd The Workshop, 101 Ashby Mews, London, SE4 1TB

Application was not considered.

The meeting was adjourned at 10.15pm. The meeting reconvened at 10.20pm.

7 324 Brockley Road, London, SE4 2BT

The Planning Officer gave an illustrative presentation, recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

Principle of Development o Urban Design o Impact on Adjoining Properties.

Following the Officer's presentation, Members asked questions in relation to: proximity.

The Officer provided clarification regarding measurements in relation to the proposal and neighbouring properties, as outlined in the Officer's report.

The applicant was not present at the meeting.

A representative with objections addressed the Committee. Concern was raised with regard to the information provided by the Officer and printed images which were circulated by the objector at the meeting

The Officer requested a recess at 10.35pm for legal advice.

The meeting reconvened at 10.40pm. The Officer advised there were concerns regarding the printed images circulated.

The legal representative advised due to the concerns raised, the application should be deferred, to allow further investigation into the matter

The Committee considered the submissions made at the meeting, and

RESOLVED

Application would be **DEFERRED**, to allow investigation with regard to information supplied by objectors at the meeting.

8 11 Wells Park Road, SE26 6JQ

Application was not considered.

9 Nelsons Archway, Brigade Street, London, SE3 0TW

Application was not considered.

The meeting closed at 10.45 pm.

Chair



Planning Committee A

Report title: Hesper House, Wells Park Road, SE26 6RQ

Date: 06 January 2022

Key decision: No

Class: Part 1

Ward(s) affected: Forest Hill

Contributors: Samuel James

Outline and recommendations

The application is reported to committee as there have been over three planning objections.
The application is recommended for approval.

Application details

Application reference number(s): DC/21/120262

Application Date: 29 January 2021

Applicant: The Edition Group Ltd.

Proposal: Demolition of existing buildings on site and the construction of a 5-storey building (plus lower ground) consisting of 5 x three bedroom, 8 x two bedroom and 2 x one bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 6 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and documents
(3) Internal consultee responses
(4) Statutory consultee responses
(5) *Appendix A: Local Meeting Minutes*

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The site is located on the northern side of Wells Park Road and is currently occupied by a 2-storey, single family dwellinghouse located towards the west of the site. The remainder of the site forms the private garden of the dwelling.
- 2 The site has a varied topography, and slopes up steeply from street level towards the rear boundary, as well as from east to west (following the topography of Wells Park road. The existing house sits well above street level.
- 3 The site area is 0.07ha and is therefore a Small Site for the purposes of LP H2 and Lewisham's Small Sites SPD.

Character of area

- 4 The immediately surrounding area is predominantly residential in character. To the immediate north and west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats and accessed from Sydenham Hill, with a residential estate to the north of that. Sydenham Hill Wood is approximately 300m to the North and West, with Dulwich Golf Course and Park to the North and West of that.

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5 Directly adjoining to the east is a 5-storey block of flats (Greyfriars), which is accessed from Wells Park Road. Further to the east are the larger 6-storey residential blocks of the Sydenham Hill Estate.

6 To the south are the residential properties on Longton Avenue, which are predominantly larger detached dwellings; Sydenham Wells Park is to the Eastern side of Longton Avenue. To the West of Longton Avenue is Hillcrest Wood, which has a public footpath leading down to Upper Sydenham, and towards Crystal Palace Park.

Heritage/archaeology

7 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.

8 The site is not within a known area of archaeological interest.

Surrounding area

9 Kirkdale, a large local shopping parade is approximately 700m to the east of the site.

10 Sydenham Wells Park, a large public park is located opposite the site.

11 The site falls within a designated 'Area of Special Character' known as 'Sydenham Ridge'.

Local environment

12 The site is in flood zone risk area 1 meaning the risk of river flooding is low.

Transport

13 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.

14 Wells Park Road is a public highway with a speed limit of 20mph, and speed humps.

15 The existing property benefits from a vehicular crossover to the highway.

2 RELEVANT PLANNING HISTORY

16 **DC/19/133716:** Demolition of existing buildings on site and the construction of a 5-storey building (plus basement for parking) consisting of 7x three bedroom and 3 x two bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 10 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities. **Granted 13 January 2021.**

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 17 The proposal is for the demolition of the existing two-storey dwelling known as Hesper House, and the construction of a five storey, plus a partial lower ground floor level, building. The proposal would provide fifteen new self-contained dwellings: 5x Three bed, 8x two bed and 2x one bedroom.
- 18 The proposal includes 6x off-street car parking spaces, landscaping of the wider site and the provision of bicycle and refuse storage.

3.2 COMPARISON WITH PREVIOUSLY APPROVED SCHEME

- 19 The scale of the proposed building is similar to the building approved previously (DC/19/133716). The height is the same, as is the depth, and the current proposed building is marginally wider.
- 20 The key difference is the current proposal is for 15 dwellings, an additional five dwellings above the previously approved scheme. This is facilitated through internal alterations to amend the dwelling mix: two fewer 3-bedroom dwellings, five additional 2-bedroom dwellings and two additional 1-bedroom dwellings.
- 21 Furthermore, the current proposal would provide 6 parking spaces instead of the 10 previously approved, and these would no longer be within a fully enclosed basement level, rather they would be on the forecourt and within a small undercroft at the front of the building. As a consequence, the soft landscaped area is reduced.
- 22 Since the previous scheme was approved, the following policy changes have occurred:
- The new London Plan (March 2021) was published on 2nd March 2021
 - The NPPF was revised in July 2021
 - The Lewisham Small Sites SPD was adopted in October 2021

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 23 Site notices were displayed on 17th February 2021 and a press notice was published on 17th February 2021.
- 24 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 10th February 2021. On 10th October 2021, following revisions to the proposed plans, further letters were sent to neighbours again.
- 25 26 number responses received, comprising 21 objections, 4 support and 0 comments.

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4.1.1 Comments in objection

Comment	Para where addressed
Overdevelopment / density too high	62
Reduction in family sized units compared to previous approval	99
No affordable housing + viability assessment	76
Scale of development and height of building	153
Impacts to Sydenham Ridge area of local character	138
Parking stress, proposed on-site parking inadequate	213
Safety of vehicular entrance	191
Deliveries	203
Overlooking	243
Visual impacts + loss of light	264
Noise and disturbance	265
Impacts to bats and other wildlife	327
Nearby ancient woodland	326
Loss of greenery on site	295
Old disused railway Tunnel near site	Condition 7 Piling
Impacts to groundwater / ground stability	Condition 7 Piling
Impact to surrounding infrastructure (i.e. schools hospitals)	360
Carbon footprint of new building	283

4.1.2 Comments in support

Comment
New building appears high quality and would improve street
The area desperately needs more high quality housing like this application, homes that will attract a mix of aspirational professionals and families of all ages.
Existing property in desperate need of expensive maintenance
I believe that the setback from the street coupled with a comprehensive landscaping scheme will help the somewhat confrontational condition that currently exists
Replacing the single dwelling on this plot with 15 apartments catered to families and couples would be beneficial to the borough of Lewisham, which is in much need of more new homes being built that are well-designed, modern, and affordable.
The development is well located and close to amenities such as Sydenham Wells Park and Sydenham Station close-by and would be perfectly located on Wells Park Road which accommodates a variety of apartment blocks, therefore this development will

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certainly not detract from the character of area, and in my opinion seeks to enhance it - particularly with its attractive landscaping and elegant modern design.

The floor plans are generous and provide considerate design features such as large windows, ample landscaping and onsite car parking.

4.1.3 Local Meeting

- 26 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend a 'Local Meeting'. This meeting was held on 14th October 2021. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Leo Gibbons, and followed a webinar format. The Local Meeting was held in accordance with temporary changes to Lewisham's Statement of Community Involvement.
- 27 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.
- 28 The meeting was attended by nine local residents, Councillor Gibbons, Councillor Davis, the developer's planning agents representing Craftworks, and Planning Officers James Hughes (South Area Team Leader) and Samuel James (case officer).
- 29 The key concerns raised by objectors largely mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area, highways, ecology and the impact on neighbouring amenity. The minutes of the Local Meeting are included at Appendix A.

4.2 INTERNAL CONSULTATION

- 30 The following internal consultees were notified on 8 February 2021.
- 31 Highways: Concern was initially raised that the proposed parking represented an over-provision, and that the submitted transport statement contained out of date London Plan policies. Following receipt of revised details and reduction in parking, no objections are raised, subject to conditions. See from para 1776.4.1 for further details.
- 32 Ecology Officer: Concern was initially raised regarding the Preliminary Ecological Survey that had been submitted and further information regarding landscaping and the proposed living roof was requested. Following receipt of additional information, no objections are raised, subject to conditions. See from para 320 for further details.
- 33 Flood Resilience Manager: Initially requested revised and additional information, and when this was submitted no objections were raised, subject to a standard condition requiring compliance with the details. See para 306 for further details.
- 34 Environmental Health: No comments received.
- 35 Tree Officer: No comments received.

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4.3 EXTERNAL CONSULTATION

36 The following External Consultees were notified on 8 February 2021:

37 Metropolitan Police: Made several comments and recommendations, which they recommend are secured by condition. See para 181-356 for further details.

38 Thames Water: Raised no objections, subject to several informative notes.

39 BPS (Viability Consultants): comments outlined from paragraph 76

5 POLICY CONTEXT

5.1 LEGISLATION

40 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).

5.2 MATERIAL CONSIDERATIONS

41 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.

42 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.

43 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 aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

44 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)

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- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

45 Lewisham SPG/SPD:

- Small Sites Supplementary Planning Document (October 2021)
- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

46 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (2012)
- All London Green Grid (March 2012)
- Play and Informal Recreation (September 2012)
- 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)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

47 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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48 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.

49 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

50 The London Plan at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham, and London Plan Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

51 LPPH2 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes on these kinds of sites.

52 The National Planning Policy Framework (NPPF 2021) 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.

53 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.

54 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.

6.1.1 Principle of development conclusions

55 The proposal would include the demolition of the existing dwelling-house, and the provision of fifteen new dwellinghouses. There would be an increase of 14 homes to the housing stock, five of which would be family housing with three bedrooms.

56 The existing house is not considered to be of any architectural merit, and therefore its demolition is acceptable, considering fifteen new homes would be provided by the proposal.

57 The site would make a valuable contribution towards meeting housing needs as identified in the London Plan to increase housing supply and optimise housing potential. The proposal would make more efficient use of the land and officers therefore support the principle of development.

58 It is also noted that it is a material consideration that the principle of residential redevelopment of the site for 10 dwellings has been recently approved on the site under application DC/19/113716 dated 13 January 2021.

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59 The acceptability of the proposed development 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.

6.2 HOUSING

60 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.

6.2.1 Contribution to housing supply

Policy

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

62 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

63 LPP D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity.

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

Discussion

65 Table 6.1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Table [6.1]: Measures of Density

Criteria	Value	Extant permission	Criteria/area	Extant permission
Site Area (ha)	A 0.07		n/a	n/a
Units	15	10	214 U/Ha	143 U/Ha
Habitable rooms	47	37	671 Hr/Ha	529 Hr/Ha
Bedrooms	32	27	457 Br/Ha	386 Br/Ha
Bedspaces	54	44	771 Bs/Ha	629 Bs/Ha

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66 Table 6.2 below sets out the measures of height and scale of each building or major component in the development required by the supporting text to LPP D3 (para 3.3.23 of the LP) for all major proposals.

Table [6.2]: Additional Major criteria

Criteria	Value	Extant permission
<i>Site Area</i>	<i>0.07</i>	<i>0.07</i>
Floor Area Ratio (GEA of all floors/site area)	21786	16000
Site Coverage Ratio (GEA of ground floors/site area)	4100	3000
Maximum height (m above ground level)*	12.6m	12.6m

Summary

67 Policy D6 of the London Plan 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. The design of the development must optimise density.

68 The proposed development would be of a greater density than the extant permission, and this is shown in table 6.1 and 6.2 above.

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; however, the additional dwellings would be accommodated in a building only marginally larger than that granted planning permission earlier this year. As such, Officers conclude this proposal would optimise the site capacity in a way compliant with the London Plan.

6.2.2 Affordable housing

Percentage of affordable housing

Policy

70 The NPPF expects LPAs to specify the type of affordable housing required (para 63).

71 The Mayor of London’s Affordable Housing and Viability Supplementary Planning Guidance 2017, Core Strategy Policy 1 and DM Policy 7 - Affordable rented housing require that new residential development provide on-site affordable housing. Core Strategy Policy 1 requires that that a maximum provision of affordable with a strategic target of 50% affordable housing be secured unless it can be demonstrated through viability that a lower provision is appropriate.

72 LPP H4 Delivering affordable housing sets a strategic target of 50% genuinely affordable housing for all new homes delivered across London and states that this should be provided on site. Major developments which trigger affordable housing requirements

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should provide affordable housing through the threshold approach in line with Policy H5 Threshold approach to applications.

- 73 Policy H5 states that, unless a development is qualified for the Mayor's Fast Track Route
- 74 Where an application does not meet the requirements set out in Part C it must follow the Viability Tested Route.
- 75 CSP1 and DMP7 requires sites capable of providing 10 or more dwellings to provide contribution of affordable housing with a strategic target of 50% affordable housing from all sources. This contribution (50% affordable housing) is the starting point for negotiations and it is subject to financial viability assessment. The affordable housing component is to be proposed at 70% social rented and 30% intermediate housing.

Discussion

- 76 It is noted that the extant planning permission DC/19/113716, granted by Committee A on 4 November 2020, and agreed subject to a Section 106 Agreement dated 12 January 2021, would not provide any affordable housing.
- 77 The current proposal would also deliver 0% affordable housing. This is supported by a new Financial Viability Assessment (FVA), which has been interrogated by an independent consultant on behalf of the Planning Service. The submitted FVA concluded that the proposed development is showing a viability deficit of -£681,539 when compared to their adopted benchmark land value (BLV) of £1.25 million, assuming a 20% level of profit.
- 78 The Planning Service instructed BPS to undertake a review of the applicant's FVA.
- 79 BPS reviewed and appraised the submitted viability statement, they asked for further information to aid their assessment of the land values of the site. Following receipt of some additional details, BPS concluded that if we were to adopt the Alternative Use Value (AUV) scenario as Benchmark Land Value (BLV), this would produce a surplus, which could go towards an affordable housing contribution.
- 80 However they accepted that policy dictates that we must represent all the possible value to the landowner which means adopting the projected Existing Use Value (EUV) of £950,000. The EUV as calculated by BPS does not include the landowner premium that had been adopted in the applicants (JLL's) assumptions.
- 81 BPS also disputed the levels of developer profit being perused at 20%, which they considered to be high. Officers note however that the 20% profit and BLV (including landowner premium) was considered acceptable in assessment of the extant permission, as advised by the Council's appointed consultants at that time (GL Hearn).
- 82 Assuming a lower developer profit of 15%, and a lower BLV of £950,000, BPS concluded the scheme would still be showing a viability deficit of -£10,584 and therefore agreed that the scheme cannot viably provide any affordable housing at this stage.
- 83 Officers note the differences in adopted profit level and BLV between the applicant's and the Council's consultants. In this case, however, officers recommend the adoption of the higher 20% profit level and BLV is acceptable, considering the extant planning permission was assessed on this basis, and the resultant Section 106 contains the 20% target profit figure. This is a material consideration as it remains a fall-back position for

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the applicant. In light of accepting the higher profit level and land value, the difference between the consultant's deficit figures would be further reduced, and the scheme is accepted to have a significant viability deficit.

- 84 It is also noted that the revisions to the proposal, since the viability reviews were carried out, could have an impact on the figures used in the viability assessment. On one hand, the removal of 4 parking spaces from the scheme would reduce the sales values (and therefore the gross development value) of some of the dwellings which previously would have been allocated parking. On the other hand, the removal of the full basement area could reduce the overall build costs of the scheme. BPS were not provided with an updated appraisal of the amended scheme and have therefore not commented on the overall impact of this to the viability of the scheme.
- 85 Officers however consider that the cost difference would not be sufficient to produce a surplus, which would allow the council to seek contributions towards affordable housing. This is in consideration of the reduced build cost, but also reduced value of the development as a result and the size of the overall deficit to be overcome.
- 86 Further reviews are recommended to be included in the Section 106 Agreement. If the build costs and gross development value changed this would be reflected in the early or late-stage reviews. Therefore the Council would retain the opportunity to reassess the viability of the development. If it showed a surplus at either review, contributions towards affordable housing would be sought.
- 87 The applicant has submitted a Breakeven Appraisal, in line with the Mayor of London's Viability Review Mechanisms Procedural note (2019). BPS were consulted on this, and have confirmed that because the scheme has a demonstrated deficit, this is the correct approach. They have recommended that there is a clause the review mechanism, which would ensure transparency.
- 88 In light of the above, on balance the proposal is considered policy compliant with regards to the proposed provision of affordable housing.

Review mechanisms

Policy

- 89 Taking account of London Plan Policy H5 and the guidance in the Mayor's Affordable Housing and Viability SPG, officers recommend that s106 obligations require the proposed level of affordable housing is subject to review.
- 90 An early stage (delayed implementation) and late stage (when 75% of the units are sold) review mechanism would be secured in accordance with Policy H5 of the London Plan and the Mayor's SPG.
- 91 The early stage review means that if the ground floor slab has not been completed within 2 years of the permission being granted a review of the viability of the scheme would be triggered.
- 92 The late stage review means that once 75% of the proposed dwellings have been sold, but prior to the sale of the whole of the development the viability of the scheme would be reappraised.

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- 93 This reappraisal would be based on the sale values and costs incurred throughout the development, therefore addressing the economic uncertainty over the lifetime of the development.
- 94 There will be a clause in the review mechanism, to ensure transparency in the developer's future submissions relating to this matter.
- 95 While the scheme cannot viably deliver affordable housing, if the early or late stage review finds that the scheme can provide a contribution to affordable housing while remaining financially viable the outcome would likely be a financial contribution towards off-site affordable housing provision. Officers would assess this as part of the early and late stage reviews.

6.2.3 Dwelling Size

Policy

- 96 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 97 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.
- 98 London Plan Policy H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 99 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.
- 100 Development Management DM Policy 32 sets out how to achieve high quality design and internal layout of new development.

Discussion

- 101 The proposal includes two x one bedroom; eight x two bedroom dwelling; and five x three bed dwellings. This is considered to be a good mix of dwelling sizes, including five (33%) family sized dwellings for which there is an identified need, and is in considered to be in line with the above policies, despite the reduction in number of family sized dwellings compared to the extant permission.

6.2.4 Residential Quality

General Policy

- 102 NPPF para 130 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 D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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- 103 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

- 104 The ‘Technical housing standards – nationally described space standards’ sets out the minimum floorspace requirements for dwellings.
- 105 DMP 32 ‘Housing design, layout and space standards’ and LPD6 of the London Plan require 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.

Discussion

- 106 The table below sets out proposed dwelling sizes.

Table [2]: Internal space standards – proposed v target

Unit No.	Unit type (<i>min req</i> GIA)	Unit size (GIA) (sqm)	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1 (gf)	1b1p (50)	54	2.4	14 (5)	Yes
2 (gf)	2b3p (61)	64	2.4	43 (6)	Yes
3 (gf)	3b6p (95)	97	2.4	112 (9)	Yes
4 (1 st)	2b3p (61)	65	2.4	7 (6)	Yes
5 (1 st)	2b3p (61)	64	2.4	9 (6)	Yes
6 (1 st)	3b5p (86)	97	2.4	7 (8)	Yes
7 (2 nd)	2b3p (61)	65	2.4	7 (6)	Yes
8 (2 nd)	2b3p (61)	64	2.4	9 (6)	Yes
9 (2 nd)	3b5p (86)	97	2.4	7 (8)	Yes
10 (3 rd)	1b2p (50)	59	2.4	11 (7)	Yes

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11 (3 rd)	2b3p (61)	64	2.4	9 (6)	Yes
12 (3 rd)	3b5p (86)	88	2.4	9 (6)	Yes
13 (4 th)	1b2p (50)	52	2.4	8 (5)	Yes
14 (4 th)	2b3p (61)	69	2.4	9 (6)	Yes
15 (4 th)	3b5p (86)	88	2.4	8 (8)	Yes

- 107 The proposed units would all exceed the minimum requirements in terms of overall floor areas, and in terms of the sized 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

- 108 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).
- 109 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

- 110 Given the at least dual aspect dwellings, and the good amount of glazing proposed to all habitable rooms, the dwellings would all be provided with good levels of outlook. All habitable rooms would be provided with windows, and officers consider the levels of outlook to be provided would be acceptable.
- 111 None of the proposed flats would be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.
- 112 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

Daylight and Sunlight

Policy

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

Discussion

- 114 The proposed flats would all be provided with good levels of glazing, and they would all have windows on at least 2 elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight.

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Overheating

Policy

- 115 LPP D6 requires housing development to minimise the risks to overheating through their design, including maximising the provision of dual aspect dwellings, ensuring adequate natural ventilation, and providing adequate daylight and sunlight whilst avoiding solar overheating in summer months.

Discussion

- 116 All of the proposed dwellings would be dual aspect, and the number of and size of opening windows and doors to balconies would ensure dwellings receive good levels of ventilation. The amount of heat entering the building in summer is also proposed to be reduced through use of shading measures including internal/external blinds or curtains.
- 117 Further measures to reduce overheating risk are outlined in the submitted energy statement, with further discussion provided from paragraph 257 of this report.
- 118 Officers consider the design acceptable with regards to overheating risk.

Children's Play Space

Policy

- 119 LPP S4 requires residential development proposals to provide at least 10sqm of children's play space should be provided per child.

Discussion

- 120 Using the GLA's Population yield calculator, an estimated 62sqm of play space is required for future residents of the proposed development.
- 121 Unit 3, the three bedroom family sized dwelling at ground floor level would have a large private amenity space, well in excess of the minimum requirement, to the side and rear of the building which would be suitable for stimulating children's play.
- 122 The remainder of family sized dwellings would be provided with a balcony, which may be considered unsuitable for children's play due to their limited size.
- 123 However, the proposed wooded communal amenity space to the rear of the site has an area of approximately 80sqm. Officers consider this space would provide good opportunities for future children residents to play, and as it is in excess of the requirement of LPPS4, officers consider this to be an acceptable provision.

Accessibility and inclusivity

Policy

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

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- 125 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users. Whilst this is not a major scheme, an assessment of the level of accessibility proposed follows.

Discussion

- 126 Unit 1 (2b3p) at ground floor level has been designed as a M4(3) wheelchair accessible dwelling, and all dwellings are designed as M4(2) wheelchair adaptable. Officers note the policy requirement would be for 2 M4(3) dwellings, and it is therefore considered reasonable to seek further details through a suitably worded condition for two of the dwellings to be wheelchair accessible.
- 127 One of the basement car parking spaces would be an accessible space, and a lift provides access to every level of the building from the car park. This is acceptable, as 10% of parking spaces are required to be suitable for wheelchair users.
- 128 Two of the fifteen units would be provided as a wheelchair accessible dwelling, and all other dwellings would be wheelchair adaptable it is considered a policy compliant level of accessible housing would be provided, in line with the above policies. This would be secured through condition.

External space standards

Policy

- 129 LPPD6H requires all new one bedroom dwellings to be provided with at least 5m² private external amenity space, and another 1m² for each additional occupant.

Discussion

- 130 A large majority of the dwellings would be provided with an excess of the minimum required private amenity space in the form of terraces or balconies.
- 131 Two of the three bedroom units (6 and 9) would fall short by 1m² in terms of the size of their private balconies. This is acceptable in this case because additional communal external amenity space would be provided at the rear of the property (approx. 80m² in total), and furthermore these units both exceed the minimum internal floor area for a 3b5p flat by 10m³, which makes up for the minor shortfall on balance.

Summary of Residential Quality

- 132 The proposed units would be of a high quality standard of accommodation and meet with the quality considerations of the London Plan and local policy and guidance.

6.2.5 Housing conclusion

- 133 The proposal would contribute to the Borough's housing targets in a residential location, making the most efficient use of land and optimising density. The scheme would provide an appropriate mix of good quality dwellings, including five family sized for which there is an identified need.

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6.3 URBAN DESIGN

General Policy

- 134 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 135 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.
- 136 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.
- 137 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.
- 138 The proposal site is within the Sydenham Ridge Area of Special Character. The Sydenham Ridge forms the south-western boundary of the borough and is visible from within the borough. It forms a wooded skyline feature that the Council would wish to preserve.
- 139 CS18 Tall buildings states: Sydenham Ridge Area of Special Character, which comprises a topographical feature where tall or bulky buildings would affect the skyline and have an adverse effect on the landscape and local residential amenity. The proposed building is not by definition a tall building and therefore CS18 is not relevant.
- 140 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

6.3.1 Appearance and character

Policy

- 141 Policies D1 and D2 of the London Plan (2021), require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.
- 142 London Plan Policy D3 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.

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143 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.

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

Discussion

145 Firstly it is noted that the external appearance of the proposed building is very similar to the extant planning permission (DC/19/113716). The main difference is the removal of the enclosed lower ground parking area, which would now be a combination of surface level open parking and a small undercroft.

146 The width of the proposed building would be increased by approximately 1m. The height would remain unchanged. The front and rear building lines at ground level would also remain unchanged. There would be increased massing at the front of the building on the upper floors as the extant permission included a small set back at second floor level, and further set backs for each of the floors above. This stepping has been removed from the current proposal. The increased massing of the upper floors is considered to be acceptable and would not harm the appearance of the surrounding area.

147 The character and appearance of buildings in the surrounding area are varied in style. To the immediate north and west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats with a residential estate to the north of that.

148 Directly adjoining to the east is a 5-storey block of flats (Greyfriars), which is accessed from Wells Park Road. Further to the east are the larger 6-storey residential blocks of the Sydenham Hill Estate.

149 To the south are the smaller residential properties on Longton Avenue, which are predominantly larger semi and detached dwellings; Sydenham Wells Park, a public amenity space is to the Eastern side of Longton Avenue.

150 When travelling along Wells Park Road, glimpses of the large 5 and 6 storey flatted developments can be seen through the front boundary vegetation, and access openings.

151 The proposed building would have a flat roof, with small projecting balconies to the front. It would be more visible than the existing neighbouring flatted developments along the street. Officers consider it would appear as a high quality addition to the streetscene and have a positive impact on the appearance of the surrounding area.

152 In terms of the impact to the Sydenham Ridge area of special character, this is considered to be minimal. The proposal is not a tall building, and it would therefore not be visible as part of the wider skyline when viewed from within the borough.

153 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

Policy

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154 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.

155 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

156 The building would have a north-south orientation, with the front elevation running parallel to the road. It would be well set back from the boundaries to allow for sufficient space between the adjoining properties.

157 The proposed dwellings would be accessed from the front of the building at ground floor level from a single central stair core. The lower ground level parking area would also include an access via lift into the building.

158 The submitted landscaping scheme is indicative at this stage, and is considered acceptable as it indicates significant planting of hedgerows, shrubbery, vegetation and trees within the site curtilage, and there is minimal hardstanding proposed, only where necessary. Biodiverse living roofs are also proposed to the roof.

159 The northern corner of the site is proposed to be a communal wooded area, and bicycle and bin stores are proposed to have green roof systems.

160 Overall the proposed layout makes good use of the site, and the proposed landscape scheme would be a high quality addition, subject to assessment of the final scheme of landscaping, which would be secured as a pre-commencement condition in consultation with the council's arboricultural officer.

Form and Scale

Policy

161 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape.

162 The Small Sites SPD (2021) at para.12.3.2 states where streets are of varied character, applications with a height relating to the tallest existing building in relative close proximity will generally be supported. In some locations, depending on the site, size and context, it may be appropriate to build more than one storey taller than the context, subject to the scheme being of exceptional design quality.

Discussion

163 There are varying forms and scales of buildings in the immediately surrounding area, including three-storey flatted development to the north fronting Sydenham Hill, semi-detached and detached dwellings to the south on Longton Avenue, and the five and six storey flatted developments to the east.

164 Hesper House is a two-storey dwellinghouse, which sits above street level, due to the existing gradient of the site.

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- 165 The proposed building would be significantly larger and taller than existing, at five stories. An area towards the front would be excavated, and developed as the frontage / lower ground undercroft car parking area, but the height of the building is five stories above ground level.
- 166 The front elevation of the building would be set back significantly from the street, where the parking entrance gate would be flush with the pavement, and replace the existing retaining wall.
- 167 Although the building is significantly larger than existing, the scale and massing to Wells Park Road is acceptable, as it would respect the massing and heights of buildings in close proximity, particularly those to the east. The proposed building would relate more with the surrounding estates than the suburban houses located in the south on Longton Avenue and therefore, scale and form are considered appropriate for this location.
- 168 It is also noted that the overall form and scale of the proposed building is largely commensurate with the building that has been previously approved at the site (the extant permission). Although the stepping has been removed from the front elevation, officers do not consider this would harm the appearance of the building, and would have an acceptable appearance.

Detailing and Materials

Policy

- 169 Policy D3 of the London Plan requires development proposals to 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.

Discussion

- 170 The proposed elevation treatment and materials would appear modern and well considered. There would be a good level of detailing, and this would have a positive impact in terms of contributing to the local distinctiveness, as there is currently no real, prevailing established character along the street.
- 171 The general palette of materials is mostly similar to the extant permission, similar brickwork and stone cladding for the main faces of the building is proposed, as well as bronze coloured metal detailing.
- 172 Notable alterations include the use of metal railings for the first and second floor balconies, in place of solid screens. As well as the use of aluminium framed windows instead of timber. The proposed brickwork appears to be high quality, with areas of detailing and perforations.
- 173 The proposed aluminium framed windows, and metal balcony balustrades are considered acceptable in this context, and would not erode the design quality compared to the extant permission.
- 174 The proposed material palette is considered to be modern and high quality and would age well. This would have a positive impact on the appearance of the surrounding area. Final details of materials are to be secured by condition.

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6.3.2 Urban design conclusion

175 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.

176 It is also a relevant material consideration that a building of a very similar design has been recently previously approved at the site.

6.4 TRANSPORT IMPACT

General policy

177 NPPF Paragraph 110 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.

178 Para 111 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'.

179 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.

180 The site has a PTAL rating of 3, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it has average accessibility to public transport.

6.4.1 Access

Policy

181 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing application for development it should be ensured that appropriate opportunities to promote suitable 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. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

182 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is be supported.

Discussion

183 Pedestrian accessibility to the site is considered to be good, as Wells Park Road is paved on both sides of the street. The pedestrian access would be in the south western corner of the site. The additional dwellings would have no significant impact on the existing pedestrian infrastructure, and therefore no contributions are sought in this respect.

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- 184 The pedestrian access would be separate from the vehicle access, and would provide a step-free route from the existing footway to a communal entrance in the lower ground floor. A lift to all floors would be also provided. Separate access to the cycle store would be provided adjacent to the pedestrian entrance. Access to the rear communal gardens would be provided to the west of the building.
- 185 Wells Park Road is an adopted highway with a 20MPH speed limit. The existing house benefits from a vehicular access point, and so does the adjacent Greyfriars.
- 186 Objections have been raised relating to existing safety issues on Wells Park Road.
- 187 The proposed vehicular access would be in the centre of the site, in a relatively similar position to the existing access, and similar to the recently approved extant permission. The closure of the existing access would be secured by legal agreement. Therefore the principle of vehicle access to the site is acceptable, however it is acknowledged that six parking spaces would generate a higher number of vehicle movements than the existing single dwelling.
- 188 Section drawings have been submitted which show how the access point would be constructed, and site lines from the access have been provided, which demonstrate the visibility of vehicles exiting the space would be good. Notwithstanding the acceptable levels of visibility, for added safety, initial details of a light and sound signal warning system have been submitted, which would warn oncoming pedestrians of vehicle accessing and egressing the parking area.
- 189 Officers also recommend the proposed development be approved subject to the following off-site highway works, that would be secured by S278 legal agreement, to ensure the access is safe:
- Closure of existing crossover, and creation of new crossover, and installation of tactile paving either side.
 - Waiting restrictions on Wells Park Road to manage loading adjacent to the site.
 - Road signs / markings on the approach to the site access to reinforce the 20mph speed limit.
- 190 Final details of the parking and access management plan would also be secured by condition, including details of management of the entrance to ensure there would be no vehicle queuing on the highway. Notwithstanding as there are 6 spaces proposed, which is a relatively small number, it's unlikely the proposal would result in harmful levels of quieting on the highway to access the site.
- 191 It is considered the proposed vehicular access would have acceptable impacts on highway safety, subject to submission of the final parking and access management plan and the off-site works, which would be the subject of a S278 agreement.
- 192 Officers consider the access to be acceptable.

6.4.2 Local Transport Network

Policy

- 193 Policy T4 of the London Plan states consideration of the cumulative impacts of development on public transport and the road network capacity including walking and

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cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

- 194 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.
- 195 The site is not in a controlled parking zone. The proposed provision of on-site car parking would be 0.5 space per dwelling, which is the maximum allowance, in line with Policy T6 of the London Plan.
- 196 A parking survey has also been submitted to the Lambeth methodology, which confirms there would be capacity for any overspill parking within 200m of the site.
- 197 A preliminary construction management plan has also 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.

6.4.3 Servicing and refuse

Policy

- 198 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 199 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.
- 200 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

- 201 Refuse storage would be provided towards the front boundary of the site within a communal refuse store. This location is acceptable, and would allow Lewisham waste operatives to collect and return bins to the store once they have been emptied.
- 202 To ensure the final details of the refuse store, as well as management of collection are acceptable, final details of these are recommended to be secured by condition.
- 203 In terms of residential deliveries, 15 units could result in significant deliveries compared to the single dwelling, and therefore details of a residential delivery and servicing plan would be secured by condition.

6.4.4 Transport modes

Walking and cycling

Policy

- 204 Policy T5 of the Publication London Plan states development proposals should create a healthy environment in which people choose to cycle, and should provide cycle parking in accordance with the minimum standards set out in table 10.2.

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205 Development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

Discussion

206 Secure bicycle storage would be provided at lower ground level. 30 spaces would be provided over 2-tier racks, and 2 wider Sheffield stand spaces would be provided. This exceeds the minimum provision set out in table 10.2 by 3 spaces. A further 2 visitor spaces would be provided.

207 The provision of cycle parking is in line with LPP table 10.2. Officers note that as currently proposed, the cycle parking is not fully compliant with the London Cycle Design Standards. However, there is scope to make the cycle parking compliant through an appropriately worded condition, as the parking area appears larger than required. Officers therefore recommend further details of cycle parking to be secured by planning condition, to ensure that it would comply with these requirements.

208 The site is accessible by walking, and the access through the site would be fully DDA compliant. This would be secured by planning condition.

