

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 22 JULY 2021 TIME 7.30 PM**

PLACE: **HYBRID MEETING: COUNCIL CHAMBER AND REMOTE**

Members of the Committee are summoned to attend this meeting:

Membership

Councillors:

Olurotimi Ogunbadewa (Chair)

Stephen Penfold (Vice-Chair)

Peter Bernards

Mark Ingleby

Silvana Kelleher

Louise Krupski

Hilary Moore

John Paschoud

James Rathbone

Joani Reid

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, 13 July 2021

For further information please contact:
Claudette Minott Committee Officer
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Catford Road SE6 4RU

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 22 July 2021

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 22 July 2021

MINUTES

To approve the minutes of the meetings of:

- Planning Committee C held on the 20 May 2021.
- Planning Committee C (Council AGM), held on 26 May 2021

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**LEWISHAM COUNCIL
PLANNING COMMITTEE C
THURSDAY, 20 MAY 2021 AT 7.35 PM
MINUTES**

PRESENT: Councillor Olurotimi Ogunbadewa (Chair), Councillors: Peter Bernards, Suzannah Clarke, Mark Ingleby, Louise Krupski, Paul Maslin, James Rathbone

APOLOGIES FOR ABSENCE: Councillors: Silvana Kelleher, Stephen Penfold and Jacq Paschoud

OFFICERS: Team Leader, Planning Officers, Committee Officer.

ALSO PRESENT: Legal Representative: Charles Merrett, Barrister from Francis Taylor Building on behalf of LBL.

**Item
No.**

1 Declarations of Interest

None received.

2 Minutes

RESOLVED that the minutes of the Planning Committee C meeting held on 18 February 2021, be agreed and signed as a correct record.

3 Unit 4a, Ashby Mews, London, SE4 1TF

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing garage building at Unit 4a, Ashby Mews (land at the rear of 93 Upper Brockley Road) and redevelopment of the site including excavation works to provide:

- Two-storey live/work unit (Sui Generis Use) together with all necessary associated works. [Revised description]

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

- Principle of proposed development

- Employment
- Housing
- Urban Design
- Heritage assets
- Trees
- Transport
- Impact on Adjoining Properties

Afterwards, members' questions related to live/work units and the inclusion of a green roof.

The Officer provided clarification regarding the uses permitted, for the live/work units, as outlined in the officer report.

It was confirmed by the Officer, there would be no green roof. But there would be solar panels.

The applicant attended the meeting, but did not address the Committee.

A member's question put to the applicant related to design.

The applicant confirmed the cladding would be a natural material.

No representatives attended the Committee meeting, to speak for or against the application.

The Committee considered the submissions made at the meeting, and

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of the existing garage building at Unit 4a, Ashby Mews (land at the rear of 93 Upper Brockley Road) and redevelopment of the site including excavation works to provide two-storey live/work unit (Sui Generis Use) together with all necessary associated works. [Revised description]

Subject to conditions and informatives outlined in the report.

4 No.38 Ravensbourne Road, SE6

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for an application submitted under section 73 of the Town and Country Planning Act 1990 in order to allow for variation of Condition 2 in connection with DC/19/112710 dated 04/09/2020 for the construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking

The Committee noted the report.

Afterwards, members' questions related to the definition of 'dwelling house', as referenced in the officer report,

The Officer provided further clarification regarding the definition of 'dwelling house', as outlined in the officer report and confirmed the development would be a 'self- contained detached house'.

The applicant answered questions from the Committee. The questions related to the application process, solar panels and the mention of a car electrical charge point.

The applicant confirmed a prior application for the development, had been approved. However, after noting objections from neighbours, the applicant amended and resubmitted the application to the local authority.

It was confirmed by the applicant that he had elected to remove the solar panels.

The applicant stated the reference to a car electrical charge point, was to provide an example of the wiring required for the development.

A representative addressed the Committee, on behalf of local residents advising that residents were opposed to the proposal, due to concerns regarding overcrowding, external amenities, gardens, the pavement outside the development, traffic, privacy, design and trees.

The representative was advised by a Member that only the amended application would be considered. The representative was asked to

identify concerns, directly relevant to the amended application under consideration.

The representative advised the Committee of three addresses near to the development, that they felt would be most affected by the application.

The following questions from members related to compliance, communal space and solar panels.

The Officer confirmed the amended application was compliant with the London Plan.

The applicant provided clarification regarding the development's private amenity space and reiterated that after consultation with neighbours, concerns raised were noted and an amended application was resubmitted to the local authority.

The Officer confirmed the size of the communal space would remain the same.

The Team Leader advised the inclusion of solar panels on the development were not a policy requirement. However, an informative could be included in the legal agreement made with the applicant.

The Committee considered the submissions made at the meeting, and

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for an application submitted under section 73 of the Town and Country Planning Act 1990 in order to allow for variation of Condition 2 in connection with DC/19/112710 dated 04/09/2020 for the construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking

Subject to conditions and informatives outlined in the report and,

- An Informative be added to encourage the developer to re-instate the solar panels approved with DC/19/112710, with the

final wording delegated to officers and the agreed with the Chair.

Subject to conditions and informatives outlined in the report.

5 144 Forest Hill Road, SE23 3QR

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for alterations and conversion of existing dwelling house at 144 Forest Hill Road SE23, together with the construction of a two storey plus roof space extension at the side incorporating a roof terrace to provide:

- 6 self-contained flats (2 x 1, 3 x 2 and 1 x 3) with private amenity space, landscaping, cycle and bin storage and associated works.

The Committee noted the report.

The following members' question related to the external space,

The Officer referred to their presentation and provided further clarification of external space as outlined in the officer report.

The applicant addressed the Committee, advising that the application site was compliant with the local authority's planning policy. Members were advised the proposed conversion would prevent 'substandard' housing. The applicant described the development noting the proposed units were 'better quality', with direct access to external amenities. The features of the development would be 'reinterpreted' into a contemporary design. The Committee were advised that officers consulted, felt it was a 'high quality design'. The applicant stated that it was felt objectors were adverse to a change in the 'status quo'.

The enquiries from members that followed, related to design, plans and materials used.

The applicant reiterated the features of the development would be reinterpreted in a contemporary way and would not be a pastiche.

The Team Leader noted the requests from members for improved plans and sample materials, to be included in Planning Committee meetings going forward.

Clarification was also provided by the Team Leader regarding the planning officers' role, in ensuring applications met the criteria as set out in planning policy.

A resident addressed the Committee with concerns regarding privacy overlooking and noise.

Afterwards, the Chair requested further clarification regarding the officer report definition of 'single family dwelling'.

The Officer provided further clarification, advising there was no conflict with DM Policy 3.

Enquiries from members related to privacy, noise and legal advice sought regarding DM Policy 3.

The Officer confirmed that a condition regarding privacy screening to the roof terrace of the existing building, could be included.

It was also confirmed by the Officer that a condition regarding acoustic insulation between the approved units and No 146 Forrest Hill Road could be agreed.

The Legal Representative provided advice regarding DM Policy 3, reiterating the advice of the Officer: that there was no conflict.

During the course of the meeting several members emphasised their concerns regarding overlooking, privacy and noise. A member raised concern regarding the officer's interpretation of DM Policy 3 in relation to the application under consideration. The Legal Representatives advice was reiterated and supported by the Team Leader. A member advised that if members of the Committee were concerned about legal advice provided, the matter should be addressed to the local authority's CEO. A briefing on DM Policy 3 was offered to members by the Team Leader and was welcomed by members.

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

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for GRANT planning permission for alterations and conversion of existing dwelling house at 144 Forest Hill Road SE23, together with the construction of a two storey plus roof space extension at the side incorporating a roof terrace to provide 6 self-contained flats (2 x 1, 3 x 2 and 1 x 3) with private amenity space, landscaping, cycle and bin storage and associated works.

Subject to conditions and informatives outlined in the report and,

- A condition be added to the Planning Decision Notice addressing privacy screening to the roof terrace of the existing building, with the wording of the condition delegated to Officers and agreed with the Chair before the issue of decision.
- A condition be added to the Planning Decision Notice addressing acoustic insulation between the approved units and No 146 Forrest Hill Road with the wording of the condition delegated to Officers and agreed with the Chair before the issue of decision.

6 **17 Minard Road, SE6 1NS**

The item was removed from the Agenda.

The meeting closed at 9.21 pm

Chair

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MINUTES OF THE PLANNING COMMITTEE C

Wednesday, 26 May 2021 at 8.46 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernhards, Mark Ingleby, Silvana Kelleher, Louise Krupski, Hilary Moore, John Paschoud, James Rathbone and Joani Reid.

1. Planning C membership

RESOLVED that the following members be appointed to Planning Committee C:

Councillor Bernhards
Councillor Ingleby
Councillor Kelleher
Councillor Krupski
Councillor Moore
Councillor Ogunbadewa
Councillor John Paschoud
Councillor Penfold
Councillor Rathbone
Councillor Reid

2. Planning C Election of Chair

RESOLVED that Councillor Ogunbadewa be elected as Chair and Councillor Penfold be elected as Vice-Chair for the municipal year 2021-22.

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Committee	PLANNING COMMITTEE C	
Report Title	36 Scawen Road, London, SE8 5AE	
Ward	Evelyn	
Contributors	Alfie Williams	
Class	PART 1	22 JULY 2021

Reg. Nos. DC/20/119473

Application dated 04.12.2020

Applicant Mr Roberts

Proposal Alterations, restoration and conversion of the existing house at 36 Scawen Road SE8 to provide 2 houses with alterations to the roof to form a crown roof with side and rear dormers, together with the construction of 5, three and four storey houses, a children play area, allotments and a wildlife corridor around the site.

Background Papers

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

Designation

Air Quality Management Area
Area of Archaeological Priority
Deptford Neighbourhood Forum
Flood Risk Zone 2
Flood Risk Zone 3
PTAL 2

1 SUMMARY

1 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 ten individual objections have been received from local residents.

2 SITE AND CONTEXT

Site description and current use

2 The application site is a large two storey Victorian property located on Scawen Road. Scawen Road runs between Evelyn Street and Grinstead Road, bounding two sides of, and overlooking, Deptford Park. The site is located on the north-west side of Scawen Road at the point where the terraces on the northern and western sides of the road

meet. The site has unusual 'L' shape and the plot is significantly larger than those occupied by the other terraced houses in the road.



Site location plan

- 3 The property, along with the neighbouring house to the east (no.35), is set back from the main street frontage with somewhat larger front gardens. The house is at the southern boundary of the site adjoining no.37 with the remainder of the site providing a large garden of approximately 1000sqm. The garden previously formed part of a builder's yard. The garden is bound to the north and east by the rear gardens of houses in Scawen, Croke and Alloa Roads, and to the west by Kezia Mews. Kezia Mews is built on a former builder's yard with access on to Kezia Street and is comprised of six units.

Character of area

4 Scawen Road is predominantly residential and is characterised by two storey terraced housing on the north and west sides of the road. The opposite sides are largely free from built development and bound the perimeter of Deptford Park. The surrounding area is also mainly residential, comprised of roads of two storey terraces of similar character to Scawen Road. The closest larger scale development and commercial uses are located on Evelyn Street to the east. The nearest town centres are New Cross / New Cross Gate to the south and Deptford to the south-east.

Heritage/archaeology

5 The site is not located within a Conservation Area. However, Nos 35 and 36 Scawen Road are locally listed, and are therefore non-designated heritage assets, as a pair and have the following list entry.

'Two late Victorian end of terrace houses. Stock brick with stucco mouldings. Two houses are set back from the main terrace and built at an angle to form the corner which is an unusual treatment'

6 The existing house at 36 Scawen Road was built in the late 19th Century as part of the development of the remainder of the road. It appears that this house originally belonged to the original builder, Mr. Keylock, and its detailing is much more ornate than that of the other houses. The house has been designed to overlook the extensive garden and has many windows facing northwards over the garden. The house is set back from the frontage of the terrace fronting Scawen Road. No. 35 Scawen Road is in a symmetrical position behind the terrace to its east, creating an unusual corner to the street. Both houses are set back from the terraces to which they are both attached, and are sited at right angles to each other. There is an entrance to the garden of the application property between the houses. No.35 does not form part of the application site.

7 The site is located within an Area of Archaeological Priority.

Transport

8 The site has a PTAL of 2, which is a low level of public transport accessibility. The closest train station is Surrey Quays tube station located approximately 1km to the north-west. South Bermondsey Station is located 1.1km to west and Deptford Station is located 1.8km to the south-east. The site is approximately 5 minutes' walk from the nearest bus stop on Evelyn Street.

3 RELEVANT PLANNING HISTORY

9 In 2004 an application (DC/04/57273) was refused for the demolition of 36 Scawen Road and the construction of a two storey (plus roof space) building, incorporating balconies at first floor level, comprising 3 x one bedroom and 7 x two bedroom, self-contained flats, together with associated landscaping and provision for bin and cycle storage. The application was refused for the following reason:

1. *The proposed development by reason of its design, layout, mass and scale, would result in an obtrusive form of development out of keeping with the neighbouring Victorian terraces and the street scene and would give rise to overlooking and a loss of privacy to surrounding residential properties and gardens contrary to Policies HSG 1A Housing on Previously Developed Land, HSG 3 Residential Amenity, HSG 4 Layout and Design of New Residential Development, HSG 6 Backland and In-fill Development, URB 2 Urban Design and URB 11 Landscape and Development in the Adopted Unitary Development Plan (July 2004).*

10 In August 2005 planning permission (DC/05/59803) for the demolition of 36 Scawen Road SE8 and the construction of a two storey plus roof space building, incorporating balconies at first floor level, comprising 4 one bedroom and 6 two bedroom self-contained flats, together with associated landscaping and provision for bin and cycle storage was refused for the following reasons:

- 1. The proposed development by reason of its design, layout, mass and scale, would result in an obtrusive form of development out of keeping with the neighbouring Victorian terraces and the street scene and would give rise to overlooking and a loss of privacy to surrounding residential properties and gardens contrary to Policies HSG 2 Housing on Previously Developed Land, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development, URB 3 Urban Design and URB 12 Landscape and Development in the Adopted Unitary Development Plan (July 2004).*
- 2. The proposed development does not provide secure cycle parking provision as required by policy TRN14 Cycle Parking in the Adopted Unitary Development Plan (July 2004).*

11 An appeal against the decision was dismissed on 29 June 2006.

12 In July 2006, an application (DC/06/62300) for the construction of 2 two storey, two bedroom, semi-detached houses, retaining the facade of the existing building on the site of 36 Scawen Road SE8 and construction of 2 part single/part two storey buildings to the rear, comprising a total of 4 one bedroom and 4 two bedroom, self-contained flats, together with associated landscaping, was refused for the following reasons:

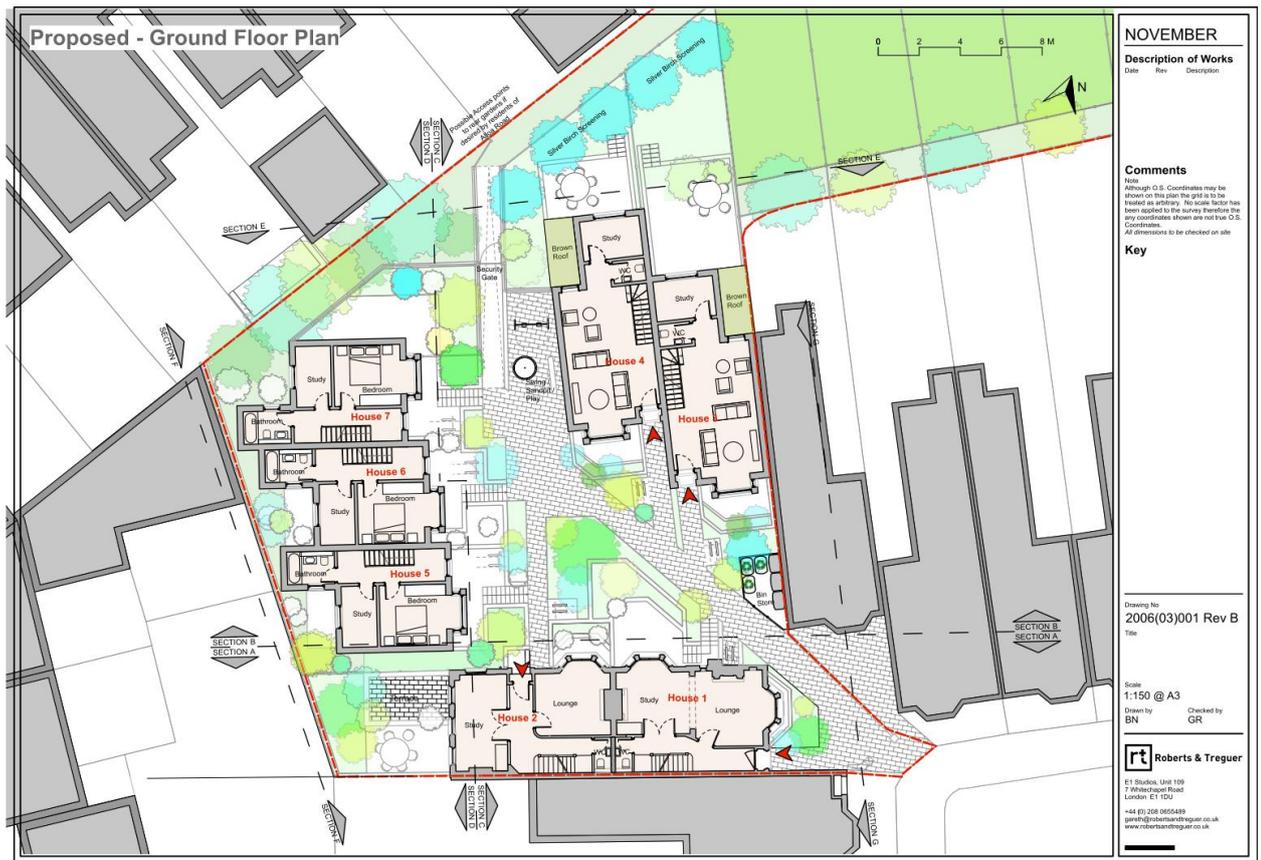
- 1. The proposed development by reason of its design, siting, mass and bulk, would result in an obtrusive form of development out of keeping with the neighbouring Victorian terraces and would give rise to overlooking, a loss of privacy, overshadowing and poor outlook to surrounding residential properties and gardens, in addition to the loss of a mature garden, which has important open space qualities, contrary to Policies HSG 2 Housing on Previously Developed Land, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development, URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).*
- 2. The proposed development, which would involve the loss of one of a pair of locally listed buildings to the detriment of the pair, has not been justified by the quality of the proposed replacement buildings, contrary to policies URB 18 Preserving Listed Buildings and URB 19 Locally Listed Buildings in the adopted Unitary Development Plan (July 2004).*

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

13 The proposal would see the redevelopment of the site to provide seven houses and an allotment at the rear of the site. The redevelopment would include the retention of the existing property and conversion to form two three-bedroom houses (Houses 1 and 2). In order to facilitate the conversion the hipped roof would be extended to form a crown roof with dormers window constructed to the side and rear roof slopes. The conversion would also include the demolition of the later single storey extension to the rear to provide

amenity space for the rear dwelling. As part of the redevelopment, the exterior elevations of the property would be restored and the main slopes reroofed.