Public transport

Policy

209 LPPT4 states development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

210 There are a number of local bus services running close to the site, two of which run along Wells Park Road, with the closest sheltered bus stop 60m away. Sydenham Hill is the closest rail station, with links into London and Kent, which is an approximate 15 minute walk to the site.

211 It is considered that the scale of development (15 units) would have an acceptable impact on the local public transport network, and that the site is suitably accessible for residential development of this scale.

212 Regarding the cumulative impacts of development on the local transport network, CIL would be chargeable on this scheme, which in the future could be used to contribute to development of the local transport network.

Private cars (include disabled and electric charging points)

Policy

213 Policy T6 of the 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

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well-connected by public transport with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

Discussion

- 214 The proposal includes six parking spaces, which is equivalent to 0.4 spaces per dwelling. These would be located to the front of the building and in an undercroft. As originally submitted with the current application, the proposal included 10 parking spaces. The Council's highways officer recommended this be reduced to no more than seven spaces, in line with Policy T6 of the London Plan.
- 215 Officers note that the proposed parking provision is a material difference to the extant permission, which included 10 parking spaces within a full basement.
- 216 Since the extant permission were granted, the London Plan (2021) has been adopted. This means that greater weight is now given by officers to the policies it sets out, than when the previous decision was made in January 2021.
- 217 Table 10.3 of the London Plan (2021) sets maximum parking standards. For sites in inner London Boroughs with a PTAL rating of 2, the maximum level of parking provided should be 0.5 spaces per dwelling. This would equate to a maximum of seven spaces provided on site.
- 218 The proposal would therefore deliver slightly less than the maximum provision of parking. This is considered acceptable provision to meet the expected needs of the development but with a clear intention to only provide for essential use, disabled use and Electric Vehicle parking (100% spaces will be EV capable with charging points included). Officers consider this would avoid any overprovision but would also avoid any harmful overspill parking onto Wells Park Road. This is in line with the aims of Policy T6 of the London Plan.
- 219 The application has been submitted with an on-street parking survey, which is included in the applicant's transport statement; it indicates the number of available parking spaces on the surrounding residential roads.
- 220 The Statement concludes there would be sufficient space to accommodate any additional or overspill parking that would be generated by the proposed residential development.
- 221 The surveys, carried out over two nights in July 2021, found parking stress of 25.9% within the 200m walking distance of the site. It found for Longton Avenue only the parking stress was 48%, with an average of 33.5 spaces free overnight.
- 222 Considering the amount of parking available on surrounding streets, and the minimal overspill parking that would be expected to be generated, officers do not consider the proposal would result in harmful increased parking stress in the local area.
- 223 Officers do not disputed the findings of the parking survey.
- 224 Each of the proposed parking spaces would be provided with an electric vehicle charging point, and these would be secured by condition.
- 225 Highways officers previously requested a parking management condition be added to any permission, which should outline management of the entrance, as well as ownership

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and enforcement of the use of spaces. This is also considered necessary for this application.

226 Highways officers have also requested a review mechanism on the use of the parking spaces, whereby they could be used for additional cycle parking, or resident storage should the parking spaces become redundant in the future. This would form part of the Section 106 agreement.

6.4.5 Transport impact conclusion

227 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.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

228 NPPF para 130 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 PLPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

229 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.

6.5.1 Enclosure and Outlook

Policy

230 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

231 Greyfriars (adjoining to the east): There are two windows at each floor level which face the proposed development site. These windows would be a minimum of 11m, and a maximum of 15m from the proposed building, accounting for the off-set orientations.

232 A 45 degree test taken from these windows suggests that whilst the direct outlook would be affected at the distances outlined above, there would still be rearwards outlook past the building. It is also noted that there are existing large trees on the boundary, which would currently restrict the outlook of these windows.

233 The impact on outlook is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure to occupants of Greyfriars.

234 Bath Court (adjoining to north-west) has rear facing windows and inset balconies which face south, and would not directly face the proposed building. The separation distance between the proposed building and the south-eastern corner of the closest property on

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Bath would be 18m. In light of this, the proposal would have no significant impact on the outlook, or sense of enclosure experienced by residents of Bath court properties.

235 The Hill House adjoins to the north east, and is considerably uphill to the host property. Furthermore, the separation distance between the buildings would be at least 29m, and therefore there would be no significant impact on outlook or sense of enclosure experienced by residents of this property.

236 The garden of the closest property on Longton Avenue is approximately 21m south of the proposed building, and therefore it would have no significant impact on levels of enclosure felt by this property. No Longton Avenue properties would have their outlook affected.

237 In light of the above, the impact of the proposal on neighbouring outlook and sense of enclosure would be acceptable, and in line with the relevant aforementioned policies.

6.5.2 Privacy

Policy

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

239 The Small Sites SPD (2021) states that in general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.

240 It also states there should be no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way.

Discussion

241 All proposed side elevation windows would be obscure glazed and therefore there would be no direct overlooking to Greyfriars or Bath Court properties or amenity areas. This is noted on the plans and would be secured by condition. Furthermore, these windows are at oblique angles to the windows of adjoining properties, and there wouldn't be any directly facing windows due to this. A privacy screens would be installed over one half of the side facing amenity space opening of Unit 12 at third floor level.

242 The minimum distance between the proposed rear facing windows, and the rear boundary of Hill House to the north would be 13.5m, and at least 31m window to window distance. This is a sufficient distance to ensure no harmful overlooking to Hill House.

243 The distance between the balcony amenity areas to the front of the proposed building, and the garden of 125 Longton Avenue would be at least 19m. The distance to the closest windows in the rear elevation of No.125 would be at least 23m, and this would be at an oblique angle.

244 The distance of 19m to the nearest residential amenity area, and 23m (minimum and an oblique angle) to the nearest window is considered sufficient to ensure there would be

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no unreasonable loss of privacy to Longton Avenue properties. This greatly exceeds the minimum distances set out by the Small Sites SPD.

245 In light of the above, the impact to neighbouring privacy would be acceptable, in line with the relevant policies and guidance set out above.

6.5.3 Daylight and Sunlight

Policy

246 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'.

247 The methods for calculating impact on daylight and sunlight within the report are as follows: (i) Vertical Sky Component (VSC); (ii) Annual Probable Sunlight Hours (APSH); and (iii) No Sky Line (NSL).

248 The VSC is the amount of skylight received at the centre of a window from an overcast sky. VSC assessments are influenced by the size of obstruction, and NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

249 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants.

250 The report also assesses the impact of overshadowing to neighbouring properties.

251 The GLA 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.' (GLA, 2017, Housing SPG, para 1.3.45).

Discussion

252 Again it is noted that the massing of the building would only marginally change in the current proposal, compared to the extant permission, and the daylight and sunlight impacts of the proposal are therefore very similar to that proposal.

253 The application has been submitted with an updated Daylight and Sunlight Assessment (dated January 2021) prepared by Rapleys. This assessment has identified the following residential properties as relevant for Daylight and Sunlight Assessment:

254 159 Wells Park Road: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

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- 255 125 Longton Avenue: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 256 13-18 Bath Court: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 257 1-6 Leamington Court: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 258 The Hill House: The proposed development satisfies the BRE criteria in respect of all relevant factors for this properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 259 1-16 Greyfriars: six windows (W3 and W4 in the diagrams within the DaS Assessment report), on the western elevation, at ground, first and second floor level of this property would fall below the BRE guidelines for the Vertical Sky Component (VSC) test, and for the Daylight Distribution (NSL) test. These are the same six windows identified as falling below the guidelines as a result of the previously approved building, and this was considered acceptable.
- 260 These windows are currently obstructed by the existing projecting wing on the property itself. The BRE guidance states that where a window has a projecting wing on one or both sides of it, a larger relative reduction in VCS may be unavoidable, as the building itself contributes to the poor daylighting. An alternative VSC test was undertaken with the wings removed, and this suggested that the existing building does result in the majority of the poor daylight factor of these affected windows, and the first and second floor windows would surpass the BRE criteria with regard to VSC. The ground floor windows would continue to fall short of the BRE criteria, but only marginally.
- 261 The impact on daylight distribution (NSL) to the six most affected windows would not become compliant with BRE guidance as a result of the alternative test (with projecting wing removed), and these would be affected by minor or moderate adverse loss.
- 262 APSH results showed that satisfactory level of sunlight amenity would be experienced by all living rooms, and the proposal would pass the BRE criterial in this respect for these properties. The results of the overshadowing test showed that sunlight availability to this garden after the development would be no less than 0.82 times the former value and therefore passes the BRE overshadowing to gardens and open spaces test.

Summary

- 263 The submission has been accompanied by a comprehensive Daylight and Sunlight assessment in relation to the Proposed Development. The technical analysis has been undertaken in accordance with the BRE Guidelines.
- 264 The impact of the proposed building would be within the BRE guidance for all windows of all tested properties, except for six windows in the western side elevation of Greyfriars. It is acknowledged however that these most impacted windows already suffer from restricted light due to the existing overhanging wing of the building, as well as existing trees on the boundary. It is considered therefore that the harm to Greyfriars

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dwellings would be less than significant, and overall the impact on neighbouring daylight and sunlight would be acceptable, in line with the above mentioned policies.

6.5.4 Noise and disturbance

Policy

265 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

266 15 residential dwellings is likely to generate a higher level of comings and goings and general residential activity than the existing single family dwellinghouse, and the additional noise and disturbance that would come with this. However, as this would be 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.

6.5.5 Impact on neighbours conclusion

267 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and although some harm, in terms of loss of daylight just outside the BRE recommendations to six windows has been identified, this harm would be less than significant. It is therefore not considered the proposal would give rise to unreasonable impact on neighbours that would warrant refusal of the planning application, particularly when considering the planning merits of the scheme that are outlined elsewhere in this report.

268 Officers also note the impacts to neighbouring amenity that would result from the proposal, are largely the same as those that would result from the extant planning permission.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

269 NPPF para 152 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

270 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

6.6.1 Energy and carbon emissions reduction

Policy

271 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.

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272 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.

273 LPPSI 2 requires new development to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

1) be lean: use less energy and manage demand during operation

2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly

3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site

4) be seen: monitor, verify and report on energy performance.

Discussion

274 The application is accompanied by a Sustainability and Energy Statement prepared by Syntegra Consulting (January 2021). The report sets out that the Target Emission Rate (TER) for the building would be 17 tonnes of CO₂/yr. This constitutes the baseline. London Plan policy is to reduce this by 35% via Be Lean, Be Clean and Be Green measures. To achieve net zero carbon, the remaining 65% is offset by mitigation measures funded via the carbon offset fund, managed by Lewisham Council.

Be Lean

275 Passive design measures such as enhanced building materials, orientation, natural ventilation, solar shading and use of the cooling hierarchy will be utilised as specified in the energy statement.

276 Active design measures are proposed to include high efficiency lighting and high efficiency boilers. It is noted that the statement states the boiler specification is provisional at this stage. During the Local Meeting, the applicant confirmed they will not be using gas boilers, and that the intention is currently to use electric boilers.

277 Combined, these measures would reduce emissions by 10% from the TER, according to the Statement.

278 Officers note that the previous application was granted subject to the condition that full details of the proposed strategy to minimise carbon dioxide emissions and maximise energy efficiency would be submitted for approval prior to completion of the building shell. These details were to include: Details of the proposed mechanical background ventilation and under floor heating strategy, including smart heating control system; Details on how the heating system could be retrofitted to a low carbon source in the future; Detailed drawings of any venting locations on the elevations; Details of the proposed LED internal lighting specification.

279 Considering the condition on the previous consent, and that the Energy statement states the specifications are provisional, officers consider it reasonable to recommend the current proposal be subject to the same condition.

Be Clean

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- 280 The proposal is designed to meet the requirements of the building regulations part L1A policy for 35% carbon reduction on site. It is accepted that the proposed scheme is too small for a traditional communal heat system and is not in the vicinity of a district network. Sustainability Officers have requested further information on how the heating system could be retrofitted to a low carbon source in the future. The applicant has confirmed they will not be using gas boilers, and that the intention is currently to use electric boilers. Further details of the strategy to reduce energy consumption would be secured by condition.
- 281 As such there is currently no reduction to emissions from Be Clean measures, but further reductions would be expected through the submission of further details which would be secured by condition.

Be Green

- 282 The proposal includes provision of 66 Photovoltaic panels and this is acceptable in principle, and the final details of the PV panels are recommended to be secured by condition. According to the Statement, this would contribute a further 25% reduction in emissions. Overall, the Be Lean and Be Green measures would provide a 35% reduction to the TER, which complies with LPP SI 2.

Carbon Offset

- 283 A contribution towards Carbon Offset Fund of £19,927 has been calculated for the remaining 65% of emissions to meet net zero carbon. This would be secured through a legal agreement.

6.6.2 Overheating

Policy

- 284 Policy SI 4 of the London Plan states major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

Discussion

- 285 The energy statement sets out the following: Firstly, internal heat generation would be minimised through energy efficient design in the course of design development. It would include minimising pipe lengths (particularly lateral pipework in corridors) and adopting pipe configurations which minimise heat loss, e.g. twin pipes.
- 286 Moreover, the amount of heat entering building in summer would be reduced through use of shading measures including internal/external blinds or curtains. Next, the internal layout provides the passive ventilation via openable windows.
- 287 Lastly, this natural ventilation would be adopted with extract fans in wet rooms (toilets, bathroom, and kitchen) to remove the hot humid air and help free cooling.
- 288 These measures follow the hierarchy set out by PLLSI4 and are considered to be acceptable.

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6.6.3 Urban Greening

Policy

- 289 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 290 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

- 291 The proposal includes several measures to contribute to urban greening, including green roofs, new and improved landscaping and significant planting of a number of species of plants, shrubs, hedges and trees on site.
- 292 The proposal would retain the minimal amount of hardstanding required on site, with soft landscaping and planting proposed over the majority of the site not covered by the building.
- 293 The final details of the proposed living roof system, and soft landscaping scheme would be secured by condition, and subject to final details of these, the proposal is considered to comply with the above policies relating to urban greening.

Urban greening factor

- 294 Policy G5 requires development to meet the target score of 0.4 UGF for residential developments. For example, semi-natural vegetation has a score of 1, extensive green roofs of 0.7, hedges and trees of 0.6, amenity grassland / lawn of 0.4. The Urban Greening Factor for a proposed development is calculated in the following way:
- (Factor A x Area) + (Factor B x Area) + (Factor C x Area) etc. divided by Total Site Area.
- 295 Officers have used the submitted site plan to estimate the following: Wooded area: (1 x 110) X Extensive green roof (0.7 x 202) X lawn (0.4 x 157) X hedges/shrubs (0.6 x 43) X permeable paving (140 X 0.1).
- 296 Officers estimate the urban greening factor to be approximately 0.5, which would be acceptable. Officers note however that an Urban Greening Factor plan and calculation has not been submitted in line with the Urban Greening Factor London Plan Guidance Draft document (September 2021) and this is why this is an estimate only. It is noted that this guidance is recent and in draft form, and the application was submitted before it was published.
- 297 Based upon the above estimate, officers consider the development can achieve the target score of 0.4, and it is therefore reasonable and necessary to impose a condition, requiring submission and approval of an Urban Greening Factor Plan and calculation, prior to completion of above ground works in line with LPPG5.

Living roofs

Table [6.3]: Living Roof Provision

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Type of Living Roof/Wall	Size of Living Roof/Wall (m2)	Size of Living Roof (as % of total roof space)
Extensive living roof	202	70%

298 The Council's Ecology Officer has been consulted on the living roof proposal and asked for additional information including details on substrate depth and coverage and management. Following receipt of this additional information, the ecology officer has confirmed the living roof details to be acceptable, subject to a condition requiring confirmation it has been installed correctly and would be maintained for the lifetime of the development.

6.6.4 Flood Risk

Policy

299 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.

300 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

Discussion

301 The proposal is located in Flood Risk Zone 1, and therefore the risk of flooding is minimal. No flood risk assessment was therefore required to be submitted.

6.6.5 Sustainable Urban Drainage

Policy

302 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

303 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.

304 The NPPF at paragraph 168 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

Discussion

305 The application supported by a Sustainable Urban Drainage Solutions report.

306 The Council's Flood Risk Manager has been consulted on the submission, and originally raised concern that insufficient measures were proposed.

307 Following receipt of these comments, and to cover the amendments that occurred during the application period, the applicant submitted an updated Sustainable Drainage Assessment (GeoSmart dated 08 September 2021).

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308 The Flood resilience manager has confirmed the updated document is acceptable to ensure compliance with the above policies, subject to the condition that the measures and recommendations of the report are followed.

6.6.6 Sustainable Infrastructure conclusion

309 The proposal has been designed to reduce carbon emissions through an enhanced fabric and the use of PV panels, and it has been demonstrated that the reduction is policy compliant. A condition is proposed to secure these benefits. Through its enhanced soft landscape scheme and use of green roof the proposal would contribute to urban greening in accordance with LP policies and furthermore it would not result in harmful additional surface water run-off, subject to the suggested conditions. A planning obligation is proposed to secure a carbon offset payment.

6.7 NATURAL ENVIRONMENT

General Policy

310 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

311 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

312 NPPF para 185 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.

6.7.1 Ecology and biodiversity

Policy

313 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.

314 The NPPF at para 174 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. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.

315 CSP 12 seeks to preserve or enhance local biodiversity.

316 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 the natural environment.

Discussion

317 The proposal is similar to the extant permission on this site, and the impacts to ecology are likely to be similar.

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- 318 The application was submitted with the same preliminary ecological appraisal as the previous application (Syntegra dated September 2019).
- 319 The council's ecology officer d recommended the ecology report be updated as it was 24 months old and therefore out of date.
- 320 Following receipt of the revised Ecology Appraisal, the ecology officer requested several revisions to the proposal. They requested the proposed planting schedules be revised to include a greater provision of native tree species and native woodland planting (taking inspiration from the Great North Wood). Updated planting schedules have been submitted, and the ecology officer has confirmed these to be acceptable.
- 321 They also asked for additional information regarding the proposed bat and swift bricks. Details of these have now been submitted, and the positions are indicated on revised side elevation plans. The ecology officer has confirmed this to be acceptable.
- 322 The ecology officer also noted that the Preliminary Ecological Appraisal identified three trees on the site, which had moderate potential to support roosting bats. They stated that surveys of these trees would need to be carried out if they were proposed to be removed, prior to removal.
- 323 As these trees are proposed to be removed, the applicant had a qualified ecologist survey these trees to assess the potential for roosting bats on 25th November 2021. The results of the survey indicate a low potential for roosting bats in these trees, however it has been recommended the trees are surveyed again a maximum of 1 week prior to their removal to ensure no bats have moved into any of PRFs during the time between this inspection and their scheduled removal. This is recommended as a condition of development. They also recommend that all the trees are soft felled under a watching brief from an ecologist. Each cut section should be gently lowered to the ground so it can be inspected. This is recommended to be included as an informative note.
- 324 The ecology officer has also requested further details of a sensitive external lighting scheme to be secured by condition.
- 325 It is also noted that the site is in relatively close proximity to a number of designated sites of nature conservation importance. The ecological assessment identified 11 statutory and non-statutory sites of nature conservation importance within 1km of the site, and concluded that none of these would be indirectly impacted by development of this scale, provided the recommended precautionary measures outlined in the report are followed.
- 326 The Council's ecology officer also recommends contributions are sought towards maintenance and tree planting in the Sydenham Wells Park or Hillcrest Wood. A contribution of £2,750 has been agreed by the applicant, and this would be included in the Section 106 legal agreement.
- 327 Considering the conclusions of the ecology report, it is considered that the impact on ecology and biodiversity on the site would be acceptable, provided the mitigation measures outlined in the report are followed.
- 328 Furthermore full details of the proposed ecological enhancements, and final details of the proposed planting and landscape maintenance scheme would be secured by condition, as would the proposed external lighting plan.

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6.7.2 Green spaces and trees

Policy

- 329 Paragraph 131 of the NPPF (2021) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 330 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 331 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. DMP 25 sets out the required information to support development affecting trees

Discussion

- 332 The extant permission proposal was submitted with an arboriculture impact assessment (Indigo dated September 2019). The approved tree works are shown in the table below, which has been lifted from the previous committee report.
- 333 The site is the subject of a group TPO, which was made in November 2019, in response to tree works on site which were carried out by the applicant and reported by neighbours. This TPO was confirmed unmodified on 06 May 2020. Planning permission is therefore required for the removal of or works to any tree on site.
- 334 The extant planning permission granted the removal of all the trees on the site to facilitate the proposed development.

Tree	Observations (from Arboricultural Statement)	Proposed Works
T1 (off site)	Yew, Category B , 14m height	None
T2	Apple tree, Category C , 4m height	remove
T3	Ash, Category U , 11m height	remove
T4	Sycamore, Category U , 14m height	remove
T5 (off site)	Wild Cherry, Category B , 16m height	None
T6	European Lime, Category C , 16m height	remove
T7	Holly, Category C , 11m height	remove
T8	European Lime, Category U , 16m height	Remove
T9	European Lime, Category C , 17m height	Remove
T10	Sycamore, Category C , 17m height	Remove

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T11 (off site)	Sycamore, Category B , 18m height	None
T12	Holly, Category C , 6m height	Remove
T13	Yew, Category C , 4m height	Remove
T14	False Acacia, Category U , 7m height	Remove
G1	Group, Category C , 6m height	Remove
G2	Group, Category C , 5m height	Remove

335 T2, T6, T7, T9, T10, T12, T13, G1, G2, G3, G4 and G5 were approved to be removed to facilitate the previously approved scheme.

336 Trees T3, T4, T8 and T14 were approved to be removed due to arboricultural reasons, as these are 'U' class trees.

337 T1, T5 and T11 are off-site trees and are proposed to be retained. No works are proposed to these trees.

338 The arboriculture report recommended further investigations prior to commencing work to ensure the root protection areas of the off-site trees (T1, T5 and T11) are not detrimentally impacted by the proposed development. In light of this it is considered appropriate to add a condition requiring submission of a tree protection plan prior to commencement of development. This is also a condition of the extant permission.

339 The preliminary landscaping proposal includes the planting of significant numbers of new trees on site. The exact locations and numbers of these have not been finalised, so a condition requiring final details to be submitted for approval, prior to commencement of above ground works would be added to the permission if granted. The ecology officer has advised on the appropriate species to be included and has not objected to the submitted planting schedule submitted in response to their advice.

340 Considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, the loss of trees on site is considered acceptable on a balance, subject to discharge of the relevant conditions. It is also noted that the applicant's fall-back position (the extant planning permission) would allow the loss of the same number of trees.

6.7.3 Ground pollution

Policy

341 The NPPF at para 174 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.

342 DM Policy 28 advises the Council will use appropriate measures to ensure that contaminated land is fully investigated.

Discussion

343 Considering the residential use of the site, it is unlikely to meet the definition of contaminated land. No desk-top study or site investigations report has been submitted to

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characterise or risk assess the site, and therefore, prior to commencement of development, it would be a condition of development for a desk top study and site investigation report to be submitted to the Local Planning Authority for approval.

6.7.4 Air pollution

Policy

- 344 Policy S1 Improving air quality requires development to be air quality neutral. Development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures.

Discussion

- 345 The proposed scheme has been designed to minimise the generation of air pollution and mitigate against increased exposure to poor air quality. This would include low NOx heating systems and nontoxic building materials where feasible.
- 346 An air quality management plan and air quality (neutral) assessment is recommended to be secured by condition to ensure the impacts to local air quality are acceptable.

6.7.5 Noise pollution

Policy

- 347 DMP26 requires new noise sensitive developments are to be located away from existing or planned sources of noise pollution.

Discussion

- 348 The mitigation measures would be incorporated to the proposed building at construction stage to reduce sources of noise – insulate and soundproofing doors, walls, windows, floors and ceilings, and seal air gaps around windows. The scheme of residential sound insulation is recommended to be secured by condition. It is also noted this is a residential area, and there are no known sources of noise pollution in the vicinity.

6.7.6 Light pollution

Policy

- 349 DMP27 requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance.

Discussion

- 350 The submitted sustainability statement confirms the lighting scheme is intended to be designed to minimise light pollution. It is also noted that the ecology officer has recommended the final scheme of lighting be secured by condition, to ensure minimal lightspill which could harm ecology. This would be secured by condition.

6.7.7 Natural Environment conclusion

- 351 The impact on ecology and biodiversity on the site would not be harmful, subject to the final details of the proposed on-site ecological enhancements as mitigation.

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352 On a balance, whilst a number of lower quality trees on site would be lost, this is mitigated by proposed replanting and considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, their loss is acceptable, subject to final details of the proposed soft landscaping. A planning obligation is proposed to secure a financial contribution towards maintenance and/or new tree planting in Sydenham Wells Park and/or Hillcrest Wood Nature Reserve in mitigation.

6.8 PUBLIC HEALTH, WELL-BEING AND SAFETY

General Policy

353 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).

354 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.

355 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Discussion

356 The Metropolitan Police were consulted on the submission, and they made several comments and suggestions that should be incorporated into the proposal, to ensure it meets secured by design principles. These comments were forwarded to the applicant, and following this, revisions and confirmations were given in response:

- Audio visual control at pedestrian access gate on street and at front door. At entrance level stair and lift are secured by fob access door. Lift features tertiary resident fob entry and audio visual control panel for visitors.
- Post boxes within communal lobby, access is controlled via secure lift to upper floors
- Stair core secured by door at entry level
- Visitor bike stand now located outside of the resident bike store
- No perforated brick is below 3.5m. Access to rear communal garden is now also further secured by a gate

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- Appropriate planting will be considered during detail design and development of planting strategy with the landscape architect. Currently specified with low level native species planting.

357 To ensure the final details of the proposed scheme are in line with secured by design principles, the Metropolitan Police request details to be approved in writing, in consultation with them, prior to occupation of the development, and this is therefore recommended as a condition of development.

7 LOCAL FINANCE CONSIDERATIONS

358 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).

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

360 The CIL is therefore a material consideration.

361 £94,000 Lewisham CIL (£70pm²) and £47,040 MCIL (£35pm²) is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

362 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.

363 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.

364 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.

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- 365 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>
- 366 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
- 367 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>
- 368 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

- 369 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
- 370 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.

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371 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.

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

10 LEGAL AGREEMENT

373 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

374 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.

Housing

375 Affordable Housing Early and Late stage Review Mechanisms.

Transport and public realm

376 Offsite Highway works to include:

- Closure of existing crossover, and creation of new crossover, and installation of tactile paving.
- Waiting restrictions on Wells Park Road to manage loading adjacent to the site.
- Road signs / markings on the approach to the site access to reinforce the 20mph speed limit

377 Car Parking Review Mechanism

Natural Environment / Greenspaces

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378 Financial contribution of £2,750 towards maintenance, enhancements and/or new tree planting in Sydenham Wells Park and/or Hillcrest Wood Nature Reserve.

Carbon Offset Payment

379 Financial contribution of £19,927 payable upon commencement of development.

Monitoring and Costs

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

381 The monitoring costs in this instance would be payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.

382 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).

11 CONCLUSION

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

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

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

385 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.

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

387 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.

388 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

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

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12 RECOMMENDATION

390 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

12.1 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. 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:

118-P201 Rev.01; 118-P203 Rev.02; 118-P409; 118-P410 Rev.01; 118-P411; 118-P412; 118-P501 Rev.01; 118-P502 Rev.02; 118-P503 Rev.02 Received 1 November 2021;

Updated PEA Brief (Syntegra, Aug 2021); Dawn and Dusk Activity Survey Report (Syntegra, Aug 2021) Received 23 September 2021;

118-X001; 118-X080; 118-X100; 118-X101; 118-X102; 118-X200; 118-X201; 118-X202; 118-X203; 118-X210; 118-X300; 118-P001; 118-P070 Rev.01; 118-P080 Rev.01; 118-P099 Rev.01; 118-P100 Rev.01; 118-P101; 118-P102; 118-P103; 118-P104; 118-P105; 118-P200 Rev.01; 118-P202; 118-P210 Rev.01; 118-P300 Rev.01; 118-P301; 118-P302 Rev.01; 118-P400; 118-P401; 118-P402 Rev.01; 118-P403 Rev.01; 118-P404; 118-P405; 118-P406 Rev.01; 118-P407 Rev.01; 118-P408 Rev.01; 118-P500 Rev.01; 118-P504; 118-P505; 118-P900 Rev.01; Sustainable Drainage Assessment (GeoSmart, 8 Sep 2021); Transport Statement (Craftworks, Sept 2021) Received 14 September 2021;

Dusk Activity Survey Report (Syntegra, Oct 2020); Updated Daylight & Sunlight Study (Rapleys, Jan 2021) Received 2 February 2021.

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. Site Contamination

- (a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying

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rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

4. **Construction Management Plan**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.

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- (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

5. Architectural details and materials

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until a full specification of all external materials to be used, as well as detailed plans at a scale of 1:20 showing windows, doors, balconies, entrances, and important joints have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

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

6. Surface Water Management

The development shall be carried out in accordance with the submitted Sustainable Drainage Assessment (GeoSmart dated 8 September 2021) and thereafter retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

7. Piling

- (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.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

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Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land. And because the proposed works will be in close proximity (within 15m) to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

8. Air Quality and Air Quality Neutral Assessments

- (a) No development shall commence until an Air Quality Assessment and an Air Quality Neutral Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The Air Quality Assessments should be prepared in accordance with best practice guidance, and will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

Reason: In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) Policy 23 Air quality.

9. Refuse Storage

- (a) Full details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the completion of above ground works of development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of the development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, 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).

10. Cycle Parking

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

Reason: In order to ensure adequate provision for cycle parking and to comply with London Plan policy T5, Policy 14: Sustainable movement and transport of the Core Strategy (2011) and the London Cycling Design Standards.

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11. **Hard Landscaping**

- (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 SI 12 Flood risk management in the London Plan (March 2021), 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.

12. **Tree Protection Plan**

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

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

13. **Soft Landscaping and Urban Greening**

- (a) The full scheme of soft landscaping (including details of any trees or hedges to be retained and proposed planting 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 commencement of 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 Policy G5 Urban Greening of the London Plan

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(2021); 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).

14. **Boundary Treatments**

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

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

15. **Ecological Enhancements**

- (a) No above ground works shall commence until full details of the ecological enhancements to be provided as part of the development hereby approved have first been submitted to and approved in writing by the local planning authority. The ecological enhancements shall include as a minimum:
 - Bird boxes on suitable trees and/or within the fabric of the building
 - Vincent Pro bat boxes on suitable trees and/or within the fabric of the building
 - Log piles placed on site
 - Wildlife-friendly planting scheme
 - Maintenance and enhancement of western and northern boundaries
- Lighting plan that is direct and of low light spill, with dark corridors in place
- (b) The development shall not be occupied until the works have been carried out in accordance with the details approved under (a) and the enhancements shall be retained for the lifetime of the development.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

16. **Electric Vehicle Charging Points**

- (a) Full details of the six 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 prior to occupation of the development.

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- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014)

17. 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 LAmax (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 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 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

18. Living Roofs

- (a) The proposed living roof system shall be installed in accordance with the details included in submitted documents hereby approved: Proposed Green Roof Technical Note (Craftworks dated October 2021); Green Roof Detail, Plan No.118 P501 Rev.01; Proposed Green Roof Coverage Plan, Plan No.118 P412 Rev.00.
- (b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policy G5 Urban greening in the London Plan (2021) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

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19. External Lighting

- (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. This shall include provision of dark corridors as recommended by the submitted Preliminary Ecological Appraisal (Syntegra dated August 2021).
- (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 24 Biodiversity and Living Roofs and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

20. Delivery and Servicing

- (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

21. Construction of Vehicular Access

The development hereby approved shall not be occupied until the existing vehicular access has been removed, and the proposed vehicular access as shown on plan nos. **118 P403 Rev.01**; **118 P406 Rev.01**; **118 P407 Rev.00** has been constructed in full accordance with the said plans.

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).

22. Energy & Sustainability Statement

- (a) Prior to completion of the building shell, an updated energy strategy, including details of the proposed strategy to minimise carbon dioxide emissions and maximise energy efficiency of the development shall be submitted to the local planning

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authority and approved in writing. This shall include as a minimum (but not be limited to):

- Details of proposed electric boilers, mechanical background ventilation and under floor heating strategy, including smart heating control system;
- Details on how the heating system will be fitted to a low carbon source, or how this would be retrofitted in the future;
- Detailed drawings of any venting locations on the elevations;
- Details of the proposed LED internal lighting specification.

(b) The works must be implemented in full accordance with the measures, as approved under part (a), and retained for the lifetime of the development.

(c) The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority demonstrating that the measures identified within part (a) have been implemented in full. The measures identified shall be retained for the lifetime of the development.

Reason: To maximise the energy efficiency of the scheme, and ensure the development would comply with Policies SI1 Improving Air Quality, SI2 Minimising Greenhouse Gas Emissions of the London Plan (2021) and Lewisham Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

23. **Wheelchair homes**

(a) Two (2) M4(3) wheelchair accessible dwellings, and 13no. M4(2) wheelchair adaptable dwellings shall be provided within the approved scheme. These must be constructed in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012).

(b) Prior to commencement of above ground works, written confirmation from the appointed Building Control Body shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with (a).

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

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

24. **Obscure Glazing**

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 eastern and western elevations of the building, as well as all proposed screening measures as shown on plan nos. **118 P201 Rev.00 and 118 P203 Rev.01** hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

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

25. **Amenity Space**

The whole of the amenity space (including the communal area and balconies) 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).

26. **Provision of parking spaces**

The whole of the car parking accommodation shown on drawing no. **118-P099 Rev.01**, hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policy T6 Car Parking of the London Plan (2021), Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan (November 2014).

27. **Secured by design**

- a. Prior to commencement of above ground work, full details of the security measures in line with the standards set out by 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.
- b. The measures must be implemented prior to occupation of the building in accordance with the details approved under part (a).
- c. Prior to first occupation, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is safe, secure and appropriately accessible in accordance with Policy D11 Safety, security and resilience to emergency of the London Plan (2021), and the principles of 'Secured by Design'.

28. **PV Panels**

The development shall not be occupied, until full details of, and evidence that the proposed photovoltaic array, as indicatively shown on Plan Nos.118-P105 Rev.00

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and 118 P501 Rev.00 has been installed and approved in writing by the Local Planning Authority. The photovoltaic array shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure the photovoltaic panels are installed to the satisfaction of the Local Planning Authority, in compliance with Paragraph 152 of the National Planning Policy Framework (2021), Policy SI 2 Minimising greenhouse gas emissions of the London Plan (2021), Policy 7 Climate change and adapting to the effects, and Policy 8 Sustainable design and construction and energy efficiency of the Lewisham Core Strategy (2011), and Policy 22 Sustainable design and construction of the Development Management Local Plan (2014).