14

Proposed block plan

- 15 The five new houses would be comprised of two three-bedroom houses (Houses 3 and 4) and three two-bedroom houses (Houses 5, 6 and 7). The houses would be arranged in the south-western half of the site with the north-eastern half reserved for the allotment. The two-bedroom houses would be two storeys and would be constructed adjacent to the existing building along the western boundary with Kezia Mews. The three-bedroom houses would be three storeys and would be constructed adjacent to No.35 Scawen Road with a stepped building line.
- 16 The new houses would be constructed from brick with zinc roofs and would feature timber sash windows with brick arched window heads and cast iron rainwater goods. All of the houses would feature loft accommodation facilitated by the provision of dormers. These dormer would be located within the front roof slope for Houses 5-7 and at the rear of Houses 3 and 4.
- 17 All of the houses would feature external amenity space. For Houses 2, 3 and 4 the gardens would be at the rear of the property. For Houses 5, 6 and 7 external amenity spaces would be provided at the front and rear. Each house would be provided with cycle storage for two cycles at the front of the properties. This storage would be located at lower ground floor level for Houses 5, 6 and 7 and ground floor level from Houses 1, 2, 3 and 4.
- 18 The houses would be arranged either side of a paved courtyard to form a mews style development. The courtyard would feature a communal bin store close to the entrance to the site and a children’s play space at the rear. The yard would not be accessible to vehicles. The allotment would be accessed via the courtyard by a path running adjacent

with the north-western boundary with Alloa Road. A security gate would prevent unauthorised access to the allotment.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

19 The applicant undertook pre-application consultation with the adjoining properties on Scawen Road, Alloa Road, Crooke Road and Kezia Road. In addition, local stakeholders including Deptford Park School, Sir Francis Drake School and Pepys Community Garden. An account of the consultation is provided within the Statement of Community Involvement submitted in support of the application.

5.2 APPLICATION PUBLICITY

20 Site notices were displayed and a press notice was published on 30 December 2020.

21 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 17 December 2020.

22 30 representations were received in response, comprising ten objections, three letters in support and 18 comments.

23 Officers note that four objections were withdrawn following the submission of revisions. The revisions include a number of changes to Houses 3 and 4 to address concerns with overlooking and the impacts to light levels at neighbouring properties. The revisions include an alteration to the position of the dormers, recessing the second floor windows and adding obscure glazing to a section of the upper floor windows. In addition further details were submitted to overcome specific concerns with security and party wall issues.

5.2.1 Comments in objection

Comment	Para where addressed
<i>Principle of Development</i>	
Management of allotment	64-65
Subdivision of existing house	67
<i>Housing</i>	
Overdevelopment	71-73
<i>Urban design</i>	
Scale, height and massing	92-97
Heritage impact	102-107
<i>Highways and Servicing</i>	
Access	128
Parking	126
Servicing & refuse collection	119-121
Construction impact to public highway	128
Emergency service access	122

<i>Living conditions of neighbours</i>	
Loss of outlook	137-140
Loss of light	145-146
Loss of privacy	141-144
Increase noise/disturbance	147
Light pollution	148
<i>Natural environment</i>	
Loss of biodiversity & habitat	173-180

24 Matters relating to the party walls were also raised within the objections. These matters are subject to separate legislation and as such are not a material planning consideration.

5.2.2 Comments in support

25 The comments in support of the application noted that the proposal would lead to Improvements to the character and appearance of the property and surrounding area due to the current condition of the land.

26 One comment in support raised matters relating to CIL allocation which is not a material planning consideration.

5.2.3 Neutral comments

27 A number of neutral comments were submitted from local residents and Deptford Folk requesting that the CIL contributions generated by the scheme be spent on renovating Deptford Park Playground. CIL allocation lies outside the scope of the planning application process and as such is not a material planning consideration.

5.3 LOCAL MEETING

28 Due to the number of submissions received, a virtual Local Meeting was held on Tuesday 20th April 2021. The meeting was chaired by Councillor Silvana Kelleher. A record of the Local Meeting is contained in Appendix 1 of this report.

5.4 INTERNAL CONSULTATION

29 The following internal consultees were notified on 15 December 2020.

30 Highways Officer: raised no objections subject to conditions. See the transport section (paras 109-129) for further details.

31 Conservation Officer: raised no objections

32 Tree and Landscaping Officer: raised no objections on tree protection grounds subject to a condition securing the Tree Protection Plan. Also requested conditions securing schemes for hard and soft landscaping as well as details for the boundary treatments including the rear gardens.

33 Parks Team: no objection as the scheme contains a private allotment, which falls outside the Council's remit.

34 Environmental Protection: no comments.

- 35 SuDS Team: no objection subject to a condition securing the details for the SuDS strategy.
- 36 Sustainability Team: raised no objection to the energy strategy, noting that the development would be efficient and involves positive features such as the material sourcing and embodied carbon levels.
- 37 Ecology Officer: raised no objection subject to conditions securing a bat survey, the green and brown roofs, a lighting scheme and wildlife features (bird boxes, bat boxes, log piles, bug hotels, pond, wildlife corridor, hedgehog highways, native/wildlife friendly planting).

5.5 EXTERNAL CONSULTATION

- 38 The following External Consultees were notified on 15 December 2020.
- 39 Environment Agency: raised no objections subject to conditions relating to the finished ground floor level, SuDS, piling and land contamination.
- 40 London Fire Brigade: commented that access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes, will be provided. An informative will be added to that effect.
- 41 Thames Water: No comments.

6 POLICY CONTEXT

6.1 LEGISLATION

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

6.2 MATERIAL CONSIDERATIONS

- 43 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.
- 44 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.
- 45 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.

6.3 NATIONAL POLICY & GUIDANCE

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

- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

46 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)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

47 Lewisham SPD

- Alterations and Extensions Supplementary Planning Document (April 2019)

48 London Plan SPG:

- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6.6 NEIGHBOURHOOD PLAN

49 The application site is located within the Deptford Neighbourhood Action (DNA) designated Neighbourhood Area. DNA are currently progressing their neighbourhood plan and Regulation 14 consultation ran from October 2019 – March 2021. It is noted that the Council are not yet in receipt of a modified Regulation 15 plan following this consultation. Given the relatively early stage of the plan in the adoption process, officers considered that the neighbourhood plan does not currently carry weight in the consideration of planning applications. Officers note the weight to attribute the draft plan is a matter for the Decision Maker.

7 PLANNING CONSIDERATIONS

50 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

51 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.

52 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

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

54 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases 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.

55 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.

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

57 DMP 3 states that applications for the conversion of a single family house to provide additional residential units will be refused planning permission except where environmental conditions mean that the house is unsuitable for family accommodation due to proximity to noise generating uses or lack of external amenity space.

58 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.

Discussion - Character of the site

59 DMP 33 identifies three main typologies for development sites. However, the policy accepts that some sites may display characteristics of more than one typology and as such would not fall squarely within any one of the definitions. In these cases the principle can be applied from the appropriate parts of the policy

60 The proposal site is located in what has evolved to become the rear garden of 36 Scawen Road. Therefore, DMP 33.C is relevant and states that the development of back gardens for separate dwellings on a wholly undeveloped garden of an existing and retained dwelling will not be granted permission. However, although the site is located in the rear garden, it also exhibits some characteristics of a backland site due to the size of the garden and its former use as builder's yard when connected to what is now Kezia Mews. This is demonstrated on the historic maps submitted in support of this application (see p.8-9 of the Design & Access Statement).

- 61 DMP 33.B establishes a criteria for assessing development on backland sites and stipulates that development should result in:
- a proper means of access and servicing which is convenient and safe both for drivers and pedestrians;
 - no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens;
 - appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards);
 - a publically accessible street (gated development is unlikely to be supported).
- 62 These elements of the scheme will be assessed in greater detail in the following sections of this report. However, the question of whether part C of DMP 33 should be applied in respect of the development of a back garden is relevant. In this case Officers consider that the site history and characteristics of the site mean that the part C should be applied flexibly. In coming to this assessment Officers have given weight to the significant public benefits of the scheme including the provision of housing, the communal allotment and the energy efficiency of the scheme.
- 63 In terms of housing, the scheme would contribute six additional houses to overall housing targets and with a site area of 0.13ha, would also count towards the small sites target established by LPP HC2. Furthermore, the development includes three additional family sized units, defined within the London Plan as dwellings with three or more houses. The South East London Strategic Housing Market Assessment (SHMA) identifies that the main housing need in Lewisham is for family housing, with the provision of family housing attributed policy weight within Core Strategy Objective 3 and CSP 1. As such the contribution to both housing and family housing are identified as planning merits of the scheme.
- 64 In addition to the provision of housing, the scheme also includes an allotment within the northern half of the site. The Allotment Management Plan (“the AMP”, Roberts + Treguer, November 2020) submitted with the application states that the allotment will be managed through a Community Interest Company (CIC), which is a form of non-charitable limited company that exists primarily to benefit the community or a social purpose, rather than to make a profit. The AMP sets out the intended operations of the allotment, which in addition to small scale food production and employment opportunities, includes the intension to run monthly workshops with local schools as well as to provide a community space for local residents.
- 65 The Development Plan is generally supportive of the provision of community and social infrastructure. In particular, DMP 41 states that the Council will encourage the provision of community space. This is supported by the principles of LPP S1. The intended provision of community access to the allotment is therefore considered a planning merit that carries weight within the overall planning balance. For that reason a condition is recommended securing a Community Access Plan (“CAP”) formalising this offer to local schools and residents, alongside the implementation of the AMP.
- 66 In terms of sustainability, the scheme aims to achieve zero carbon to accord with the methodology of British Standard BS EN 15978. There are no policy requirements in terms of carbon emissions for this scale of development, with the aim to achieve zero-carbon, and any carbon-offset contribution required, only applicable to major development as set out within LPP SI2. Accordingly, the aim to achieve zero carbon is not a policy requirement. However, Officers have assigned weight to the energy proposal within the overall planning balance and combined public benefits of the scheme that help

overcome the in-principle objection to back garden development. Therefore, the Energy Strategy submitted with this application would be secured by condition.

Discussion - Conversion of the dwellinghouse

67 The conversion and subdivision of a single family house to provide additional residential units is generally resisted in accordance with DMP 3 unless environmental conditions mean that the house is unsuitable for family accommodation. The environmental conditions within Scawen Road do not preclude family accommodation, however, the conversion of the existing house would result in the provision of two family sized dwellings, in addition to two new build family dwellings. Therefore, there would be no net loss of family housing but a net gain of three family houses contributing to an identified housing need within the borough. This is a further planning merit of the scheme, which, when combined with the other merits identified above, is sufficient to outweigh the provisions of DMP 3.

7.1.1 Principle of development conclusions

68 The application site exhibits characteristics of both a back garden and backland site. However, the in-principle objection to development in back gardens does still carry weight in policy terms, and the subdivision of the existing house is resisted by DMP 3.. The public benefits of the scheme including the ambition to achieve zero carbon status and the community access plan for the allotment, together with the net gain in family housing and contribution to local housing targets are significant and would outweigh the harm from the loss of the back garden and subdivision of the existing house

7.2 HOUSING

7.2.1 Contribution to housing supply

Policy

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

70 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).

Discussion

71 Table 1 below sets out the measures of density criteria required by the supporting text to PLPP D3 (para 3.3.22 of the PLP) for all sites with new residential units.

Table 1: Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	0.13	n/a
Units	7	54
Habitable rooms	38	292
Bedrooms	18	139
Bedspaces	32	246

72 Table 1 above demonstrates that the density of the development is relatively low for all measures, because the proposal is comprised of individual houses rather than higher scale flatted development. Furthermore, the northern half of the site would be converted to an allotment and does not feature any residential development. LPP D2 advises that density should be linked to the provision of infrastructure for the area and accessibility in terms of sustainable transport modes. Therefore, the low density of the development is considered appropriate given the low PTAL of the area.

Summary

73 The proposed density is considered proportionate and appropriate for the site given the low levels of public transport accessibility.

7.2.2 Residential Quality

General Policy

74 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA;).

75 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

Discussion

76 The main components of residential quality are: (i) space standards; (ii) privacy; (iii) ventilation overheating; (iv) outlook, daylight and sunlight; (v) noise and disturbance;

77 The table below sets out proposed dwelling sizes.

Table 2: Internal space standards

Dwelling	Layout	Storeys	GIA m ²	B1 m ²	B2 m ²	B3 m ²	Amenity m ²
House 1	3b/5p	4	134	11.5	10.6	14.6	15
House 2	3b/5p	4	142	10.5	11.5	19.3	20
House 3	3b/5p	4	140	14.7	9.2	11.8	53
House 4	3b/5p	4	140	14.7	9.2	11.8	38
House 5	2b/4p	3	88	11.5	13.7	-	24
House 6	2b/4p	3	88	11.5	13.7	-	24
House 7	2b/4p	3	88	11.5	13.7	-	95

78 The proposed houses would all be policy compliant in terms of the overall GIA of the units. Houses 1–4 comfortably exceed the 108sqm requirement for a three bedroom five person dwelling arranged over three storeys. No guidance is provided for four storey dwellings, however, the general principle is for the requirement to increase 6sqm per storey, which all four houses exceed by a minimum of 20sqm. It is noted that all four houses include at least one gym or study large enough to meet the requirement for a single bedroom. If assessed as four or five bedroom dwellings, all four houses would

either meet or exceed the requirement for the largest five bedroom dwelling within LPP D6: a five bedroom eight person dwelling arranged over three storeys is required to measure 134sqm.

- 79 Houses 5-7 would all have GIAs of 88sqm, which exceeds the 79sqm required by the LPP D6 for a two bedroom, four person dwelling arranged over two storeys. Similar to houses 1-4 there is no policy guidance for a unit arranged over an additional storey, in this cases three storeys. If the same general principle to increase the requirement by 6sqm is applied, all three units would exceed the requirements of LPP D6 by 3sqm.
- 80 The proposed houses would also either meet or exceed the requirements of LPP D6 in terms of the size of bedrooms with all double bedrooms measuring a minimum of 11.5sqm and all single bedrooms exceeding 7.5m. The bedrooms would also be policy compliant in terms of the width of the rooms. The floor to ceiling height of the dwellings would be 2.5m in accordance with DMP 32 and LPP D6.
- 81 The London Plan recognises the importance of private amenity space. For that reason, all new residential accommodation are expected to have private external amenity space. LPP D6 imposes the requirement that all 1-2 person dwellings should feature a minimum 5sqm with an extra 1sqm for each extra occupant. Each of the seven properties would have access to private amenity spaces to the rear and/or side. The gardens and courtyards would exceed the policy requirement in terms of area and are therefore considered acceptable.
- 82 All of the proposed houses would be dual aspect as a minimum, with House 7 benefiting from windows in the front, side and rear elevations. The allocation of windows is considered to provide acceptable levels of outlook and light for all of the residential accommodation including all main habitable rooms and bedrooms. This has been confirmed by the submission of a Daylight and Sunlight Assessment (AVAL, December 2020) that concludes that all of the rooms would meet BRE standards in terms of sunlight and daylight. In terms of outlook, all of the main living spaces are located a ground floor level rather than lower ground floor level and thus are provided better quality views.
- 83 The proposed residential accommodation would have rational, well-designed layouts that ensure circulation space is minimised. The layouts and provision of windows are likely to ensure that the houses are well ventilated and provide mitigation against overheating and air pollution from the road.
- 84 Each house would benefit from a front garden providing defensible space and mitigation against intrusive views into front windows from the public realm. The rear gardens of the properties would be overlooked by adjoining properties, both within this scheme and from existing houses; this is considered acceptable and in keeping with the existing situation as would be expected in an urban environment such as this. Houses 3 and 4 would be orientated at an angle to the neighbouring properties on Alloa Road, meaning that the rear elevations and windows would not directly face the rears of any of the neighbouring properties.
- 85 The surrounding area is predominantly residential and is a significant distance from any main roads or significant noise generating uses. Therefore, noise levels are not likely to be incompatible with the proposed residential use.

Summary of Residential Quality

- 86 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LPP D6, DMP 32 and the London Plan Housing SPG.

7.3 URBAN DESIGN & HERITAGE IMPACT

General Policy

87 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods

7.3.1 Appearance, character & site layout

Policy

88 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

89 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.

90 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

91 DMP 33 states that gated developments on backland sites that prevent access which would normally be provided by a publicly accessible street will not be supported.

Discussion

92 The proposed development would see the creation of a mews style development within the land to the rear of the frontage buildings. Mews were a characteristic form of development within London, typically built behind grander terraces of houses and generally of lower scale and humbler architecture than the frontage buildings. The creation of a mews would therefore form a contextual response for a backland development in this locality, given that the surrounding townscape is principally comprised of attractive Victorian terraces including the Locally Listed pair at the entrance to the site.

- 93 This design approach would extend to the architecture of the new houses that aim to be secondary and subservient to the Locally Listed frontage buildings. As such, the houses would not mimic the architecture of the existing properties and visually compete. Instead the new houses would be less ornate with plainer facades, omitting the decoration that embellishes the surrounding Victorian architecture. The proposed materials: clay brickwork facades, timber sash windows and zinc roofs and dormers, are considered to be of an appropriate design quality to complement the existing architecture. The arched window heads would add visual interest to the facades, in keeping with modest design approach. The arched detail is carried through to the dormers to provide a coherent design approach. A condition is recommended securing full details of the materials and design detailing prior to the commencement of development above foundations.
- 94 In terms of scale and massing, the houses would be larger than a typical mews development. Houses 3 and 4 would be the same height as the original buildings. This is considered to be acceptable in this case due to the stepped building line. Houses 5, 6 and 7 would be naturally lower due to the change in ground levels across the site in addition to the being physically lower at two storeys.
- 95 The site arrangement is well considered with appropriate spacing that creates a practical, functional and accessible communal courtyard and footway in the centre of the development. Indicative hard and soft landscaping schemes submitted with the application demonstrate that a mews style design approach would extend to the courtyard in terms of the material palate that includes York stone paving and brick planters and walls. The hard landscaping scheme is considered to be appropriate and would harmonise with the overall design approach. The Tree and Landscaping Officer considers that more informal surfacing should be incorporated within the path to the allotment. Officers are satisfied that these details can be secured as part of a hard landscaping condition.
- 96 The proportion of soft landscaping included within the courtyard is supported and includes a variety of species and heights of planting comprising flowers and shrubbery as well as fruit trees. The landscaping plan will be secured by condition.
- 97 The arrangement of the properties and number of windows would generate an increased level of passive surveillance for the site that would help mitigate any potential reduction to security for the surrounding properties resulting from opening up of the site. Furthermore, a Site Security Plan (2006(03)812 Rev B) has been submitted with the application detailing the provision of CCTV and other measures such as a lockable gate to the allotment. The security plan would be secured by condition.

7.3.2 Impact on Heritage Assets

Policy

- 98 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 99 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. Paragraph 197 of the NPPF imposes the requirement to assess the effect of an application on the significance of a non-designated heritage asset.
- 100 LPP HC1 stated that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

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

Discussion

102 The proposed development would include the retention of the locally listed building, a non-designated heritage asset (NDHA). This is a positive change from the previous schemes submitted at the site and overcomes a previous reason for refusal. The relationship between the pair of locally listed buildings would also be retained, preventing any significant impact to their setting.

103 A number of alterations are proposed to the building to facilitate the redevelopment. The most significant of the alterations would be the proposed extensions to the roof and the demolition of the rear extension. The rear extension is a latter addition, believed to have been constructed in the 1970s, and its removal is therefore supported in heritage terms, helping to better reveal the NDHA.

104 The alteration to the roof form, from a hipped roof to a crown roof, is a more significant intervention. The views submitted within the Design and Access Statement (Roberts + Treguer, December 2020) demonstrate that the alteration would not be perceptible from public viewpoints, due to the set back from the street frontage and narrowness of the gap between the properties. Additionally, important architectural features such as the chimneys, would be retained. The proposed dormers in the side and rear roof slope are considered to be subservient, owing to their scale and appropriate siting within the roof slopes.

105 The principle of renovating the exterior of the building is supported given the poor condition of the building and the structural issues identified within the Heritage Statement (Donald Insall Associates, November 2020) and Structural Survey (Jensen Hunt, November 2020). The renovation would consist of new stucco moulding to the windows, repairs to the brickwork, new cast iron rainwater goods, new timber sash windows and replacement welsh slate roof coverings. The proposed materials and features are considered to be historically appropriate for the building and therefore constitute a planning merit of the scheme. Full details of this work and the materials would be secured within the materials and design detailing condition, along with a condition requiring these works to be completed prior to the occupation of any part of the development, given the merit this represents in the overall planning balance.

106 As part of the assessment of the heritage impact, the application was reviewed by the Conservation Officer who raised no objection to the changes to the roof or to the alterations to the layout of the building. The Conservation Officer was also supportive of the restoration of the exterior of the building and concluded that overall there would be no harm to the significance of the heritage asset as a result of the works. The decorative stone lintel from the existing side entrance to the garden would be incorporated within the development on the advice of the Conservation Officer.

Summary

107 Officers consider that the current proposal would lead to no harm to the significance of the non-designated heritage asset and therefore the proposal would be compliant with the provisions of LPP HC1 and DMP 37.

7.3.3 Urban design conclusion

108 The scheme would contribute a contextual development that respond positively to the surrounding architecture and townscape. The works to the Locally Listed building are considered sensitive to the character and appearance of the building and would result in no harm to its significance. As such, the proposed development is considered to be

acceptable in heritage and urban design terms and is therefore compliant with the relevant policies of the development plan, subject to conditions, including certain permitted development rights to prevent harmful future changes.

7.4 TRANSPORT IMPACT

General policy

- 109 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 110 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 111 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.
- 112 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

7.4.1 Local Transport Network

Policy

- 113 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

- 114 The application site has a PTAL of 2, which is a relatively poor level of public transport accessibility. Despite the low PTAL, Officers are satisfied that the modest scale of development would prevent the need for any significant mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

7.4.2 Healthy Streets

Policy

- 115 LPP T2 states that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance

Discussion

- 116 No healthy streets assessment was undertaken for the development and therefore no improvements to the pedestrian environment in the vicinity of the site have been identified as part of the Transport Statement, as requested by Highways Officers. This is assessed to be acceptable in this instance due to the relatively modest scale of the

development and the inclusion of a high quality, publically accessible, communal area and allotment within the development site.

7.4.3 Servicing and refuse

Policy

- 117 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 118 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.
- 119 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

- 120 A communal refuse store for the development has been provided at the front of the site close to the entrance. The store would house three 1100L bins, which would be sufficient to meet the refuse and recycling requirements for the development. The store is located 9m from the edge of the kerb of Scawen Road which is within the 10m accepted by Lewisham Council. As such, the refuse and recycling facilities are considered acceptable, subject to a condition securing full details of the management and appearance of the store.
- 121 Deliveries and servicing for the development would be undertaken from Scawen Road as they currently do for the existing property on the site and the surrounding properties. The parking survey submitted with this application indicates that there is sufficient on-street capacity to accommodate any modest increase in delivery vehicles, and avoid double parking and obstructions to the highway. As such, Officers are satisfied that the modest scale of the development would negate the need for a site specific delivery and servicing plan as requested by the Highways Department.
- 122 The Design and Access Statement (p.57) confirms that all of the proposed houses would be within 45m of fire hydrant as required by building regulations.

7.4.4 Transport modes

Cycling

Policy

- 123 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

Discussion

- 124 Each property would be provided with cycle storage for two bikes in accordance with the requirements of Table 10.2 of the London Plan. For houses 1-4 these would be provided at ground floor level, which is acceptable. The storage for houses 5-7 are provided at lower ground floor level. Wheel ramps have been shown adjacent to the steps in order to improve accessibility and comply with LPP T5. Four visitor cycle parking spaces have been shown next to the play area. The development also includes 12 short stay cycle parking storage for visitors, the allotment and for cargo bikes. This would exceed the

policy requirement and is therefore considered acceptable. A condition is recommended to ensure that the stores and short stay stands would be policy compliant.

Parking

Policy

- 125 LPP T.6 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

- 126 The site is in a PTAL 2 area, which indicates relatively poor access to public transport. However, the provision of a car-free development would be compliant with the principles of the development plan and as such is supported. The results and analysis of the parking survey were revised in accordance with the Lambeth Methodology following discussions with the Highways Department. The result of the parking survey shows that the overall figure for parking stress is 73%. The level at which parking stress is generally considered unacceptable is 85%. Therefore, the parking survey demonstrates that there is sufficient parking capacity in the surrounding area to accommodate the requirements of the development. Consequently, Officers have determined that the financial contribution to local CPZ consultation requested by the Highways Department is not warranted.

7.4.5 Construction

Policy

- 127 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 developed in accordance with TfL guidance.

Discussion

- 128 The site constraints, including the narrowness of the entrance to the site and the location at a point where two sides of the road meet, impose practical concerns for the construction phase of the development. Therefore, a detailed Construction Logistics Plan ("CLP") is required to confirm that all vehicles can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway. A traffic management plan and further details of protection and temporary arrangements for pedestrians, including access to neighbouring properties would also be required within the plan. The Highways Officer has also confirmed that a temporary traffic order is likely to be required. These details will be secured within a Construction Management Plan, to be agreed prior to the commencement of any works on site, including any site clearance or demolition.

7.4.6 Transport impact conclusion

- 129 In summary, 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.

7.5 LIVING CONDITIONS OF NEIGHBOURS

Policy

- 130 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.
- 131 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.
- 132 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.
- 133 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.
- 134 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations
- 135 Further guidance is given in the London Plan Housing SPG 2017.

Discussion

- 136 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; (iv) noise and disturbance and (v) light spill.

Enclosure and Outlook

- 137 The Design and Access Statement (p.13-16) contains a detailed analysis of the site constraints, including analysis of the massing and shadowing, which seeks to demonstrate that the site layout, design and building arrangement has evolved to minimise the impact to the neighbouring properties. Houses 5-7 would have two storeys above ground level (including the pitched roof) and would be set in from the western boundary with Kezia Mews by a minimum of 2.5m at first floor level, further reduced by the pitch of the roof. Officers consider that the distance from the boundary and height of the houses would prevent any adverse enclosure and unacceptable loss of outlook to the residential accommodation on Kezia Mews, given that the buildings on Kezia Mews are largely aligned towards the opposite boundary.
- 138 House 7 would also be set in from the north-western boundary with Alloa Road by 2m. The trees that line the boundary would provide an element of screening for the properties immediately adjacent reducing the visual impact. House 4 would be located a minimum of 5.2m from the boundary with Alloa Road and 14.6m from the closest rear elevation. These distances would ensure that the open aspect across the northern half of the site would be retained for the adjoining properties on Alloa Road. Additionally, the boundary trees are likely to provide a degree of screening for Nos 63-69 (odds). Therefore, Officers are satisfied that the proposed development would not introduce oppressive enclosure or adverse loss of outlook to 47-73 (odds) Alloa Road.

- 139 Houses 3 and 4 would be stepped back from the front building line of No.35 Scawen Road but would project beyond the rear of the outrigger. House 3 features a rear outrigger which would be set in from the boundary with No.35 by 1.4m. Officers are satisfied that the distance from the boundary would prevent an overbearing impact to No.35, given that No.35 would retain unimpeded aspect towards the rear.
- 140 The alteration to the roof form of the host property to form a crown roof would add additional massing at the boundary with No.37. The flat section of the crown roof would project 1.4m beyond the rear outrigger of No.37. Officers consider that the modest depth of the additional massing would prevent any significant impacts in terms of harmful loss of outlook or adverse enclosure to the adjacent upper floor window.

Privacy

- 141 The proposed development is not considered to result in any significant impacts to privacy levels at neighbouring properties. Houses 5-7 would not feature any windows in the rear elevation above ground floor level. Furthermore, the proposed rear rooflights would have outlook towards the sky. Therefore, any impacts to privacy on Kezia Mews would be negligible.
- 142 Houses 3 and 4 would feature windows in the rear elevations. The upper floor windows would permit views to the rear gardens of neighbouring properties on Scawen Road. This situation would replicate the existing relationship between the properties on the terrace, which are already overlooked by the adjoining properties in the terrace. As such, there would not be a harmful loss of privacy to the properties on Scawen Road.
- 143 Views to the rear of properties on Alloa Road would be partially screened by the boundary trees that would be retained as part of this proposal. Houses 3 and 4 have been orientated to prevent any directly facing rear elevations and windows. Additionally, the applicant, in conversation with the neighbouring properties, has agreed to introduce opaque glazing to a section of the upper floor rear windows and has recessed the dormer windows. These measures would be secured by the approved plans and a condition is recommended to restrict certain permitted development rights, where these could affect privacy in the future.
- 144 The alterations to Houses 1 and 2 are not considered to introduce any harmful impacts to privacy given that the replacement windows would be installed within the existing openings. At roof level the majority of the dormer overlook the development. The one dormer in the rear roof slope would have outlook towards Kezia Mews. The window largely replicates existing views from the first floor windows below and is sufficient distance from the boundary to prevent any intrusive impacts.

Daylight and Sunlight

- 145 A Daylight and Sunlight Assessment (AVAL, December 2020) has been submitted to support the application. The report included an assessment of the impact to the windows and gardens of the neighbouring residential properties. The report concludes that the impacts to the windows in terms of Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) would be compliant with BRE guidelines.
- 146 In regard to neighbouring amenity spaces, the report concludes that the impact to the majority of the gardens would comply with the BRE guidance. The report does identify one transgression in regard to the impact to the garden at No.35. However, the report also identifies that the garden is already overshadowed for significant parts of the existing buildings and therefore the new buildings would not introduce any additional material harm.

Noise and disturbance

- 147 The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. Officers are also satisfied that an allotment is not significant generator of noise and is therefore compatible within a residential area. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties. Therefore, a condition is recommended to ensure that works and deliveries only take place at neighbourly hours in accordance with best practice guidance for construction sites. Additional measures in terms of dust and other forms of pollution would be agreed as part of and Construction Management Plan to be secured by condition.

Light spill

- 148 An indicative lighting scheme (drawing no. 2006(03)802) has been submitted with the application. The lighting proposed is considered appropriate and is likely to be supported subject to a condition securing final details prior to the occupation of the development.

7.5.1 Impact on neighbours conclusion

- 149 The proposed development is considered to have an acceptable impact on the living conditions of the neighbouring properties subject to the condition detailed above.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

- 150 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.

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

7.6.1 Energy and carbon emissions reduction

Policy

- 152 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.

Discussion

- 153 As detailed in the Principle of Development section of this report above, the proposal is not a major development and as such the provision of LPP SI2 do not apply. However, the scheme has set the ambitious target of achieving zero-carbon as detailed within Sustainability and Energy Strategy (Melin, December 2020) submitted in support of this application and this is considered a planning merit to which weight is attached in the overall planning balance, as set out in the Principle of Development section, above. The Energy Strategy details the measures proposed in order to achieve zero carbon including utilising renewable energy suppliers as well as ground or air source heat pump and PV panels. In addition, the applicant has also committed to embodied carbon measures including selecting lower carbon materials, reusing structures and construction

materials where possible and where possible procuring building materials within 30 miles radius.

Summary

- 154 The Energy Strategy has been reviewed by the Councils Sustainability Manager who has accepted the conclusions of the report. Therefore, the Energy Strategy has been attributed material weight in the overall planning balance and will be secured by condition.

7.6.2 Flood Risk

Policy

- 155 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 156 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 157 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 158 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

Discussion

- 159 The application is accompanied by a Flood Risk Assessment (Ambiental, August 2020). This sets out the measures to be taken to reduce flood risk, which include setting the ground floor finished floor level at 2.75 metres above Ordnance Datum (mAOD). The Assessment highlights that the site is located in an area benefiting from the flood defences and concludes that the flood defences combined with the various mitigation measures would be sufficient to ensure that the development would be acceptable in flood risk terms. Officers also note that EA have reviewed the FRA and have not objected subject to conditions.

Summary

- 160 The proposal is acceptable in terms of flood risk vulnerability subject to a condition securing the ground floor finished floor level as recommended by the EA.

7.6.3 Sustainable Urban Drainage

Policy

- 161 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 162 203 CSP 10 requires applicants to demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

Discussion

163 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) requested additional details during the course of the assessment of this application in order to overcome concerns. In response a revised Surface Water Drainage Strategy (Ambiental, January 2021) was submitted. The Flood Risk Manager has confirmed that the drainage strategy for the development is now acceptable and has requested that the drainage strategy is secured by condition.

Summary

164 The proposed development is acceptable in drainage terms subject to a condition securing the final details of the drainage strategy.

7.7 NATURAL ENVIRONMENT

General Policy

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

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

167 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

7.7.1 Ecology and biodiversity

Policy

168 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.

169 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.

170 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.

171 CSP 12 seeks to preserve or enhance local biodiversity.

172 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

173 The site at present is largely overgrown and features a combination of mature trees, and dense shrubbery. A Preliminary Ecological Appraisal Report (Jomas Engineering Environmental, August 2020) has been submitted in support of this application. The report includes an assessment of the site and concluded that habitats on the site are considered to be of moderate to high ecological value and the presence of protected species is of moderate to high potential. The building was also surveyed and it was

concluded that the building is suitable for access and use by roosting bats and birds, which rated as of moderate potential. The report also noted that there is potential for nesting birds, as well as invertebrates, reptiles and hedgehogs.

174 To mitigate the loss of these habitats the report recommends a number of mitigation measures. These include:

- Further bat surveys (see above)
- Green and brown roofs (min. 100-150mm substrate for green roofs; log piles etc on brown roofs)
- Work outside bird nesting season or checks by qualified ecologist prior to works starting (vegetation clearance, building works)
- Wildlife sensitive lighting scheme (see above)
- Bat and bird boxes (definitely some sparrow boxes) and other wildlife features (log piles, bug hotels, pond, wildlife corridor, hedgehog highways, native/wildlife friendly planting)

175 In addition a wildlife corridor is proposed around the perimeter of the site with a depth of between 0.65m and 5m. It should be noted that the depth of 0.65m is at two pinch points and that the majority of the corridor is a minimum of 2m in depth.

176 The Council's Ecology Manager has reviewed the proposal and has accepted the conclusions and recommendations of the report and advised that the majority of the recommendations of the report should be secured by condition. However, the proposal to secure the bat surveys by condition is contrary to Natural England's Standing Advice for Local Planning Authorities and therefore unacceptable. In response further bat surveys were commissioned by the applicant and a report produced (Bat Survey Report prepared by The Ecology Consultancy dated 29 June 2021).

177 The report documents that two further surveys were undertaken: a dusk emergence survey carried out on 3 June 2021 and a dawn re-entry survey completed on 29 June 2021. Neither study recorded bats emerging or returning to roost in the building with bat activity limited to noctule, soprano pipistrelle and common pipistrelle were recorded foraging on the site. Therefore, bat roosts are not likely to present within the building.

178 The Council's Ecologist has reviewed the report and has accepted that the surveys were carried out in accordance with best practice and that development works to the building can occur without the need for further surveys. The surveys are valid for 18 months and therefore if works are not completed before the following bat season (beginning in May 2023) new surveys will need to be undertaken. The new surveys would be secured by condition.

179

Summary

180 The proposal would therefore meet the ecology and biodiversity policy objectives, subject to conditions securing the recommendations of the Ecological Appraisal. This is a planning merit to which modest weight attributed.

7.7.2 Trees

Policy

- 181 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 182 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 183 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.
- 184 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 185 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

- 186 The site features three mature fig trees located on the north-western boundary of the site adjacent with the boundary with Alloa Road, rated as category B1 trees. A fourth tree (a Malus) is located to the south of the figs and is assessed to be in decline. An Arboricultural Impact Assessment (AIA) (Arbeco, December 2020) has been submitted with the application and details that the malus tree would be removed and sets out the measures proposed to protect the three fig trees. The report has been reviewed by the Council Planning Tree Officer, who has accepted that the malus tree should be removed and that the measures proposed to safeguard the fig trees are acceptable. Therefore, a condition is recommended securing the recommendations of the AIA, including the Tree Protection Plan.

Summary

- 187 The proposed development is considered acceptable in regard to the impact to the trees on site subject to the condition described above.

7.7.3 Ground pollution

Policy

- 188 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 189 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 190 DMP 28 reflect national policy and are relevant.

Discussion

191 No contamination has been identified at the site and the risk of contamination is considered to be low. However, the EA have raised concerns that there is potential for pollution to groundwater and aquifers. Given the former use of the land as a builders yard, Officers have accepted the advice of the EA and will impose the recommended conditions relating to piling and infiltration of surface water.

Summary

192 The proposal would meet the policy objectives for contaminated land, subject to the conditions described above. The proposed development is therefore not considered to result in material harm to any sensitive receptors in terms of contamination.

8 LOCAL FINANCE CONSIDERATIONS

193 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).

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

195 The CIL is therefore a material consideration.

196 £40,050.00 Lewisham CIL and £26,461.61 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

197 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.

198 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.

199 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.

200 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>

201 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

202 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>

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

10 HUMAN RIGHTS IMPLICATIONS

204 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

205 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.

206 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.

207 This application has the legitimate aim of providing a new buildings for residential use. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

209 The principle of the proposed development is supported. The site has characteristics of both a back garden and backland site. As such, significant planning merits are required to outweigh the harm resulting from the redevelopment of the back gardens articulated in DMP 33. In this case Officers are satisfied that those planning merits have been provided in the form of various public benefits intrinsic to this scheme. These include the renovation of the NDHA, the sustainability measures proposed towards achieving life-time zero carbon and the community access plan for the allotment. These public benefits combined with the net gain in family housing and contribution to local housing targets are significant and attributed significant weight within the overall planning balance. Conditions to secure these benefits would meet the necessary tests for planning conditions.

210 The standard of the accommodation provided by the residential units is considered to be of good quality. In urban design terms, the retention and renovation of the locally listed building is welcomed and represents a positive departure from the previous proposals at the site, which proposed the full or partial demolition of the building. The quality of the materials and detailing, combined within the arrangement of the massing and site layout, are considered to justify the increased scale of development.

211 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment subject to the recommended conditions. The impacts to the local transport network including parking capacity in the surrounding streets have been assessed and are considered acceptable.

212 No adverse impacts have been identified to the living conditions of the neighbouring properties. Therefore, the application is recommended for approval.

12 RECOMMENDATION

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

12.1 CONDITIONS

1. Full Planning Permission Time Limit

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

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

2. **Approved Plans**

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

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. **Archaeology**

- (a) No development shall commence (including demolition) on site until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority.
- (b) If heritage assets of archaeological interest are identified by the approved Stage 1 WSI then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the local planning authority.
- (c) All works shall be undertaken in accordance with the details approved under paragraphs (a) and (b).

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021)

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) A logistics plan including details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements

(delete reference to Environmental Management Plan requirements if not relevant).

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

5. Land Contamination

- (a) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The remediation strategy shall detail how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.
- (b) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include;
 - i. verification of all measures, or treatments as required 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;
 - ii. verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

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

6. Surface Water Drainage

- (a) Prior to the commencement of development (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings and supporting calculations to the Local Planning Authority for review and approval, aligned with Surface Water Drainage Strategy (Ambiental Environmental Assessment, January 2021) and associated drawings. This should include site specific ground investigations to determine the presence or absence of groundwater. If groundwater is found to be present measures must be included within the development to mitigate the risk of groundwater flooding both to and from the site. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.

- (b) The development shall be carried out in full accordance with the details under part (a) and retained permanently in accordance with the approved details.

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

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

8. 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) roofing materials and roof junctions;
- (iii) windows, external doors and reveals;
- (iv) rainwater goods;

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

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

9. Refuse and Recycling Facilities

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

10. **Cycle Parking Facilities**

- (a) Prior to first occupation, full details of the cycle parking facilities providing 14 long stay and 4 short stay spaces for the residential accommodation and 4 short stay and 4 cargo bike spaces for the allotment, 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).

11. **Hard Landscaping**

- (a) Prior to the occupation of the building 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**

The construction phase of development and any works to the existing trees on site shall be carried out in full accordance with the Arboricultural Impact Assessment (including appendices) (Arbeco, December 2020) hereby approved.