29. Demolition and tree works supervision

- a. All demolition and tree removal works must be carried out under the supervision of a suitably qualified ecologist with a bat licence.
- b. A maximum of 1 week prior to the removal of trees T3, T4 and T9, as identified in the submitted Updated PEA Brief (Syntegra, August 2021) as having low potential to support roosting bats, these trees must be inspected by a suitably qualified ecologist.

Reason: To ensure no harm is caused to protected species, and to comply with Policy G5 Biodiversity and access to nature conservation in the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

30. Parking access and safety management plan

(a) The development shall not be occupied until a parking access and safety management plan has been submitted to the Council and approved in writing. The plan shall include as a minimum:

- Further details of how the off-street spaces within the development will be allocated and managed.
- Further details of how access to the car park will be controlled and managed, including sensors and warning signals.
- The Plan should confirm the off-street parking spaces will be leased to residents of the development only and not sold off.
- Include a monitoring and review mechanism to determine whether a reduced demand for parking could be accommodated in the future

(b) The development shall be managed in accordance with the plan approved under part (a) for the lifetime of the development.

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policy T6 Car Parking of the London Plan (2021), Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

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31. **Mains water consumption**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

Reason: In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

32. **Urban Greening Factor**

(a) No above ground works shall commence until an Urban Greening Factor landscaping plan and calculation table (set out in line with the London Plan Urban Greening Factor Guidance Draft document) demonstrating compliance with policy G5 of the London Plan has first been submitted to and approved in writing by the local planning authority.

(b) No part of the development of the development shall be occupied until evidence that the UGF works have been completed in accordance with the details approved under part (a) has first been submitted to and approved in writing by the Local Planning Authority.

(c) The UGF works shall be retained for the lifetime of the development

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy G5 Urban Greening of the London Plan (2021); Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

12.2 **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 discussions took place which resulted in further information being submitted.
- B. **Asbestos:** It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- C. **CIL:** 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

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follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/my services/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- D. **Construction:** 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.
- E. **Site Contamination:** Applicants are advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- F. **Drainage:** You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- G. **Dust minimisation:** In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- H. **Lighting:** The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- I. **Street numbering:** The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- J. **S106 Agreement:** You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk.

K. **Thames Water**

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

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[https://urldefense.com/v3/ https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$) .

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

[https://urldefense.com/v3/ https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZvriIFGAA\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZvriIFGAA$)

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other

structures.[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$) . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

We would expect the developer to demonstrate what measures will be undertaken 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via

[https://urldefense.com/v3/http://www.thameswater.co.uk__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw\\$](https://urldefense.com/v3/http://www.thameswater.co.uk__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw$) .

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Please refer to the Wholesale; Business customers; Groundwater discharges section.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via [https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw\\$](https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw$). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$)

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

- L. **Tree Works:** You are reminded that it is a condition of development that all trees are felled under a watching brief from an ecologist, and that they should be 'Soft-felled'. Each cut section should be gently lowered to the ground so it can be inspected for evidence of roosting bats.

13 BACKGROUND PAPERS

- (1) *Submission Drawings*
- (2) *Submission technical reports and documents*
- (3) *Internal consultee responses*

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(4) Statutory consultee responses
(5) Appendix A: Local Meeting Minutes

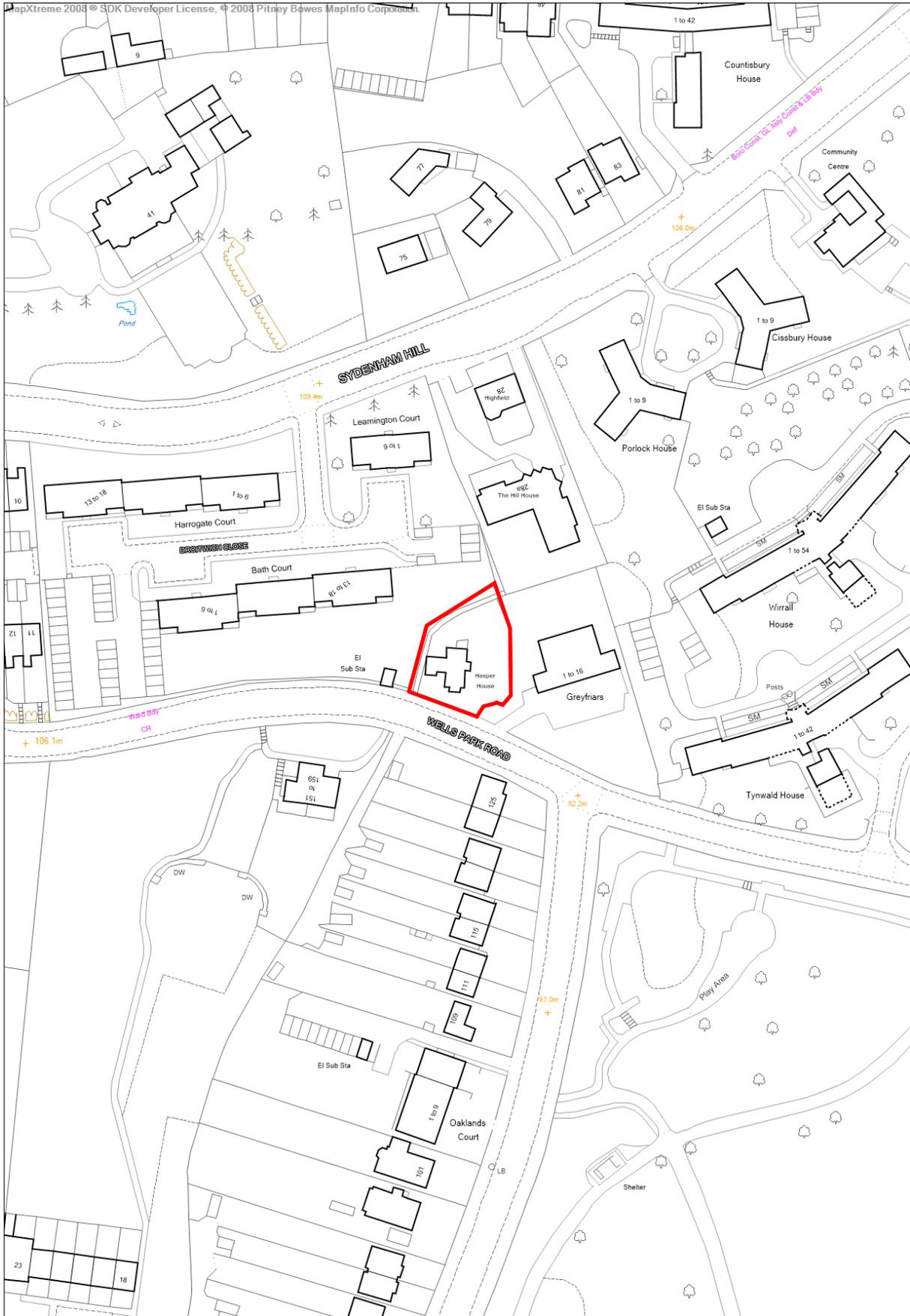
14 REPORT AUTHOR AND CONTACT

391 Samuel James, Samuel.james@lewisham.gov.uk, 020 8314 3742

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Hesper House Local Meeting

Monday 14th October 2021 – 19:00 – 20:00 @ Virtually held on Zoom

Meeting Opened at 19:00

8 Local residents, and Councillor Sophie Davis attended the meeting.

Councillor Leo Gibbons introduced themselves, James Hughes (Planning South Area Team Leader) and Sam James, the lead planning officer; and on behalf of the applicant, the planning agents John Smart and Jonas Brayz of Craftworks.

The reason for the virtual meeting was outlined: to discuss planning application DC/21/120262. The purpose of this meeting was 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.

The planning agent gave a short opening statement and presentation of the proposal, and summarised the design intent of the amended scheme.

Following the presentation, the meeting proceeded in 'themes' which broadly covered each of the main material planning considerations, main concerns raised during the consultation period were read out the planning officer, followed up by comments or questions in the text chat function.

Concern was raised by a resident regarding the standard of amenity that would be provided. Planning officer explained that officers considered the standard of accommodation to be acceptable, as all dwellings would exceed the minimum floorspace requirements.

Concern was raised regarding the design and whether this was appropriate for the area. It was stated by one resident that there is nothing that matches the proposal in the surrounding area and that reconstituted stone and timber are not used in this area. Concern was raised that the large window that would emit light, which wildlife will fly into. Planning officer explained that officers considered the design to be acceptable and policy compliant, as a result of its high quality and appropriate scale and massing. It was also noted that the building proposed is very similar to that approved previously.

Concern was raised regarding overlooking from the proposed balconies to Longton Avenue. Planning officer explained that the distances were considered to be acceptable, and the balconies would not result in a harmful loss of privacy to Longton Avenue properties as a result.

Concern was raised that Wells Park Road is dangerous. Planning officer noted the access arrangement are similar to others along the street, and that highway officers did not object to the proposal.

A resident asked whether the proposed density was still considered acceptable, as the permission was at the upper end of acceptable density. Planning officer explained that the density was considered acceptable, and would optimise the site in line with new London Plan Policies.

A question regarding the type of heating that would be used was raised. The applicant advised that they were proposing to use electric boilers, rather than gas. Further they were proposing other methods to reduce energy usage, and using renewables, as set out in the energy report that was submitted.

Concern was raised that the landscaping scheme did not appear to include native planting. The applicant showed their ecology and landscaping strategy, and confirmed they were proposing native landscaping, as well as other ecological enhancement. Planning officer confirmed the landscaping and ecological enhancements would be secured by condition if approved and that the ecology officer raises no objections subject to this. It was also noted that Section 106 financial contributions would be sought for enhancement to local nature reserves.

Concern was raised regarding the amount of parking that could be generated by the proposal, and questioned where residents not allocated a parking space would park. Planning officer advised that the provision of parking was in line with adopted London Plan policies, and that a parking survey had been submitted, demonstrating sufficient capacity on surrounding streets for any overspill parking that might be generated.

A question regarding affordable housing viability was raised. Planning officers confirmed the applicants financial viability review had been reviewed independently, and the Council's consultants concluded that the proposal could not viably contribute affordable housing. However there would be provision for early and late stage viability reviews in any future 106 agreement if permission was granted.

Concern was raised that there is a lot of new development in the surrounding area, and that there was not capacity in local schools or doctor surgeries. Planning officer explained the development would be CIL liable, meaning financial contributions were payable for local infrastructure support, which is expected to cover the costs of additional residential units using these services etc.

Councillor Gibbons gave a brief summary of the points that had been covered, and thanked all for their attendance. He explained that further questions and comments could 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 20:05.

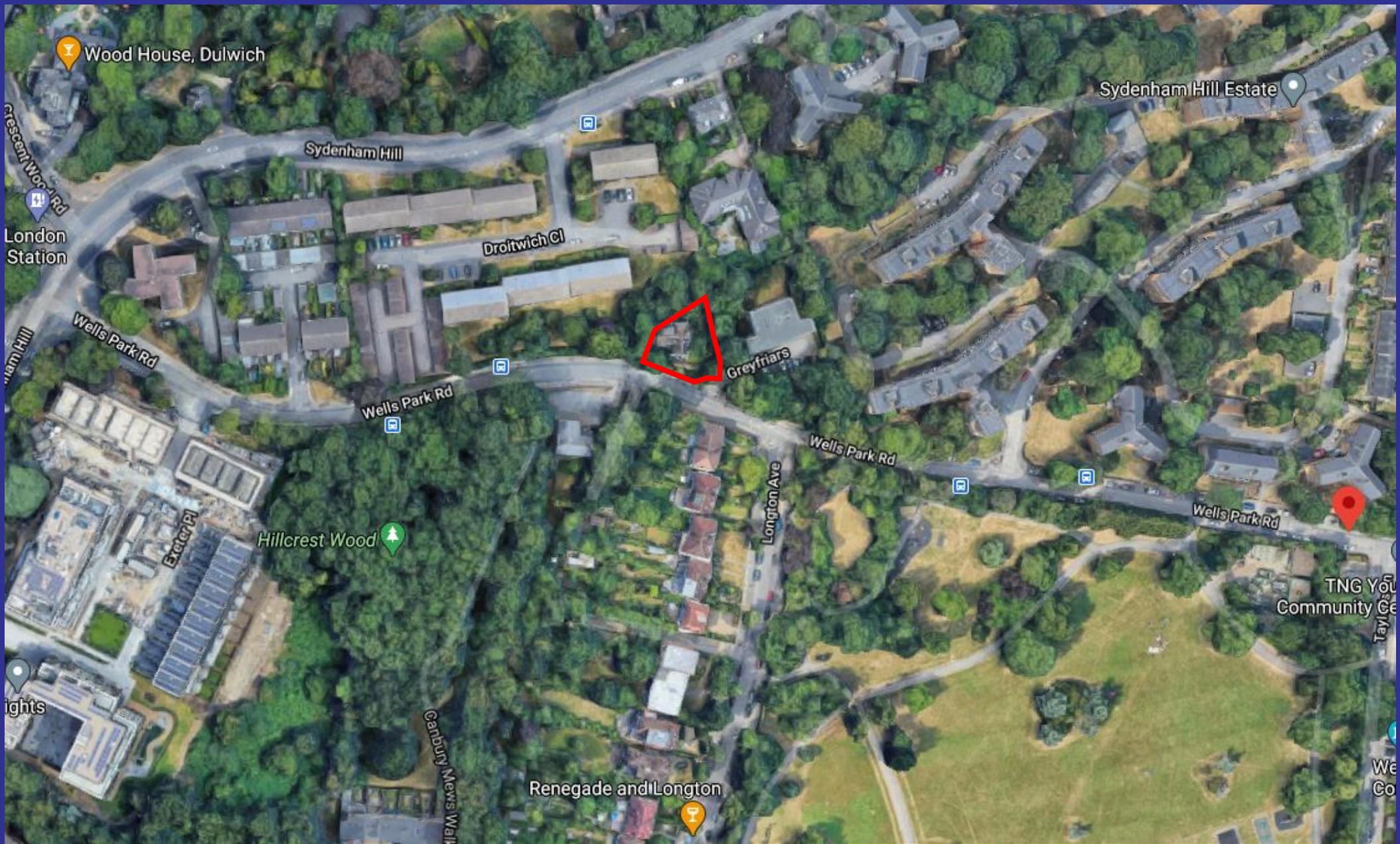
Hesper House, Wells Park Road, SE10

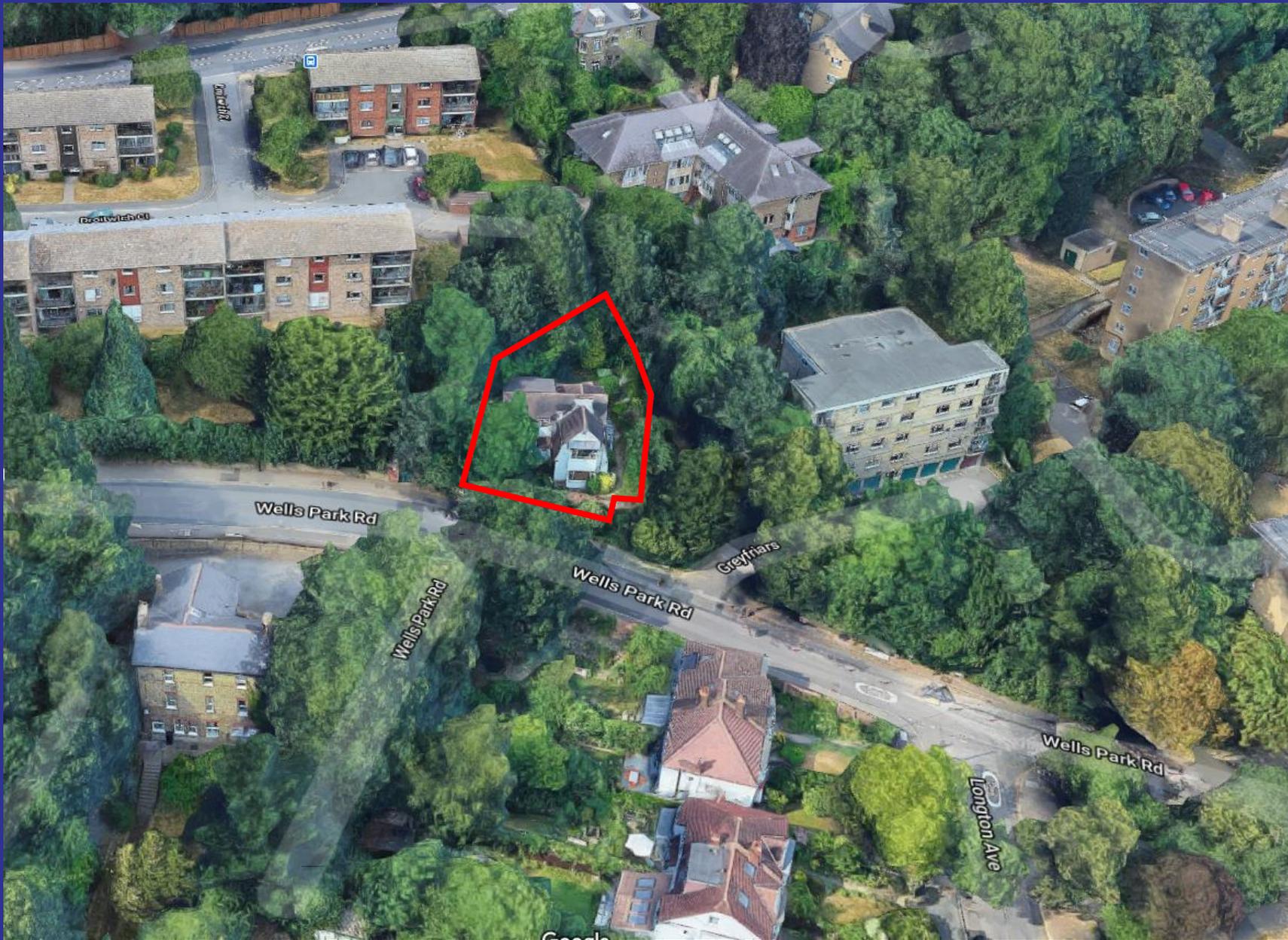
Application No. DC/21/120262

Demolition of existing buildings on site and the construction of a 5-storey building (plus lower ground) consisting of 5 x three bedroom, 8 x two bedroom and 2 x one bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 6 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities.

*This presentation forms no part of a planning application
and is for information only.*







Site Location Aerial view from south





Current proposal:



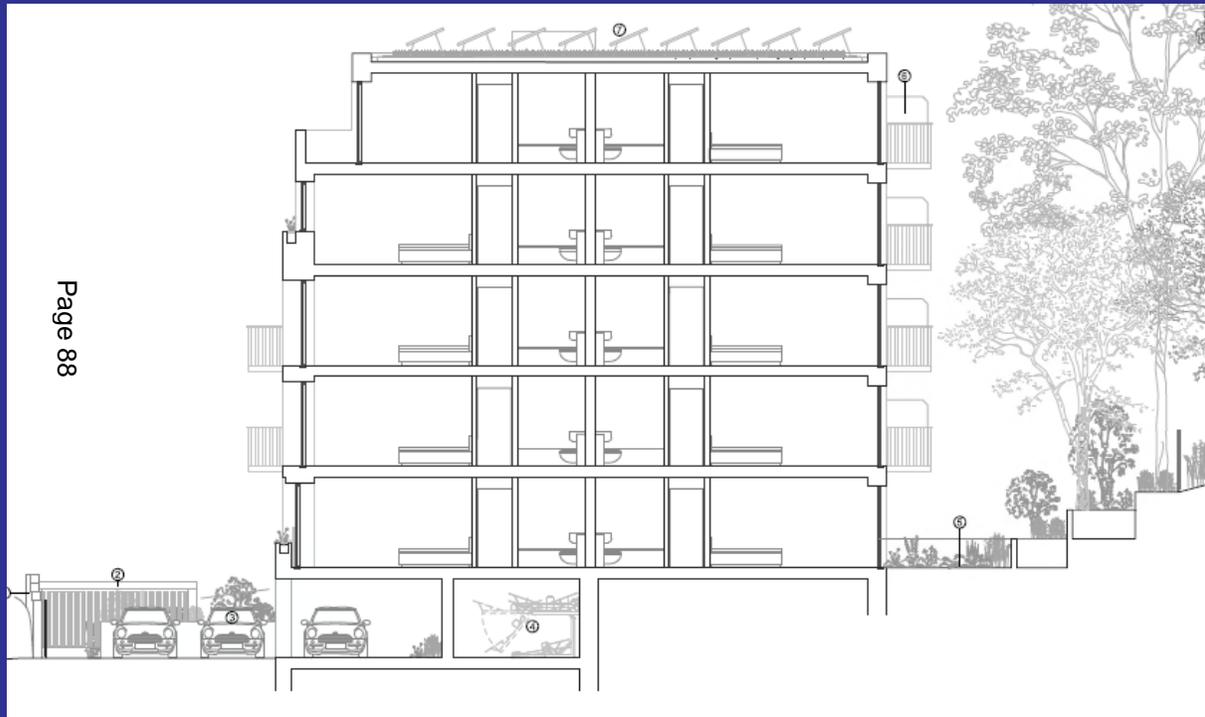
Page 87

Previous approval (DC/19/113716):



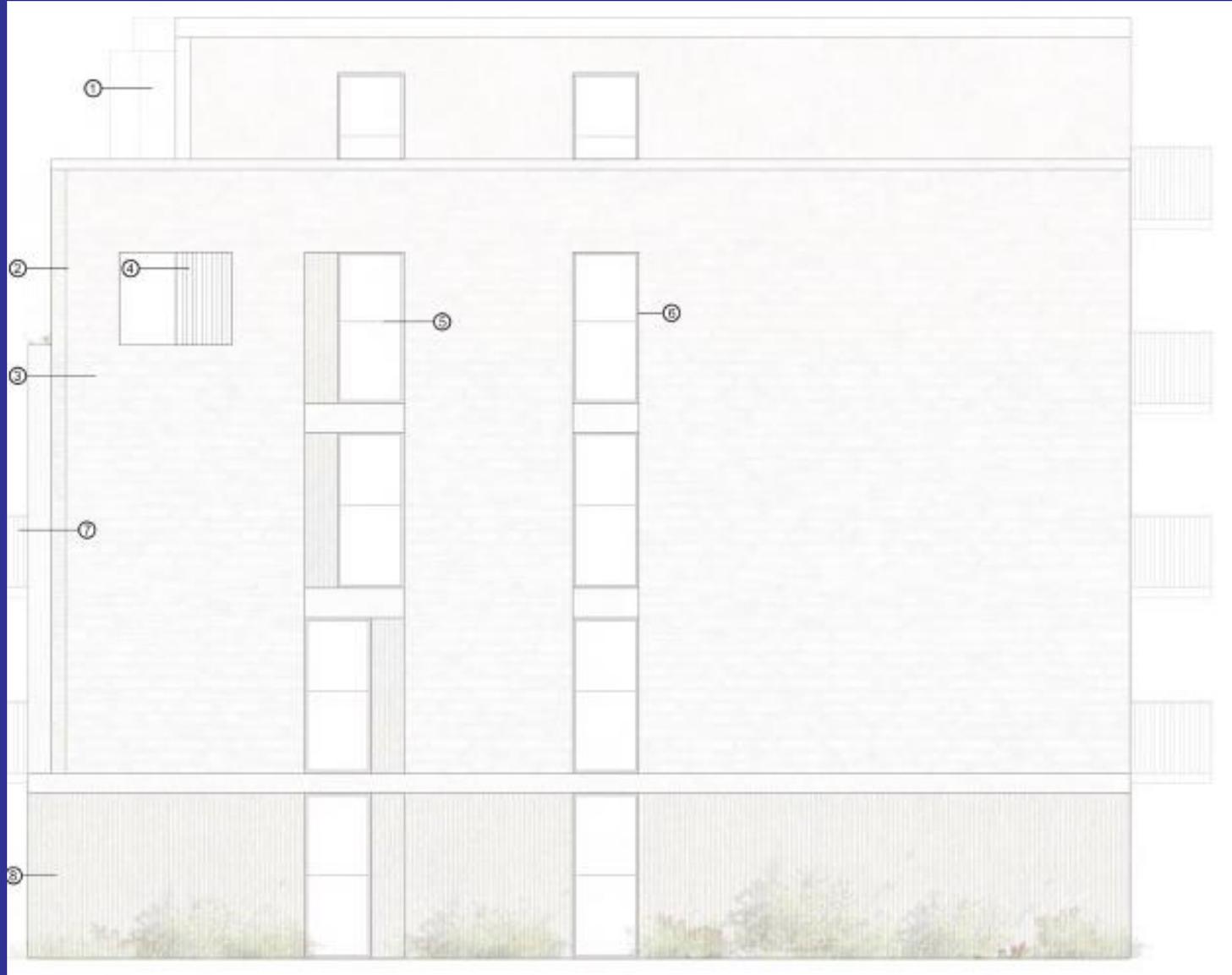
Rendition of front elevation

Current proposal:

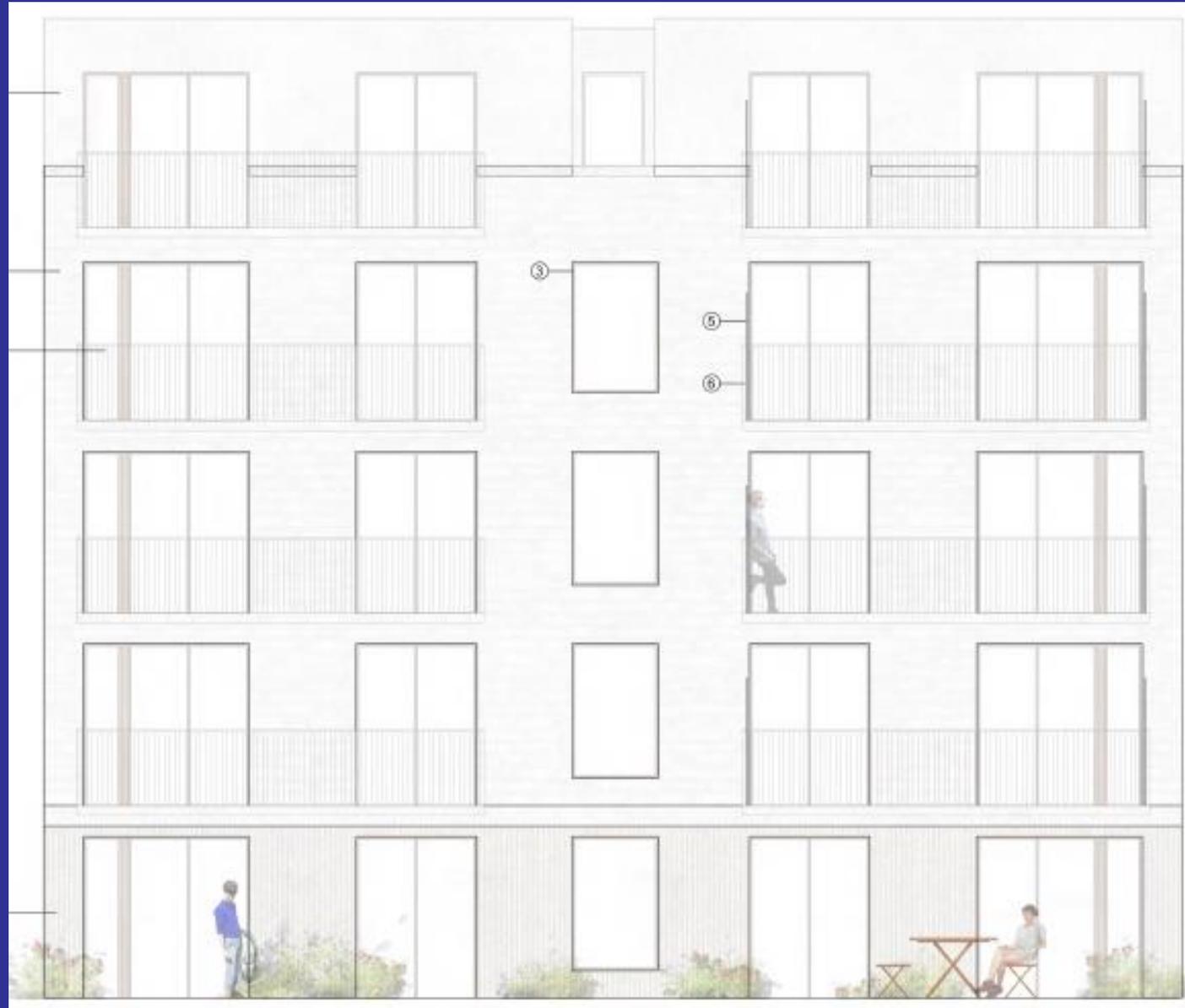


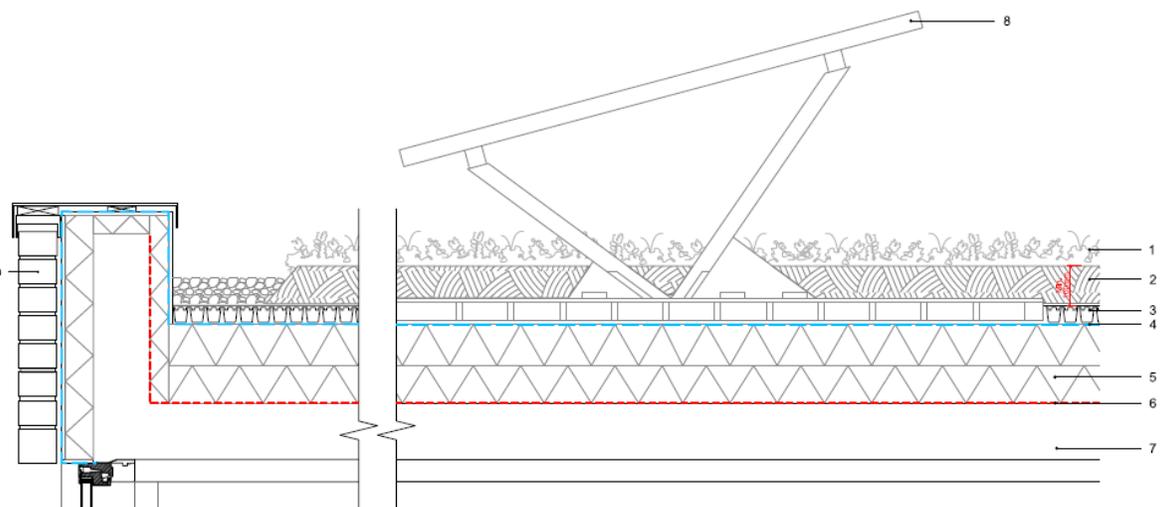
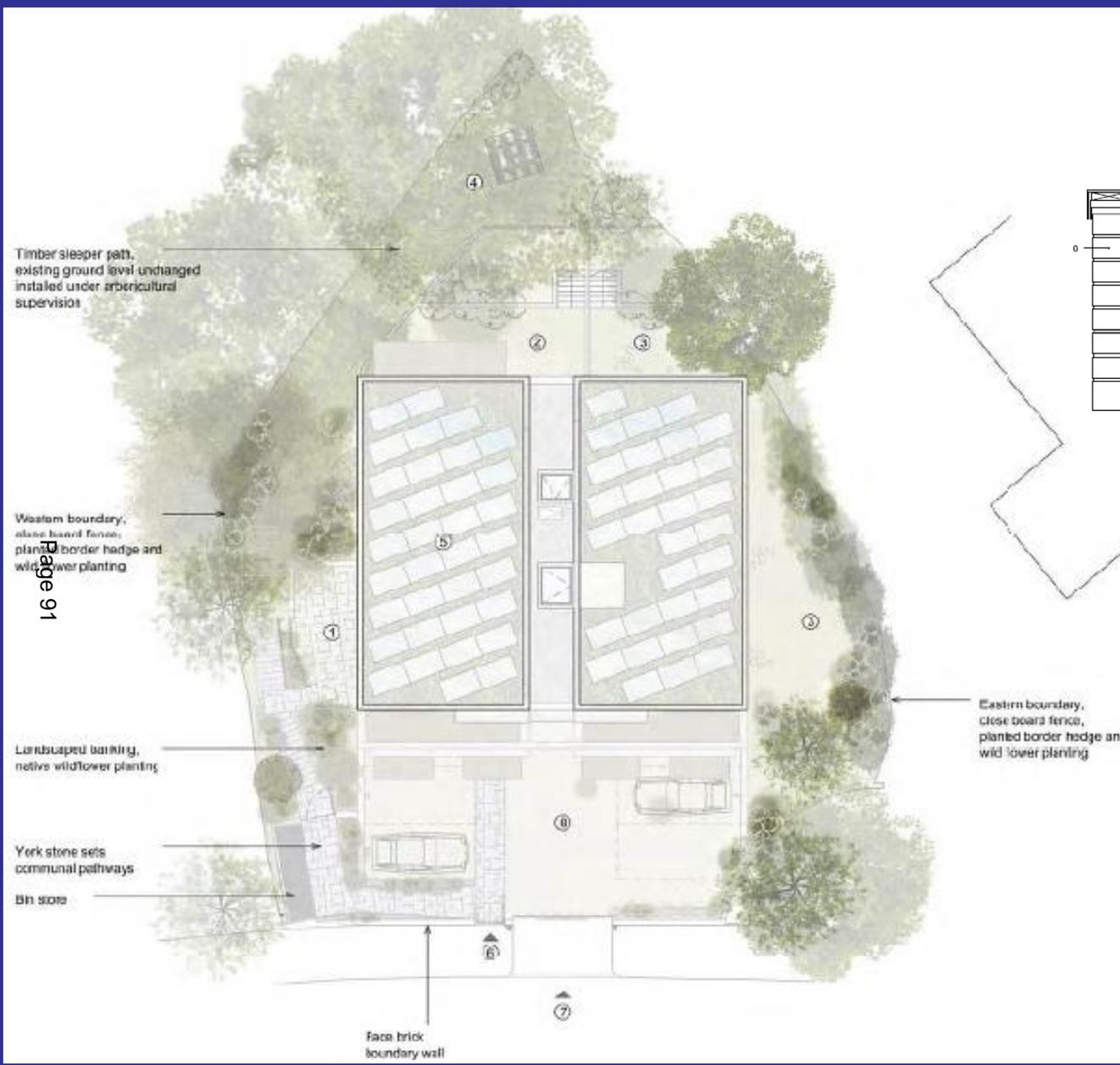
Previous approval (DC/19/113716):