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. **Bats Surveys**

- (a) In the event that works on the development, hereby approved, have not been completed by 30 April 2023, further bat surveys will be required as recommended by the Bat Survey Report (The Ecology Consultancy, 29 June 2021). The surveys shall be carried out by a qualified ecologist in accordance with Natural England's standing advice for local planning authorities: Bats: surveys and mitigation for development projects (March 2015). A report

documenting the outcome of the surveys and any necessary mitigation shall be submitted to and approved in writing by the Local Planning Authority.

- (b) The mitigation measures identified in the report approved in part (a) shall be implemented in full prior to works recommencing.

Reason: To comply with 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).

14. **Soft Landscaping**

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

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

15. **Boundary Treatments**

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to the occupation of the residential accommodation.
- (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).

16. **Wildlife Features**

Details of the number and location of the wildlife features proposed within the Preliminary Ecological Appraisal Report (Jonas Associates Ltd, August 2020) including bird boxes, bat boxes, log piles, bug hotels, ponds, wildlife corridor, hedgehog highways and native/wildlife friendly planting to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. All of the approved

wildlife features shall be installed before prior to the occupation of the development and maintained in perpetuity.

Reason: To comply with 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).

17. **Green and Brown Roofs**

- (a) The development shall not be occupied until full details of the proposed green and brown roofs shown on plan no. 2006(03)002 Rev B have been submitted to and approved in writing by the local planning authority. The green roofs shall be laid with a min. substrate depth of 100-150mm.
- (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 roofs 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 and maintained thereafter.

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).

18. **Lighting Scheme**

- (a) Prior to the occupation of the development a scheme for any external lighting that is to be installed at the site, including a design strategy for biodiversity and measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will be sensitive to biodiversity and minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy G6 Biodiversity and access to nature of the London Plan (March 2021) and DM Policies 24 Biodiversity, living roofs, and artificial playing surfaces and 27 Lighting of the Development Management Local Plan (November 2014).

19. **Energy Strategy**

The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the measures identified within the Sustainability and Energy Strategy (Melin, December 2020) have been implemented in full.

Reason: To secure the wider public benefits of the development and to comply with the principles of Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Policies 7 Climate change and adapting to the effects and 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011).

20. **Community Access Plan**

- (a) No part of the development hereby approved shall be occupied until an Allotment Management Plan (AMP) has been submitted to and approved in writing by the local planning authority. The AMP shall detail how the allotment will operate, including details of any company set up to manage the allotment. The allotment shall operate in full accordance with all measures identified within the AMP from first occupation.
- (b) The AMP shall include a Community Access Plan (CAP) committing to provide community access for a minimum of 15 hours per week. The CAP shall identify how local residents, community groups and schools can gain access to the allotment including details of the hire fees and any agreements with local community organisations and schools.

Reason: In order to deliver wider public benefits to the local community and to comply with the general principles of Policy S1 Developing London's social infrastructure of the London Plan (March 2021) and DM Policy 41 Innovative community facility provision of the Development Management Local Plan (November 2014).

21. **Construction Works Hours**

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

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

22. **Removal of PD Rights (HMO)**

The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units

23. **Refurbishment Works**

- (a) Houses 1 and 2 shall not be occupied until substantive evidence that the external refurbishment of No.36 Scawen Road has been completed has been submitted to and approved in writing by the Local Planning Authority.
- (b) The refurbishment shall be carried out in full accordance with plan no.s 2006(03)100 Rev B; 2006(03)105 Rev A, and 2006(03)106 Rev A.

Reason: To sustain and enhance the significance of non-designated heritage asset in accordance with DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

24. **Removal of Permitted Development Rights (Extensions)**

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

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

25. **Removal of Permitted Development Rights (Windows)**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no new windows (or other openings) shall be constructed in the buildings hereby approved other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

26. **Site Security**

The development shall not be occupied until the site security measures show on drawing 2006(03)812 Rev B have been installed and shall be maintained thereafter.

Reason: In order to ensure that the development is safe and accessible and to comply with Paragraph 91 of the National Planning Policy Framework (February 2019).

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) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- 3) You are advised that if bats are unexpectedly discovered during works, all works to that area should temporarily cease until the advice of an ecologist is sought. If bat roosts are recorded, works would need to be temporarily postponed until a Natural England bat licence is applied for so the works can proceed lawfully.

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Appendix 1

Local Meeting Tuesday 20 April 2021

DC/20/119473: Alterations, restoration and conversion of the existing house at 36 Scawen Road SE8 to provide 2 houses with alterations to the roof to form a crown roof with side and rear dormers, together with the construction of 5, three and four storey houses, a children play area, allotments and a wildlife corridor around the site.

Participants:

Cllr Silvana Kelleher (Chair)

Alfie Williams (Case Officer)

Gareth Roberts (Applicant)

Minutes of the meeting

Cllr Silvana Kelleher (SK) – Introduction to the meeting

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

Q: Robin Clutterham – Question regarding existing problems with parking, road blockages & HMO licences.

A: SK – email me to raise as case work

Gareth Roberts (GR) – Provides a detailed presentation beginning with background about the application team and various projects, then the details of the proposal and the site covering the following points: site maps, energy strategy, site/area context, historic maps and application drawings.

At this stage of the meeting the chair opened the meeting for questions and to make comments..

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

Q: Keith Ison – please to see security measures for the allotment. However, it would really on CCTV and passive surveillance, will that work?

A: GR – There will be a security code on the gate for the allotment. Could put gate at the entrance to the site but would rather not to allow public access and create community space.

Q: Keith Ison (KI) – stated that this best proposal we've seen for the site

Q: Carl – Stated that the project for the heritage and biodiversity. Asked whether the houses would be for sale?

A: GR - No

Q: Carl – Questions regarding site access for construction?

A: GR: The aim is to build a lot by hand, not able to use cranes due to site constraints. Only small scale diggers will be possible and bricks will need to be carried in.

Q: Carl – How will sewage be dealt with?

A: GR – pipe onto Scawen Road blocked which will need to be addressed. Will not need to use Kezia Mews

Q: David & Katherine – who would have access to the allotment?

A: GR – could use a fob or a code which would only to be given to those who we know are using it. Will also use a management company.

Q: David & Katherine – who would use the play space?

A: GR – would have cameras and in my interest for it to be used properly.

Q: David & Katherine – single point of access to the site would put stress on public footway due to increase use and servicing & bins. Would there be other points of access?

A: GR – no the development is small only six additional homes so increase coming and goings not likely to be significant.

Q: Max Hills – People move houses, what assurance do we have this wouldn't be sold off to a development or become a HMO?

A: GR: happy to work with Lewisham to restrict that if required. Will set up a community interest company to manage the allotment and ensure any profit would be invested

Q: Max Hills – best project to come forward at the site.

Q: Mrs Hills – Question regarding overshadowing.

A: GR – assessed impact as part of sunlight and daylight report shows no adverse impacts.

Q: Malcolm Vest – how will the allotments work, would it be a market garden or would it be individual plots?

A: GR: will set up Community Interest Company to manage. The purpose is to grow food and involve the local community. Worked previously at Spitalfield Farm. In practice one or two on site at any time. Will involve schools and other community groups. Food will be delivered to the pubs daily to be seasonally produced. Not building big greenhouses will be open air. It will be organic no pesticides.

Q: Malcolm Vest – much better than previous schemes. Just nervousness that the site or the allotment eventually be sold if this doesn't work?

A: GR – No intention to sell the site.

Q: Georgia Smith – Pleased with heritage and environmental credentials. Can CIL money be directed to the local park?

A: SK – CIL money is not locally based. I am happy to support the playground being upgraded in my role as Ward Cllr.

Q: Taulant – proposal to build houses which does not accord with the environmental credentials

A: GR – the buildings will be carbon neutral over 60 years. Built to passive haus standard. Existing site is derelict and overgrown so not particularly rich in biodiversity. Aim to improve biodiversity and enhance the breathe and range of species that use the site.

Q: Taulant – question about parking stress

A: GR – parking survey conducted by a professional consultant in accordance with Council standards.

A: AW – There is an accepted methodology which stipulates how parking surveys are undertaken. Reviewed by the Highways Officers who have accepted the report.

Q: Taulant – Change to outlook due to Houses 3 and 4. Also overlooking and noise and disturbance.

A: GR - Reduced proportion of clear glazing. Existing fig trees to be retained and new trees planted.

Q: Scott – question about parking stress and HMOs so potentially more cars. Covid could have affected the survey. Refuse strategy – the bins could pile up on collection day.

A: GR – intention is that there is management presence on site to manage refuse and bin collection days. I will not be doing HMOs.

A: AW – change of use to small HMO is Permitted Development but those permitted development rights can be removed by Condition.

Q: KI –Will there be a long construction phase?

A: GR –intention that it wouldn't be overly long. The acquisition process has already started and securing contractor has been secured.

Q: KI – How will deliveries be handled.

A: GR – Would be done from the road.

Q: David and Katherine – Does the parking methodology take into account other developments?

A: AW – The large developments in the area would have highways agreements and conditions to manage the impact of the schemes.

A SK – supportive of elements of the scheme particularly the community element. Concerns with construction phase.

A: GR – Would be working within Lewisham guidelines and make sure they are in manageable schedules also signed up to considerate contractor. Deliveries would not take place during school times.

Q: Robin Clutterham – There is a pinch point in that corner which creates an issue with parking either side.

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

Committee	PLANNING COMMITTEE C	
Report Title	34-40 Eastdown Park	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	22 July 2021

Reg. Nos. DC/20/119744

Application dated 23.12.2020

Applicant Sarah Allen

Proposal The demolition of existing buildings and construction of a part 4, part 5 storey building at 34/40 Eastdown Park SE13 to provide 18 split level flats (Use Class C3), together with 3, two storey three bedroom houses (Use Class C3) and provision of shared communal garden, amenity space, associated hard and soft landscaping, cycle parking and bin storage.

Background Papers This is Background Papers List:
(1) Submission drawings
(2) Submission technical reports and documents
(3) Internal consultee responses
(4) Statutory consultee responses

Designations PTAL 3 and 4
Air Quality Management Area

1 SUMMARY

- 1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before Committee for a decision on the request of a local Ward Councillor and due to the submission of eight objections from local residents.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is located on the north-western side of Eastdown Park. It is currently occupied by a part single-, part two-storey industrial building that was used for the preparation of food and other ancillary activities (Use Class B2). However, the site is now vacant. The building covers the majority of the site providing approximately 1,494sqm of internal floor space at ground and first floor level.
- 3 The building is constructed of red bricks with a pitched roof and metal windows. The two storey section of the building is situated at the front of the site with the single storey located at the rear. To the front of the building is an area of forecourt with vehicular

access and dropped kerbs. The building is separated from the neighbouring buildings to the north on Eastdown Park by the service yard to the side of the building.

Figure 1. Proposed Site Location Plan



Character of area

- 4 The surrounding area is predominantly residential with Victorian terraces of two/three storeys adjacent (to the north) and opposite (to the east) of the site on Eastdown Park. The existing building is also adjoined to the south by a regional electricity substation and rear gardens of Victorian terraces to the west on Wisteria Road. The properties on Wisteria Road sit higher than the application site owing to the topography of the land, which rises from east to west.

Heritage/archaeology

- 5 The site is not located within a Conservation Area, nor subject to an Article 4 direction. The buildings are not listed and neither are any of the buildings in the immediate vicinity.

Surrounding area

- 6 The nearest shopping parades are located on Lee High Road approximately 300m to the north and 600m to the south on Staplehurst Road, close to Hither Green Station. Lewisham Town Centre is located 800m to the west of the site.

Transport

- 7 The site has a PTAL of 3/4, where 1 is the lowest and 6a is the highest, and so is assessed to have a moderate to good level of public transport accessibility. The closest train station is Hither Green Station and Lewisham Train and DLR station is also within walking distance of the site. Lee High Road is served by several bus routes including night buses. The site is located within the Lewisham Central CPZ, which is in operation Monday to Saturday between 9am and 6:30pm.

3 RELEVANT PLANNING HISTORY

- 8 DC/98/042607: The change of use of 34-40 Eastdown Park SE13 from Use Class B1 to food preparation and distribution (Use Class B2) together with the installation of extract ducting on the rear elevation - granted and implemented.
- 9 DC/99/044331: Change of use of first floor of 34-40 Eastdown Park SE13 from (Use Class B1) to (Use Class B2) ("Dim Sum" food factory) in conjunction with the ground floor "roast duck" factory - granted and implemented.
- 10 DC/01/049868/X: The construction of a two storey extension to the rear of 34-40 Eastdown Park SE13, together with the installation of roof lights to front and rear - granted and implemented.
- 11 DC/18/105760: The demolition of the existing buildings and the construction of a part 1, part 4 storey building with a basement at 34-40 Eastdown Park, SE13 to provide a 392sqm commercial unit (Use Class B1) with 21 flats above comprising of 8 x 1 bed, 8 x 2 bed and 5 x 3 bed – granted on 5 March 2019 but not implemented. This application remains extant.
- 12 DC/20/116854: The demolition of existing buildings and construction of a part 4, part 5 storey building at 34/40 Eastdown Park SE13 to provide a 72sqm commercial unit (Use Class B1) with 20 flats (17 x 1-bed and 3 x 2-bed) (Use Class C3), together with 3, two storey three bedroom houses (Use Class C3) and provision of shared communal garden, amenity space, associated hard and soft landscaping, cycle parking, bin storage and parking for two wheelchair cars – withdrawn.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 13 The demolition of existing buildings and construction of a part 4, part 5 storey building to provide 18 one bedroom flats together with three, two storey three bedroom houses and a shared communal garden between.
- 14 The flatted building would be located at the front of the site. The building would be four storeys to the front elevation, stepping up to five storeys at the rear. The building would feature facing brickwork with metal framed windows and metal rainwater goods all in warm red/orange tones. Both side elevations (north and south) of the building would accommodate concrete staircase structures providing two points of access. A lift would be provided within the northern structure. The flats would be arranged either side of a central corridors that connect the staircases, facing east or west with concrete balconies. Each flat would feature private amenity space, wither in the form of a balcony or a garden at ground floor level. 16 of the flats would be split level duplex units with two wheelchair accessible units located at ground floor level arranged over one level.
- 15 The three houses would be located at the rear of the site adjacent with the rear boundary of the site. The houses would be clad in dark coloured metal with timber windows and doors and flat roofs. The houses would also feature lightweight part-glazed part-metal sections with a roof terrace at second floor level. Amenity spaces would also be provided at ground floor level including small rear courtyards and front gardens.
- 16 The front building and rear houses would be separated by a communal garden in the centre of the site featuring benches, children's playspace, a greenhouse, allotment beds, fruit trees and informal landscaping. The front forecourt of the site would also be

landscaped and would include four trees as well as other areas of planting. Refuse storage for the development would be provided adjacent to the northern side elevation set back 3m from the front façade. Cycle storage would be provided within the communal garden adjacent to the northern boundary. The facilities would include a store for 33 long stay spaces as well as two Sheffield stands for short stay.

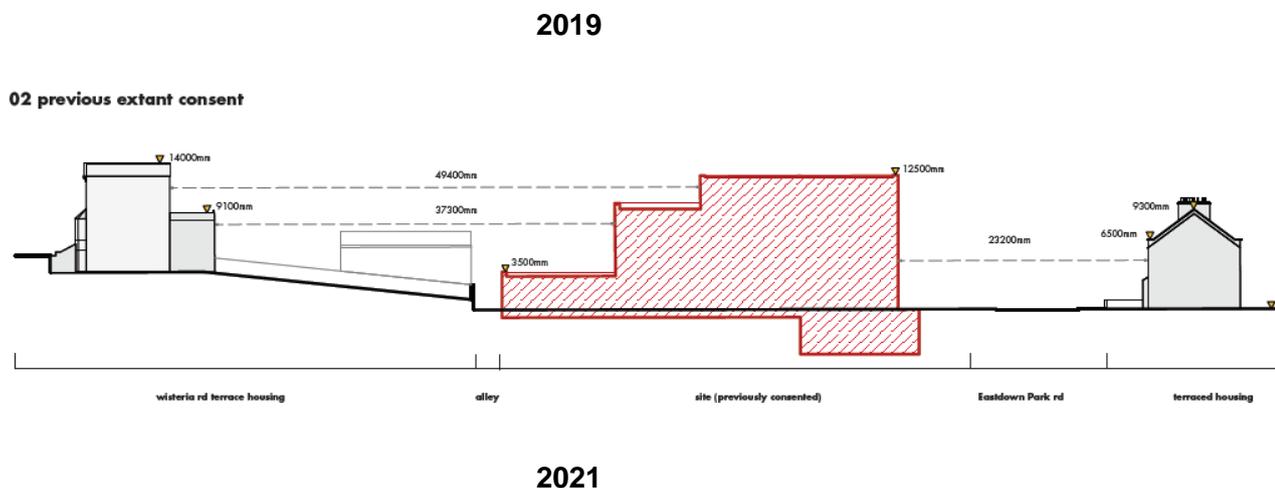
4.2 COMPARISON WITH PREVIOUS SCHEME

17 The proposed development follows a scheme previously granted on the site in 2019 (ref DC/18/105760). The previous planning permission is still extant but was proposed by a different applicant and the site has subsequently changed ownership. The application proposal would provide 21 residential units, which matches the extant permission. However, there are a number of key differences between the proposals, which would include:

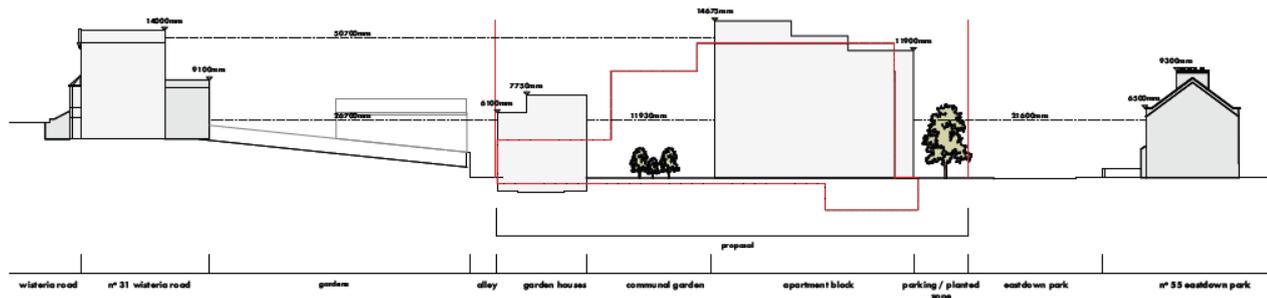
- A change to the massing and site layout so that the proposed building is higher than the 2019 scheme at the front and the rear of the site but with a reduced site coverage.
- Removing the commercial unit and the basement level that accommodated a large proportion of the commercial floorspace for the 2019 scheme.
- A change to the dwelling mix from eight x 1-bedroom, eight x 2-bedroom and three x 3-bedroom flats to 18 x 1-bedroom flats and three x 3-bedroom houses.

18 The following site sections taken from pages 25 and 26 of the Design and Access Statement (Shedkm, December 2020) illustrate the changes to the site layout and massing.

Figure 2. Site sections for the 2019 scheme and the application scheme.



03 previous extent consent overlay + new proposals



5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

19 This section outlines the consultation carried out by the applicant prior to submission. A comprehensive overview of the pre-application consultation is contained at Section 5 (p. 39-45) of the Design and Access Statement (Shedkm, December 2020). The pre-application consultation comprised flyers and a feedback form, two virtual meetings and a meeting held on the forecourt of the application site. The consultation took place between April and July 2020.

5.2 APPLICATION PUBLICITY

20 Site notices were displayed and press notice published on 27 January 2021. Letters were also sent to residents and business in the surrounding area as well as to the relevant Ward Councillors and the Lee Neighbourhood Forum on 18 January 2021.

21 Eight number responses were received in response, comprising eight objections.

5.2.1 Comments in objection

Comment	Para where addressed
Loss of commercial floorspace	50-57
Overdevelopment	62-64
Affordable housing contribution and viability	69-75
Height and overbearing visual impact	122-124
Design – elevational treatments	125-128
Design – not contextual	125-126
Increase in traffic	137
Increase to parking stress	149
Loss of privacy	164-167
Loss of light	172-176
Noise and disturbance	181-182
Light pollution	183

Failure to achieve zero carbon	189-193
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22 Cllr Rathbone requested that the application be determined at a planning committee due to the scale of the proposed development relative to other development in the Lee Green Ward.

5.3 INTERNAL CONSULTATION

23 The following internal consultees were notified on 18 January 2021.

24 Urban Design: did not submit comments for the proposal.

25 Highways: raised no objection subject to the conditions set out in the Transport Section (paras 132-154) of this report. Recommended that the parking spaces initially proposed at the front of the site be removed due to potential conflict with pedestrians, which was agreed by the applicant. Also identified several potential improvements to the local pedestrian environment to be secured by legal agreement.

26 Environmental Protection: raised no objections subject to the following:

- Air quality – conditions recommended for a Dust Management Plan, Non Road Mobile Machinery (NRMM) and Ultra-Low NOx Gas fired boilers. See para 232 for further details.
- Land contamination – requested further details relating, which were provided by the applicant. See paras 222-224 or further details.
- Construction – identified several limitations with the Construction Management and Logistics Plan (CMP). These have been forwarded to the applicant and it was agreed that an amended CMP would be secured by condition. See para 153 & 232 for further details.

27 Strategic Housing: objected to the scheme due to the lack of an affordable housing contribution. See para 73 for further details.

28 Flood Risk Team – raised no objection subject to a condition securing the final details of the SuDs strategy. See para 200 for further details.

29 Sustainability Team – raised no objection to the proposed energy strategy. See paras 189-193 for further details.

5.4 EXTERNAL CONSULTATION

30 The following External Consultees were notified on 18 January 2021:

31 London Fire Brigade: raised no objections subject to confirmation that there is adequate water supply for fire fighting purposes.

32 Thames Water: requested a condition preventing piling without the submission of Piling Method Statement and also requested informatives relating to groundwater and drainage. See Condition 7 and the Informatives for details.

6 POLICY CONTEXT

6.1 LEGISLATION

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

6.2 MATERIAL CONSIDERATIONS

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

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

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

6.3 NATIONAL POLICY & GUIDANCE

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

6.4 DEVELOPMENT PLAN

37 The Development Plan comprises:

- London Plan (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)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

39 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- 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)

7 PLANNING CONSIDERATIONS

40 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

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

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

43 The London Plan (LPP) 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

44 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases 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.

45 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.

46 Core Strategy Policy 5 states that the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.

47 DMP 11.4 states that applications for redevelopment for change to other business uses suitable for a residential area will be approved where:

- a. the site has become vacant for an appropriate length of time and evidence is provided that it is no longer suitable and viable for its existing or an alternative business use by reason of access difficulties or environmental incompatibility, and
- b. that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.

48 DMP 11.6 also imposes a requirement for all sites that a contribution will be sought for training and/or local employment schemes where there is loss of local employment as a result of redevelopment or change of use.

Discussion

49 In terms of housing, the scheme would contribute 21 additional residential units to both overall housing targets and the small sites target established by LPP HC2. Furthermore, the development includes three family sized units, defined within the London Plan as dwellings with three or more houses. The South East London Strategic Housing Market Assessment (SHMA) identifies that the main housing need in Lewisham is for family housing, with the provision of family housing attributed policy weight within Core Strategy Objective 3 and CSP 1. As such the contribution to both housing and family housing are identified as planning merits of the scheme and are attributed weight within the overall planning balance.

50 The proposed development would result in the loss of the employment use on the site and unlike the scheme approved in 2019 no employment floor place is proposed as part of the scheme. A Commercial Feasibility Report (CFR) prepared by Pedder dated October 2020, has been submitted with the application and provides a viability assessment for commercial uses at the site taking into account the existing building, the commercial floorspace proposed by the consented scheme and the marketing evidence for the site and surrounding area.

51 For the existing building, the CFR demonstrates that the cost of refurbishing the building would be £1.7m due to the cost of reversing the bespoke fit out relating to its previous use as a food factory. As such, refurbishing the building would not be viable based on estimated rental income of £180,000 per annum. The CFR also casts doubt on the viability of the commercial floor space provided as part of the 2019 scheme. The CFR calculates that the cost of providing the B1 floorspace (£825,000) would exceed the estimated capital value of the space (£570,000). This is mainly due to the cost of providing the basement level. Therefore, Officers accept that the cost of providing the commercial floor space would render it unviable.

52 The marketing for the site took place prior to the submission of application DC/18/105760, which was granted in March 2019, and no further marketing has taken place. The marketing including listing by Latin Quarter marketed the site in 2014. John Payne Commercial then marketed the site from October 2015 until 14th June 2017 and finally Kalmars listed the property from 26th October 2017 until the beginning of April 2018. The marketing evidence for the property shows that the site did not attract any commercial offers principally due to the cost of converting the building to modern

standards. This was accepted for the 2019 application and Officers have no reason to depart from this assessment. The CFR also includes an updated assessment for marketing and transactional details for office floor space within 1.5m radius undertaken for the period between October 2018 and October 2020. The assessment concludes that there is an oversupply of industrial and office stock in the area and that the market is for purpose built units.

53 Therefore, Officers consider that the marketing and viability evidence supports the conclusion that site cannot accommodate a commercial or employment use and thus satisfies the criteria of DMP11.4.

54 DMP 11.6 identifies that contributions to training and/or local employment schemes will be sought on all sites where there is loss of local employment as a result of change of use. The approach to calculating the associated financial requirement is set out within Section 3.4 of the Planning Obligations SPD. The HCA Employment Density Guide 2015 is used to calculate the job density of the former use of the premises, and then multiplied by the required contribution per job (£10,000 base contribution, which needs to be uplifted according to BCIS indexation).

55 The BCIS index for the current quarter (346 for Q1 2021) is divided by the Index Value for the date of the SPD adoption (270 for Q1 2015). The employment density for B2 uses as per the HCA Density Matrix is therefore 1 FTE job per 36sqm, which equates to 41.5 FTE jobs based on the 1,494sqm of existing floor space. Therefore, in total a contribution of £513,781 would be required, full calculations below:

- $(346 / 270) \times £10,000 = £12,814$ per job
- $1494 / 36 = 41.5$ FTE jobs
- $41.5 \times 12,814 = £513,781$

56 The applicant has submitted a Financial Viability Assessment (FVA) prepared by ULL Property dated February 2021. The FVA concludes that the scheme would be in deficit by £973,610. This has been independently reviewed by Carter Jonas. Carter Jonas have identified that the deficit has been overstated (-£765,609) but do not dispute that the scheme would be in deficit. Officers therefore accept it would not be viable to pay the employment floor space contribution calculated above.

57 In regard to local labour, the applicant has agreed to pay a contribution to training schemes of £11,130 (£530 x 21 dwellings), calculated from the Employment Density Guide - 3rd Edition (November 2015). This shall be secured within the legal agreement and is consistent with the contribution secured for the 2019 scheme.

7.1.1 Principle of development conclusions

58 The loss of employment floorspace has been justified by the viability and marketing evidence submitted by the applicant. Officers accept that it is not viable for the scheme to comply with the requirements of DMP 11(6). The provisions of 21 residential units, including three family houses, would contribute to local housing target and as such would carry weight within the overall planning balance.

7.2 HOUSING

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

7.2.1 Housing density

Policy

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

Discussion

- 62 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the PLP) for all sites with new residential units.

Table 1: Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	0.13	
Units	21	161.54
Habitable rooms	51	392.31
Bedrooms	27	207.69
Bedspaces	51	392.31

- 63 Table 1 demonstrates that the density of the development is relatively low for all measures and lower than the density approved for the 2019 given that the dwelling mix no longer includes two bedroom units. LPP D2 advises that density should be linked to the provision of infrastructure for the area and accessibility in terms of sustainable transport modes. Therefore, the density of the development is considered appropriate given the good PTAL of the area and proximity to amenities on Lee High Road and within Lewisham Town Centre.

Summary

- 64 The proposed density is considered proportionate and appropriate for the site.

7.2.2 Affordable housing

Policy

- 65 The NPPF expects LPAs to specify the type of affordable housing required (para 62).
- 66 LPPs H5 and H6, CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.
- 67 LPP H5 supported by the Affordable Housing SPG, states that proposals will not need to be supported by viability information where they: (i) deliver at least 35% affordable housing on-site without public subsidy; (ii) are consistent with the relevant tenure split; and (iii) have sought to increase the level about 35% by accessing grant (GLA, 2017, p17). There are several conditions where proposals may not benefit from this 'Fast Track Route'.

68 LPP H5 increases the threshold for the Fast Track Route to 50% for public sector land and designated and non-designated industrial and employment land as set out in LPP E7.

Discussion

69 LPP H5 sets out the approach boroughs should take with applications such as this which fail to achieve the affordable housing target in LPP H4 and therefore follow the Viability Tested Route. Accordingly, the applicant has submitted a Financial Viability Assessment (FVA) prepared by ULL Property dated February 2021. The FVA concludes that the scheme would be in deficit by £973,610. This has been independently reviewed by Carter Jonas. As noted above, Carter Jonas have identified that the deficit has been overstated but do not dispute that the scheme would be in deficit. This deficit is calculated at £765,609, resulting from the cost plan, which Carter Jonas identify has been overstated in the FVA. This includes estimated reductions to the build cost and to the financial costs. Carter Jonas therefore calculate the residual land value to be £984,391 rather than £776,390, which reduces the estimated deficit.

70 In regard to land value, the FVA has adopted an Existing Use Value (EVA) of £1,750,000 which forms the Benchmark Land Value for the viability modelling. Carter Jonas have reviewed the methodology for calculating the EVA and have accepted that the £1,750,000 figure is appropriate.

71 Bases on the above, Carter Jonas accept that the scheme could not viably support an affordable housing contribution.

72 During the course of the application further work undertaken to improve the sustainability credentials of the scheme resulted in cost saving in terms of the carbon offset required of £16,298. In addition, the local labour contribution was initially calculated based on the provision of 23 units resulting in a saving of £1060. The applicant has agreed for the combined £17,358 to be secured as cash in-lieu contribution for affordable housing to be paid to the Council via a legal agreement. This approach is similar to the 2019 application for which a contribution of £30,000 was secured in-lieu of affordable housing.

73 The Strategic Housing Team have objected to the failure to provide an affordable housing contribution as initially proposed and recommend a re-design to find more efficient and affordable materials, layouts and design choices to then be able to achieve some affordable home contribution. Officers consider the proposed affordable housing contribution goes some way to complying with this request and have not pursued substantial redesign given that a cash in-lieu contribution was accepted for the 2019 scheme. Furthermore, the review of the FVA by Carter Jonas' did not identify that the scheme is inefficient or that the design would be unusually expensive.

74 LPP H5 (F) sets out that viability tested schemes will be subject to: a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough); b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough); and c) Mid Term Reviews prior to implementation of phases for larger phased schemes.

75 This is not a larger phased scheme so only the Early and Late Stage viability reviews are required. This would be secured by a Planning Obligation.

Summary

76 The financial viability evidence demonstrates that the scheme cannot viably support a significant contribution to affordable housing. As such, the proposed development is considered to be compliant with the principles of LPPs H5 and H6, CSP1 and DMP7

subject to Planning Obligations to secure a financial contribution towards off-site provision and Early and Late Stage Viability Reviews.

7.2.3 Dwelling Size Mix

Policy

- 77 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 78 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 79 LPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 80 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments. 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.

Discussion

- 81 The proposed development would provide three three-bedroom homes, which equates to 14% of the overall total. There is no policy guidance on the overall percentage of family accommodation required within major development. However, 14% in keeping within the amount secured by the 2019 scheme. The provision of exclusively one-bedroom units within the flatted block is supported given the proximity to Lewisham Town Centre and the good PTAL rating.

7.2.4 Residential Quality

General Policy

- 82 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA;).
- 83 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.
- 84 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

- 85 DMP 32 states that the standards in the London Plan and Technical Housing Standards – Nationally Described Space Standard (NDSS) will be used to assess whether new housing development provides an appropriate level of residential quality and amenity.

This will involve an assessment of whether the proposals provide accommodation that meets the criteria relating to minimum space standards, floor to ceiling heights and storage space.

- 86 LPP D6 and the NDSS require that all double bedrooms are have a minimum area of 11.5sqm and single bedroom 7.5m. The standard with respect one-bedroom two-person units arranged over two storeys is 58sqm and for three-bedroom five-person units on two storeys is 93sqm.

Discussion

- 87 The table below sets out proposed dwelling sizes.

Table 2: Internal space standards – proposed

Dwelling Type	Layout	No. of units	Levels	GIA m ²	B1 m ²	B2 m ²	B3 m ²	Amenity m ²
Garden House	3b/5p	3	2 Storey	112	11.5	8.5	11.5	21
Duplex Flat 1a	1b/2p	4	Ground & first floors	60	12.5	N/A	N/A	6
Duplex Flat 1b	1b/2p	12	First floor and above	60	13	N/A	N/A	5
Wheelchair adaptable units	1b/2p	2	Ground floor	58	13.8	N/A	N/A	10

- 88 All of the proposed residential accommodation would meet or exceed the policy requirements in terms of overall GIA and the size of bedrooms. The floor to ceiling heights and the provision of storage also meet the requirements and therefore the development would provide residential accommodation with internal space standards that would comply with DMP 32 and LPP D6.

Outlook & Privacy

Policy

- 89 Emerging LPP D6 requires development to achieve ‘appropriate outlook, privacy and amenity’
- 90 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

- 91 All of the proposed residential accommodation, including the majority of the habitable rooms, would be provided with windows with good levels of outlook either towards the east looking out over Eastdown Park or to the west within the site over the communal garden. The single bedrooms in the three houses have outlook towards the north over the small rear courtyards onto a blank wall approximately 3m away. This constrained outlook is considered acceptable in this case given that the outlook is otherwise good across the whole development, including all main living spaces, and only amounts to a modest percentage of the overall number of habitable rooms.

- 92 In privacy terms, the separation distance of 11m between the garden houses and the front building is considered sufficient mitigation against intrusive overlooking. Furthermore, the landscaping features, including trees, within the communal garden are likely to provide screening at ground and first floor level. The 21m distance between the front elevation of the front block and the properties opposite replicates the existing relationship between directly facing properties on Eastdown Park and is therefore acceptable.
- 93 At ground floor level, all of the flats and the houses would be provided with defensible spaces adjacent to the windows, with planters provided as screening. This is supported and details of the planting would be secured as part of the condition for soft landscaping.

Overheating

Policy

- 94 LPP D6 states that housing development should be designed to achieve adequate levels of ventilation.
- 95 LPP SI 4 states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating.

Discussion

- 96 An overheating assessment has been provided at Section 11 of the Energy Strategy (Desco, December 2020). All of the proposed residential accommodation would be dual aspect with openable windows to provide levels of passive ventilation. The Energy Strategy demonstrates that this would provide some mitigation against overheating, and has been modelled to be effective against the DSY1 weather file. However, when modelled against the DSY2 and DSY3 weather files the Energy Strategy concludes that the majority of the bedrooms would fail. For that reason, a condition is recommended to secure a further report and the intended mitigation measures.

Daylight and Sunlight

Policy

- 97 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 98 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.
- 99 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

- 100 A Daylight and Sunlight Report (Right of Light Consulting, November 2020) has been submitted with the application. The report provides an analysis of the internal levels of sunlight and daylight for the residential accommodation and the overshadowing of external amenity spaces against the relevant BRE standards. The report concludes that the proposed development would exceed BRE standards for daylight and sunlight to windows and overshadowing of amenity spaces.
- 101 Therefore, the proposed development is considered to provide acceptable levels of sunlight and daylight in accordance with the principles of LPP D6 and DMP 32.

Noise & Disturbance

Policy

- 102 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Paragraph 180 of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 103 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

- 104 A Noise Impact Assessment (Apex Acoustics, November 2020) has been submitted with the application, which provides an analysis of the external noise environment. The NIA demonstrates that the buildings would provide effective mitigation against external noise levels, with the windows closed, and that noise levels for the external amenity spaces are within acceptable levels.

Accessibility and inclusivity

Policy

- 105 LPP D7 requires that 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

Discussion

- 106 The four one bedroom two person units would be designed to meet Building Regulation Standard M4(3) equating to 9.5% of the residential units. This would meet the requirements of LPP D7 and as such is acceptable.

External space standards

Policy

- 107 The London Plan recognises the importance of private open space. For that reason, all new development should have private external amenity space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. LPP D6 supports this requirement. The amenity space should also have a minimum depth and width of 1.5m. This is supported by LPP D6.

Discussion

- 108 The proposed residential accommodation would either meet or exceed the requirements of LPP D6 and the Housing SPG in terms of the area of the private external amenity space provided. However, the balconies for the duplex units, at 1.2m wide, and the ground floor amenity spaces, at 1m deep, would fall short of the minimum 1.5m requirements. Officers consider that this amounts to a modest transgression and is

adequately compensated by the otherwise good standard of accommodation and the provision of large communal garden in the centre of the development.

Children's play space

Policy

- 109 LPP 3.6 states housing proposals should make provision for play and informal recreation.
- 110 The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child.

Discussion

- 111 The proposed development includes the provision of a communal garden featuring children's play space. The garden would measure more than 300sqm in total and as such the provision of children's play space is likely to exceed the requirements of the SPG subject to final details of the landscaping and layout to be secured by condition.

Summary of Residential Quality

- 112 The proposal would meet the requirements of LPP D6 and DMP 32, subject to conditions securing a landscaping scheme and further overheating analysis. As such the proposed standard of accommodation is considered acceptable. This is a planning merit, which carries weight within the overall planning balance.

7.2.5 Housing conclusion

- 113 The proposal would make a positive contribution to the Borough's housing targets in a sustainable urban location, making the most efficient use of land and optimising density. The provision of a payment in-lieu of a contribution to affordable housing has been justified in policy terms and maintains the approach approved for the extant permission on the site granted in 2019.

7.3 URBAN DESIGN

General Policy

- 114 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods

Policy

- 115 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, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.
- 116 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.
- 117 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.
- 118 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.

Discussion

- 119 The industrial appearance of the existing building contrasts with the prevailing typology of Victorian terraces that dominant much of Eastdown Park. It would have been a good quality example of small-scale inter-war industrial architecture but it has been unsympathetically altered over the years, for instance with replacement uPVC windows, and is not considered to have any heritage value or particular architectural significance. As an outlier in an otherwise largely Victorian-era residential area, the building is not of significance in townscape terms. As such its demolition and replacement is not objectionable.
- 120 The proposed development would seek to infill the gap on the site that would result from the demolition of the existing building located between 32 Eastdown Park, the rear gardens of the Wisteria Road terraced properties (nos. 25 - 35) and the electrical substation located on the corner of Eastdown Park and Dermody Road. As such, it would constitute an 'infill site' as defined by DMP 33.
- 121 The proposed buildings are considered to be an appropriate quantum of development for this site and do not dominate in terms of site coverage: the gap between the front building and rear houses replicates the historic pattern of development, which is for large front houses with gardens at the rear and lower buildings at the ends of gardens.
- 122 The building is proposed at four storeys to the front and five to rear, increasing the scale of development on the site. The proposed height would also represent an increase compared to the buildings in the immediate surrounding context, which are three storeys plus lower ground / basement. The flat roof and split level design of the residential accommodation mean that even at five storeys the building would only project approximately 3m above the ridge level of the adjacent terrace to the north, due to the pitched roof form of the terrace which adds a storey to the height.
- 123 The fifth storey of the building is set back from the front of the building, which is four storeys to the front. The stepping of the height assists in reducing the visual impact of the additional height to the streetscene. It is also noted that the front elevation of the building would be lower than the building granted planning permission in 2019. Officers consider that the site is unique within the surrounding townscape given that it stands alone from the Victorian terraces and is sited towards a corner plot at the junction with Dermody Road. Therefore, the increase in height is justifies in townscape terms.