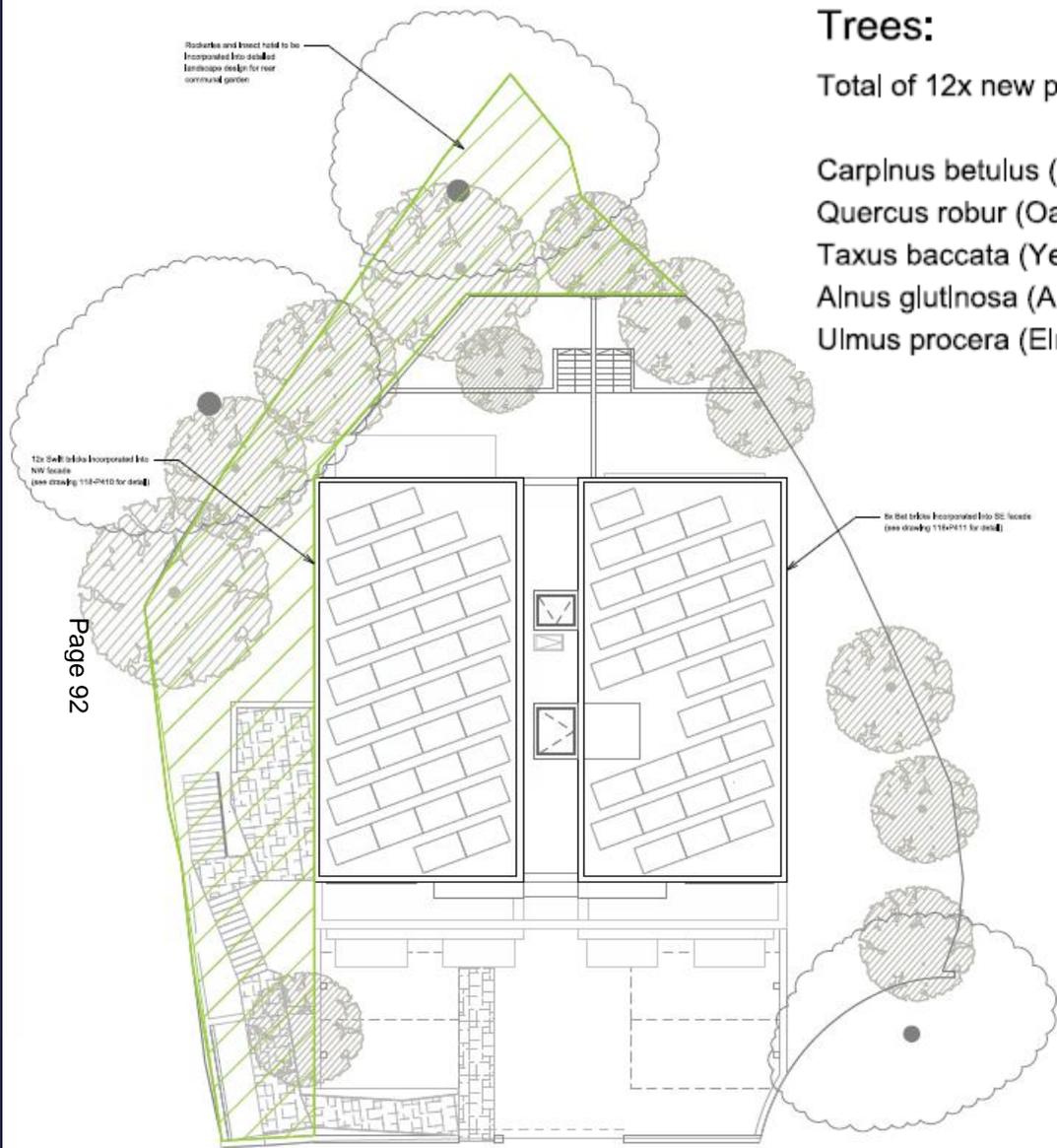


Proposed east side Elevation





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Trees:

Total of 12x new planted trees to include:

- Carpinus betulus (Hornbeam)
- Quercus robur (Oak)
- Taxus baccata (Yew)
- Alnus glutinosa (Alder)
- Ulmus procera (Elms)



Ecology:

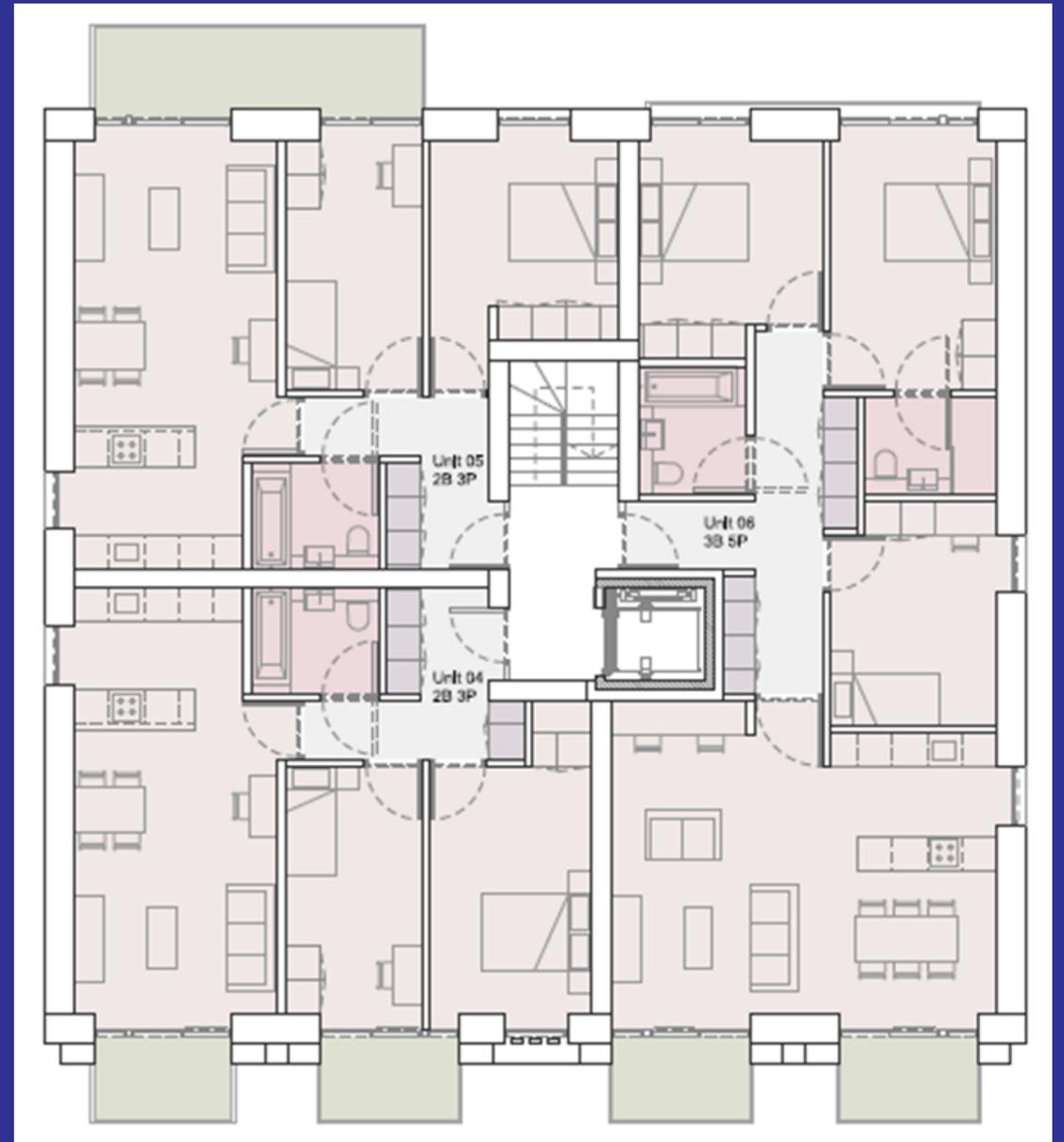
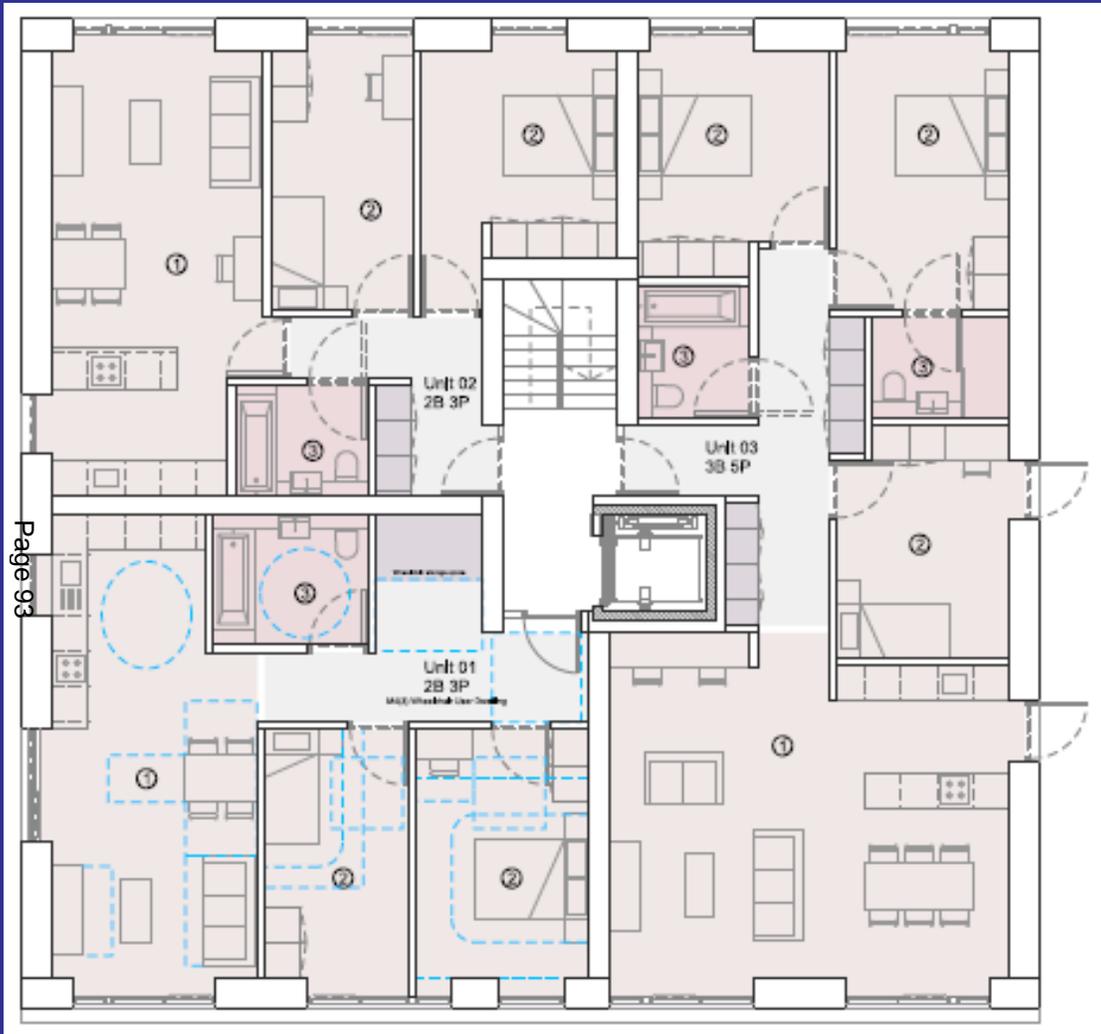
- Rockeries
- Insect Hotel
- 12x Swift Bricks (see drawing 118-P410 for detail)
- 8x Bat Bricks (see drawing 118-P411 for detail)

Communal Area Planting Schedule:

Planting schedule consists of native plants once found in the Great North Wood (GNW) an ancient landscape of woodland and wooded commons which once covered the high ground between Deptford and Selhurst.

- Fog grass (*Holcus lanatus*)
- Native fern (*Blechnum spicatum*)
- Male Fern (*Dryopteris affinis*)
- Wood crane's-bill (*Geranium sylvaticum*)
- Wild Garlic (*Allium ursinum*)
- Wood Anemone (*Anemone nemorosa*)
- Dog's Mercury (*Mercurialis perennis*)
- Cow Parsley (*Anthriscus sylvestris*)





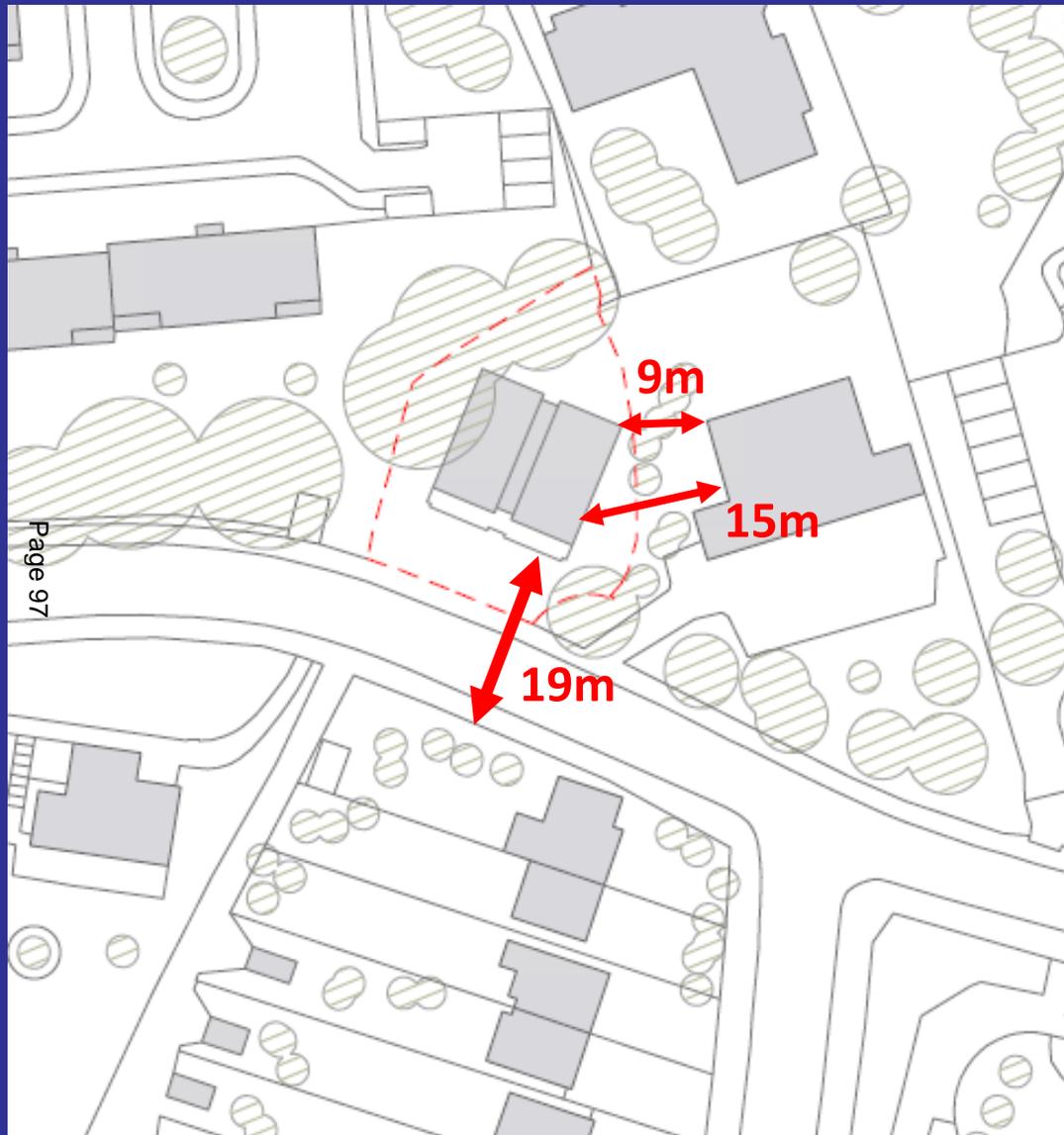
Proposed Ground and first floor plans

Key planning considerations

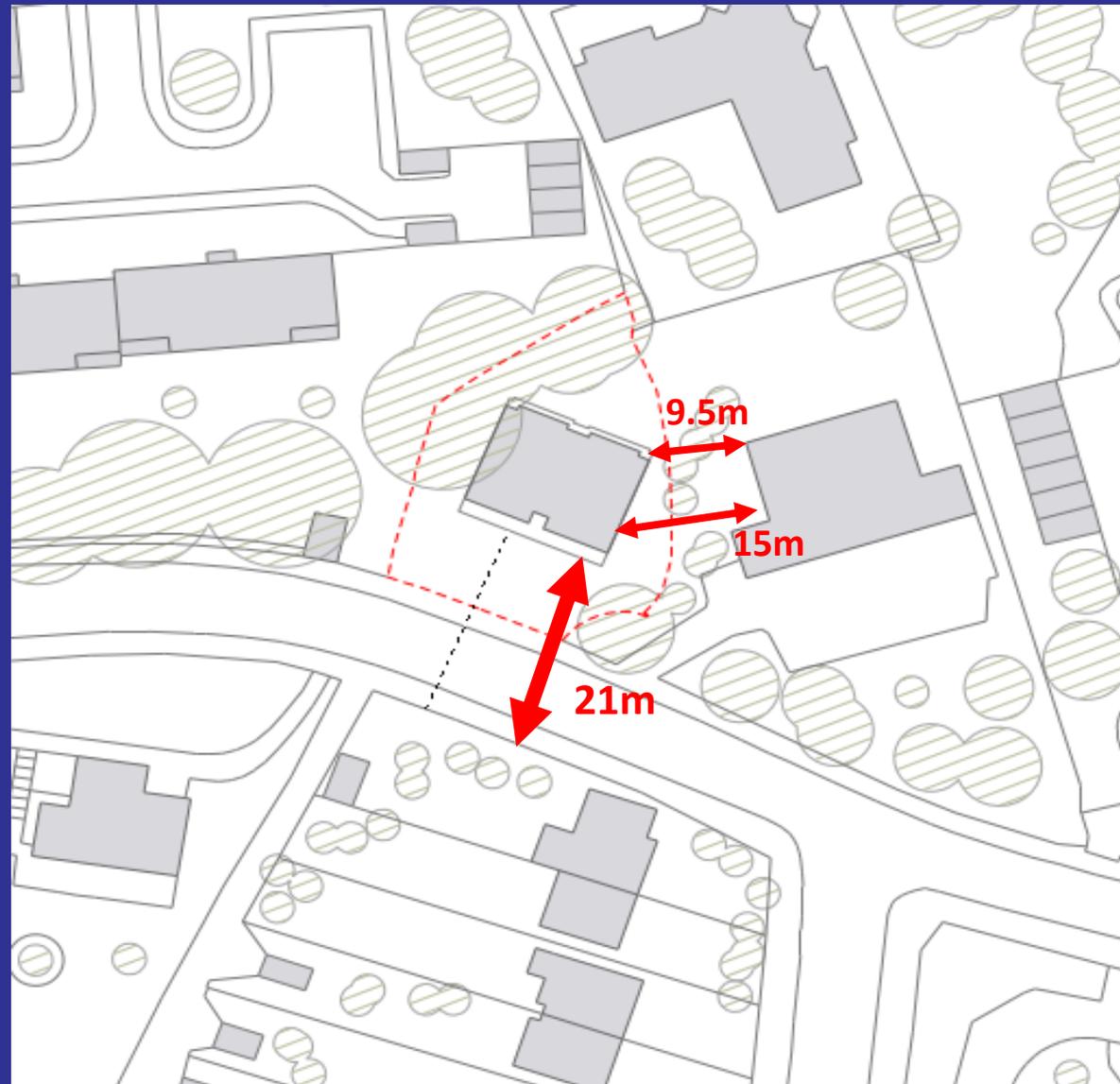
- Principle of Development
- Housing Provision including affordable housing
- Standard of Residential Accommodation
- Design and impact to appearance of surrounding area
- Impact on Living Conditions of Neighbours
- Impact on Highways
- Natural Environment

END

Current proposal:



Previous approval (DC/19/113716):



Overlooking distance comparison













Planning Committee A

Report title: 433 New Cross Road, London, SE14 6TD

Date: 06 January 2022

Key decision: No.

Class: Part 1

Ward(s) affected: New Cross

Contributors: Alfie Williams

Outline and recommendations

. This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of four objections from local residents.

Application details

Application reference number(s): DC/21/123142

Application Date: 19 August 2021

Applicant: Twisper Trading Ltd.

Proposal: The demolition of the existing extension to the rear of 433 New Cross Road SE14 and the change of use, alterations and rear extensions to the existing building, together with the construction of a 5 storey building at the rear of the site with access onto Glenville Grove to provide 9 self-contained flats incorporating balconies and terraces, provision cycle store, bin store and plant structure in the centre of the site (to be accessed directly off Mornington Road).

Background Papers: (1) Submission Drawings
(2) Submission technical reports and supporting documents
(3) Internal consultee responses
(4) External consultee responses

Designation: Air Quality Management Area
Area of Archaeological Priority
PTAL 6b

1 SITE AND CONTEXT

Site description and current use

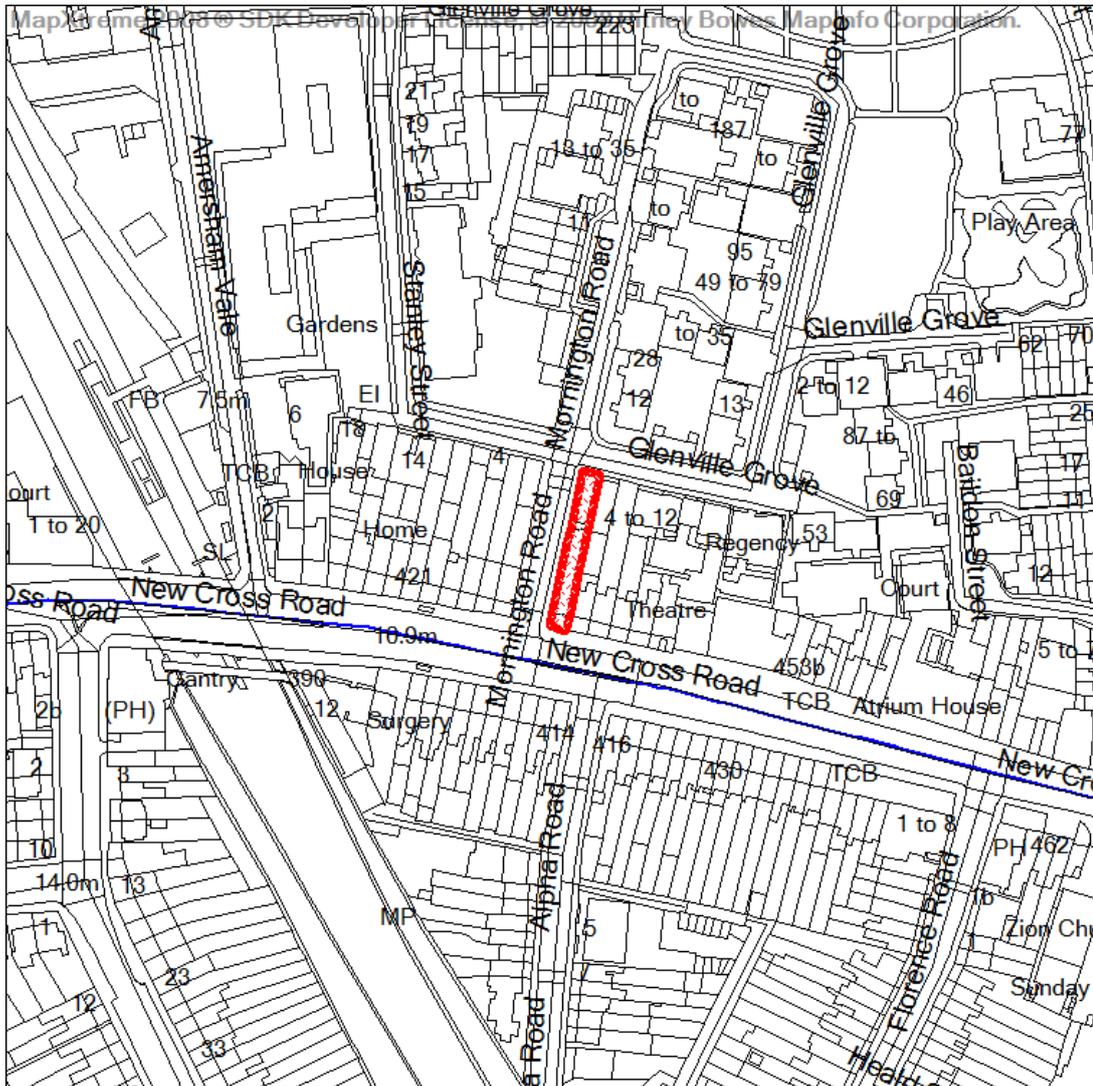
- 1 The application site is a three storey over basement property located on the northern side of New Cross Road at the junction with Mornington Road. The property was last used as a GP Surgery (Mornington Surgery) but is now vacant following the merger of Mornington Surgery with the Kingfisher Medical Centre located approximately 650m to the north at 3 Kingfisher Square.
- 2 The property is constructed of yellow stock bricks and features a London butterfly roof. The roof is concealed behind a continuous parapet with stucco cornice, obscuring the pitches and gutter, with only chimney stacks and pots visible above the corniced parapets. At the rear, the ground level drops so consequently the basement is level with the rear garden area. The rear of the property was extended in the 1990s at single and three storey level.
- 3 The site area is 0.281 ha, therefore this is a Small Site for purposes of LPP H2 and Lewisham's Small Sites SPD.

Figure 1. Site Location Plan

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Character of area

- 4 The surrounding area has a mixed character featuring areas of residential properties interspersed with parades of commercial units. This section of New Cross Road is predominantly residential and is characterised by similar Victorian properties largely comprised of flats. Either side of this New Cross Road is mainly commercial with the New Cross / New Cross Gate District Centre to the west and Deptford District Centre located to the east where New Cross Road becomes Deptford Broadway.
- 5 Mornington Road serves as a thoroughfare at the southern end adjacent to the application site and allows views towards the rears of the properties that front New Cross Road. At the northern end of Mornington Road is a modern housing development comprised of three and four storey blocks of flats. Glenville Close runs east to west along the rear of the site. Many of the neighbouring properties on New Cross Road feature contemporary four storey buildings at the rear of the plot that front onto Glenville Close.

Heritage/archaeology

- 6 The building is not listed nor is the site within a conservation area. Deptford Town Hall Conservation Area is located approximately 100m to the east on New Cross Road. Nos

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396-398 and 410-414 New Cross Road located opposite the application site are locally listed. The site is located within an area of archaeological priority.

Transport

- 7 The site has a PTAL of 6B, which is the highest possible, owing to the proximity of the site to the New Cross / New Cross Gate and Deptford District Centres. There are three train stations within short walking distance providing access to overground, underground and DLR services. New Cross Station is the closest, located approximately 100m to the west with New Cross Gate Station a further 600m to the west. Deptford Bridge DLR station is located 600m to the east. New Cross Gate station provides 24 hour services. New Cross Road is also served by several bus routes including 24 hour services.

Character of the Environment

- 8 The site lies in an Air Quality Management Area and the boundary of the GLA New Cross Air Quality Focus Area runs through the site. The site also lies within the recently expanded Ultra-Low Emissions Zone (ULEZ).

2 RELEVANT PLANNING HISTORY

- 9 In 1995 planning permission (reference DC/95/39531) was granted for the demolition of the existing extension to the rear of 433 New Cross Road SE14 and the erection of a part single/two/three storey extension to the rear including re-slating of the roof replacement windows in the front elevation and erection of boundary fencing and railings.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 The proposed development would see the demolition of the existing rear extension and construction of a new four storey rear extension to facilitate the conversion and change of use of the existing building to provide four flats. At the rear of the site a new five storey plus basement building would be constructed comprised of five flats.
- 11 The new rear building and rear extension would feature facing yellow stock brickwork with buff brick banding to the rear building. The top storey of the rear building would be set in from the elevations below and would be clad in dark red coloured zinc. The windows for the extension and new building would be dark coloured aluminium with red zinc panelling between each floor. The new building and the extension would accommodate green roof systems.
- 12 The area between the front and new rear buildings would be utilised for amenity space as well as a single storey building providing a separate plant room, cycle store and refuse store. Each store would be access via Mornington Road. The building would feature yellow stock bricks with a green roof.
- 13 The residential accommodation would have a mix of seven one bedroom two person units and two single person units. The four flats in the existing building would be

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accessed via the entrance on New Cross Road. The new rear building would feature an entrance onto Glenville Grove.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

14 Site notices were displayed on 22 September 2021. Letters were also sent to residents and business in the surrounding area as well as to the relevant ward Councillors on 22 September 2020.

15 Four responses were received, comprising four objections.

4.1.1 Comments in objection

Comment	Para where addressed
Height of the new rear building	76
Loss of outlook	103-105
Loss of light and overshadowing	109-119

16 The objections also raised the issue of maintenance of a neighbouring building. This matter would be subject to party wall legislation and thus is not a material planning consideration.

4.2 INTERNAL CONSULTATION

17 The following internal consultees were notified on 21 October 2021.

18 Highways: raised concerns with the proposed cycle parking arrangement and requested a financial contribution to CPZ consultation in order to secure a car-free scheme.

19 Environment Protection: no objection subject to securing the recommendations of the Noise Impact Assessment by condition.

4.3 EXTERNAL CONSULTATION

20 The following External Consultees were notified on 21 October 2021:

21 TfL: were largely satisfied with the proposed development subject to conditions for a Construction Management Plan and planning obligations to secure a car-free scheme. However, TfL have raised objections to the proposed cycle parking arrangements, see paras 89-92 for discussion.

22 Thames Water: no objection subject to a condition securing a piling method statement. Thames Water also requested informatives relating to waste water, groundwater and surface water.

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5 POLICY CONTEXT

5.1 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).

5.2 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 aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

27 The Development Plan comprises:

- London Plan (March 2021) (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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

28 Lewisham SPD:

- Alterations and Extensions SPD (April 2019)
- Planning Obligations SPD (February 2015)
- Small Sites SPD (October 2021)

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29 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

30 The main issues are:

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

6.1 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 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

33 The London Plan (LPP) at Policy H1 sets Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. 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.

34 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.

35 LPP S1 *Developing London's social infrastructure* states that development proposals that would result in a loss of social infrastructure in an area of defined need should only be permitted where: (i) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or (ii) the loss is part of a wider public service transformation plan.

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36 Core Strategy Policy (CSP) 20 is consistent with the London Plan and aims to protect and enhance social and community infrastructure.

37 Development Management Local Plan Policy (DMP) 32 at para 4.e. states that single person dwellings will not be supported other than in exceptional circumstances where there is exceptional design quality and the site is within highly accessible locations

Discussion

38 The proposed development would see the change of use of the vacant Mornington GP surgery, which became vacant on 30 June 2021. The London Plan at para 5.1.1 includes healthcare provision within its definition of social infrastructure and therefore LPP S1 is relevant. LPP S1.F states that development that would result in the loss of social infrastructure will only be supported if it forms part of a public service transformation plan or if the service would be re-provided.

39 The loss of the GP surgery is a consequence of a merger with Kingfisher Medical Centre. The merger of the two surgeries took place on 1 July 2021, having been approved by the NHS South-East London Primary Care Commissioning Committee (PCCC) on 5th May 2021. The PCCC highlighted that both practices were already part of the North Lewisham Primary Care Network (PCN) and, in making the decision, pointed to the increased efficiencies and no loss of services resulting from the merger as part of the justification for approval. As such, Officers are satisfied that the relocated surgery would continue to meet the needs of the neighbourhood it serves as recommended by para 5.1.5 of the London Plan and therefore the change of use of the property would not be objectionable.

40 Turning to the proposed residential use, the site is located between two district centres and benefits from exceptional public transport links so is considered a sustainable location for intensification and increasing housing density. The contribution of nine new residential units towards both the small sites and overall housing targets set by the London Plan is a planning merit of the scheme, which would carry weight within the overall planning balance.

41 The provision of single occupancy residential units necessitates an assessment against DMP 32.4.e, which sets the criteria that single person units would have to be of exceptional design quality and in a highly accessible location. The site is considered suitable for single person units given the very high PTAL and proximity to two district centres, which indicate that this is a highly accessible location. The two single person units (Units 5 and 8) are considered to meet the requisite standard by virtue of being dual aspect and providing oversized internal and external areas.

6.1.1 Principle of development conclusions

42 The principle of the change of use is supported subject to an assessment of the material planning considerations. The contribution to local housing targets is planning merit, which is attributed moderate weight within the overall planning balance.

6.2 Residential Quality

General Policy

43 NPPF para 130 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

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future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

- 44 The main components of residential quality are: (i) space standards; (ii) outlook, privacy and ventilation; (iii) daylight and sunlight; (iv) noise and disturbance; (v) Accessibility and inclusivity; and (vi) air quality.

Internal and external space standards

Policy

- 45 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32. Table 3 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.
- 46 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

Discussion

- 47 Table 2 below sets out proposed dwelling sizes.

Table 2: Internal & External space standards

Flat No.	Unit size	Required GIA (M ²)	GIA (m ²)	External amenity space (m ²)
1	1b2p	50	55	11
2	1b2p	50	61	6
3	1b2p	50	61	6
4	1b2p	50	61	6
5	1b1p	39	43	9
6	1b2p	50	67	11
7	1b2p	50	50	0
8	1b1p	39	46	8
9	1b2p	50	51	0

- 48 All of the proposed flats would either meet or exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height of the majority dwellings would exceed the 2.5m target for at least 75 per cent of the dwelling as required by LPP D6. The one exception would be Unit 6, which is 2.3m throughout the dwelling. This is considered acceptable in this instance as the unit is

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located within the existing building and at 2.3m would comply with the national described space standard. Furthermore, Unit 6 would be oversized by 17sqm.

49 The majority of the proposed units would feature private external amenity space that either meets or exceeds the space standard set out in LPP D6. The two exceptions would be Units 7 and 9, which are located on the upper floors of the existing building. It would not be possible to provide balconies for these units due to potential overlooking to the neighbouring gardens. The London Plan Housing SPG advises that failure to provide external amenity space is only justified in exceptional circumstances. The constraints imposed by converting the existing building qualify as a justified reason. In such circumstances the Housing SPG advises that future residents are compensated internally through oversized internal floor space. This has not been achieved for Units 7 and 9 and would be difficult to do so due to the limited space available.

50 In this case the failure to adequately compensate for the absence of external amenity space for the two units is balanced by the general high quality of the accommodation, which includes seven oversized units and four units with oversized external amenity space. Therefore, as a matter of planning judgement, the failure to provide policy compliant external amenity space throughout the development is not considered to warrant the refusal of the application.