- 124 As such, it is considered that the new four storey building successfully integrates into the surrounding urban grain and would create a positive relationship with the existing streetscene, despite the increase in height. Officers have also given weight to the precedent set by the extant permission granted in 2019.
- 125 The recessed sections of the front façade would respect the existing building line along Eastdown Park, with the projecting sections referencing the bays of the Victorian terraces. The front balconies would not respect the front building lines and project forward significantly. This is considered acceptable given that the balconies represent a modest proportion of the massing.
- 126 The design approach does not seek to replicate the Victorian architecture that typifies the majority of Eastdown Park, with the contemporary design considered appropriate for the site and scale of the building proposed. However, the proposed red brick does provide a contextual element, which would reference not just the colour of the existing building but also the terraces directly opposite that feature red bricks at ground floor level and within many of the boundary walls.
- 127 The proposed aluminium framed windows and doors would be in keeping with the modern design intent of the new building. Detailed sections of the windows and a door schedule would be secured as part of the aforementioned materials condition. The use of PPC steel for the rainwater pipes and balustrades on the balconies is supported.
- 128 The proposed concrete balconies and stair structures to the side would assist in breaking up the massing and adding contrast and visual interest to the building, which would otherwise appear monotone due to the matching tones of the bricks, fenestration and rainwater goods.
- 129 The garden houses would not be visible from public viewpoints and therefore a non-contextual design is supported. Officers consider the metal cladding to be a high quality material and appropriate for a contemporary building within a backland setting. The use of glazing and lighter coloured metal panels for the northern section of each house helps to break up the massing and acts to visually separate each property.
- 130 The front landscaping would soften the appearance of the site and would provide a frontage more in keeping with the residential character of the area than the existing concrete hardstanding. Officers consider the planting and provision of trees to be an enhancement and would be secured as part of the soft landscaping condition.

7.3.1 Urban design conclusion

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

7.4 TRANSPORT IMPACT

General policy

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

which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

133 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

134 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.

135 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

7.4.1 Local Transport Network

Policy

136 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

137 The application site is located within a sustainable location with a good level of public transport accessibility (PTAL 3/4) due to its proximity to Hither Green Train Station, and the bus routes serving Lee High Road. As such, Officers are satisfied that 21 additional residential units could be comfortably accommodated within the local transport network. It should also be noted that the 21 residential unit was considered acceptable in transport terms for the extant 2019 scheme.

7.4.2 Healthy Streets

Policy

138 LPP T2 states that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance

Discussion

139 No assessment has been provided in relation to the Healthy Streets Indicators contrary to LPP T2. This would generally not be supported, however, Highways Officers have undertaken an assessment of the local pedestrian environment and identified obvious improvements to the pedestrian experience and disabled access within the immediate vicinity, commensurate with the scale of development proposed. The improvements would comprise:

- reinstatement works to the site frontage, including the removal of the vehicle crossovers and dropped kerbs.
- the provision of dropped kerbs and tactile paving at the Dermody Road / Leahurst Road / Eastdown Park junction;
- the provision of dropped kerbs and tactile paving at the Gilmore Road /Eastdown Park junction.

140 The applicant has agreed to the proposed highways work and will enter into a S278 Agreement with the Highway Authority to secure these works.

7.4.3 Servicing and refuse

Policy

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

142 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.

143 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

144 The residential accommodation would be provided with refuse facilities adjacent to the northern side elevation set back from the front façade by 3m. The store would accommodate four 1100ltr Eurobins, which would meet the refuse and recycling requirements for the development. The store would also be within 10m of the kerb in accordance with council guidance and therefore the refuse strategy is considered acceptable. A condition is recommended securing details of the management of the facilities, the appearance of the store and ensuring the provision prior to the occupation of the development.

145 A Delivery and Servicing Plan was submitted with the application and proposes that the development would be serviced from the single yellow line adjacent to the front of the site. The highways department have expressed concern that this arrangement could potentially cause obstructions to the road. However, the proposed strategy maintains the existing arrangement for Eastdown Park and was also accepted for the extant 2019 scheme. As such, Officers are satisfied that the proposed servicing strategy would not result in any significant additional impacts.

7.4.4 Transport modes

Cycling

Policy

146 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan. LPP T5 also requires that cycle parking would meet the London Cycling Design Standards.

Discussion

147 A minimum of 35 cycle parking spaces would be provided comprising 33 long stay within a store in the communal garden and 2 short stay cycle Sheffield Stands, also within the communal garden. This provision would accord with Table 10.2 of the London Plan based on the provision of 2 spaces per three-bedroom house and 1.5 spaces per one-bedroom flat. The provision of cycle parking is therefore considered acceptable subject to a condition securing the design of the store and provision prior to the occupation of the development.

Cars parking

Policy

- 148 LPP T.6 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

- 149 The site is located within an area with a PTAL 4 and parking is restricted by the Lewisham CPZ. No off-street parking is proposed. As such, the provision of a car-free scheme is supported by policy and has been recommended by Highways Officers. This would be secured by legal agreement, which would exclude future occupants of the residential units (excluding blue badge holders) from obtaining CPZ permits.
- 150 The proposal as initially submitted included the provision of two disabled bays on the front forecourt. This was considered unacceptable due to the potential conflict with pedestrians arising from use of the footway and vehicles entering and egressing the parking spaces. The parking spaces have now been omitted from the proposal and disable parking would be accommodated within the CPZ given that blue badge holders would not be excluded from permits by the legal agreement.
- 151 As an alternative to private car ownership, the applicant should provide details of a Car Club Strategy for the site. The strategy should include details of car club membership for all residents for 3 years and include a review of the capacity of existing car club infrastructure in the vicinity of the site to determine if there is sufficient vehicle provision to accommodate the demand generated by the development. The Car Club Strategy should be secured by condition.

7.4.5 Construction

Policy

- 152 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

- 153 A Construction Management and Logistics Plan (YES Engineering Group Ltd, December 2020) was submitted with the application. The logistics plan is generally acceptable but lacks a number of details including details of access, parking, loading and swept path analysis. These details will be secured within a comprehensive logistics plan to be secured as part of a Construction Management Plan (CMP) condition to be submitted and approved prior to the commencement of the development.

7.4.6 Transport impact conclusion

- 154 In summary, 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.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 155 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.
- 156 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).
- 157 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; (iv) noise and disturbance and (v) light pollution.

7.5.1 Enclosure and Outlook

Policy

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

Discussion

- 159 The proposed development would introduce a scale of development that is clearly greater than the existing two storey building and would therefore have an impact on outlook for a number of the neighbouring properties. However, a change in outlook does not necessarily imply that the impact would be unacceptable or oppressive.
- 160 The properties to the east on the opposite side of Eastdown Park (Nos 45-57) would be located approximately 21m from the front façade of the proposed building. This distance is considered sufficient to prevent any adverse impacts and would be similar to the impact judged to be acceptable for the 2019 scheme.
- 161 The impact from the frontage building to the properties at the rear on Wisteria Road (Nos 25-35) is also considered acceptable given the separation distance of approximately 50m. The rear houses are located significantly closer at 26m. This is similar to the relationship to the existing building, which is also built up to the rear boundary. However, the houses are higher than the existing building at 2.5 storeys compared to 1.5 storeys. The impact of the houses to Nos 25-35 is reduced by the changes in ground levels, which rises towards Wisteria Road. Officers therefore consider this impact to be acceptable, taking into account the ground levels, depth of the rear gardens and 2.5m gap between the rear boundaries.
- 162 To the north the site adjoins No.32 Eastdown Park. The front building would project approximately 3m beyond the rear building line of No.32, and the adjoining terrace, and would be set in from the boundary by 3.5m. The set in from the boundary is considered to be sufficient to prevent an overbearing impact. Officers also consider that the site layout, with the houses aligned to the rear boundary and 11m gap between, would provide significant relief from oppressive enclosure, maintaining views across the site and the open aspect across the rear gardens.

7.5.2 Privacy

Policy

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

Discussion

- 164 The proposed development would introduce balconies and windows to Eastdown Park frontage. It is entirely typical to have directly facing front elevation windows and this reflects the relationship that exists between facing properties further north on Eastdown Park. Front balconies are an alien addition to Eastdown Park. However, the 20m distance between the balconies and the properties opposite would help ensure that the balconies would not be overly intrusive. The height of the balconies, which at second floor level would be above the level of the windows opposite, would also prevent direct views. As such, the proposed development is not considered to introduce a material loss of privacy at Nos 45-57 Eastdown Park.
- 165 The front building would be located approximately 50m from the rear elevations of the properties to the rear on Wisteria Road (Nos 25-35), which is significantly above the minimum separation distance recommended by DMP 32. The rear windows and balconies are likely to introduce views to the rear gardens of Nos 25-35. These views are no considered to be intrusive given the distance to the gardens. Furthermore, views from upper floor positions towards adjoining rear gardens are an established part urban residential typologies, such as this.
- 166 The rear houses are located significantly closer to the rear boundaries on Wisteria Road. The houses have been designed to minimise overlooking to the rear with upper floor rear windows restricted to bathrooms, which would be obscure glazed. The roof terraces at second floor level would feature screening that would prevent views to the rear and to the north towards No.32 Eastdown Park. Conditions are recommended securing the specification for the glazing for the rear windows and the screening for the roof terraces. The condition for the screening details would also secure details for the rear balconies to ensure that the privacy of the adjoining terrace to the North is protected.
- 167 The northern staircase enclosure has an open design that would allow views towards the rear gardens of the terrace to the north on Eastdown Park. These views would be from oblique angles, given that the staircase is set back from the rear building line. Furthermore, the staircase would be a transient space in which views are likely to brief. Therefore, this impact is considered acceptable.

7.5.3 Daylight and Sunlight

Policy

- 168 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 169 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.
- 170 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.

- 171 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).

Discussion

- 172 The application is accompanied by a Daylight and Sunlight Report (Right of Light Consulting, November 2020). 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:

- 30 – 32 (evens) Eastdown Park - north
- 45 – 857 (odds) Eastown Park - east
- 29 Dermody Road – south
- 25 - 35 Wisteria Road - west

- 173 The report concludes that the impact to sunlight and daylight level at the majority of the windows would be within the acceptable limits as set out in the BRE guidance. However, the report does identify one transgression beyond BRE standards for a lower ground floor window at 32 Eastdown Park (Window 32). The report finds that the windows fails the Annual Probable Sunlight Hours test but that this is largely due to a staircase and platform that overhangs the window.. The BRE guide states that where a window has an overhang a larger relative reduction in Annual Probable Sunlight Hours may be unavoidable, as the building itself contributes to its poor daylighting. The guidance states that this should be demonstrate by modelling the window without the existing obstruction in place. The report shows that the Window 32 at 32 Eastdown Park surpasses the BRE criteria without this overhang in place.

- 174 In regard to the amenity spaces, the report finds that the impact to the majority of the gardens modelled would pass BRE standards with the exception of Nos 30 and 32. The report identifies that the gardens of Nos 30 and 32 have been subdivided with the transgression restricted to to the gardens immediately adjacent to the rear elevations (identified as Gardens 1 and 3 in the report).. For Garden 1 the impact amounts to a 42% reduction in the area of garden receiving at least 2 hours of sunlight on 21st March (2.73sqm reduced to 1.57sqm). At Garden 3 the reduction would be 85% (8.43sqm reduced to 1.28sqm). The report also finds that the larger garden spaces to the rear of those gardens (identified as Gardens 2 and 4 in the report) would pass the sunlight test. BRE guidance recommends that the availability of sunlight should usually be checked for the main area of back garden of a house. Therefore, the transgression results from the subdivision of the garden and the modest space allocated to Gardens 1 and 3.

- 175 Based on the findings of the Daylight and Sunlight Report it is clear that the proposal would result in material impacts to Nos 30 and 32 Eastdown Park. However, Officers do not consider the level of harm to be unacceptable. It is important to note that the BRE standards are guidance rather than a rule and the NPPF and GLA are clear that Daylight and Sunlight impacts should be applied flexibly in suitable locations such as town centres where it is appropriate to optimise housing capacity and density. Officers

consider the application site to be suitable for intensification given the good PTAL and proximity to Lewisham Town Centre and Lee High Road.

176 Therefore, as matter of planning judgement, the planning harm identified at Nos 30 and 32 Eastdown Park, when balanced against the proposals other significant planning merits and the context of the site, is not considered a reason for refusal.

7.5.4 Noise and disturbance

Policy

177 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

178 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:

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

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

180 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

181 No long-term impacts are likely to arise from the provision of a residential development within a residential area; a future residential use is likely to have less impact than a recommencement of a B2 industrial use on the site. However, there is considerable potential for short-term impacts during the construction phase of development. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a Construction Management Plan would be secured by condition 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.

182 Accordingly, Officers are satisfied that the proposed development would have an acceptable impact in terms of noise and disturbance.

7.5.5 Light Pollution

Discussion

183 Light pollution was raised as a concern within the objections to the scheme. An External Lighting Report (Desco, December 2020) has been submitted with the application, which

recommends a lighting scheme that would minimise light spill and prevent harmful impacts to the neighbouring residents and local biodiversity. Therefore, Officers are content that the scheme is not likely to result in adverse light pollution subject to a condition securing final details of the lighting scheme prior to the occupation of development.

7.5.6 Impact on neighbours conclusion

184 The proposed development is considered to have a generally acceptable impact to the living conditions of the neighbouring properties, with some adverse impacts to levels of light. The adverse impacts have been weighed against the benefits of the proposal and as a matter of planning judgement are assessed to be acceptable

7.6 SUSTAINABLE DEVELOPMENT

General Policy

185 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.

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

7.6.1 Energy and carbon emissions reduction

Policy

187 LPP S12 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.

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

Discussion

189 An Energy Strategy (Desco, December 2020) has been submitted with the application as required by LPP S12 and CSP 8. The report sets out the strategy to minimise emissions in accordance with the energy hierarchy established set out in the London Plan. This report details that the scheme will rely on a direct electric heating in order to achieve the 35% reduction in CO2 emissions targeted in their energy strategy. The London Plan does not generally support direct electric systems as para 9.12 makes clear:

“Direct electric heating will not be accepted in the majority of cases as it will not provide any on-site carbon savings in line with the energy hierarchy and it is likely to result in higher energy bills. Direct electric systems are also not compatible with connection to district heating networks.”

190 The Energy Strategy has been reviewed by the Council's Sustainability Team, who have expressed concerns with the proposed direct electric system but have identified a number of mitigating factors that mean that the strategy can be supported in this

instance. The main factor prohibiting an alternative strategy is the location, which falls just outside the heat network opportunity area in Lewisham Town Centre/Lewisham Hospital. As such, future connection to the heat network is not an option

191 In addition, the applicant has confirmed that that each residential unit will be fed by the PV array rather than the power generated within the development being sold to the grid. This would help overcome some of the reservations with direct electric systems set out in London Plan.

192 Therefore, the proposed strategy is considered appropriate for the scale of development. This would be subject to a condition requiring the submission of SAP data sheets or EPCs as evidence that the reduction in CO2 can be achieved. Additionally, a payment of £37,232 will be required to off-set 358 tonnes of carbon (based on a cost per tonne of £104) to be secured as part of the legal agreement, with a top-up payment required in the event the amount of carbon to be offset increases during construction.

Summary

193 The proposal would meet the carbon reduction targets and would contribute towards sustainable development, subject to an obligation securing mitigating features.

7.6.2 Urban Greening

Policy

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

195 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

196 The proposed development would make a positive contribution to urban greening via increased planting within the soft landscaping scheme. This would apply to both the front forecourt and the 300sqm garden in the centre of the site. Indicative details for the soft landscaping have been provided and include trees, allotment beds and fruit trees, planters and informal areas. Additionally, living roof systems are proposed for the flat roof of the front building, at second floor level of the houses and on the cycle and refuse stores. As such, the proposal is considered a significant improvement compared to the existing site which is formed entirely of buildings and hard standing, and to the extant scheme, which devoted a far higher proportion of the plot to built form.

197 Overall, the proposal would make a positive contribution to urban greening and is considered acceptable subject to a condition securing the soft landscaping scheme.

7.6.3 Sustainable Urban Drainage

Policy

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

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

Discussion

- 200 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) requested additional details during the course of the assessment of this application in order to overcome concerns. In response a revised Surface Water Management Report (Tisserin, March 2020 Rev F) was submitted. The Flood Risk Team has confirmed that the drainage strategy for the development is now acceptable and has requested that the drainage strategy be secured by condition.

7.6.4 Sustainable Infrastructure Conclusion

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

7.7 NATURAL ENVIRONMENT

General Policy

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

7.7.1 Ecology and biodiversity

Policy

- 205 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.
- 206 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.
- 207 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.
- 208 CSP 12 seeks to preserve or enhance local biodiversity.
- 209 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

- 210 The application site is formed exclusively of built form and hardstanding and therefore biodiversity on the site is limited. A Preliminary Roost Assessment Survey (Arbtech,

June 2021) has been submitted with the application, which assessed the building for bird and bat roosts. The report concludes that the site has negligible potential to support any protected species and finds no evidence of bat roosts or nesting birds.

- 211 The Design and Access Statement includes details of the landscaping scheme at Section 8 (p80-84). The landscaping scheme includes the introduction of planting and trees to the front of the site in addition to the provision of 300sqm communal garden. The communal garden would have an informal area and an allotment area. The Design and Access Statement also proposes bird and bat boxes within the communal garden.
- 212 Given the condition of the existing site, it is considered that the proposal would meet the ecology and biodiversity policy objectives by delivering a net gain in biodiversity, subject to conditions securing the landscaping scheme and the provision of bird/bat boxes. This is a planning merit to which modest weight is attributed given the size of the site.

7.7.2 Trees

Policy

- 213 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 214 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 215 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.
- 216 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 217 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

- 218 The proposals would result in the loss of one tree to the northern boundary, which is not subject to a TPO. The tree removal is required due to a direct conflict with the footprint of the proposed development. The removal of the tree was accepted for the extant 2019 scheme and when weighed against the significant increase in planting proposed as part of current proposal its loss is not considered objectionable. It should also be noted that the landscaping scheme includes a proposal for four street trees to be planted on the front forecourt fronting the street with additional trees within the communal garden. Therefore, there would be a significant net increase in trees, which is welcomed by Officers. Details of their variety and maturity of the trees shall be secured by condition, along with a suitable maintenance plan including watering. The new trees would have substantial benefits in terms of air quality to mitigate against the loss of the existing tree.

7.7.3 Ground pollution

Policy

- 219 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 220 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 221 DMP 28 reflect national policy and are relevant.

Discussion

- 222 The application is accompanied by a Geo-Environmental Investigation (Ground and Environmental Services Ltd, January 2020). The report has been reviewed by the Council's Environmental Protection Officer who requested additional information for the application in regard to PCB's, asbestos, sources of contamination in the building and CS2 measures. This was provided by the applicant and it was agreed that the Council's standard condition should be imposed
- 223 Additionally, the Thames Water have recommended conditions relating to piling and infiltration of surface water to prevent pollution to groundwater and aquifers
- 224 The proposal would meet the policy objectives for contaminated land, subject to a condition securing further reports. The proposed development is therefore not considered to result in material harm to any sensitive receptors, underground water, in terms of contamination.

7.7.4 Air pollution

Policy

- 225 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.
- 226 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this and further guidance is given in the Mayor of London's Air Quality Strategy.
- 227 CSPs 7 and 9 reflect the national and regional guidance and are relevant.
- 228 DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

Discussion

- 229 The application is accompanied by a preliminary Air Quality Assessment (AQA), prepared by Air Quality Consultants, November 2020. This sets out the measures to be taken in respect of air quality and has been reviewed by the Councils Environmental Protection Officer (EPO).
- 230 The AQA submitted as part of this application revealed that air quality is not considered a constraint to planning consent for the proposed development. Pollutant emissions associated with anticipated traffic flow were compared to relevant benchmarks. This indicated building emissions from the proposals were below the benchmarks and as such, no further action will be required to tackle the excess development emissions. The proposed development is therefore considered as air quality neutral.
- 231 The proposed development would introduce sensitive receptors (the residential accommodation) to a site within an Air Quality Management Area. The assessment demonstrates that future residents and users of the development will experience acceptable air quality, with pollutant concentrations within acceptable levels.
- 232 The proposed development has the potential to cause air quality impacts during the construction and operational phases in addition to exposing future site users to elevated pollution levels. The EPO had recommended mitigation measures comprising conditions for a Dust Management Plan (DMP) and Non Road Mobile Machinery (NRMM).
- 233 The proposal would meet the air quality policy objectives, subject to conditions securing the mitigation measures for the construction phase detailed above. The Environmental Health Department have also requested a condition for to ensure that Ultra-Low NOx Gas Boilers would be installed. However, given that direct electric heating is proposed, the condition is not necessary.

7.7.5 Light pollution

Policy

- 234 The NPPF at para 180 states limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Discussion

- 235 The application has been accompanied by an External Lighting Report (Desco, December 2020), which provides lighting recommendations to ensure that light spill and the impact to biodiversity is minimised. Therefore, a condition is recommended securing the details of the lighting scheme, informed by report, prior to the occupation of the building.

7.7.6 Natural Environment conclusion

- 236 In summary, 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 biodiversity due to the additional soft landscaping and increased levels of planting that would be introduced within the site.

8 LOCAL FINANCE CONSIDERATIONS

- 237 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).

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

239 The CIL is therefore a material consideration.

240 £90,396.90 Lewisham CIL and £ 59,726.52 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

241 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.

242 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.

243 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.

244 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>

245 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

246 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>

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

10 HUMAN RIGHTS IMPLICATIONS

248 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

249 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.

250 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.

251 This application has the legitimate aim of providing buildings with residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

252 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

253 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.

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

Affordable Housing

- Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted
- Late Stage Viability Review triggered when 75 per cent of the units in a scheme are sold or let

Financial Contribution

- Affordable Housing
- Carbon Offsetting
- Local Labour

Car Free

- Prevent future occupiers from access to residents parking permits for the local CPZ (*save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970*).

Highways Agreement

- S278 agreement to undertake improvements to the pedestrian environment in the local area.

Monitoring and Costs

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

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

12 CONCLUSION

- 256 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 257 The principle of the proposed development is supported given that the loss of employment floorspace has been justified by the viability and marketing evidence. The provisions of 21 residential units, including three family houses, would contribute to local housing target and as such would carry weight within the overall planning balance.
- 258 The financial viability evidence demonstrates that the scheme cannot viably support a significant contribution to affordable housing or compensation for the loss of employment floorspace. However, the applicant has offered a financial contribution in-lieu of affordable housing and towards local labour training schemes, which is consistent with the approach secured as part of the extant permission on the site.
- 259 The standard of the accommodation provided by the residential units is considered to be of good quality. In design terms, the quality of the materials and detailing, combined within the arrangement of the massing, are considered to justify the increased scale of development, ensuring that the proposal would make a positive contribution to the surrounding townscape.
- 260 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 impacts to the local transport network are acceptable and the proposed improvements to the pedestrian environment and accessibility would provide public benefits.
- 261 In terms of residential amenity, Officers have identified adverse impacts to some neighbouring properties in terms of levels of light. However, these are not assessed to warrant the refusal of the application when taking into account the site context and weighed against the considerable planning merits of the scheme.
- 262 Therefore, subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and would accord with the Development Plan.

13 RECOMMENDATION

- 263 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the conditions and informatives set out below under 'Planning Application (DC/20/119744)', and authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.
- 264 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT** planning permission subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

13.1 CONDITIONS

1. 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:

1912 SKM(EX) 000 Rev 01; 1912 SKM(EX) 001 Rev 01; 1912 SKM(EX) 002 Rev 01; 1912 SKM(EX) 003 Rev 01; 1912 SKM(EX) 200; 1912 SKM(MP) 200 Rev 04; 1912 SKM(MP) 201 Rev 04; 1912 SKM(MP) 202 Rev 02; 1912 SKM(MP) 203 Rev 02; 1912 SKM(MP) 300 Rev 01; 1912 SKM(00) 001 Rev 01; 1912 SKM(00) 101 Rev 09; 1912 SKM(00) 102 Rev 09; 1912 SKM(00) 103 Rev 09; 1912 SKM(00) 104 Rev 09; 1912 SKM(00) 105 Rev 09; 1912 SKM(00) 201 Rev 09; 1912 SKM(00) 202 Rev 09; 1912 SKM(00) 203 Rev 03; 1912 SKM(00) 204 Rev 09; 1912 SKM(00) 205 Rev 06; 1912 SKM(00) 206 Rev 06; 1912 SKM(00) 300 Rev 06; 1912 SKM(00) 301 Rev 03; 1912 SKM(00) 302 Rev 03 received 14 January 2021;

1912 SKM(EX) 100 Rev 01; 1912 SKM(EX) 101; 1912 SKM(EX) 102; 1912 SKM(00) 100 Rev 10 received 26 April 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. **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 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: 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. Land Contamination

- (a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use 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).

5. Plant Noise

- (a) 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.

- (b) No development above ground level shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

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. **Surface Water Drainage**

No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management to comply with Surface Water Management Report Rev F (Tesserin, March 2021), including specifications of the surface treatments, management plan and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

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
- (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.

8. **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 materials
- (iii) roofing materials and roof junctions;
- (iv) windows, external doors and reveals;
- (v) rainwater goods;

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

(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.

9. Refuse & Recycling Facilities

- (a) Prior to the occupation of the development, details of the appearance and 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).

10. Cycle Parking

- (a) Prior to first occupation, full details of the cycle parking facilities providing 33 long stay and 2 short stay spaces for the development shall be submitted to and approved in writing by the local planning authority.
- (c) 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).

11. Hard Landscaping

- (a) Prior to the occupation of the building 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 shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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. **Overheating Assessment**

- (a) The development shall not be occupied until an Overheating Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The mitigation measures identified by the Overheating Assessment approved by part (a) shall be installed prior to the first occupation of the residential element of the development and retained permanently in accordance with the approved details.

Reason: In order to provide acceptable living conditions for the occupants of the residential accommodation and to comply with Policy SI4 Managing heat risk of the London Plan (March 2021) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014)

14. **Soft Landscaping**

- (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, planter screening, 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 the occupation of the development.
- (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, DM Policy 30 Urban design and local character and DM 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15. **Boundary Treatments**

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

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

16. **Bird & Bat Boxes**

Details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with 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).

17. **Energy Strategy**

The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority to demonstrate that the measures identified within the Energy Strategy (Desco, December 2020) have been implemented in full in order to reduce annual carbon emissions by at least 35% (based against 2013 Building Regulations standards).

Reason: In order to comply with Policy SI2 Minimising greenhouse gas emissions of the London Plan (2021) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

18. **Lighting Scheme**

- (a) Prior to the occupation of the development, a scheme for any external lighting that is to be installed at the site, including a design strategy for biodiversity and measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will be sensitive to biodiversity and minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy G6 Biodiversity and access to nature of the London Plan (March

2021) and DM Policies 24 Biodiversity, living roofs, and artificial playing surfaces and 27 Lighting of the Development Management Local Plan (November 2014).

19. **Living Roofs**

- (a) Prior to installation details of the proposed biodiversity living roof systems to be laid out in accordance with p.8 and drawing 1912/DR100 Rev P5 within the Surface Water Management Report - Rev F (Tisserin, March 2021), 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.

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).

20. **Travel Plan**

- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means including access to car clubs, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

21. **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 for the garden terrace and rear balconies of the front building has been submitted to and approved in writing by the local planning authority.

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

22. **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 first floor windows in the rear elevations of the Garden Houses, as shown on drawing 1912 SKM(00) 206 Rev 06, shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and fixed shut up to 1.7m above the internal floor level and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

23. **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 roofs on the building 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 other than the second floor roof terraces for the garden houses as shown on drawing 1912 SKM(00)102 Rev 0.

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 of the Development Management Local Plan (November 2014).

24. **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 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

25. **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 S15 Water infrastructure of the London Plan (March 2021)

26. **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).

27. Wheelchair Dwellings

The two wheelchair dwellings hereby approved and identified as Accessible Ground Floor Apartments on drawing 1912 SKM(00) 100 Rev 10 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).

13.2 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 As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3 Thames Water have advised that 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!BO24yOQyQZ3VaDeut_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBaWmGKPWw\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services__;!!CVb4j_0G!BO24yOQyQZ3VaDeut_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBaWmGKPWw$)

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

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!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBZ8sMFPPhQ\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBZ8sMFPPhQ$) . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

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!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBYzr_Fnlw\\$](https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBYzr_Fnlw$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.



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Committee	PLANNING COMMITTEE C	
Report Title	21 Wisteria Road, London, SE13 5HW	
Ward	Lee Green	
Contributors	Patrycja Ploch	
Class	PART 1	22 JULY 2021

<u>Reg. Nos.</u>	DC/21/121004
<u>Application dated</u>	25 March 2021
<u>Applicant</u>	Avison Young
<u>Proposal</u>	Prior Approval Application for the demolition of existing building and construction of a new purpose-built detached block of flats, comprising five residential units (Use Class C3), together with secured cycle storage, bin storage and landscaping at 21 Wisteria Road SE13, Under Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).
<u>Background Papers</u>	Submission drawings Submission technical reports and documents Internal consultee responses Statutory consultee responses
<u>Designation</u>	1. Air Quality Management Area 2. PTAL 3/4
<u>Screening</u>	N/A

1 SUMMARY

- 1 This report sets out the officer's recommendation concerning the above proposal. The report has been brought before members for a decision as:
- there have been four (4) individual objections.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is located on the eastern side of Wisteria Road to the rear of No 21 Wisteria Road, and it comprises an areas of approximately 0.04 hectares. The site is accessed via an archway underneath No. 21, which has an existing half-width projection at ground floor level to the rear.
- 3 The site is occupied by two storey industrial building with a hipped roof and a single storey adjoining building. The building is currently vacant and it provides floor area of approximately 320sqm.
- 4 The application site is outlined in red in the below (see drawing 1).

Drawing 1: Site location plan



Character of area

- 5 The surrounding area is predominantly residential on Wisteria Road and Eastdown Park. The building dates from the late Victorian era, with some post war infill to the north (block of flats). The building generally comprises of a terraced house constructed from brick/pitched slate roofs that vary between two to four storeys in height.
- 6 There is a path running to the rear of the site, separating the gardens of Wisteria Road and Eastdown Park. The access to this part is fully blocked, overgrown and its use is redundant since the 1980s (see drawing 1 above).

Heritage/archaeology

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

Local environment

- 8 The application site is within Air Quality Area.

Transport

9 The Public Transport Accessibility Level (PTAL) of a site is a measure of its relative accessibility to public transport taking into account factors such as distance, type and frequency of service. PTAL is categorised into eight categories, 1a to 6b, where 6b represents an excellent level of accessibility and 1a a very poor level of accessibility. The application site has a PTAL of 3, which is moderate.

3 RELEVANT PLANNING HISTORY

10 The relevant planning history to the application site is included in table 1 below.

Table 1: Planning history

REFERENCE	DESCRIPTION	DECISION
DC/16/099621	Application for the construction of a part single part double storey extension to the rear elevation together with alterations to the rear roofslope incorporating a Juliet balcony and alterations to the front garden terrace at 21 Wisteria Road SE13.	Granted.
DC/17102059	The construction of a part single part double storey extension to the rear elevation together with alterations to the rear roofslope incorporating a new window opening and rooflight as well as alterations to the front elevation garden terrace, light well and roofslope at 21 Wisteria Road SE13.	Granted.
DC/18/106463	<p>Prior Approval for the change of use of the building to the rear of 21 Wisteria Road, SE13 from light industrial (Use Class B1c) to residential (Class C3) to create three dwellings.</p> <p>This application was refused for the following reasons:</p> <ul style="list-style-type: none"> The application fails to adequately demonstrate that future residential occupiers would be safeguarded from potential contamination risks arising from the former light industrial use, contrary to Condition (b)(ii) of Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and DM Policy 28 Contaminated land of the Development Management Local Plan (November 2014). The application fails to demonstrate that the provision of industrial use is no longer viable at the premises, or that the change of use to residential would not have an adverse impact on the sustainability of the provision of industrial services within this area, 	Refused but Allowed at appeal on 2 May 2019.

	<p>contrary to Condition (b)(iv) of Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Policy 5 Other employment locations of the Core Strategy (June 2011) and DM Policy 11 Other employment locations of the Development Management Local Plan (November 2014).</p>	
DC/19/114997	<p>The demolition of the existing workshop and warehouse buildings and construction of 4No part single, part two storey residential dwellings with basement (2No x 3b4p dwellings and 2No x 4b7p dwellings) to the rear of 21 Wisteria Road, SE13, together with associated cycle parking, refuse and recycling storage facilities, external amenity space and landscaping.</p> <p>This application was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The overall density of the proposal, and proposed siting and massing of House 1 would result in unacceptable adverse sense of enclosure impacts upon the occupants of the lower ground flat at 21 Wisteria Road, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy DM 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014). 2. The proposal is considered to be an overdevelopment of the site, due to the resulting unacceptable standard of accommodation by reason of all bedrooms of House 1 and House 2 and bedrooms to the rear of House 3 and House 4 being located at the basement level with poor outlook and unsufficient levels of daylight and sunlight, contrary to Policy 3.5 Quality and design of housing developments, 7.4 Local character and 7.6 Architecture of the London Plan (March 2016) (as amended), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011); Policies DM 30 Urban design and local character; DM Policy 32 Housing design, layout and space standards of the Lewisham 	<p>Refusal and dismissed at appeal on 10 November 2020.</p>

	<p>Development Management Local Plan (November 2014).</p> <p>3. The siting of House 1 by reason of significantly increased building massing along the boundary with property at 19 Wisteria Road would result in an unacceptable impact in terms of sense of enclosure upon the occupants of 19 Wisteria Road contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy DM 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).</p> <p>4. The increase in intensity of footfall past living room windows at the ground floor flat of 21 Wisteria Road would result in an unacceptable loss of privacy impact upon the occupants of the lower ground flat at 21 Wisteria Road, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy DM 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).</p>	
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4 CURRENT PRIOR APPROVAL APPLICATION

11 This is an application submitted for Prior Approval to determine whether to grant prior approval. The prior approval application is submitted under Schedule 2, Part 20, Class ZA of the Town And Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

12 The proposed development would demolish the existing vacant industrial building. The demolished building would be replaced by a purpose built detached block of flats comprising five (5) self-contained residential flats (Use Class C3), together with secure cycle storage, bin storage and landscaping.

5 CONSULTATION

5.1 PROCEDURE

13 Consultation was undertaken in accordance with Schedule 2, Part 20, Class A Paragraph B (11) and (12).

14 Paragraph B (15) (a) states that the local planning authority should take into account any representations made to them as a result of any consultation.

15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 12th April 2021.

5.2 COMMENTS FROM THE PUBLIC

16 Four (4) total valid objections were received from the occupiers from adjoining properties and nearby.

Comments	Comments or where addresses Para where addressed
Overdevelopment	The overall design approach has been drawn from the scale, form and materiality of the existing building to provide a sympathetic and appropriate building which positively responds to the local context. Officers are satisfied that the proposed development would not result in over development on the site
Overlooking and loss of privacy	See para. 67-75
Proposal does not qualify for prior approval application/permitted development as the building has not been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval (as per Class ZA1)	See para. 27

5.3 INTERNAL CONSULTATION

17 Environmental Protection (Contamination): No objection to proposal subject to additional planning condition.

18 Environmental Protection (Air Quality) No objection to the proposal.

19 Highways: No response received on this planning application.

5.4 EXTERNAL CONSULTATION

20 Environment Agency: No objection to the proposal.

6 POLICY CONTEXT

21 The Town and Country Planning (General Permitted Development) (England) Order was introduced on 15th April 2015. It is a statutory instrument, applying in England that grants planning permission for certain types of development (such development is then referred to as permitted development).

22 In August and September 2020, the Government made several changes to the planning system in England. It introduced secondary legislation creating new permitted development rights and making changes to use classes.

23 This application has been submitted under Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). Schedule, 2, Part 20, Class ZA permits the demolition of buildings and construction of new dwellinghouses in their place. It also permits operations reasonably necessary for the demolition and construction, and other works including the removal of

plant and disconnection of services, removal of any means of access to and egress from the old building as well as the installation of new plant, services, access to and egress from the new building, and ancillary facilities to support the new building.

- 24 In assessing whether Prior Approval should be granted, the local planning authority is required to assess the development solely on the basis of the impacts set in Paragraph ZA.2(2) (a) to (m) and Paragraph B (Procedure for applications for prior approval under Part 20), taking into account any representations received and having regards to the National Planning Policy Framework as if the application were a planning application. Considerations under the Framework are limited to those relevant to the subject matter of the Prior Approval (see sections 7.1 to 7.13, below).
- 25 The submitted planning application form together with the associated plans, planning statement and supporting technical documents provide sufficient information to demonstrate that the proposed development and the existing property satisfy the statutory criteria for permitted development subject to Prior Approval of matters set out in Paragraph ZA.2(2) (a) to (m) and Paragraph B (see sections 7.1 to 7.13, below).
- 26 The application is not determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Development Plan is not decisive in this case.
- 27 Concern has been raised that the proposal does not qualify for prior approval application as the building at 21 Wisteria Road, London SE13 5HW has not been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval. The applicant has stated and provided information that confirms that the building was emptied by the vendor prior to sale and it was purchased by the applicant on 1st June 2020 with vacant possession. Officers are satisfied that sufficient information has been submitted to prove that the application qualified for prior approval.

7 PLANNING CONSIDERATIONS

7.1 TRANSPORT AND HIGHWAYS IMPACT OF THE DEVELOPMENT

- 28 NPPF paragraph 102 outlines the need for transport issues to be considered so that opportunities to promote walking, cycling and public transport use are identified and pursued.
- 29 NPPF paragraph 108 reads that in assessing sites that may be allocated for development, in plans, or specific applications for development, it should be ensured that:
- (a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - (b) Safe and suitable access to the site can be achieved for all users; and*
 - (c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 30 In relation to part (a), the site is located within a residential area that has a Public Travel Accessibility Level (PTAL) rating of 4, representing a ‘Good’ level of accessibility to the public transport network. The proposed development would introduce five (5) new houses. Officers are satisfied that the number of additional people living in the area would not impact on the performance and current level of public transport.
- 31 To promote sustainable modes of transport, the applicant proposes to install 11 cycles parking spaces located behind the locked pedestrian access gates located in the undercroft leading to the site. The cycle parking would use Wheelylift mechanism. This is an

assisted mounting system which allows users to hook the front wheel over the mechanised arm and the system would move the bike into the upright position. A condition requiring more information about the proposed cycle parking and how the system would be maintained is recommended. In addition to this, the applicant has submitted an assessment of the existing pedestrian infrastructure in the local area. The assessment confirmed that local footways are wide and well-lit throughout the local area. Dropped kerbs are present at the north-eastern end of Wisteria Road which enable pedestrians to cross Eastdown Park step-free. Footways on both sides of Eastdown Park connect to the A20 which has several convenient retail and health facilities within 400m of the site (a 5 minute walk). Officers are satisfied that the applicant has taken appropriate opportunities to promote sustainable transport modes for type of development and its location.