Outlook, Privacy & Ventilation

Policy

51 DMLP Policy 32 expects all new development to provide a satisfactory level of privacy, outlook and ventilation for both its future residents.

Discussion

52 All of the proposed flats would be dual aspect as a minimum with the allocation of windows providing good levels of outlook. The provision of windows would also provide passive cross ventilation providing mitigation against overheating. Furthermore,

53 The proposed development would feature directly facing rear elevation windows. The Small Sites SPD advises that in these circumstances the distance between the elevations should be 16m. This has not been achieved from the proposed development where the distance would be 14m. This is consistent with the pattern of development within the terrace and is indicative of the dense urban environment in which these relationships are typical. As such, the distance between the windows is considered to provide adequate levels of privacy.

54 Unit 1 would feature ground floor windows in the side and front elevations overlooking Mornington Road and Glenville Grove. The windows in the side elevation are secondary so would be obscure glazed to safeguard privacy. The glazing for the windows would be secured by condition. The window in the front elevation is the primary source of outlook and light for the bedroom so cannot be obscure glazed. However, an area of planting would be provided to the front of the window to provide some defensible space and therefore the privacy levels are considered acceptable. The balconies on the new building to the rear would be located next to balconies at 2A Glenville Grove. Screening would be installed between the balconies to ensure privacy is adequate. A condition is recommended securing the screening.

Daylight and Sunlight

Policy

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- 55 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of 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. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

Discussion

- 58 A Daylight and Sunlight Report (Rapleys, August 2021) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the residential accommodation against the relevant BRE standard. The results confirm that all of the windows surveys would be compliant with the BRE standards for ADF and all of the relevant (non north facing) windows would meet the APSH standard. Only one of the seven amenity spaces would achieve the recommended 2 hours of direct sunlight to 50% of the area. This is due to being north facing, which is unavoidable given the orientation of the building and constraints imposed by the neighbouring residential properties.

Noise & Disturbance

Policy

- 59 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 60 LPP D13 *Agent of Change* states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses can be mitigated. The policy also aims to safeguard the ongoing operation of existing uses.
- 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. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

Discussion

- 62 A Noise Impact Assessment (ENS, August 2021) has been submitted with the application, which provides an analysis of the external noise environment. The most significant sources of external noise are vehicles on New Cross Road. The plant room is another source of potential disturbance. The NIA provides recommendations for the sound insulation performance for the elevations and windows in order to provide effective mitigation against noise from New Cross Road. The report also considers the noise impact of the plant room and potential mitigation measures. These measures will be secured by condition. Officers are satisfied the proposed flats would provide a

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satisfactory noise environment for future occupants in light of those mitigation measures and the fact the units are all dual aspect, so there would be facades that offer relief from the noisy environment of New Cross Road.

Accessibility and inclusivity

Policy

- 63 LPP D7 requires that at least 10% of new build dwelling meet Building Regulation requirement M4(3) 'wheelchair user dwelling' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwelling must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Wheelchair accessible homes should be distributed across tenure types and sized to give disabled and older people similar choices to non-disable. This is supported by CSP 1.

Discussion

- 64 The proposal would provide one flat (11%) that would be designed as wheelchair user dwellings (requirement M4(3)), located at ground floor level (Unit 6). This would be secured by condition.

Air Quality

Policy

- 65 NPPF para 170 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

Discussion

- 66 The proposed development would introduce new residential accommodation and with it additional sensitive receptors to an Air Quality Management Area. An Air Quality Assessment (AQA) has been submitted in support of the application, which found that the concentrations at the proposed receptor (windows and balconies) would be 5% below the annual mean objectives. Accordingly, the AQA concludes that additional mitigation would not be required.

Summary of Residential Quality

- 67 Overall standard of residential accommodation is generally good quality, with the failure to provide external amenity for all dwellings balanced by the prevalence of oversized units.

6.3 URBAN DESIGN

Policy

- 68 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 69 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design,

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whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

- 70 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.
- 71 Further to this, 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.
- 72 DMP 31 requires development proposals for 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, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 73 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.
- 74 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

Discussion

- 75 Infill sites are defined as sites within street frontages such as former builders' yards, small workshops and garages, gaps in terraces and gardens to the side of houses. The rear of the site is considered to meet this definition due to the street frontage onto Glenville Grove. The site would be at the end of a group of residential buildings that have evolved in a piecemeal manner over time.
- 76 The proposed scale of development at five storeys would be higher than the prevailing height of four storeys. The fifth storey is set back within the roof limiting its visual bulk and prominence to streetscene. At one storey higher than the adjacent property the building would accord with the general guidance on height for infill development on corner sites expressed within sections 28.2 and figure 139 of the Small Sites SPD. Accordingly, the height of the building is considered appropriate.
- 77 The siting of the fifth storey would give the building a distinct top section which would add vertical expression and definition to the building, with the use of rust coloured zinc cladding adding further contrast. The entrance and planted area to the front of the window would assist in providing definition to the bottom of the building, while the band of buff bricks between the first and ground floors would add further distinction. The middle section would utilise rust coloured panelling between the floors to provide visual interest. The same material would also be used to decorate the balconies resulting in a cohesive design approach.
- 78 The proposed yellow stock brickwork throughout the development would be in keeping with the dominant material in the area and is therefore appropriate. The zinc cladding and aluminium windows are high quality materials and are therefore supported. The rust colour used for the top storey and panelling references the roof tiles of the buildings opposite so is considered contextual.

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79 The extension to the rear elevation of the host property would be similar to the extension at No.431 New Cross Road and therefore the principle of a four storey extension is not objectionable. The extension would be lower than roof level thereby ensuring that the characteristic London butterfly roof form would be preserved in long views.

6.3.1 Urban design conclusion

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

6.4 TRANSPORT IMPACT

General policy

81 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. 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.

82 Para 111 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”.

6.4.1 Local Transport Network

Policy

83 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

84 The application site has a PTAL of 6b, which is an excellent level of public transport accessibility. Officers are therefore satisfied that the relatively modest scale of development could be accommodated by the existing transport infrastructure and network without any significant mitigation.

6.4.2 Servicing and refuse

Policy

85 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.

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

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- 87 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

- 88 The site would be provided with an internal refuse store at ground floor level to be accessed from Mornington Road. The store would provide two Eurobins to be split between refuse and recycling provision. This is considered adequate to service the development. The refuse would be collected from the pavement on collection days, which is an acceptable arrangement. The provision of the refuse store will be secured by condition. Officers are also satisfied that the deliveries for the development could be undertaken from Mornington Road and Glenville Grove in keeping with the existing arrangement.

6.4.3 Transport modes

Cycling

Policy

- 89 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

Discussion

- 90 12 long-stay and two short-stay spaces are required to comply with Table 10.2 of the London Plan. There is existing short stay parking to the front of 445 New Cross Road. TfL are satisfied that the existing five spaces could accommodate the requirement for the development given that the site constraints prevent the provision of short stay stands within the site.

- 91 Both TfL and the Highways Officer objected to the long stay cycle facilities as initially proposed as the store was not large enough to accommodate the requisite 12 cycle stands and provide sufficient spacing between the stands to meet the London Cycle Design Standards as required by LPP T5. The ground floor layout has subsequently been revised to increase the size of the store to 28sqm, which is considered sufficient. This has been achieved through reducing the size of the bin store and reconfiguring the layout. The final details for the stands will be secured by condition.

- 92 TfL have also objected to the principle of a cycle store that would open directly onto the public realm due to concerns with security. These concerns are recognised, however the site constraints imposed by converting an existing site mean that there are few obvious alternatives. Therefore, the proposal to have a store accessed directly from the public realm is supported. In coming to this conclusion Officers have given weight to increased passive surveillance provided by the new residential accommodation. Details of other security measures will be secured by the condition.

Cars parking

Policy

- 93 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

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94 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

Discussion

95 No off-street parking would be provided by the development, This is supported given the excellent PTAL. The Transport Statement (Markides Associates August 2021) submitted with the application contains a parking beat survey. The survey demonstrates that there is sufficient capacity within the surrounding roads to accommodate the likely increase in parking: the surrounding area is 47% parked, significantly below the 80% considered unacceptable.

96 Despite the parking capacity in the area, both TfL and the Highways Department considered that the high PTAL justifies securing a car-free development in order to accord with the principles of LPPs T6 and T6.1. Therefore, a financial contribution to a future CPZ consultation has been secured as a planning obligation. The Section 106 Agreement would also prevent occupants of the development from obtaining permits for any future CPZ.

Construction impact

Policy

97 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

Discussion

98 No details have been provided for transport logistics. Therefore, these details will be secured within a logistics plan to be secured as part of a comprehensive Construction Management Plan (CMP) condition to be submitted and approved prior to the commencement of the development. The CMP should include details of how disruption to London's strategic road network and to pedestrians and cyclists will be avoided and/or mitigated.

6.4.4 Transport impact conclusion

99 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above and the relevant planning obligations.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

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

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101 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

102 The main impacts on amenity that generally arise from this type of development include: (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.

6.5.1 Enclosure and Outlook

Policy

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

Discussion

104 The new rear building would align with the footprint a of 2A Glenville Grove, which would mitigate much of the impact of the bulk and massing. The fifth storey would project above the level of the adjacent roof terrace at 2A Glenville Grove but this impact would not be oppressive given that the terrace is at fourth storey level so would retain a general sense of openness with aspect to the north, south and east remaining unimpeded. The provision of screens between the proposed front balconies and the existing balconies at 2A Glenville Grove are not assessed to be harmful to outlook given that the aspect to the front would remain.

105 The new rear extension to the original property would project beyond the rear building line of No.435 and would represent an increase in height and depth compared to the existing extensions. Despite this Officers are satisfied that the extension would not cause a significant increase in enclosure above that already caused by the existing three storey rear extension to the property. There are also some improvements to the existing situation given that the existing single storey extension is higher and projects further than the proposed single storey building in the centre of the plot.

6.5.2 Privacy

Policy

106 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant.

Discussion

107 There are high levels of existing overlooking within this terrace due to the evolving pattern of development, which has seen development at the rear of the gardens with windows overlooking the gardens resulting in high levels of existing overlooking. The distances between the rear elevations are a minimum of 14m, including between 435 New Cross Road and 2A Glenville Grove. The provision of additional windows within the rear elevations of the new building would be in keeping with this arrangement and would not result in a material loss of privacy for any of the neighbouring properties.

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108 The proposed balconies on the front elevation of the new rear building would feature screening to the eastern side in order to prevent direct views towards the adjoining balconies at 2A Glenville Grove. The first floor terrace for Unit 8, on the original building would also feature screening to the side to prevent direct views to No.435. The provision of the screening would be secured by condition. Views from the first floor terrace towards rear part of the garden at No.435 would be less intrusive given the distance and the existing overlooking.

6.5.3 Daylight and Sunlight

Policy

109 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.

110 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.

111 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.

112 The GLA 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).

113 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).

114 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

115 The application is accompanied by a Daylight and Sunlight Report (Rapleys, August 2021). The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:

- 427 New Cross Road
- 429 New Cross Road
- 431 New Cross Road
- 435 New Cross Road
- 2A Stanley Street

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- 2A Glenville Grove
- 2-12 Mornington Road
- Lewisham Bridge Primary School

- 116 The report finds that the majority of the windows and amenity surveyed would retain sunlight and daylight levels in compliance with BRE guidelines, including throughout 427 New Cross Road, 2A Stanley Street, 2A Glenville Grove, Lewisham Bridge Primary School and 2-12 Mornington Road. However, there are exceptions where the impact would fall below the BRE recommendation.
- 117 At 429 New Cross Road all of the windows would pass the BRE guidelines for VSC and APSH. However, the area of garden receiving 2 hours of sunshine would be reduced from 24% to 8%. The effect at 431 New Cross Road is similar, with the impact to windows also fully compliant with BRE guidance, while the garden would see a reduction to the area receiving 2 hours of sunlight from 8% to 1%. For both properties this is primarily due to the existing impact of the northern orientation and the height of the buildings, which are the primary restriction on access to sunlight.
- 118 For 435 New Cross Road the impact to the garden would be fully compliant with BRE guidelines and there would be no impact on APSH. For VSC, four windows would fail to achieve compliance with BRE guidelines. One of the windows affected is a secondary window serving a kitchen so is less sensitive. The other three windows are primary windows serving bedrooms. Bedrooms are considered less important than living rooms but are afforded weight as habitable rooms. The bedrooms at ground and first floor would retain 0.63 and 0.75 of existing VSC levels, which is below the 0.8 target but are relatively modest transgressions.
- 119 The impact to the basement bedroom window would be worse at 0.39 the existing level but can be justified in a dense urban environment such as this. In coming to this conclusion Officers have given weight to the GLAs advice on the application of BRE guidance, which states that BRE should be applied flexibly within urban contexts. As such, the planning harms identified within the Daylight and Sunlight Report are considered modest and are outweighed by the merits of providing nine residential units.

6.5.4 Noise and disturbance

Policy

- 120 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 121 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;

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- an adverse effect is occurring or likely to occur; and
- a good standard of amenity can be achieved.

122 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.

123 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

Discussion

124 No long-term impacts are likely to arise from the provision of a residential development within a residential area. However, there is considerable potential for short-term impacts during the construction phase of development given the scale of the works. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a condition is recommended to secure a Construction Management Plan in order to minimise the impacts of the development. A Condition would also be imposed limiting the time of works and deliveries relating to the construction phase.

6.5.5 Impact on neighbours conclusion

125 No significant adverse impacts to the living conditions of the neighbouring properties have been identified and therefore the development would be compliant with the relevant policies of the development plan.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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

127 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham’s approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

6.6.1 Energy and carbon emissions reduction

Policy

128 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

129 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

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Discussion

- 130 The proposed development falls below the threshold for a major development and as such, the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, the conversion of an existing building is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.

6.6.2 Urban Greening

Policy

- 131 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 132 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

- 133 The proposed development would incorporate green roofs at various levels including the flat roofs of the new building at the rear of the site, the extension to the rear of the host property and the building in the centre of the site. This combined with the small areas of garden at ground floor level would represent a net increase in urban greening compared to the existing site which is almost entirely comprised of buildings and hardstanding save for a small area of planting at the rear of the building. A condition is recommended securing the provision of the green roofs, due to the fact the design proposes surface level plant, cycle and bin stores which reduces the opportunities for returning more of the site to naturally permeable land with a biodiversity benefit.

6.6.3 Sustainable Infrastructure conclusion

- 134 The proposal is acceptable in terms of Sustainable development, subject to the conditions detailed above. The increase in urban greening is a planning merit to which moderate weight it attached given the modest scale of development.

6.7 NATURAL ENVIRONMENT

General Policy

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

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6.7.1 Ecology and biodiversity

Policy

- 138 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 139 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 140 CSP 12 seeks to preserve or enhance local biodiversity.
- 141 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

- 142 The proposed biodiverse green roofs would enhance the contribution the site makes to biodiversity given the lack of soft landscaping at present. The specification for the green roofs will be secured by condition to ensure that the contribution to biodiversity is maximised.

6.7.2 Air pollution

Policy

- 143 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 144 LPP SI1, CSPs 7 and 9 and DMP 23 reflect the national guidance and are relevant. Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

- 145 An Air Quality Assessment (Delta Simons, August 2021) has been submitted in support of the application and shows a better than air quality neutral outcome for the construction and operational phase of development. As such, the propose development is considered acceptable in air quality terms. The recommendations of the AQA would be secured by condition.

6.7.3 Natural Environment conclusion

- 146 Officers are satisfied that there would not be any significant adverse impacts to the natural environment. In addition, the proposal is likely to result in a net gain in

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biodiversity due to the additional soft landscaping and increased levels of planting that would be introduced within the site.

7 LOCAL FINANCE CONSIDERATIONS

147 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).

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

149 The CIL is therefore a material consideration.

150 £52,731.00 Lewisham CIL and £34,840.13 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

151 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.

152 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.

153 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.

154 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

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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>

- 155 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
- 156 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>
- 157 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

- 158 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
- 159 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.
- 160 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,

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carefully consider the balance to be struck between individual rights and the wider public interest.

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

10 LEGAL AGREEMENT

162 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

163 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.

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

Transport and Public Realm

- a financial contribution of £15,000 towards work to assess the potential to introduce a Controlled Parking Zone in the local area
- Prevent future occupiers from access to residents parking permits for the any future local CPZ (*save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970*).

165 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).

11 CONCLUSION

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

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- 167 The principle of the proposed development is supported given that the loss of the GP surgery is a consequence of a merger with another surgery and therefore the local community would suffer the loss of a valuable service. The provision of 9 residential units would contribute to local housing target and as such would carry weight within the overall planning balance.
- 168 The standard of the accommodation provided by the residential units is considered to be of good quality. In design terms, the scale and massing of the building and extension are assessed to be appropriate for the context. Furthermore, the development would feature high quality materials and detailing, ensuring that the proposal would make a positive contribution to the surrounding townscape.
- 169 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment and would deliver benefits in terms of a net increase in urban greening and biodiversity. The proposed conditions are considered to ensure that any potentially adverse impacts to the local transport network would be mitigated.
- 170 In terms of residential amenity, Officers have identified some limited adverse impacts to some neighbouring properties in terms of daylight and overshadowing. However, these do not warrant the refusal of the application when taking into account the site context and weighed against the planning merits of the scheme.
- 171 Therefore, subject to the imposition of conditions, the development is judged acceptable and would accord with the Development Plan.

12 RECOMMENDATION

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

12.1 CONDITIONS

Conditions

1. Full Planning Permission Time Limit

The development to which this permission relates must be begun not later than the expiration of three 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:

8488-BOW-ZZ-ZZ-DR-A-0001 Rev P1; 8488-BOW-ZZ-ZZ-DR-A-0002 Rev P2; 8488-BOW-ZZ-ZZ-DR-A-0003 Rev P2; 8488-BOW-ZZ-ZZ-DR-A-0004 Rev P2; 8488-BOW-ZZ-ZZ-DR-A-0005 Rev P1; 8488-BOW-ZZ-ZZ-DR-A-0008 P5; 8488-BOW-ZZ-ZZ-DR-A-0009 Rev P5; 8488-BOW-ZZ-ZZ-DR-A-0010 Rev P3; 8488-BOW-ZZ-ZZ-DR-A-0011 Rev P4 received 20 August 2021;

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

3. Construction Management Plan

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

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

Reason: To ensure the Strategic Road Network and the needs of cyclists and pedestrians are not adversely affected during construction and 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 SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4. Sound Insulation

- (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 L_{Amax} (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.

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- (b) 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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5. Plant Noise

The rating level of the noise emitted from fixed plant 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.

Reason: 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).

6. Piling

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

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

7. Materials and Design Quality

(a) No above ground works shall commence on site (excluding demolition) until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- (i) brickwork, mortar and pointing;
- (ii) cladding and panelling materials;
- (iii) roofing materials and roof junctions;
- (iv) windows, external doors and reveals;
- (v) rainwater goods;
- (vi) balconies and balustrades;

has been submitted to and approved in writing by the Council.

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(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

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

8. Refuse & Recycling Facilities

- (a) Prior to the occupation of the development, details of the management strategy for the refuse and recycling facilities 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. Cycle Parking

- (a) Prior to first occupation, full details of the cycle parking facilities (including security measures) providing 12 long stay in accordance with TfLs London Cycling Design Standards for the development 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 T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

10. Living Roofs

- (a) Prior to installation of the roof further details of the proposed extensive biodiverse living roof systems and their maintenance, to be laid out in accordance with 8488-BOW-ZZ-ZZ-DR-A-0011 Rev P4, shall be submitted to and approved in writing by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved and maintained thereafter.

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Reason: To comply with Policy G5 Urban greening in the London Plan (2021), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

11. Terrace and Balcony Screening

The residential units hereby approved shall not be occupied until full details of the siting and specification of the screening to the roof terraces and balconies, and planted area to the front of Unit 1, has been submitted to and approved in writing by the local planning authority and the privacy screens have first been installed in accordance with the approved detail.

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

12. Wheelchair Dwellings

The wheelchair dwellings hereby approved as identified on drawing 8488-BOW-ZZ-ZZ-DR-A-0007 Rev P5 shall be constructed to comply with Requirement M4(3), prior to their first occupation. All other residential units shall be constructed to meet Requirement M4(2), prior to first occupation.

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

13. Obscure Glazed Windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the ground floor windows in the side elevation, as shown on drawing BOW-ZZ-ZZ-DR-A-0008 Rev P5, shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and retained in perpetuity.

Reason: To protect the privacy of the approved residential accommodation and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

14. Construction Hours

No works or deliveries in connection with construction works shall be undertaken 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 174 of the National Planning Policy Framework

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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).

15. **Mains Water Consumption**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

Reason: In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

16. **Non Road Mobile Machinery (NRMM)**

All Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) and an inventory on site and/or online, as appropriate, shall be kept at all times.

Reason: In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Policy SI1 Improving air quality of the London Plan (March 2012), Control of Dust and Emissions During Construction SPG (July 2014) and Demolition and DM Policy 23 Air quality of the Development Management Local Plan (November 2014).

12.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) Thames Water have advised the following
 - 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk .
 - With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a

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public sewer, prior approval from Thames Water Developer Services will be required.

- The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at [https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_OdyB6-Xg\\$](https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_OdyB6-Xg$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
 - There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
[https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g$)
 - The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
[https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g$) .
 - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development
- 3) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to

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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>

13 BACKGROUND PAPERS

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses
4. Statutory consultee responses

14 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

Email: alfie.williams@lewisham.gov.uk

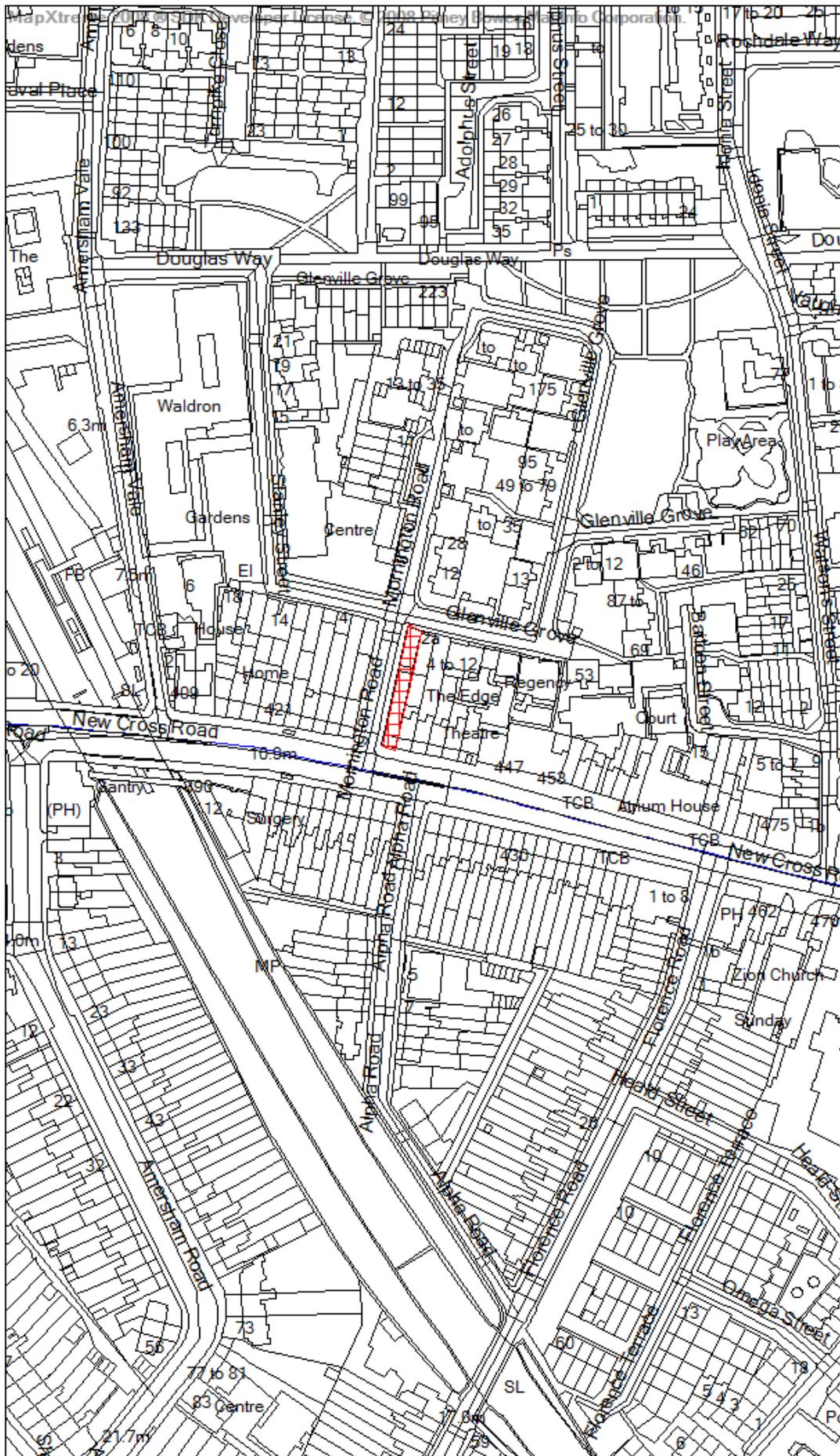
Telephone: 020 8314 9336

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**433 New Cross Road
(Former Mornington GP Surgery)**

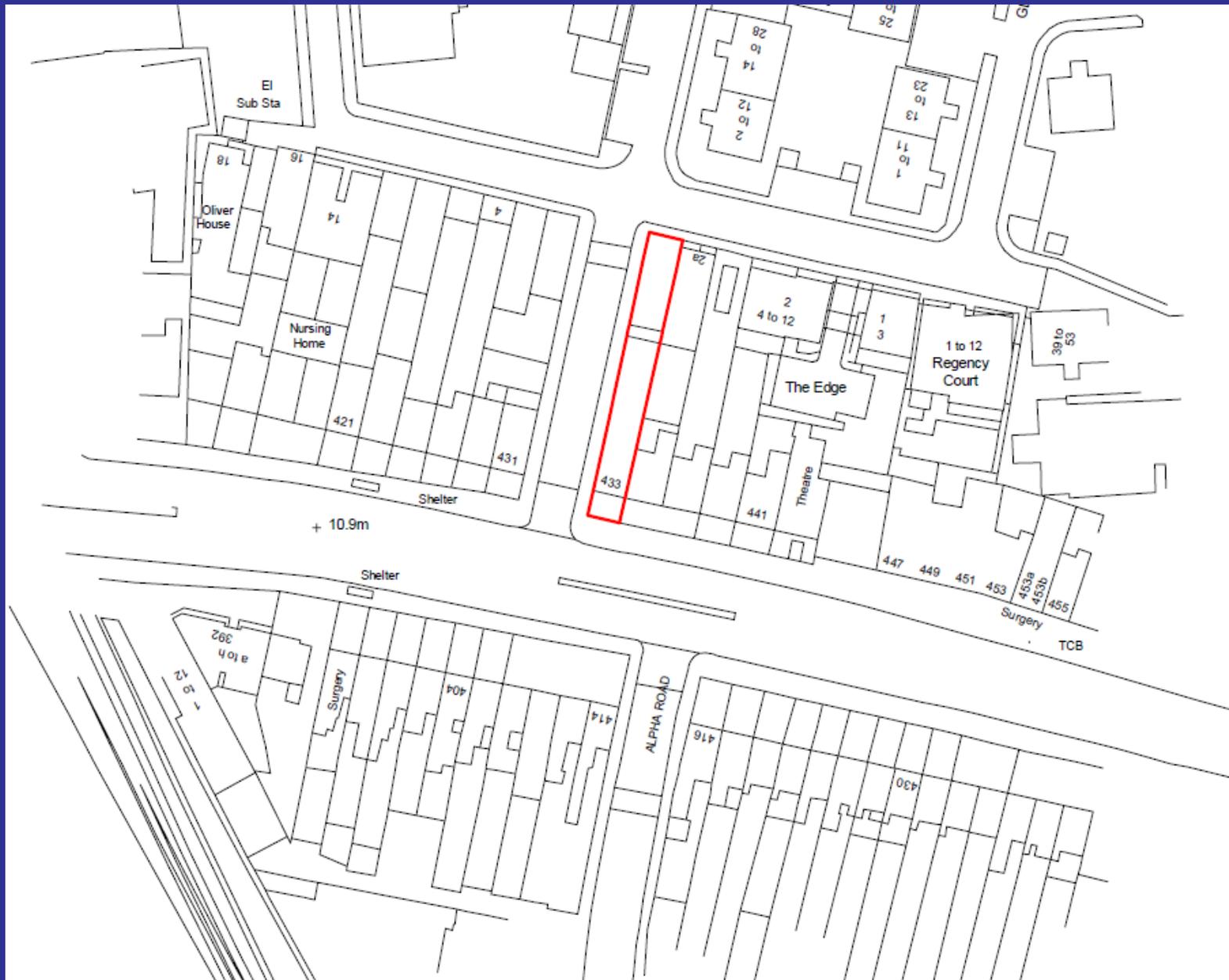
London

SE14 6TD

Application No. DC/21/123142

This presentation forms no part of a planning application
and is for information only.

Demolition of the existing extension to the rear of 433 New Cross Road SE14 and the change of use, alterations and extension of the existing building, together with the construction of a 5 storey building at the rear of the site with access onto Glenville Grove to provide 9 self-contained flats incorporating balconies and terraces, a cycle store, bin store and plant structure in the centre of the site (to be accessed directly off Mornington Road).

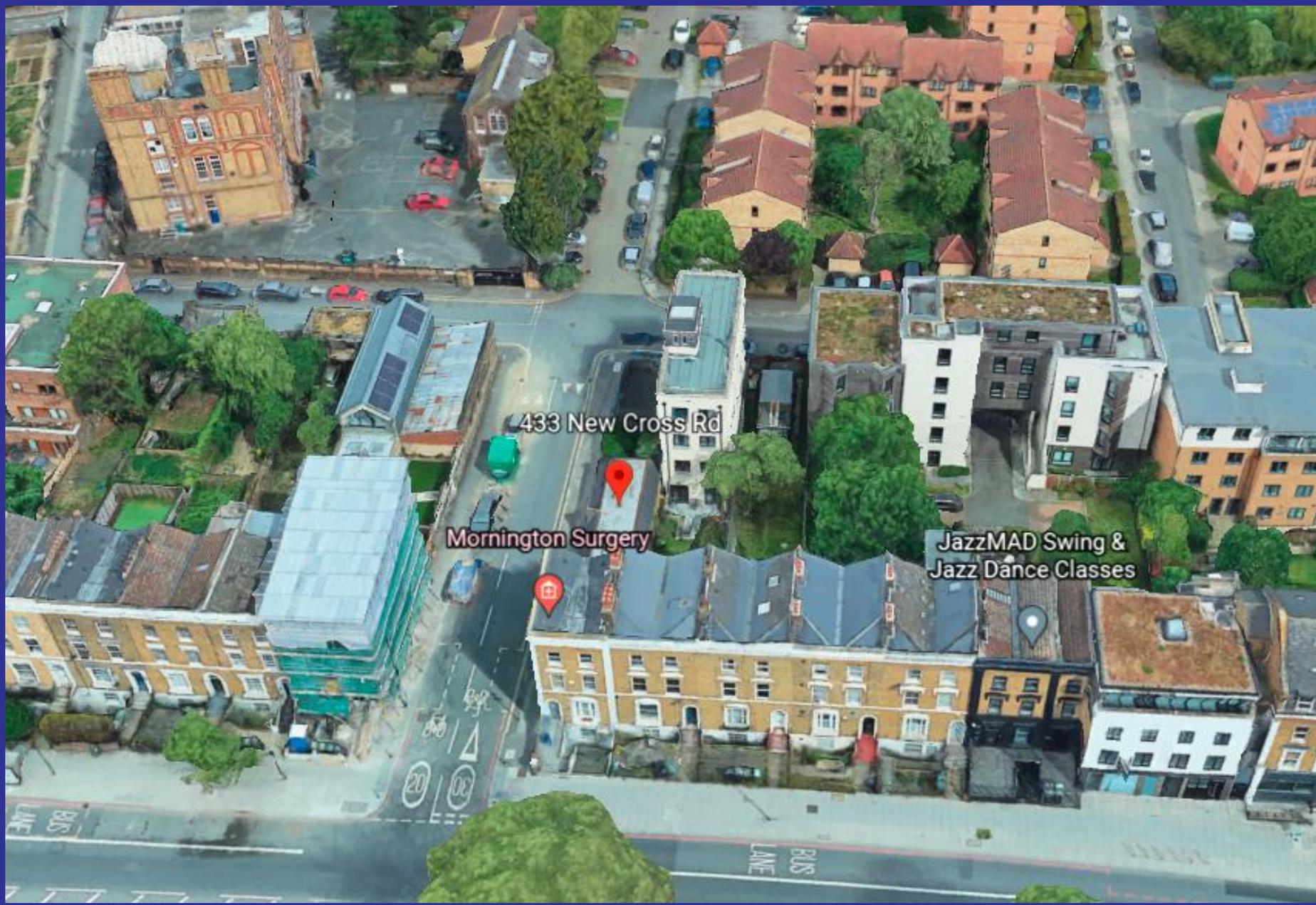


Site Location Plan





Rear and side of the site



Aerial View



Proposed West Elevation
00



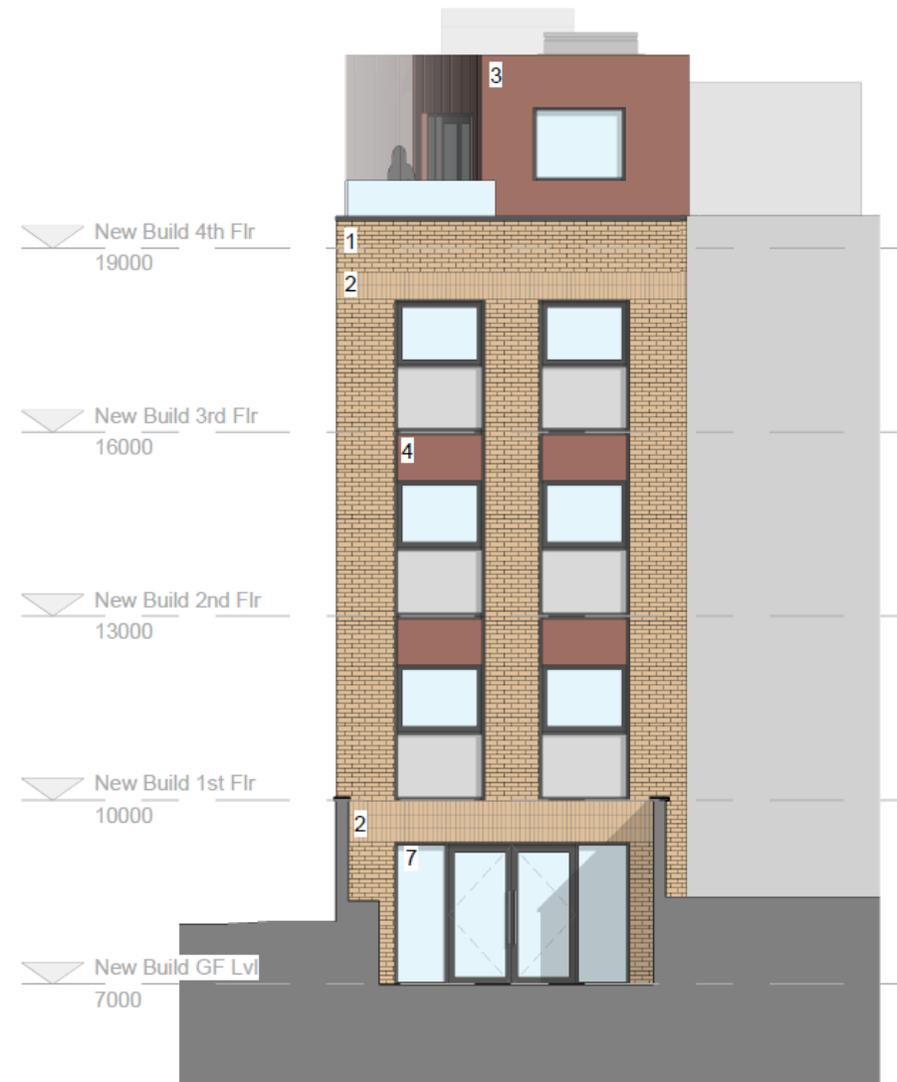
C Existing Building - North Elevation
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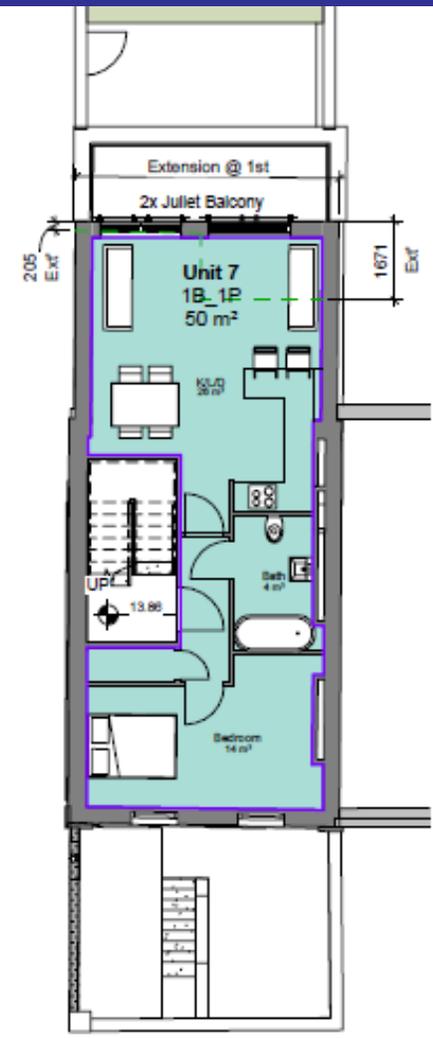
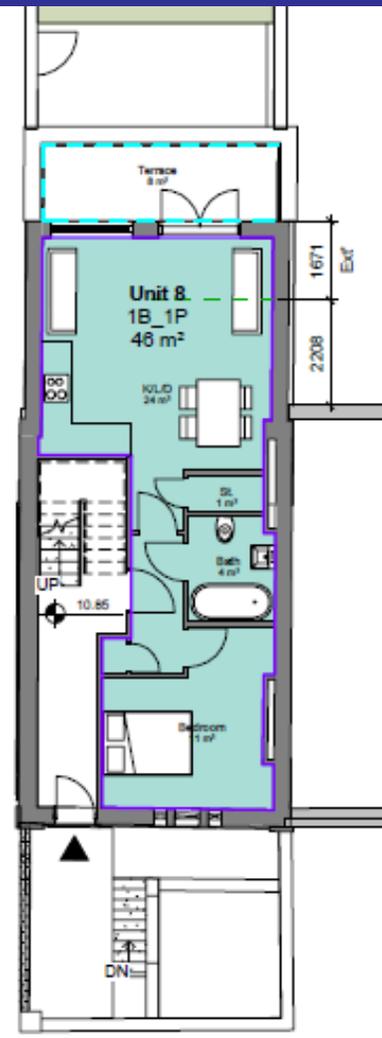
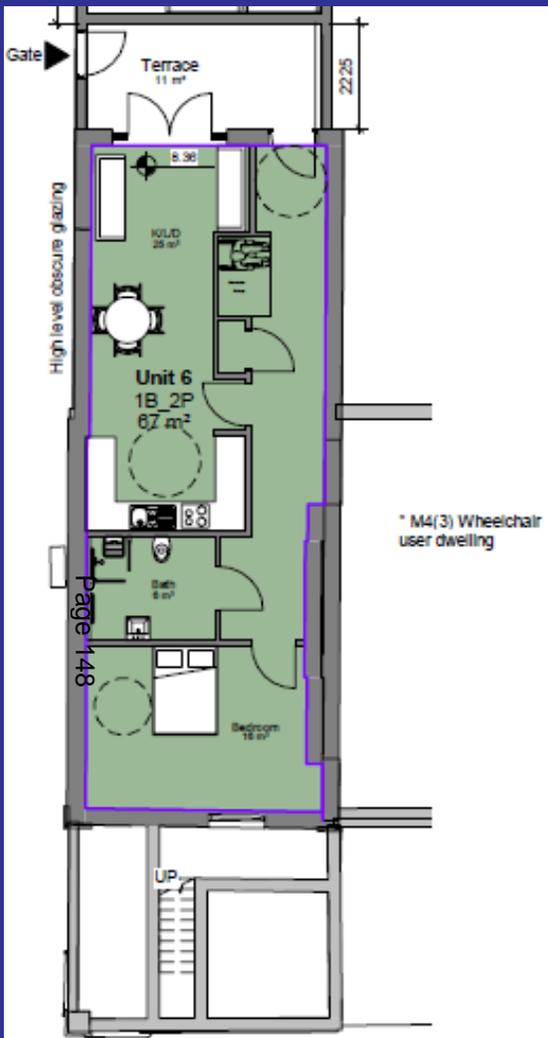
D Existing Building - South Elevation
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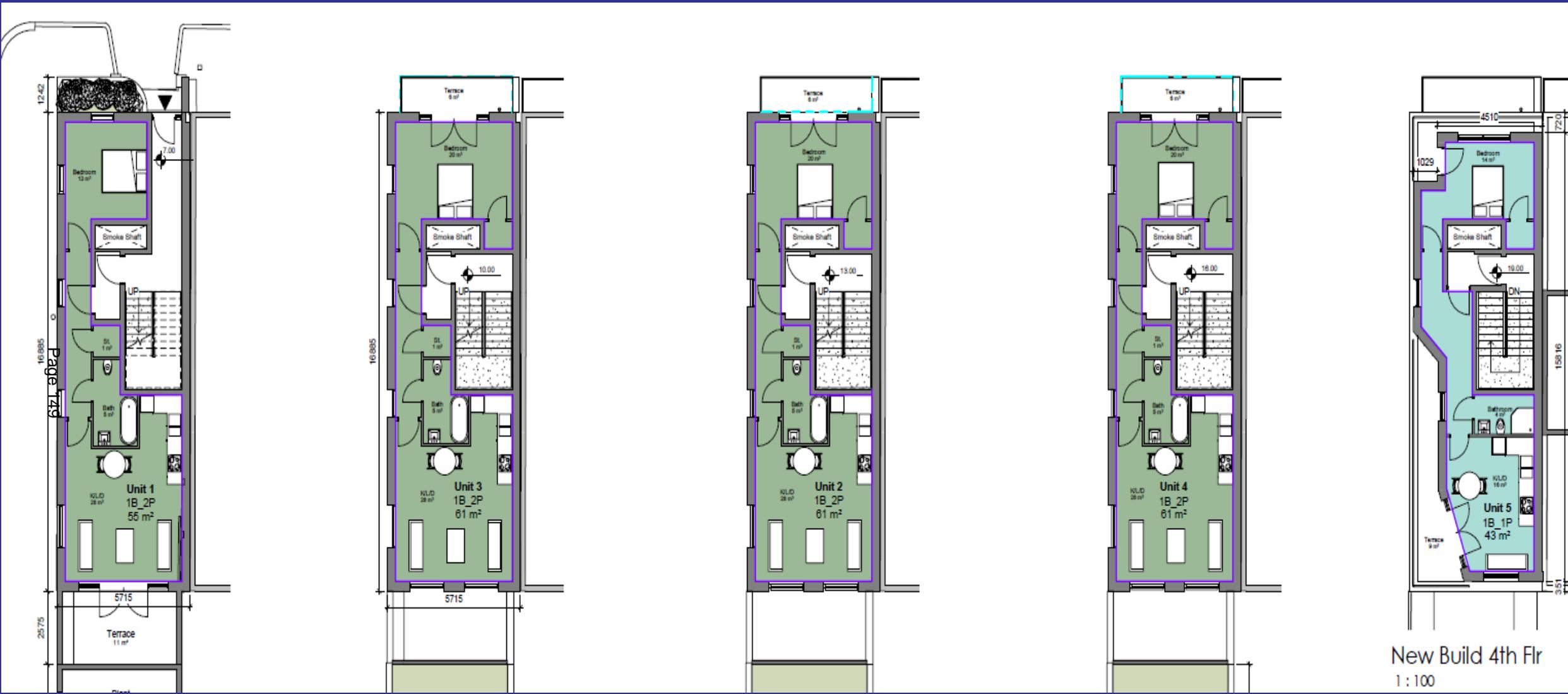
A New Build - North Elevation
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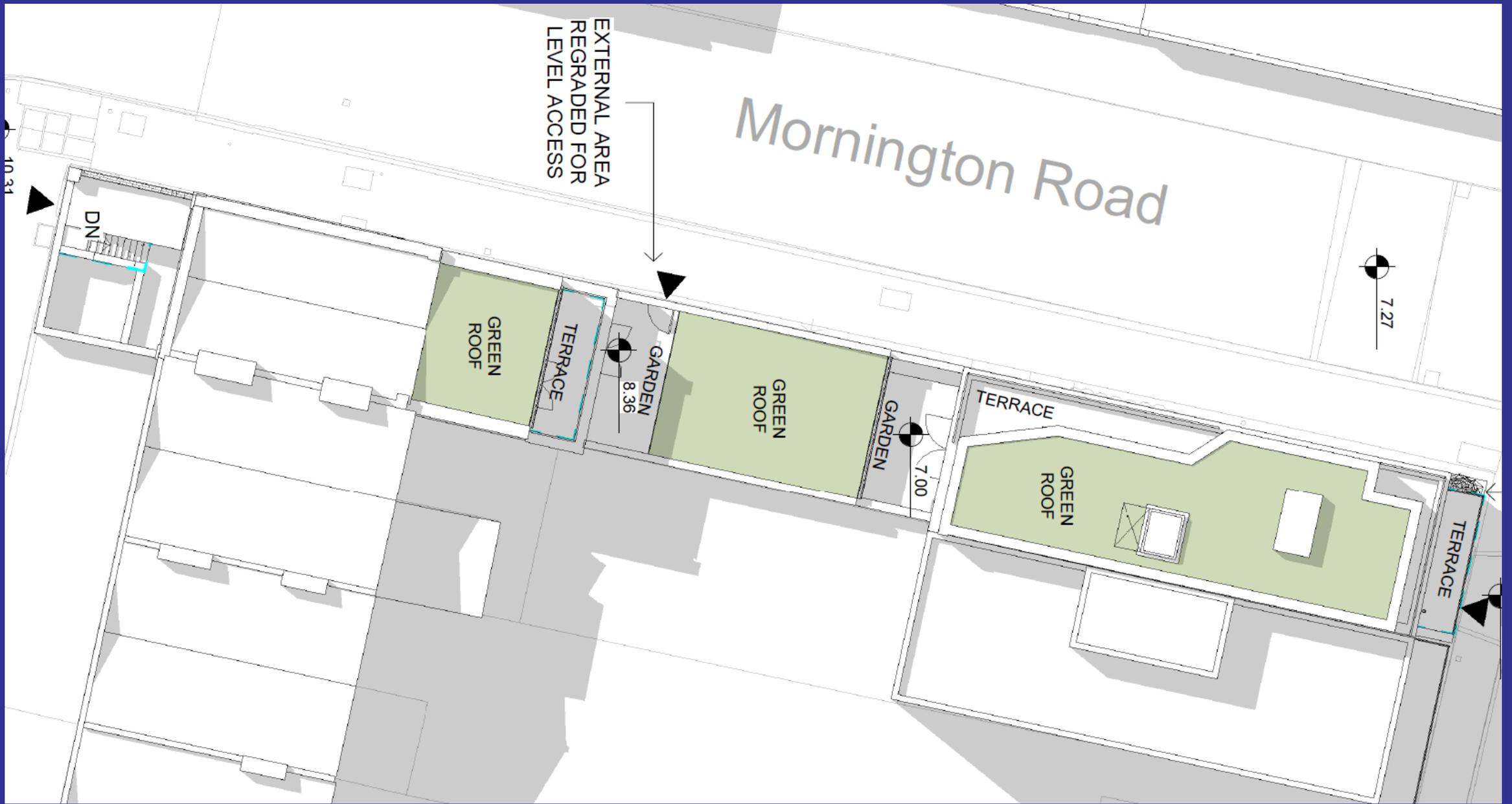
B New Build - South Elevation
1 : 100



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New Build 4th Flr
1:100



MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Residential Quality
- Urban Design
- Living Conditions of Neighbouring Properties
- Transport Impact
- Sustainable Development
- Natural Environment



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- Principle of Development
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- Natural Environment

End of Presentation



Planning Committee A

Report title:

3 ARBUTHNOT ROAD, LONDON, SE14 5LS

Date: 06 January 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Max Curson

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as the Telegraph Hill Society have objected to the proposal.

Application details

Application reference number(s): DC/21/123299

Application Date: 01 September 2021

Applicant: Mr Darnell of UNFOLD Architecture + Design Ltd on behalf of the applicant.

Proposal: Construction of a single storey rear and side infill extension at 3 Arbuthnot Road, SE14.

Background Papers: (1) Submission drawings
(2) Submission technical reports and documents
(3) Statutory consultee responses

Designation: PTAL 4
Air Quality
Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area
Not a Listed Building

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a two storey mid-terrace single family dwellinghouse located on the northern side of Arbuthnot Road, between the junction with Gellatly Road and Dennett's Road. It has an outrigger typical of those built during the period. The rear of the property is not visible from the public realm.
- 2 There was no site visit for the application due to travel restrictions related to the Covid-19 global pandemic. The site photos provided by the applicant, aerial and recent images available on Streetview and Google Earth are considered to be a sufficient basis to make an informed recommendation.

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Figure 1: Site Location Plan

Character of area

- 3 The surrounding area is predominantly residential in nature and characterised by terraces of two storey Victorian dwellings.
- 4 The application site lies within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. It is not a listed building nor in the vicinity of one. The Conservation Officer identified the property to be a non-designated heritage asset (NDHA) due to its positive contribution to the Conservation Area.

Surrounding area

- 5 Hollydale Primary School is located approximately 250m to the south-west of the application site. There are a number of shops, takeaways and public houses within a 250m radius.

Local environment

- 6 The site falls within Air Quality Management Area.

Transport

- 7 The site has a Public Transport Accessibility Level (PTAL) score of 4 on a scale of 1-6b, 1 being lowest and 6b the highest.

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8 Nunhead Railway Station is located approximately 225m to the south-west of the application site.

2 RELEVANT PLANNING HISTORY

9 There is no relevant planning history for the application site.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

10 Construction of a single storey rear and side infill extension at 3 Arbuthnot Road, SE14.

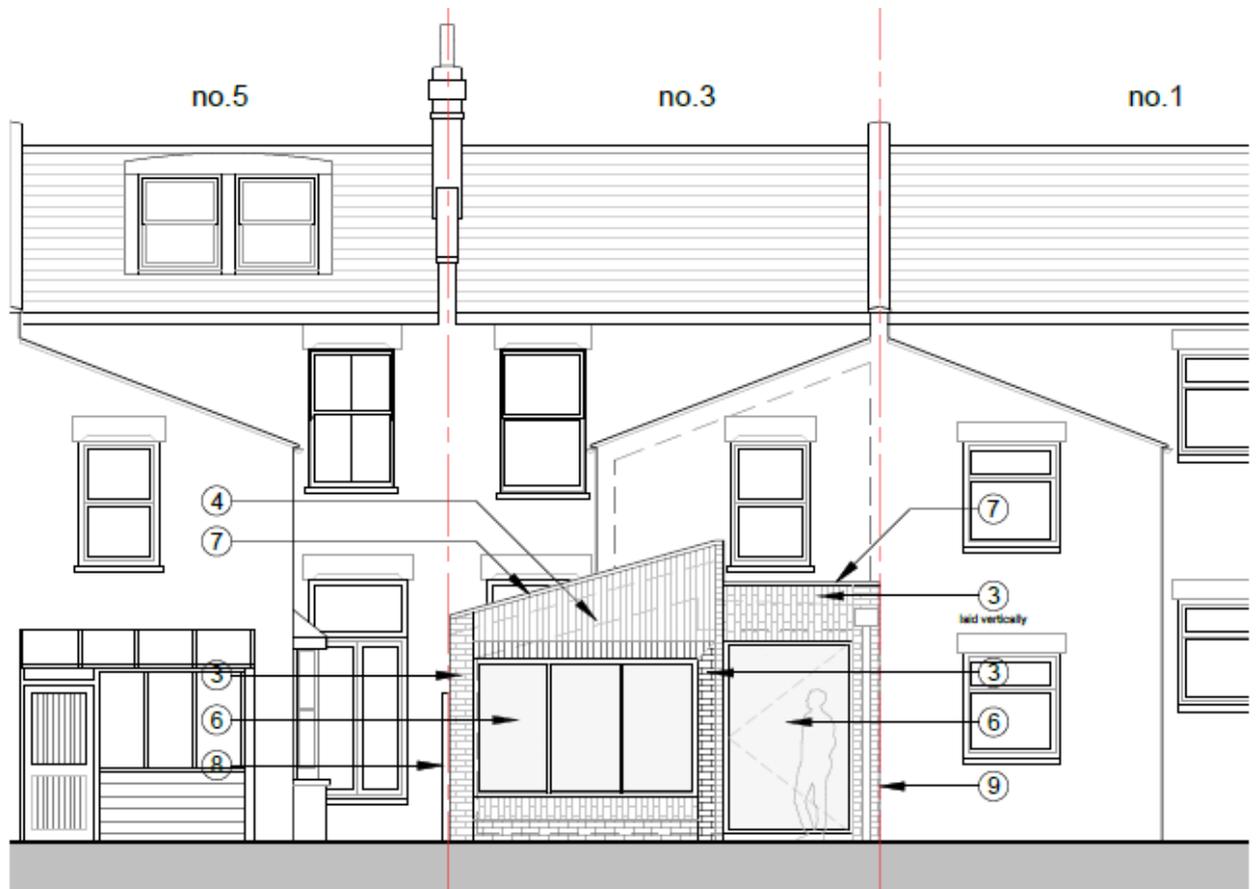


Figure 2: proposed rear elevation

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

11 No pre-application advice was sought from the council regarding the proposal.

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4.2 APPLICATION PUBLICITY

12 Site notices were displayed on 30 September 2021 and a press notice was published on 29 September 2021.

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 06 September 2021.

14 The Telegraph Hill Society objected to the application. A summary of the Society's objection is set out in the table below.

4.2.1 Neutral comments

15 One response was received comprising one neutral comment.

16 The response informed that the neighbour would not object, but noted that that the extension would be built over a sewer pipe, and that a Thames Water build-over agreement would be required. This is not a material planning consideration and will not be assessed in the judgement of this application.

17 The Telegraph Hill Society objected to the application. A summary of the Society's objection is set out in the table below.

Comment	Para where addressed
Loss of the side bay window and original fabric of the host building.	50-53
The proposal would create a wind tunnel for the rear access of the neighbouring property (5 Arbuthnot Road).	64
It would reduce the levels of daylight and sunlight available to the back door and side bay window of 5 Arbuthnot Road.	62, 63
The skylight on the proposed extension would lead to light pollution and impact the amenity of the neighbours.	65
The height of the extension is larger than the guidelines set out in the Alterations and Extensions SPD.	40
The design of the proposal is not sympathetic to the host building.	41
The ridge height of the proposed extension is not visibly lower than the sill of the first floor windows.	40

4.3 INTERNAL CONSULTATION

18 The following internal consultees were notified on 06 September 2021.

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19 Conservation: raised no objections. See paras 50 and 51 for further details.

4.4 EXTERNAL CONSULTATION

20 No external consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

21 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).

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

5.2 MATERIAL CONSIDERATIONS

23 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.

24 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.

25 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 aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

26 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

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- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

27 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal (2008)

6 PLANNING CONSIDERATIONS

28 The main issues are:

- Principle of Development
- Urban Design and impact on heritage assets
- Living Conditions of the Neighbours.

6.1 PRINCIPLE OF DEVELOPMENT

General policy

29 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.

30 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

31 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

32 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

33 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.

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- 34 DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 35 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 36 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.
- 37 Paragraph 4.2.3 of Alterations and Extensions SPD (2019) sets out:
- As a general rule, extensions extending up to 3m in length should be no more than 3m in height on the boundary. Extensions which exceed this length and exceed a height of 2.5m on the boundary are unlikely to be supported.*
- 38 Paragraph 4.2.4 sets out the following guidance for single storey rear extensions in conservation areas:
- Alterations within conservation areas should be of the highest quality design using high quality materials. The rear building line, the size of the rear garden and the prevailing characteristics of adjoining properties should all be taken into account.*
- Rear extensions should:*
- *Remain clearly secondary to the host building in terms of location, form, scale and detailing.*
 - *Respect the original design and architectural features of the existing building.*
 - *On semi-detached properties extensions should not extend beyond the main side walls of the host building.*
 - *Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.*
- 39 Paragraph 4.2.5 sets out that:
- A modern, high quality design can be successful in achieving a clear distinction between old and new. In some locations, a traditional approach can be a more sensitive response to a historic building, particularly where homogeneity of groups of buildings is part of their special character.*
- Discussion*
- 40 The existing timber glazed structure adjoining the rear of the property would be demolished as part of the proposals. The proposed mono pitched roof rear and infill extension would involve the creation of a small courtyard. The Telegraph Hill Society, in their objection to the proposal, incorrectly noted that the extension appears to be 3.3m in height on the boundary with No.1 and 3.1m with No.5, and as such, is not compliant with paragraph 4.2.3 of the Alterations and Extensions SPD. However, the extension would actually be 8.29m in depth with a height of 2.5m on the boundary with No.5, and 2.6m in

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depth and 2.6m in height on the boundary with No.1. The proportions of the proposed rear infill extension are within the guidelines of paragraph 4.2.3 of the Alterations and Extensions SPD and considered subordinate to the host property. Whilst the ridge height is not 2 to 3 brick courses below the first floor rear elevation window, on balance, the high quality design and materials of the proposed extension is of sufficient quality to be acceptable.

41 Officer's note that the Telegraph Hill Society have objected to the proposal on the grounds that the design of the proposed extension does not respect the host building. The proposed extension would be constructed of grey-multi brickwork with light coloured pointing, with vertical timber cladding and large fully opening rear windows. Three skylights would be inserted into the roof of the extension. The grey brickwork was chosen to offer a contemporary but differing style of the existing Victorian building and clearly define the new addition. The proposed extension would utilise high quality design features and materials and thus is considered acceptable. As such, the proposed extension is considered of high quality design that achieves a clear distinct between old and new in line with paragraph 4.2.5 of the Alterations and Extensions SPD.

42 A condition is recommended to ensure that the materials are of high quality.

6.2.1 Impact on Heritage Assets

Policy

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

44 Section 72 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.

45 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.

46 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.

47 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. DMP37 relates to non-designated heritage assets.

48 Further guidance is given in Telegraph Hill Conservation Area Character Appraisal (2008).

Discussion

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- 49 The application site is located within character area 1a of the Telegraph Hill Conservation Area. Gellatly Road, Bousfield Road and the west end of Arbuthnot Road form an architecturally cohesive sector of two storey terraces of almost identical design. Properties in this location are built to a smaller scale with a narrower carriageway and smaller front gardens.
- 50 The Telegraph Hill Society have objected to the loss of the side bay window and original fabric of the host building required as part of the infill extension. The bay is a traditional feature on some Victorian terraced housing in the Conservation Area and is an integral part of the character of this type of housing. However, it is set to the rear on a less visible side elevation where views are restricted to the adjoining house. Therefore, while the removal would result in the loss of a historic feature of a degree of architectural interest, the impact on the character and appearance of the Conservation Area would be negligible given the minimal visibility. As such, no harm to the Conservation Area is identified.
- 51 As mentioned in para 4, the property is identified as an NDHA i.e. the host property makes a positive contribution to the CA. NPPF para 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The effect of this proposal would be to erode the NDHAs architectural integrity somewhat and that of the terrace within which it falls. In this case the significance of the NDHA is moderate (being a NDHA that makes a positive contribution to a CA, within a consistent group of NDHAS) and the scale of harm or loss is at the low end of less than substantial, affecting the NDHA in a minimally visible location. As such, the impact of the proposal on the NDHA is also considered acceptable.
- 52 The Telegraph Hill Society quotes application DC/14/89277 regarding the loss of a side bay window which was refused and dismissed on appeal. This is not a materially similar precedent as the bay window in question was visible from the public realm, which both the delegated officer and planning inspector gave considerable weight. As the bay window at No.3 is not visible from the public realm, the two applications are not comparable.
- 53 In addition, as the rear of the property is not visible from the public realm, permitted development rights for the rear of the property are not removed by the Telegraph Hill Conservation Area Article 4 Direction. As such, the bay window could be removed via an infill extension through permitted development rights.
- 54 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of the Telegraph Hill Conservation Area.

6.2.2 Urban design and impact on heritage assets conclusion

- 55 In summary, the extension, due to its design and use of high-quality materials, would preserve the character and appearance of the host dwelling.
- 56 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore is acceptable in terms of design.

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6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 57 NPPF para 130 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 185 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
- 58 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 59 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 60 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

Discussion

- 61 The proposed extension would be 2.6m in depth and 2.6m in height on the boundary with No.1. The modest proportions of the extension would be well within the guidelines of The Alterations and Extensions SPD and have no impact on the amenity of the western neighbour.
- 62 Officers note that comments raised by the Telegraph Hill Society in objection to the proposal have concerns over loss of daylight/sunlight and enclosure for No.5, particularly the impact on the bay window in the ground floor west facing side elevation. Officers note that no objection has been received from the neighbour at No.5.
- 63 The proposed extension would be located 1.4m from the centre of the bay window, and 1.725m from the side elevation of No.5. The boundary height of the proposed infill extension, at 2.5m, is within the Guidelines of the Alterations and Extensions SPD and considered modest enough to not impact the amenity of No.5 via loss of outlook or overbearing enclosure. There is an existing glazed roof extension/structure at the rear of No.5, with large windows at the rear elevation, which provides the primary source of natural light to the rear ground floor of the property. Whilst it is expected that the proposed extension may impact upon the level of daylight or sunlight of the ground floor side elevation windows at No.5, on balance this is considered acceptable given that the window is located at lower ground level facing the side return and naturally would expect to receive a lower level of light, and the glazing and windows at the rear extension would remain unaffected.
- 64 The Telegraph Hill Society has objected to the proposed extension on the grounds that it would create a 'wind tunnel' at the rear of No.5. The scale of the development is such that this is not a realistic proposition and Officers are satisfied no such impact would arise.
- 65 The Telegraph Hill Society objected to the proposed extension on the grounds that the skylights in the side extension would shine into the windows of the neighbouring property

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and impact their amenity. The lighting in the proposed extension and kitchen would come from the ceiling. As such, no light will shine directly at the neighbour's property.

66 The proposed rooflights would face skywards and not offer a view of a neighbouring property. The proposed extension would not offer any new lines of sight not already available from the host building or garden. As such, it will not impact the privacy of the neighbours.

67 The application site will remain a single family dwellinghouse. No increase in noise or disturbance is expected.

6.3.1 Impact on neighbours conclusion

68 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMP 31 and the provisions of the 2019 SPD.

7 LOCAL FINANCE CONSIDERATIONS

69 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).

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

71 The CIL is therefore a material consideration.

72 This application does not attract CIL.

8 EQUALITIES CONSIDERATIONS

73 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.

74 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.

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- 75 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.
- 76 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>
- 77 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
- 78 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>
- 79 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

- 80 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

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81 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.

82 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.

83 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

85 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building and Telegraph Hill Conservation Area in terms of design. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

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

11.1 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 THE APPROVED PLAN

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

097-001; 097-010; 097-020; 097-100; 097-200

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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) MATERIALS / DESIGN QUALITY

- (a) The development shall be constructed in those materials as submitted namely: grey multi colour brickwork, timber cladding, aluminium framed windows, rooflights and doors, aluminium coping, new timber fence, reclaimed London stock brick boundary wall and in full accordance with 097-001; 097-010; 097-020; 097-100; 097-200.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

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

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 roofed extension on the building 5 Arbuthnot Road hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

11.2 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

12 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission technical reports and documents

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3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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Telephone: 020 8314 7219

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3 Arbuthnot Road

SE14 5LS

Application No. DC/21/123299

Construction of a single storey rear and side infill extension at 3 Arbuthnot Road, SE14.

This presentation forms no part of a planning application
and is for information only.

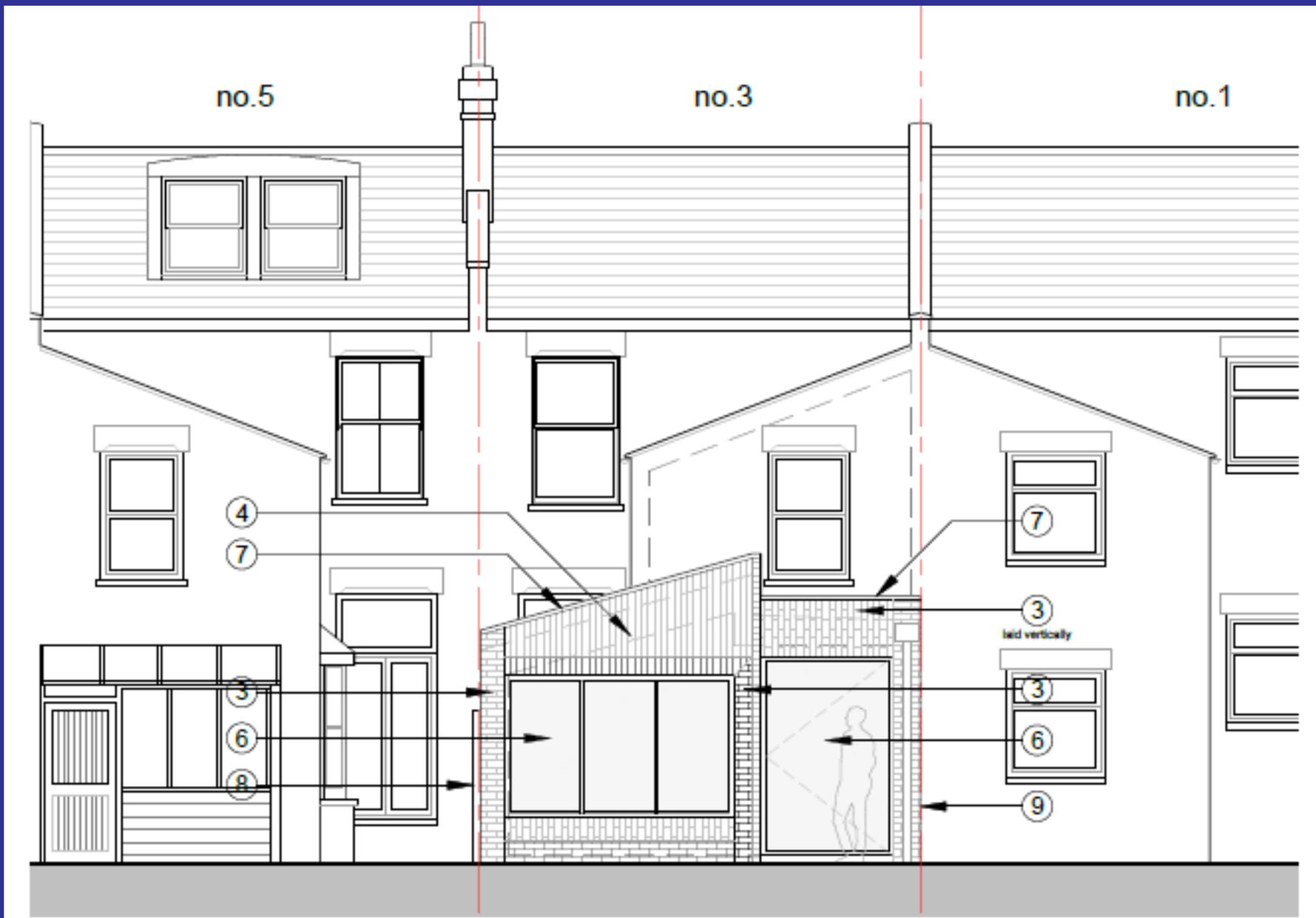


Site Location Plan





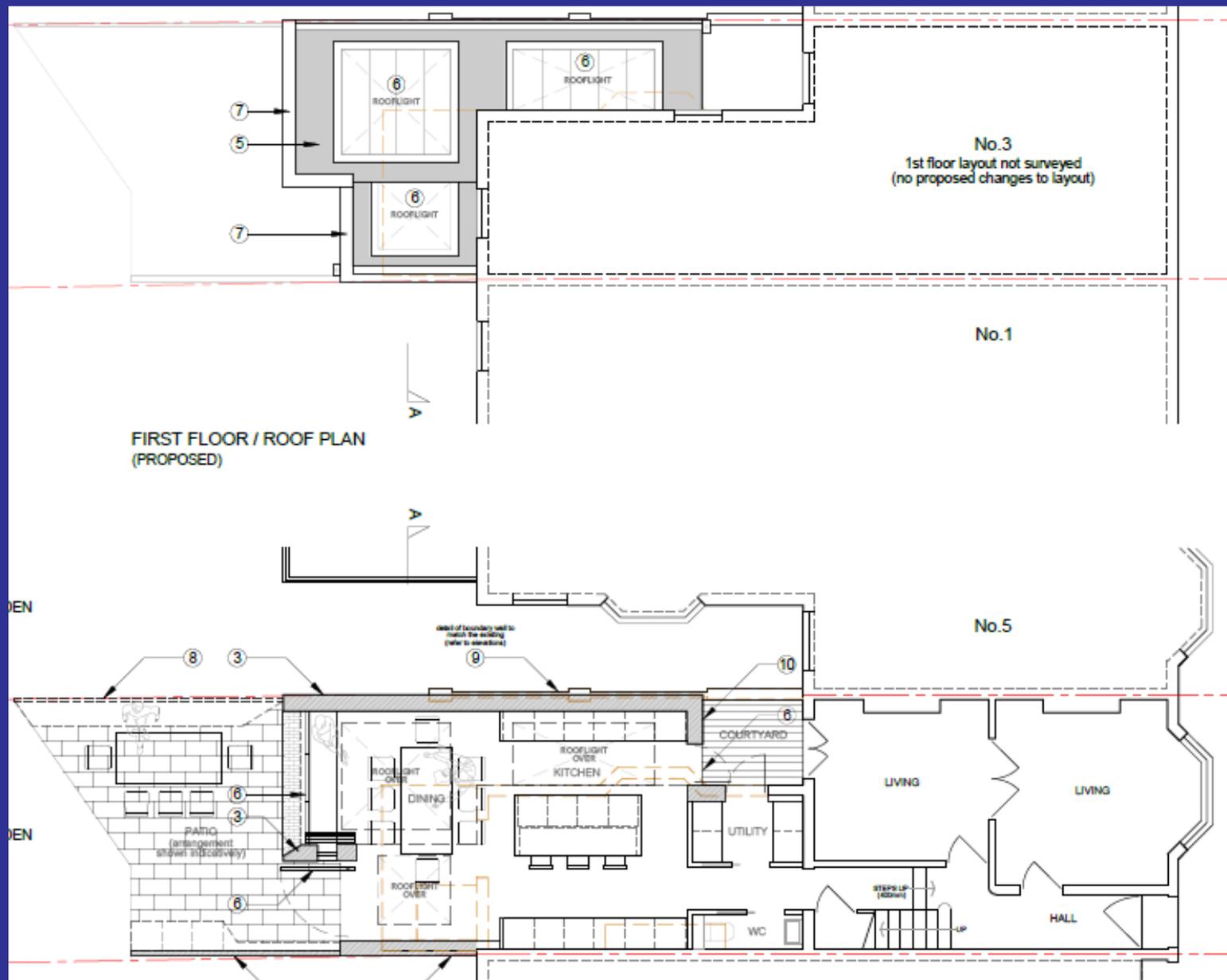
REAR ELEVATION - NORTH WEST
(EXISTING)



Proposed Rear Elevation



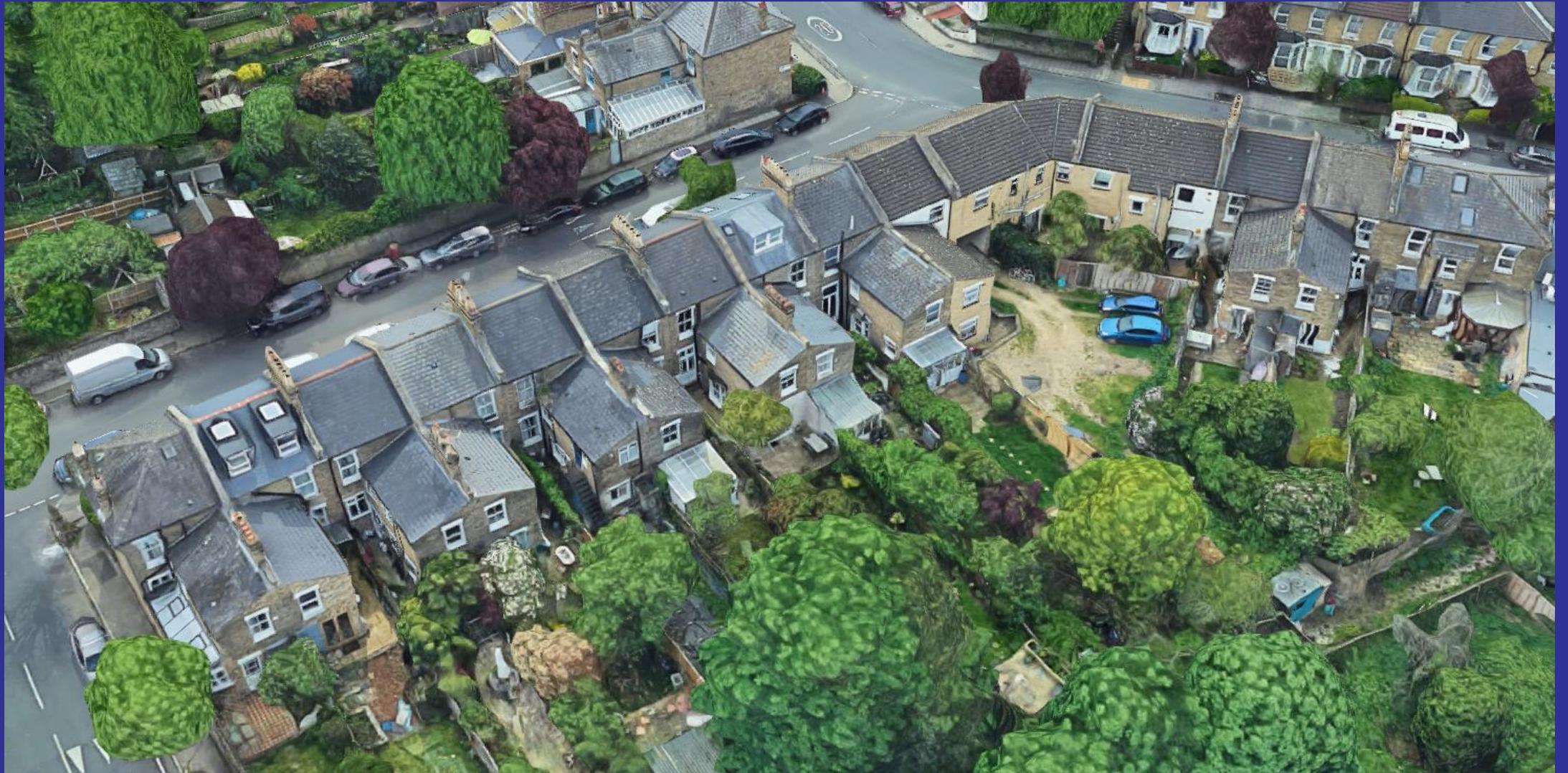
Rear 3D View



Proposed Floor Plan

Key planning considerations

- Principle of Development
- Urban Design and Heritage Impact
- Impact on living conditions of neighbours



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Planning Committee A

Report title: 36 GELLATLY ROAD, LONDON, SE14 5TT

Date: 6 January 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Max Curson

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The application has been brought before Committee for a decision as the Telegraph Hill Society have objected to the proposal.

Application details

Application reference number(s): DC/21/123044

Application Date: 11 August 2021

Applicant: Egan Architects on behalf of Mr Pyke

Proposal: Construction of a single storey infill extension at the rear of 36 Gellatly Road, SE14, together with the demolition of the existing rear extension, insertion of rooflights to the outrigger roof slopes, and installation of replacement timber sash windows at the front and rear elevation and replacement of the slate roof tiles.

Background Papers: (1) Submission drawings
(2) Submission technical reports and documents
(3) Statutory consultee responses

Designation: PTAL 3
Area of Archaeological Priority
Telegraph Hill Conservation Area
Telegraph Hill Article 4(2) Direction

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a two storey mid-terrace single family dwellinghouse located on the western side of Gellatly Road.
- 2 There was no site visit for the application due to travel restrictions related to the Covid-19 global pandemic. The site photos provided by the applicant, aerial and recent images available on Streetview and Google Earth are considered to be a sufficient basis to make an informed recommendation.

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Figure 1: Site Location Plan

Character of area

- 3 The surrounding area is predominantly residential in nature and characterised by terraces of two storey Victorian dwellings.
- 4 The application site lies within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. It is not a listed building nor in the vicinity of one. It is located in an area of Archaeological Priority. The property is identified as a non-designated heritage assets as a positive contributor to the wider conservation area.

Surrounding area

- 5 Hollydale Primary School is located approximately 180m to the south-west of the application site. There are a number of shops, takeaways and public houses within a 250m radius.

Local environment

- 6 The site falls within Air Quality Management Area.

Transport

- 7 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 8 Nunhead Railway Station is located approximately 250m to the south-west of the application site.

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2 RELEVANT PLANNING HISTORY

9 There is no planning history for the application site.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

10 Construction of a single storey infill extension at the rear of 36 Gellatly Road, SE14, together with the demolition of the existing rear extension, insertion of rooflights to the rear roof slope and outrigger roof slope, and installation of replacement timber sash windows at the front and rear elevation and replacement of the slate roof tiles.



Figure 2: existing (left) and proposed (right) rear elevation

11 During the application process and in response to consultation, the boundary height of the proposed extension was reduced to 2.5m when measured from the ground level of No.38.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

12 No pre-application advice was sought from the council regarding the proposal.

4.2 APPLICATION PUBLICITY

13 Site notices were displayed on 23 August 2021 and a press notice was published on 25 August 2021.

14 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 17 August 2021.

15 The Telegraph Hill Society objected to the application. A summary of the Society's objection is set out in the table below.

Comment	Para where addressed
Loss of the side bay window and original fabric of the host property.	49-52
The proposal would create a wind tunnel for the rear access of the neighbouring property (38 Gellatly Road).	63
It would reduce the levels of light and available to the side windows in the neighbouring outrigger.	61, 62
The skylight on the proposed extension would lead to light pollution and impact the amenity of the neighbours.	64
The height of the extension is larger than the guidelines set out in the Alterations and Extensions SPD.	37
The design of the proposal does not respect the host building.	38
The extension will give rise to a visually plain façade to No 38.	37

4.3 INTERNAL CONSULTATION

16 The following internal consultees were notified on 16 August 2021:

17 Conservation: reviewed and no comment to make.

4.4 EXTERNAL CONSULTATION

18 No external consultees were notified given the nature of the application.

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5 POLICY CONTEXT

5.1 LEGISLATION

19 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).

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

5.2 MATERIAL CONSIDERATIONS

21 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.

22 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.

23 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 aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

24 The Development Plan comprises:

- London Plan (March 2021) (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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal (2008)

6 PLANNING CONSIDERATIONS

26 The main issues are:

- Principle of Development
- Urban Design and impact on heritage assets
- Living Conditions of the Neighbours.

6.1 PRINCIPLE OF DEVELOPMENT

General policy

27 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.

28 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

29 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

30 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

31 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.

32 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

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- 33 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 34 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.
- 35 Paragraph 4.2.3 of Alterations and Extensions SPD (2019) sets out:
- As a general rule, extensions extending up to 3m in length should be no more than 3m in height on the boundary. Extensions which exceed this length and exceed a height of 2.5m on the boundary are unlikely to be supported.*
- 36 Paragraph 4.2.4 sets out the following guidance for single storey rear extensions in conservation areas:
- Alterations within conservation areas should be of the highest quality design using high quality materials. The rear building line, the size of the rear garden and the prevailing characteristics of adjoining properties should all be taken into account.*
- Rear extensions should:*
- *Remain clearly secondary to the host building in terms of location, form, scale and detailing.*
 - *Respect the original design and architectural features of the existing building.*
 - *On semi-detached properties extensions should not extend beyond the main side walls of the host building.*
 - *Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.*
- 37 Paragraph 4.2.5 sets out that:
- A modern, high quality design can be successful in achieving a clear distinction between old and new. In some locations, a traditional approach can be a more sensitive response to a historic building, particularly where homogeneity of groups of buildings is part of their special character.*
- Discussion*
- 38 The existing non-original uPVC rear extension would be removed as part of the proposal. Since the objection by the Telegraph Hill Society was received, the scheme has been amended and the height of the proposed extension has been reduced. The proposed single storey infill extension would have a pitched roof and be 6.525m in depth, 1.81m in width, with a maximum height of 3.43m and a height on the boundary of 2.5m when measured from the ground level of No.38. The proportions of the proposed rear infill extension are within the guidelines of paragraph 4.2.3 of the Alterations and Extensions SPD and considered subordinate to the host property. The side elevation facing the neighbour would consist of London stock brick and thus match the existing side elevation.

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- 39 Officers note that the Telegraph Hill Society have objected to the proposal on the grounds that the design of the proposed extension does not respect the host building. The proposed extension would be constructed of London stock brick to match the host building. Sliding doors would be installed at the rear elevation. The pitched roof of the proposed extension would have four skylights. The removal of the existing non-original uPVC extension is considered to enhance the appearance of the host building. The proposed extension would utilise a mix of historically appropriate bricks and high quality design features and thus is considered acceptable. As such, the proposed extension is considered a high quality design which achieves a clear distinction between old and new in line with paragraph 4.2.5 of the Alterations and Extensions SPD.
- 40 The two first floor windows at the front elevation, the two first floor windows at the rear elevation, and the first floor window at the side elevation would be replaced as part of the proposal. The features of the proposed replacement windows would match the existing in terms of style, materials and proportions and would be inserted into the existing window openings. There would be no changes to the opening style. The meeting rail height, at 35mm is suitable for Conservation Areas. The windows would be finished white to match the existing. The horn would be an 'ogee' style in keeping with the Telegraph Hill Conservation Area. The proposed Accoya timber windows would be of sufficient quality and as such are considered acceptable.
- 41 Two rooflights would be inserted into the rear roof slope and two rooflights inserted into the outrigger roof slope. The proposed rooflights would be a conservation style and sit flush within the roof slope. Officers note that rear rooflights are fairly common on Gellatly Road. Given the modest size and sensitive placement the rooflights are considered acceptable.
- 42 The non-original roof tiles are to be replaced as part of the proposals. The replacement slate roof tiles are proposed to match those as they were historically. As such, the replacement slate tiles are considered acceptable.

6.2.1 Impact on Heritage Assets

Policy

- 43 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 44 Section 72 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.
- 45 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.
- 46 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.

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47 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. DMP 37 relates to non-designated heritage assets.

48 Further guidance is given in the Telegraph Hill Conservation Area Character Appraisal (2008).

Discussion

49 The application site is located within character area 1a of the Telegraph Hill Conservation Area. Gellatly Road, Bousfield Road and the west end of Arbuthnot Road form an architecturally cohesive sector of two storey terraces of almost identical design. Properties in this location are built to a smaller scale with a narrower carriageway and smaller front gardens. Their scale, in comparison to the four main roads of the character area, reflects the lower social class of the original residents.

50 The Telegraph Hill Society have objected to the loss of the side bay window and original fabric of the host building required as part of the infill extension. The bay is a traditional feature on Victorian terraced housing and is an integral part of the character of this type of housing. It is set to the rear on a less visible side elevation where views are to only the upper floor of the house adjacent. The removal would result in the loss of a historic feature of a degree of architectural interest. The impact on the character and appearance of the CA would be negligible given the minimal visibility. The impact on the Non Designated Heritage Asset (NDHA - i.e. the host property which makes a positive contribution to the CA) would be to erode its architectural integrity somewhat and that of the terrace within which it falls. NPPF para 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case the significance of the HA is moderate (being a NDHA that makes a positive contribution to a CA, within a consistent group of NDHAS) and the scale of harm or loss is at the low end of less than substantial, affecting the NDHA in a minimally visible location.

51 The Telegraph Hill Society have objected to the loss of the side bay window and original fabric of the host building required as part of the infill extension. The bay is a traditional feature on some Victorian terraced housing in the Conservation Area and is an integral part of the character of this type of housing. However, it is set to the rear on a less visible side elevation and hidden behind the existing unsympathetic rear extension. As such views are restricted to the adjoining house. If the existing extension were removed, views from the public realm (Lindo Street and Selden Road) would be extremely limited, if at all given the depth of the gardens and the garages present at the end of the gardens of Nos 36, 38 and 40. Therefore, while the removal would result in the loss of a historic feature of a degree of architectural interest, the impact on the character and appearance of the Conservation Area would be negligible given the minimal visibility. As such, no harm to the Conservation Area is identified. In reaching this conclusion, Officers have also considered the impact of the proposed rooflights.

52 NPPF para 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and

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the significance of the heritage asset. The effect of this proposal would be to erode the NDHAs architectural integrity somewhat and that of the terrace within which it falls. In this case the significance of the NDHA is low (being a NDHA that makes a positive contribution to a CA but which has previously been unsympathetically altered, within a moderately consistent group of NDHAS) and the scale of harm or loss is at the low end of less than substantial, affecting the NDHA in a minimally visible location. As such, the impact of the proposal on the NDHA is also considered acceptable.

- 53 The Telegraph Hill Society quotes application DC/14/89277 regarding the loss of a side bay window which was refused and dismissed on appeal. This is not a materially similar precedent as the bay window in question was visible from the public realm, which both the delegated officer and planning inspector gave considerable weight. As the bay window at No.36 is not visible from the public realm, the two applications are not comparable. Several properties within this terrace have previously been granted planning permission for side infill extensions of a similar nature, notably at Nos 48 (DC/18/108523) and (DC/12/080832/FT).
- 54 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of the Telegraph Hill Conservation Area.

6.2.2 Urban design conclusion

- 55 In summary, the extension, due to its design and use of high-quality materials, would preserve the character and appearance of the host dwelling. The other alterations to replace the windows and to insert new rooflights are also acceptable and would preserve the character and appearance of the Conservation Area.
- 56 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore is acceptable in terms of design.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 57 NPPF para 130 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 185 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
- 58 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 59 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 60 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

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Discussion

- 61 The proposed infill extension would be located on the southern side of the property and not exceed the line of the existing outrigger. As such, it will not impact the amenity of No.34, located to the north.
- 62 Officers note that comments raised by the Telegraph Hill Society in objection to the proposal have concerns over loss of light and enclosure for No.38, particularly the impact upon the windows in the northern facing side elevation. Since the Telegraph Hill Society's objection, the height of the proposed has been reduced so that it would measure 2.5m on the boundary when measured from the ground level of No.38. Officers note that no objection has been received from the neighbour at No 38 in the planning process.
- 63 The proposed extension would be located 1.66m from the windows in the side elevation of No.38. The boundary height of the proposed infill extension, at 2.5m, is within the Guidelines of the Alterations and Extensions SPD and considered modest enough to not impact the amenity of No.38 via loss of daylight or sunlight. There is an existing rear extension at No. 38 with a glazed roof which provides the primary source of natural light to the rear ground floor of the property. Whilst it is expected that proposed extension may impact upon the level of daylight or sunlight of the ground floor side elevation windows at No.38, on balance this is considered acceptable given that the window is located at lower ground level facing the side return and naturally would expect to receive lower level of light, and the glazing at the rear extension would remain unaffected.
- 64 The Telegraph Hill Society has objected to the proposed extension on the grounds that it would create a 'wind tunnel' at the rear of No.38. The scale of the development is such that this is not a realistic proposition and Officers are satisfied no such impact would arise.
- 65 The Telegraph Hill Society objected to the proposed extension on the grounds that the skylights in the side extension would shine into the windows of the neighbouring property and impact their amenity. The lighting in the proposed extension and kitchen would come from the ceiling. As such, no light will shine directly at the neighbour's property.
- 66 The proposed rooflights would face skywards and not offer a view of a neighbouring property. The proposed extension would not offer any new lines of sight not already available from the host building or garden. As such, it will not impact the privacy of the neighbours.
- 67 The application site will remain a single family dwellinghouse. No increase in noise or disturbance is expected.

6.3.1 Impact on neighbours conclusion

- 68 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMP 31 and the provisions of the 2019 SPD.

7 LOCAL FINANCE CONSIDERATIONS

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

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- 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).

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

71 The CIL is therefore a material consideration.

72 This application does not attract CIL.

8 EQUALITIES CONSIDERATIONS

73 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.

74 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.

75 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.

76 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>

77 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

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- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

78 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>

79 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 IMPLICATION

80 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

81 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.

82 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.

83 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

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85 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building and Telegraph Hill Conservation Area in terms of design. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

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

11.1 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 THE APPROVED PLANS

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

EA.2048_000; EA.2048_001; EA.2048_002; EA.2048_003; EA.2048_004;
EA.2048_100; EA.2048_101; EA.2048_103. **Received 11 August 2021.**

REA.2048_501; REA.2048_502; REA.2048_503; REA.2048_504;
REA.2048_502; REA.2048_505. **Received 17 August 2021.**

EA.2048_102. **Received 19 October 2021.**

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) MATERIALS

(a) The development shall be constructed in those materials as submitted namely: London stock brick (in a Flemish bond), slate roof tiles, timber windows finished white, conservation style rooflights, powder coated aluminium doors and in full accordance with the relevant plans.

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

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for

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11.2 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.

12 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission technical reports and documents
- 3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

Report author: Max Curson (Planning Officer)

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Telephone: 020 8314 7219

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36 Gellatly Road

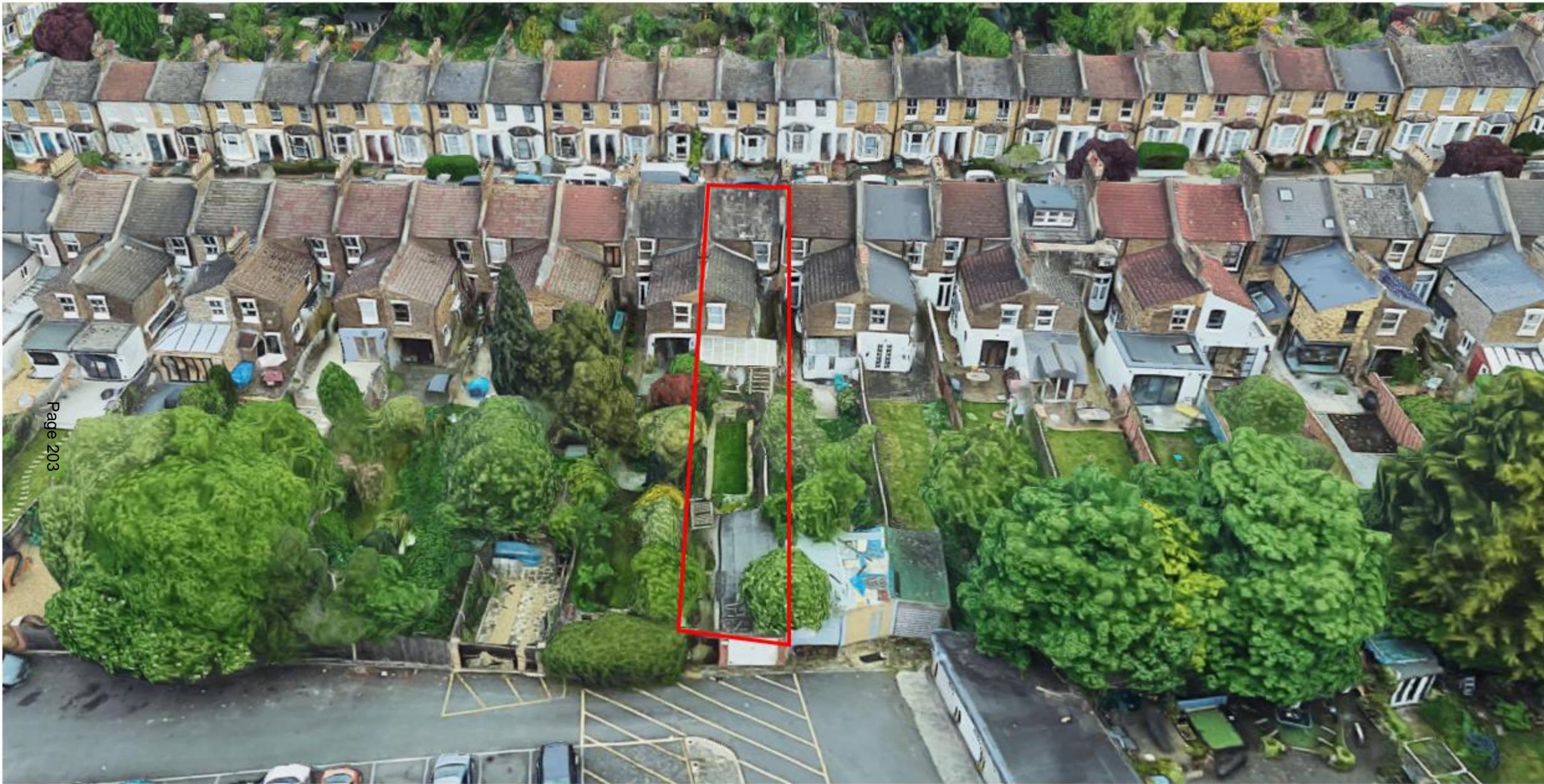
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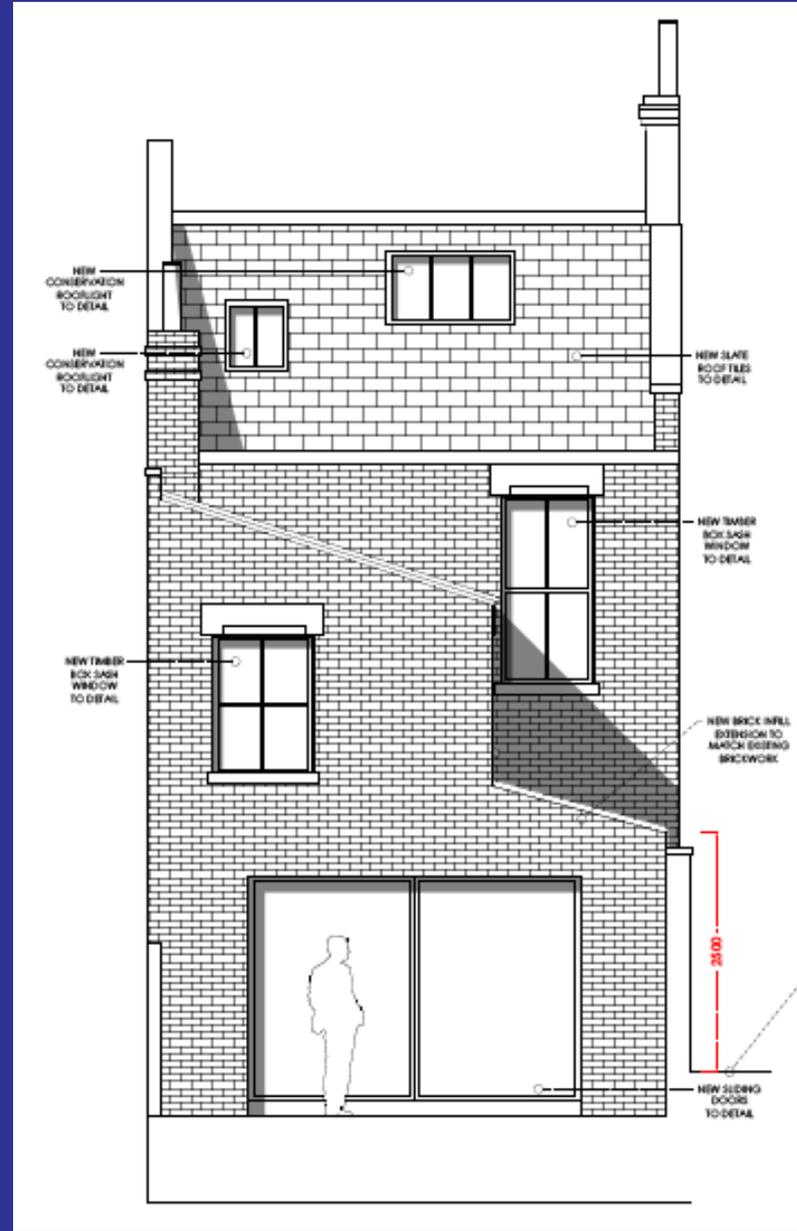
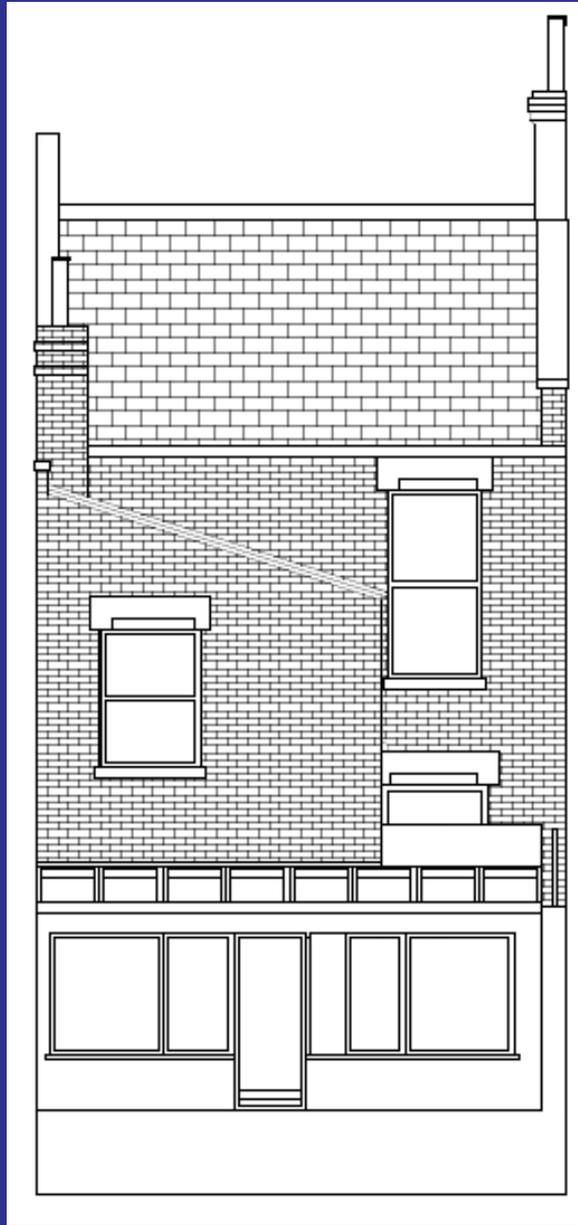
Application No. DC/21/123044

Construction of a single storey infill extension at the rear of 36 Gellatly Road, SE14, together with the demolition of the existing rear extension, insertion of rooflights to the rear roof slope and outrigger roof slope, and installation of replacement timber sash windows at the front and rear elevation and replacement of the slate roof tiles.

This presentation forms no part of a planning application
and is for information only.



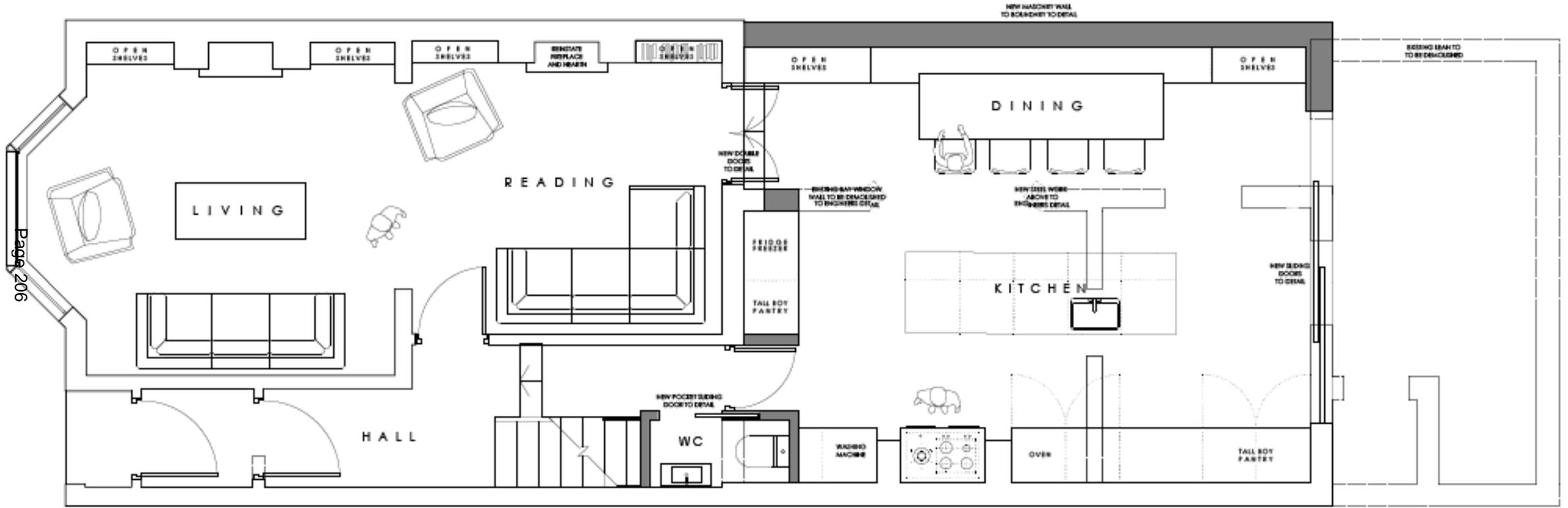


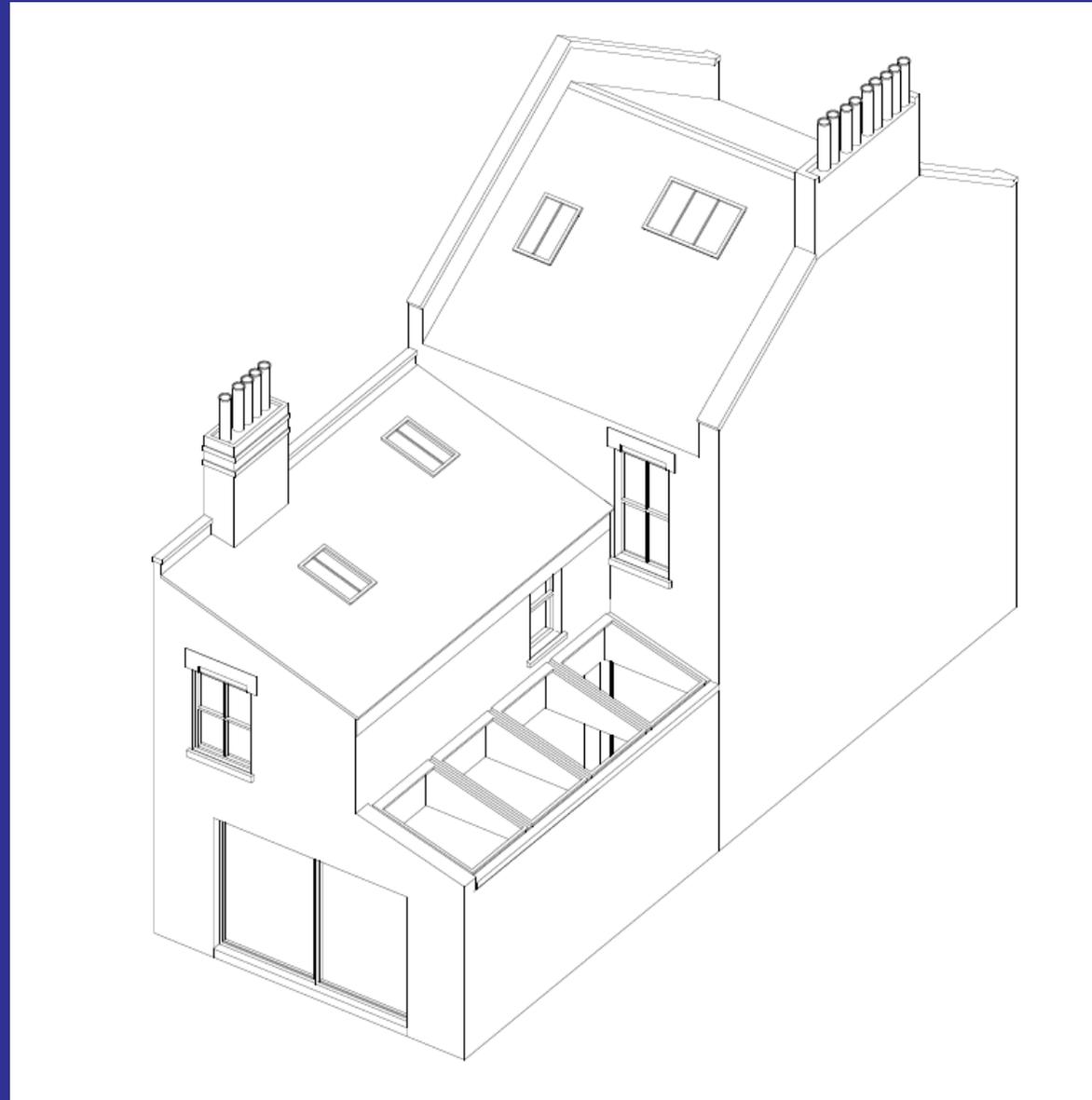


Existing and Proposed Rear Elevations



3D View





Proposed Axonometric View

Key planning considerations

- Principle of Development
- Urban Design and Heritage Impact
- Impact on living conditions of neighbours





Planning Committee A

Report title: GROUND FLAT, 5 GLENSDALE ROAD, LONDON, SE4 1UE

Date: 06 January 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Brockley

Contributors: Max Curson

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as the Brockley Society have objected to the proposal.

Application details

Application reference number(s): DC/21/123314

Application Date: 02 September 2021

Applicant: Garden Club London Ltd

Proposal: Demolition of rear garden wall to create a parking space and other works to improve the garden at Ground Floor Flat, 5 Glensdale Road SE4.

Background Papers: (1) Submission drawings
(2) Submission technical reports and documents
(3) Statutory consultee responses

Designation: PTAL 3
Air Quality
Brockley Article 4 Direction
Brockley Conservation Area
Not a Listed Building

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a self-contained ground floor flat located within a semi-detached three storey Victorian property. It is located on the northern side of Glensdale Road. The rear garden of the property adjoins a track which provides access from Harefield Road.
- 2 There was no site visit for the application due to travel restrictions related to the Covid-19 global pandemic. The site photos provided by the applicant, aerial and recent images available on Streetview and Google Earth are considered to be a sufficient basis to make an informed recommendation.

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Figure 1: Site Location Plan

Character of area

- 3 The surrounding area is predominantly residential in nature and surrounded by two to three storey Victorian Properties. More modern blocks of flats are located to the west of the application site.
- 4 The application site lies within the Brockley Conservation Area and is subject to an Article 4 Direction. It is not a listed building nor in the vicinity of one.

Surrounding area

- 5 Hilly Fields is located approximately 250m to the east of the application site. There are a number of shops, takeaways and public houses within a 500m radius.

Local environment

- 6 The site falls within an Air Quality Management Area.

Transport

- 7 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest.

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8 Brockley Railway Station is located approximately 425m to the west of the application site.

2 RELEVANT PLANNING HISTORY

9 DC/21/123746: REAR: ONE Portugal Laurel (T1)(ht.2.3m) FELL. Reason: overcrowding and in connection with planning application DC/21/123314 for creation of new rear parking space. **Granted 12 November 2021.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

10 Demolition of rear garden wall to create a parking space and other works to improve the garden at Ground Floor Flat, 5 Glensdale Road SE4.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

11 No pre-application advice was sought from the Council regarding the proposal.

4.2 APPLICATION PUBLICITY

12 Site notices were displayed on 28 September 2021 and a press notice was published on 29 September 2021.

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 23 September 2021.

14 The Brockley Society objected to the proposal. A summary of the Society's objection is set out in the table below.

4.2.1 Comments in objection

Comment	Para where addressed
Demolition of garden walls, especially to create parking spaces, is contrary to the Brockley Conservation Area SPD.	31, 32, 33
Creating parking spaces in back gardens damages the character of the conservation area.	41, 50, 51, 52, 53
Impact of the parking space on sustainable drainage and run off.	70

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A parking space will damage the amenity provided by the garden for both wildlife and residents.	79, 80
A parking space would be contrary to the Council's aims of climate action and sustainable modes of transport.	31, 32, 59
Harefield Road is well served by public transport.	32, 59
The improvements to the existing garden proposed do not offset the harm of the parking space.	40, 51, 52, 53
Increase in noise and pollution as a result of the parking space.	65
A tree should not be lost to make way for the parking space.	33, 79

- 15 The Brockley Society also raised concerns over whether the applicant has a right of way to use the access route from Harefield Road. However, the right of way is civil matter and not a material planning consideration, therefore Officers give it no weight in reaching their recommendation.
- 16 The Brockley Society also noted turning front gardens into parking spaces is contrary to the Council's aim of providing a healthy and active pedestrian friendly environment. The front garden would not be impacted by the proposal.
- 17 The Society's objection also notes refusals for new driveways elsewhere. As a driveway is not being created, this is not considered a material consideration.

4.3 INTERNAL CONSULTATION

- 18 The following internal consultees were notified on 06 September 2021.
- 19 Conservation: No objections following revisions. See paras 50 and 51 for further details.
- 20 Highways: reviewed and decided not to comment.

4.4 EXTERNAL CONSULTATION

- 21 No external consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

- 22 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).

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

5.2 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 aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

27 The Development Plan comprises:

- London Plan (March 2021) (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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

28 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

5.6 OTHER MATERIAL DOCUMENTS

- Brockley Conservation Area Character Appraisal (2005)

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6 PLANNING CONSIDERATIONS

29 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Transport Impact
- Living Conditions of the Neighbours
- Sustainable Development
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

30 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.

31 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Discussion

32 Officers note that the Brockley Society objected to the proposal on the grounds that it would be contrary to the Council's aims of encouraging sustainable modes of transport and note that Harefield Road (from which the parking space would be accessed) is served well by public transport. Officers do not disagree with this concern; however the question is whether there is a policy basis on which a parking space can be refused as a matter of principle.

33 The access point from Harefield Road appears to lie directly on the boundary of PTAL 4 and 3 (see Figure 4, below). The principle of providing a residential parking space within an area with a PTAL of 4 or above is contrary to the maximum parking standards set out in Table 10.3 of the London Plan. The application site itself has a PTAL of 3 which indicates an average access to public transport. As such, the principle of a parking space in this location is within the guidelines of the London Plan, which sets a maximum of up to 0.25 spaces per dwelling. Whilst the creation of a parking space in the rear garden is not preferable, it is in a convenient location, with an already established access drive, and there is no policy basis on which to say the creation of a parking space in the curtilage of an existing dwelling is objectionable solely on the basis of the provision of off-street parking. In reaching this conclusion, Officers are giving weight to the fact LPP T6.1 (A) states "New residential development should not exceed the maximum parking standards set out in Table 10.3". The proposal is not associated with new residential development and therefore Officers do not consider this type of development lies within the scope of LPP T6.1 (A). Decisions to approve or refuse off-street parking in front gardens elsewhere in the Conservation Area and the wider Borough have not been deemed to be conflict with LPP T6.1, albeit that policy was only adopted earlier this year. The use of part of the land within the curtilage of a dwelling for private parking associated with that dwelling would be ancillary to the C3 use class, so

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no change of use would occur

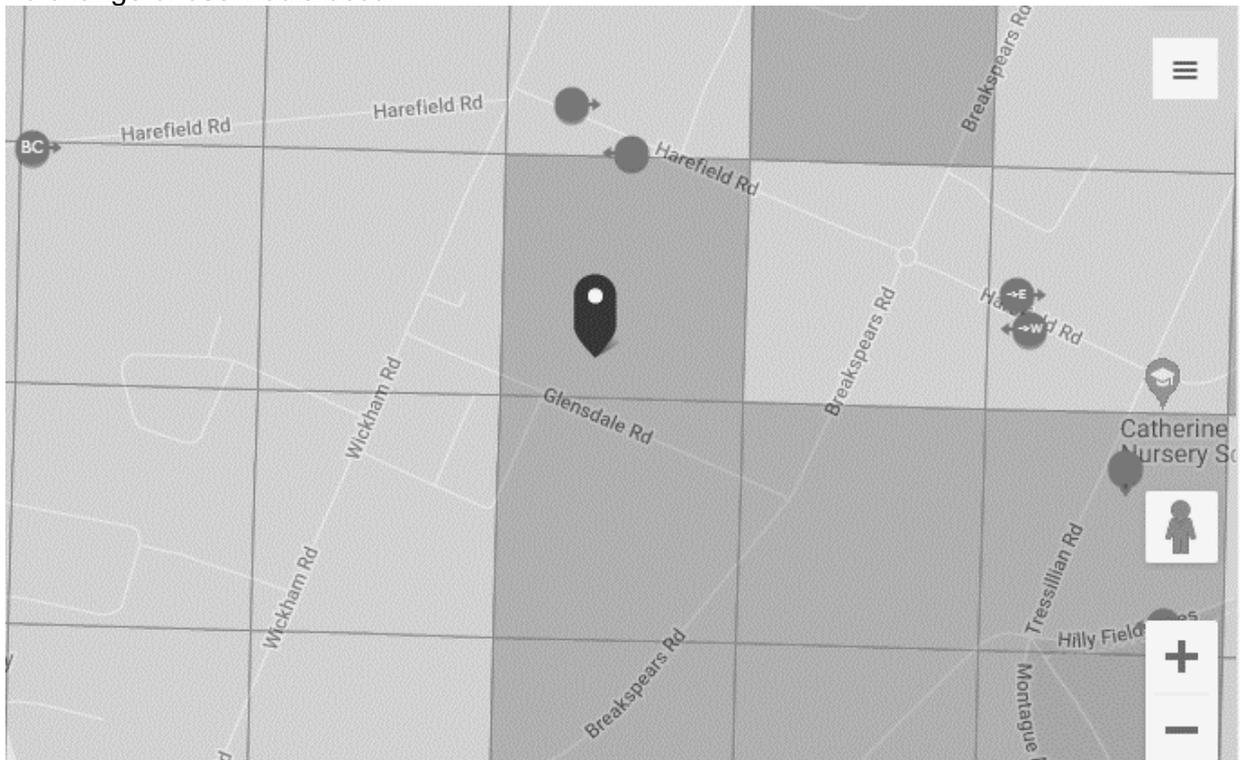


Figure 4: extract from TfL PTAL map - mid grey is PTAL 3, lighter grey is PTAL 4, the dark grey pin is the centre of the application site.

34 The Brockley Society also objected to the principle of the demolition of the rear garden wall as it would be contrary to page 9 of the Brockley Conservation Area SPD. The SPD does not make any reference to the demolition of rear garden walls. In addition the Society has objected to the felling of a tree to create the parking space. The Tree Officer has already granted permission to fell the tree. As such, Officers cannot consider the loss of the tree a material consideration with regard to the principle of development.

35 The Development Plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to details.

6.1.1 Principle of development conclusions

36 The principle of development is supported, subject to details.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

37 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

38 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.

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- 39 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 40 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 41 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

- 42 The Alterations and Extensions SPD does not provide guidance on parking spaces in rear gardens.
- 43 The Applicant describes the existing garden as being dominated by unmanaged and run-down groundcover which lacks interest in both aesthetic and ecological terms. There is an existing stone patio that adjoins the rear of the property. The existing rear garden layout plan is shown on the figure below.

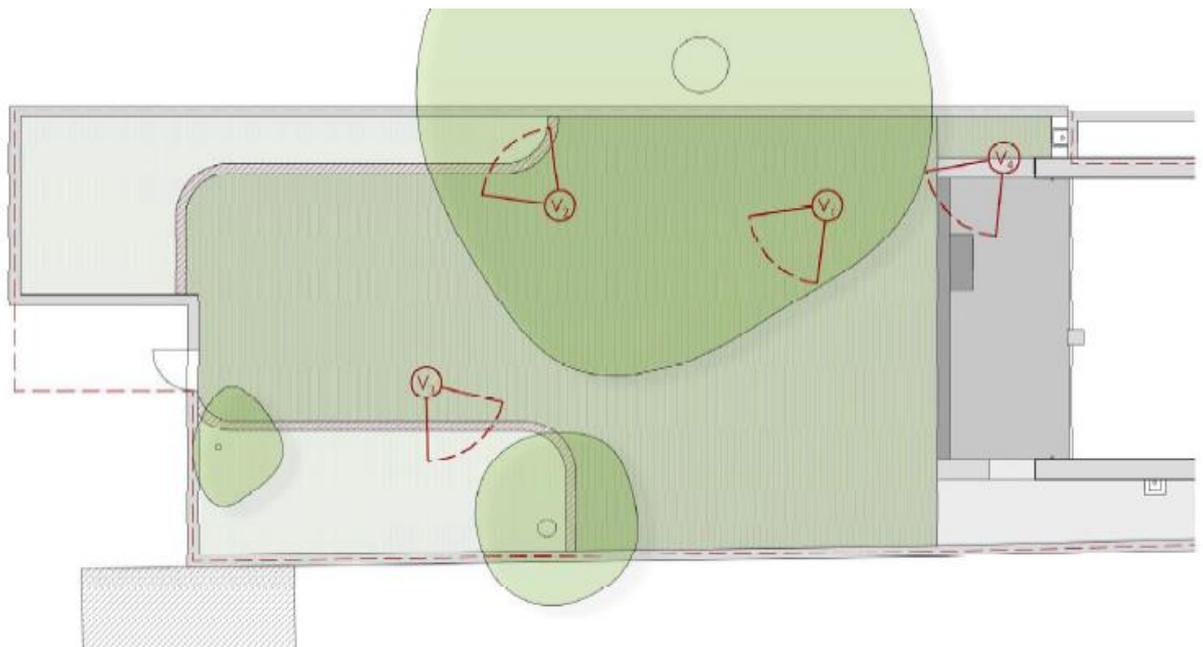


Figure 2: Existing Garden Layout Plan

- 44 The proposed works include the demolition of part of the existing rear garden wall to create access to a private parking space (approximately 4m x 3.5m) within the property boundary. The parking space would be constructed of permeable paving and would be served by an electric vehicle charging point. A new wall would be constructed to adjoin the existing rear garden wall to form a straight rear boundary. The new wall is proposed to be constructed of concrete blocks with a coping of London stock bricks and a timber trellis above. This would match the existing wall. The existing trellis would be replaced on both the existing and proposed wall. Permission has been granted under application DC/21/123746 to remove an existing tree at the location of the proposed parking space.

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Stone paving would be laid in the middle of the garden to allowing for a dining area. A timber benched seating area would also be installed. A mix of planting is proposed for the rear garden. Permeable gravel pathways will be created, with the planting designed to self-seed into the gravel over time. The proposed garden layout is shown on the figure below.



Figure 3: Proposed Garden Layout Plan

6.2.1 Impact on Heritage Assets

Policy

- 45 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 46 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.
- 47 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.
- 48 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.
- 49 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.

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50 Further guidance is given in the Brockley Conservation Supplementary Planning Document and the Brockley Conservation Area Character Appraisal.

Discussion

51 The application site is located within the Brockley Conservation Area. The Conservation Officer sought revisions to the proposal plans. Whilst there was no objection to creation of the parking space or the alterations of the rear boundary wall, addition drawings and details were requested of the brick, bond, mortar and detailing. The applicant subsequently provided additional drawings and details. In addition, the paving at the proposed car parking space was changed from concrete to a porous and permeable material. Officers consider the proposed Marshalls Piora Permeable Paving to be of sufficient quality for the conservation area.

52 The Conservation Officer sought a reduction in the amount of gravel proposed at the rear garden to protect the significance of the conservation area. The applicant subsequently amended the plans to reduce the size of the gravel paths and increase the green quality of the garden. In addition, the Conservation Officer objected to the proposed double doors at the rear of the garden. The applicant subsequently provided amended plans with a single door. As such, officers consider the proposal to be acceptable in terms of its impact on the Brockley Conservation Area.

53 The Brockley Society stated in their objection that the improvements to the garden do not offset the creation of a parking space. Officers appreciate that conclusion can be reached, depending on the weight the decision maker gives to the relevant considerations. In this case, Officers have reached a different conclusion, which is that the creation of a parking space creates no harm and therefore there is no need to consider whether the improvements to the garden would offset the parking space, The parking space would be conveniently located and it would not be visible from the public realm. Therefore, Officers consider that the current proposal would lead to no harm to the Brockley Conservation Area.

Summary

54 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 and appearance of Brockley Conservation Area.

6.3 TRANSPORT IMPACT

General policy

55 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 104. 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.

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- 56 Para 111 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”.
- 57 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.
- 58 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

Private cars

Policy

- 59 LPPs T6 and T6.1 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

Discussion

- 60 Officers note that the Brockley Society objected to the proposal on the grounds that it would be contrary to the Council’s aims of encouraging sustainable modes of transport and note that Harefield Road (from which the parking space would be accessed) is served well by public transport. Officers do not disagree with this concern; however the question is whether there is a policy basis on which a parking space can be refused as a matter of principle. This is covered in detail in para X of the Principle of Development Section. As noted, there is no in-principle objection to the creation of a parking space. Whether a parking space is acceptable depends on the other impacts of the space on matters such as urban design, impact on the heritage asset, impact on the living conditions of neighbours and green infrastructure considerations.

6.3.1 Transport impact conclusion

- 61 The proposed development is considered to have an acceptable transport impact.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 62 NPPF para 130 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 183 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.
- 63 The NPPF at para 174(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse

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impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

64 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.

6.4.1 Noise and disturbance

Policy

65 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

Discussion

66 Officers note that the Brockley Society objected to the proposals on the grounds that it would increase noise and pollution for the surrounding properties. Only one parking space is proposed. The access track from Harefield Road is already established for vehicular access. Officers do not consider that the single parking space would lead to a material increase in noise or pollution for the surrounding properties.

6.4.2 Impact on neighbours conclusion

67 The proposal would not impact upon the living conditions of the neighbours.

6.5 SUSTAINABLE DEVELOPMENT

6.5.1 Sustainable Urban Drainage

Policy

68 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

69 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.

70 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

Discussion

71 Officers note that the Brockley Society objected to the proposals on the grounds that the parking space would impact upon sustainable drainage and run off. The parking space would be constructed of Marshall Priors Permeable Paving which has a flow rate of 18750 L/S/H (Litre/Second/Hectare). The gravel used to make paths at the garden would be permeable. The paving under the dining area would be conditioned to ensure that a permeable material is used. As such, the proposal would have no appreciable impact on sustainable urban drainage.

6.5.2 Sustainable Infrastructure conclusion

72 The proposal will not impact upon sustainable urban drainage.

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6.6 NATURAL ENVIRONMENT

General Policy

- 73 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning. S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 74 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 75 The NPPF at para 183 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.

6.6.1 Ecology, biodiversity, green spaces and trees

Policy

- 76 NPPF para 174 expects development to contribute to and enhance the natural and local environment. Para 131 of the revised NPPF emphasises the importance of retaining trees where possible.
- 77 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 78 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 79 DMP 25 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

- 80 As noted in para 33, the Tree Officer has already granted permission to fell the tree in a separate application. In coming to their decision, the Tree Officer noted that the Portugal Laurel was not visible from the public realm, and added an informative stating that replacement urban greening and wildlife habitat would be greatly appreciated as part of the rear garden landscape proposals. A condition has been added to ensure that a suitable replacement tree is planted.
- 81 Officer note that the Brockley Society objected to the proposals on the grounds that it would impact the amenity of the garden for both residents and wildlife. The applicant states that attracting wildlife and improving biodiversity is the main consideration underpinning the planting design. As the application concerns a residential garden, an ecological survey is not required for a scheme of this size. Due to the limited size, it is expected that the proposals would be largely neutral in its impacts on biodiversity. In any

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event, the existing ground cover could be cleared without planning permission. The species planted would be conditioned to ensure that a sufficient quality of biodiversity is achieved.

6.6.2 Natural Environment conclusion

82 The proposal would have a neutral impact in terms of the quality of biodiversity and thus is acceptable, subject to conditions.

7 LOCAL FINANCE CONSIDERATIONS

83 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).

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

85 The CIL is therefore a material consideration.

86 This application does not attract CIL.

8 EQUALITIES CONSIDERATIONS

87 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.

88 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.

89 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.

90 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010

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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>

91 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

92 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>

93 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

94 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

95 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.

96 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

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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.

- 97 This application has the legitimate aim of altering the existing garden of the property. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

- 99 No change of use would arise from the use of a small part of the rear garden for a parking space used by occupants of the host dwelling, therefore the proposal is acceptable in land use terms. In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building and Brockley Conservation Area in terms of design. No unacceptable harm would arise to the living conditions of neighbours, and it would have no appreciable impact upon sustainability, the natural environment or the transport network. Therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

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

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

Site Location Plan; GR_PA_002; GR_PA_003-A; GR_PA_003-B; GR_PA_007.
Received 03 September 2021.

GR_PA_008 (Rev A); GR_PA_009 (Rev A); GR_PA_010-A (Rev A);
GR_PA_010-B; GR_PA_011 (Rev A); GR_PA_012 (Rev A); GR_PA_013-A;
GR_PA_013-B; GR_PA_013C. **Received 28 October 2021.**

GR_PA_005 (Rev A). **Received 29 October 2021.**

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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) MATERIALS

No development above ground shall commence on site until a detailed schedule and specification/samples of all external materials and finishes 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.

4) SOFT LANDSCAPING

(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. The scheme shall include details of a suitable replacement tree adhering to the "right tree, right place" principles

(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).

5) CAR PARKING TO BE ANCILLARY

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the car parking space shall be used for the parking or storage of private motor vehicles only, or, for purposes ancillary to the residential use of the dwelling known as GROUND FLAT, 5 GLENSDALE ROAD, LONDON, SE4 1UE and no trade or business shall be carried on therefrom.

Reason: To ensure the car parking space is for domestic use for the dwellinghouse only. The application has been assessed only in terms of this restricted use and any other use may have an adverse affect on the character and amenity of the area and amenity for future occupiers.

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11.2 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.

12 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission technical reports and documents
- 3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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Ground Flat, 5 Glensdale Road

SE4 1UE

Application No. DC/21/123314

Demolition of rear garden wall to create a parking space and other works to improve the garden at Ground Floor Flat, 5 Glensdale Road SE4.

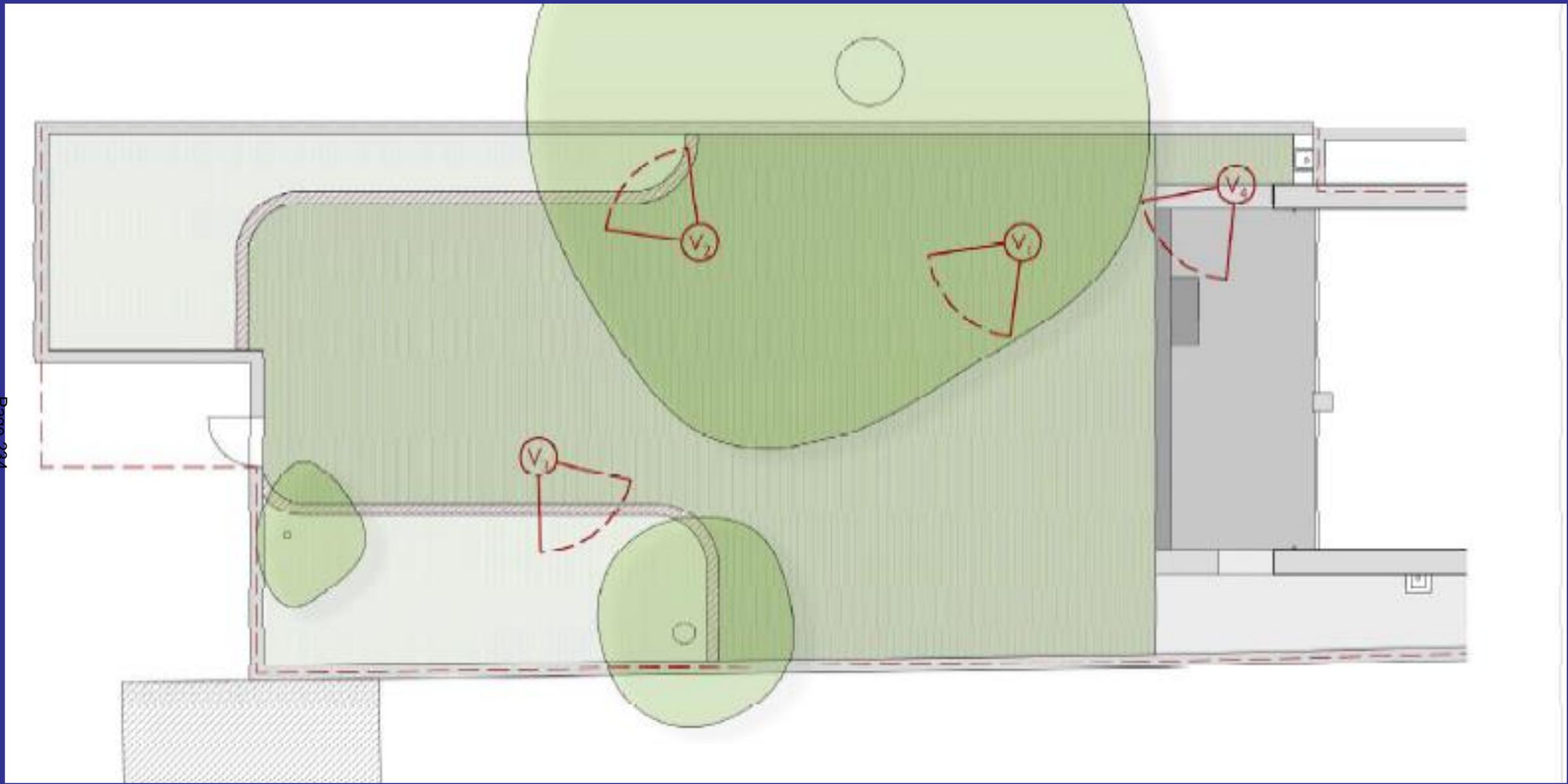
This presentation forms no part of a planning application and is for information only.



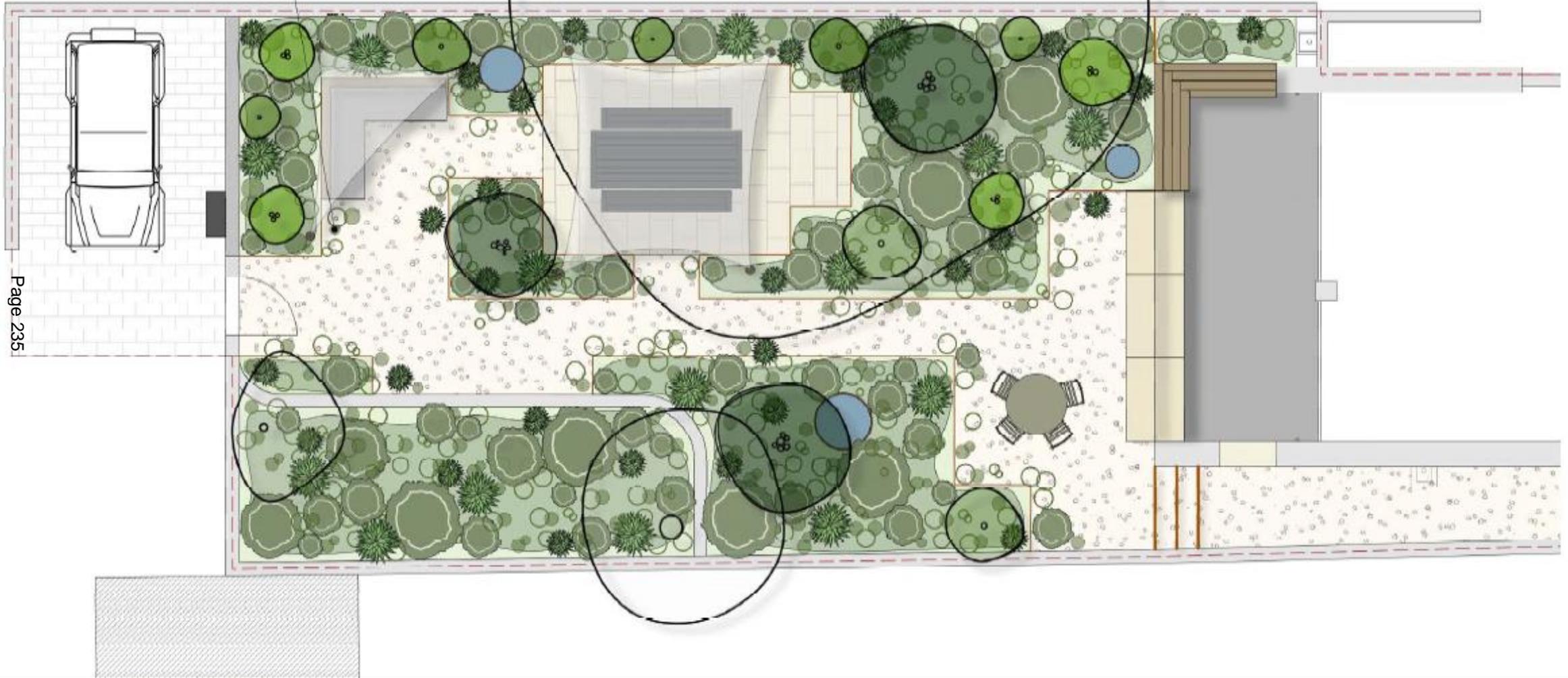
Site Location Plan



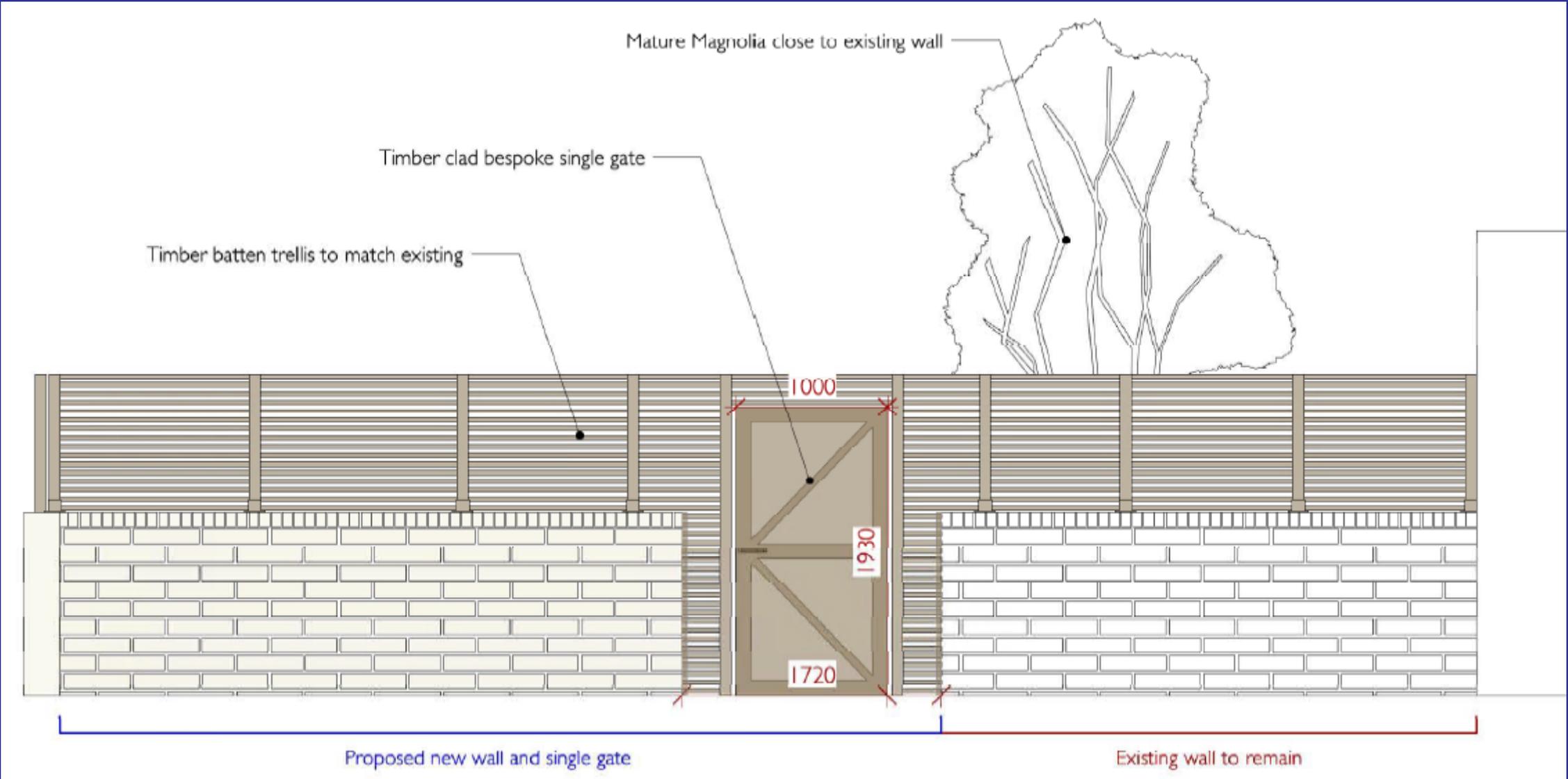
Existing Aerial View



Self-seeding planting within gravel



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Key planning considerations

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

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