- 32 In relation to part (b), the development proposal would provide no off-street car parking. The existing vehicular access to the site on the eastern side of Wisteria Road would not be used by vehicles. The application would be required to remove existing redundant crossover and reinstate the footway and make any amendment to road markings via appropriately worded planning conditions. Officers note that vehicles would not be able to enter the site given the position and size of refuse, recycling and bike storage. The existing access at No 21 Wisteria Road with its gates would be retained as part of the development proposal and the site would be only accessed on foot or cycle via the walkways to the site and under the covered walkway as per existing arrangements. Officers are satisfied that the applicant has ensured that safe and suitable access to the site can be achieved.
- 33 In relation to part (c), the proposed development would have no off-street car parking. The Applicant has provided a parking survey which demonstrates that the new dwellings would not result in a harmful impact on on-street parking capacity as a consequence of overspill parking because there is capacity on local roads. The overall parking street for the area is between 51% to 56%. Officers are therefore satisfied that the proposed development would not create parking stress on local roads.
- 34 The site is located within a residential area and the site would be serviced in a similar way as the existing houses on the road. Storage for refuse bins would be accommodated within the site in an appropriately designed store. A condition requiring more information about the proposed waste and recycling store is recommended. A Construction Management Plan, as required by the Regulations, should be imposed to ensure that construction impacts (including highway impacts) are controlled and appropriately mitigated.

7.1.1 Conclusion

- 35 Officers are satisfied that the applicant has demonstrated that the development would not have any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety.

7.2 CONTAMINATION RISK IN RELATION TO THE NEW BUILDING

- 36 NPPF paragraph 178 states that planning policies and decisions should ensure that:

- (a) *a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposal for mitigation including land remediation (as well as potential impacts on the natural environment arising from than remediation);*
- (b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*

(c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

37 In relation to part (a), the application site has a number significant potential contamination sources. Use of the site since 1950 was as a precision metal works. Potential contaminants include metal, inorganic and organic compounds, solvents, polycyclic aromatic hydrocarbons and petroleum hydrocarbons. Overall, the assessment identified a low risk to human health, groundwater or environmental from on-site or off-site sources.

38 In relation to part (b) and (c), the Council's Environmental Health Officer reviewed the submitted Phase 1 and Phase 2 (Ground investigation) report. The advice given was that the Phase 2 report did not make it clear whether the proposed private garden areas were specifically tested for contamination. Given the site history, it is expected targeted testing for volatile organic compounds to be undertaken. However, as the report has recognised that remedial measures will be required, on balance, it is considered that its findings are acceptable in principle: the site is, subject to remediation, capable of development for residential use. A condition will be added requesting submission of the detailed remediation strategy before the works comments on site (excluding demolition).

7.2.1 Conclusion

39 The impact would be acceptable, subject to conditions.

7.3 FLOODING RISK IN RELATION TO THE NEW BUILDING

40 NPPF paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, the application should be supported by a site-specific flood risk assessment.

41 Footnote 50 provides guidance on when a site-specific flood risk assessment (FRA) should be provided. All development in Flood Zone 2 and 3 should be supported by FRA. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environmental Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increase flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

42 The property is within Flood Zone 1 and the site area is 0.04 hectare. Environmental Agency have been consulted and they advised that they have no objection to the application subject to adding conditions relating to contamination that has not been previously identified/found, piling and sustainable drainage system.

7.3.1 Conclusion

43 The impact is acceptable, subject to conditions.

7.4 THE DESIGN OF THE NEW BUILDING

44 NPPF paragraph 127 (f) states that planning decisions should "*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.*"

45 Article 3 (9A) of the GPDO states that Schedule 2 (of which Part 20 Class ZA forms a part) does not grant permission for, or authorise any development of, any new dwellinghouse where the gross internal floor area is less than 37 square metres in size;

or that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

46 The proposed development will provide five (5) duplex houses. Table 2, below, shows the required and proposed unit sizes.

Table 2: Required Technical housing standards v Proposed Accommodation

Required GIA	Proposed GIA	Required room size	Proposed room size	Required built-in storage	Proposed built-in storage
Duplex 1 (1-bedroom / 2-person)					
58sqm	59.3sqm	11.5sqm	31.5sqm	1.5sqm	1.8sqm
Duplex 2 (1-bedroom / 2-person)					
58sqm	59.5sqm	11.5sqm	14.4sqm	1.5sqm	2.2sqm
Duplex 3 (2-bedroom / 3-person)					
70sqm	70.8sqm	11.5sqm	12.9sqm	2sqm	2.3sqm
		7.5sqm	8.6sqm		
Duplex 4 (1-bedroom / 2-person)					
58sqm	59.1sqm	11.5sqm	12.3sqm	1.5sqm	2.4sqm
Duplex 5 (2-bedroom / 3-person)					
70sqm	71.1sqm	11.5sqm	14.8sqm	2sqm	2.2sqm
		7.5sqm	7.7sqm		

47 As it can be seen from the table above, the proposed development would comply with the minimum requirements set within the Department for Communities and Local Governments, Technical housing standards – nationally described space standards. It is also noted that floor to ceiling height would be 2.5m or over and provide suitable private amenity space for the number of occupiers.

48 Given that the houses would be duplex (arranged over two storeys) officers are satisfied that each house would have sufficient cross-ventilation that would ensure that they can be ventilated and would avoid unacceptable overheating.

49 Issues such as daylight, sunlight and noise are dealt under sections 7.6 and 7.8, while outlook is not a matter that can be considered under Class ZA.

7.4.1 Conclusion

50 Officers are satisfied that the proposed development would create suitable standard of residential accommodation for future occupiers. The proposal would comply with Article 3 (9A) in terms of space standards.

7.5 THE EXTERNAL APPEARANCE OF THE NEW BUILDING

51 NPPF paragraph 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

52 NPPF paragraph 127 required decision ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short terms but over the lifetime of the development;

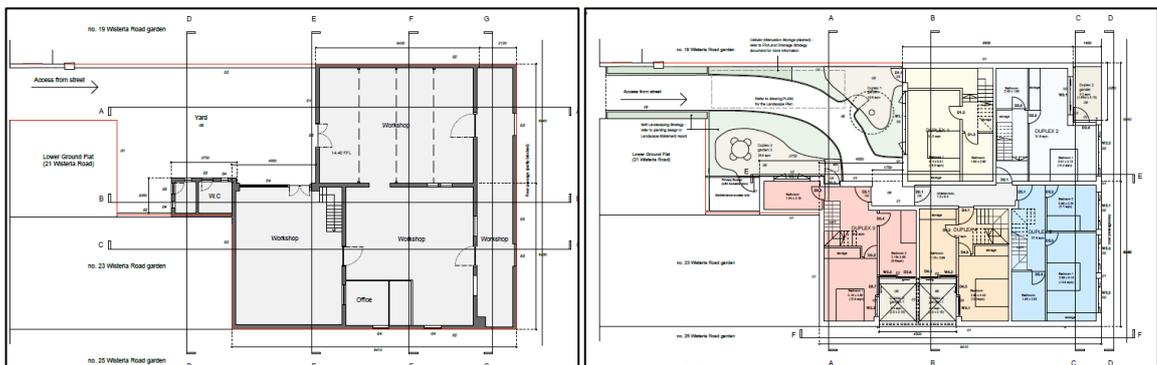
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovative or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangements of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) 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.

53 The proposal would demolish the existing building and construct a new purpose build detached block of flats together with secure cycle storage, bin storage and landscaping.

54 The overall design approach has been drawn from the scale, form and materiality of the existing building to provide a sympathetic and appropriate building which positively responds to the local context.

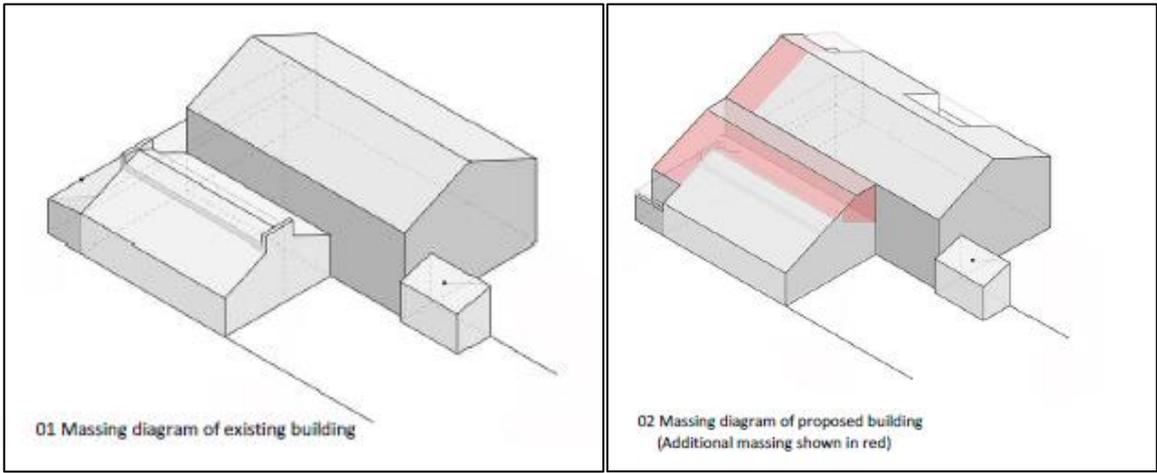
55 The proposed building would be set entirely within the footprint of the existing building. The two drawings below demonstrate this.

Drawing 2 (left) Existing ground floor plan and Drawing 3 (right) Proposed ground floor plan



56 The proposed development is considered to be of an appropriate overall height, scale and massing bearing in mind the immediate context of two to four storeys building fronting Wisteria Road and Eastdown Park. The building mass would largely match the height and form of the existing building on the site, with some minor infilling at roof level to provide a better internal quality of accommodation for future occupiers. Officers consider that the overall massing and height of the development is a suitable response to the surrounding area and would create useful space without dominating its surroundings in visual terms.

Drawing 4 (left) Existing massing/height and Drawing 5 (right) Proposed massing/height



57 The proposed building would be constructed of a simple yet contextual London stock brick finish with slate roof tiles, and with painted timber framed doors, windows and rooflights.

Drawing 6 Proposed view of the development from the site entrance



58 The proposed redevelopment of the site would offer a well-designed and functioning space that would not dominate its backland location. The footprint and scale would

ensure that it remains subservient to its surrounding and would respect the existing townscape setting.

7.5.1 Conclusion

59 The external appearance of the building would enhance the appearance of the local area. It is therefore considered to be of a suitable external appearance and design.

7.6 THE PROVISION OF ADEQUATE NATURAL LIGHT IN ALL HABITABLE ROOMS OF EACH NEW DWELLINGHOUSE IN OR COMPRISING THE NEW BUILDING

60 NPPF paragraph 123 states that when considering application for housing, authorities should take a flexible approach in applying policies and guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a land, provided that the resulting scheme would provide acceptable living standards.

61 NPPF Paragraph 127 (f) states that planning decisions should ensure that a high standard of amenity for existing and future users is achieved.

62 The policy does not provide numerical values for daylight and sunlight. The BRE Guidelines provides a technical reference for the assessment of amenity relating to daylight, sunlight and overshadowing. The guidance within it is not mandatory and the advice within the guide should not be seen as an instrument of planning policy.

63 The application is supported by Daylight and Sunlight to Neighbouring Buildings and Proposed Accommodation report.

64 In considering daylight, the assessment is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed conditions. The VSC is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called average daylight factor (ADF). The submitted report confirmed that all residential habitable rooms at all floors levels would achieve an ADF above the BRE recommended values and it the great majority of locations achieve a significantly higher levels.

65 In considering sunlight, the assessment is based upon a calculation of Annual Probable Sunlight Hours (APSH). This test is done to all windows that face within 90 degrees of due south. The BRE guidelines require that a window should receive a minimum of 25% of the APSH, of which 5% should be received in winter months. Windows with other orientations than 90 degree due south do not need APSH assessment. The submitted report confirmed that the proposal would achieve the BRE recommended values of 25% annual and 5% winter probable sunlight hours.

7.6.1 Conclusion

66 The proposed development would provide adequate natural light to all habitable rooms in the proposed development.

7.7 THE IMPACT OF THE DEVELOPMENT ON THE AMENITY OF THE NEW BUILDING AND OF NEIGHBOURING PREMISES, INCLUDING OVERLOOKING, PRIVACY AND LIGHT

67 NPPF Paragraph 127 (f) states that planning decisions should ensure that a high standard of amenity for existing and future users is achieved.

7.7.1 Overlooking and privacy

68 Although there will be more windows on some elevations, they would retain the existing pattern of overlooking to adjacent buildings and thus have no materially harmful impact. Officers also note that there is an approved prior approval application (planning reference DC/19/114997; appeal reference APP/C5690/W/18/3207161) which would result in the same situation.

69 The proposed development would provide a privacy screen in front of the terrace of Duplexes 3 and 4 as well as a smaller privacy screen around the terrace of Duplex 5. The proposed screen would prevent overlooking and loss of privacy.

7.7.2 Daylight

70 To the north of the application site there are residential gardens. As the massing and height of the building is not significantly changing as a result of the development, Officers are satisfied that impact would not be significant.

71 To the east are Nos 30 and 32 Eastdown Park. The windows in their rear elevation were analysed and the results showed that there would be no change to the existing VSC values. The BRE criteria would be met and no adverse effect would occur.

72 To the south there is land with an extant planning permission for a new block of flats. The analysis was done in accordance with the relevant approved drawings. The results confirmed that 4 out of 8 windows tested would not suffer any variation to the daylight. The remaining windows, whilst affected, would remain above the BRE recommendation and BRE criteria would be met and no adverse effect would occur.

73 To the west are Nos 21 and 23 Wisteria Road. The windows in their rear elevation were analysed and the results showed that there would be no change to the existing VSC values. The BRE criteria would be met and no adverse effect would occur.

7.7.3 Sunlight

74 All neighbour windows that face within 90 degrees of south would retain both annual and winter sunlight availability with proposed values well in excess of the BRE guidelines. The BRE criteria would be met and no adverse effect would occur.

7.7.4 Conclusion

75 The proposed development is considered acceptable in amenity, with no harmfully unacceptable impacts identified.

7.8 IMPACT OF NOISE FROM ANY COMMERCIAL PREMISES ON THE INTENDED OCCUPIERS OF THE NEW DWELLINGHOUSES

76 NPPF Paragraph 180 states that planning policies and decisions should also 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 potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) *Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impact on health and the quality of life;*
- (b) *Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for the recreational and amenity value for this reason; and*

- (c) *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

77 The surrounding area is primarily residential in character and surrounding the site are mainly residential houses and their gardens. Having said that, to the south-east of the site there is an existing commercial building at 34-40 Eastdown Park. This site has a planning permission redevelopment for a residential-led mixed use development.

7.8.1 Conclusion

78 Officers are satisfied that there will be no noise impact from commercial premises on future occupiers of the proposed development.

7.9 THE IMPACT ON BUSINESS AND NEW RESIDENTS OF THE DEVELOPMENT'S INTRODUCTION OF, OR INCREASE IN, RESIDENTIAL USE IN THE AREA IN WHICH THE DEVELOPMENT IS TO TAKE PLACE

79 As mentioned in paragraph 74, the surrounding area is primarily residential in character and surrounding the site are mainly residential house and their gardens. The only existing commercial building in the vicinity benefits from planning permission for redevelopment to residential flats. Once operational, it is not considered that the proposal would have an unacceptable adverse impact on neighbouring amenity by way of noise and disturbance.

7.9.1 Conclusion

80 Officers are satisfied that the proposal would not have an impact on any other users surrounding the site.

7.10 THE IMPACT OF THE DEVELOPMENT OF HERITAGE AND ARCHAEOLOGY

81 NPPF paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

82 The application site is not located or is adjacent to the Conservation Area. The site is also not within area of archaeological priority.

83 The application site does not contain any statutory or locally listed buildings. The nearest statutorily listed buildings (Grade II listed telephone exchange and Grade II listed K6 telephone kiosk outside telephone exchange) are located circa 200m from the site. Neither are visible from the application site nor is the site visible from the listed buildings.

7.10.1 Conclusion

84 The proposed development is considered acceptable in terms of its impact on heritage and archaeology.

7.11 THE METHOD OF DEMOLITION OF THE OLD BUILDING

85 The application is supported by a Demolition Method Statement prepared by PJF Consulting which demonstrated that the existing building can be safely demolished without harming adjacent properties or neighbouring residents.

7.11.1 Conclusion

86 The impact is acceptable, subject to a condition ensuring that the demolition is carried out in accordance with the submitted document.

7.12 THE PLAN FOR LANDSCAPING OF THE DEVELOPMENT, INCLUDING ANY PLANTING AND MAINTENANCE OF SHRUBS AND TREES

87 NPPF paragraph 127, sub-paragraph (b) required that developments “*visually attractive as a result of good architecture, layout and appropriate and effective landscaping*”.

88 Recent site investigations discovered that the original hard landscaping was finished in cobbles, prior to asphaltting the access road and internal road around 1970s. The applicant proposes to install cobbles with reclaimed pebbles and setts. This material would allow natural plant growth alongside path edges and it would respond, and provide a link, to the historic design. An additional benefit of using this hard landscaping design (where appropriate) is that it allows permeability and reduces water run-off.

89 In terms of soft landscaping, all proposed plants would be hardy and low maintenance. Vegetation would be built up between the communal entrance and the south side of the garden to Duplex 1 to create privacy and separation, using dense and evergreen species. The applicant proposes to use ferns and grasses in combination with low-level edging plants and bush plants to create variation and interest. In addition to proposed soft landscaping in a form of plants and shrubs, the applicant proposes to plant one tree.

90 The submitted maintenance strategy, whilst brief, is considered proportionate to the size and type of landscaping that is proposed at the site.

7.12.1 Conclusion

91 A condition will be added to make sure that the applicant carries out maintenance in the way set out in the Landscaping Statement.

7.13 ANY AIR TRAFFIC AND DEFENCE ASSET IMPACT OF THE DEVELOPMENT, AND IMPACT THAT, BECAUSE OF THE SITTING OF THE NEW BUILDING, THE DEVELOPMENT WILL HAVE ON A PROTECTED VISTA IDENTIFIED ON THE DIRECTIONS RELATING TO PROTECTED VISTA DATED 15 MARCH 2012 BY THE SECRETARY OF STATE

92 The proposed will not impact any air traffic or defence asset, nor would it impact a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2021 issued by the Sectary of State.

8 LOCAL FINANCE CONSIDERATION

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

- 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).

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

95 The CIL is therefore a material consideration.

96 With a proposed floorspace 21.18 sqm and based on the plans provided so far and that the building was in lawful use for 6 months within the past 36 months. The estimated CIL is £1,906.20 and MCIL is £1,259.45 bringing the application to the total of £3,165.65.

9 EQUALITIES CONSIDERATIONS

97 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. 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.

98 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.

99 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>

100 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

101 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>

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

10 HUMAN RIGHTS IMPLICATIONS

103 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

104 This report has outlined the consultation that has been undertaken on the Prior Approval application and the opportunities for people to make representations to the Council as Local Planning Authority.

105 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.

106 This application has the legitimate aim of providing three new homes. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

107 This application has been considered in the light of Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).

108 Development is permitted by virtue of Class ZA. Officers have had regard to the relevant material considerations prescribed by the Order and consider these matters to be acceptable.

12 RECOMMENDATION

109 That the Committee resolve to GRANT prior approval subject to the following conditions and informatives.

12.1 CONDITIONS

- 1) **TIME LIMIT**
The development under Class ZA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

Reason: To comply with Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).

2) **APPROVED DRAWINGS**

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

Location plan - 112 PL 001; **Existing plans** - PL002; PL003; PL004; PL005; PL006 Rev A; PL007; PL008; **Proposed plans** - PL010; PL011; PL012; PL013; PL014; PL015; 112-PL030 received on 9 April 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 specified in the application documents namely: London stock brick; slate roof tiles; painted timber framed doors, windows and rooflights.
- (b) The scheme shall be carried out in full accordance with those details, as approved. Unless otherwise agreed in writing by the local planning authority.

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 line with the National Planning Policy Framework (NPPF) Paragraph 127.

4) **CONSTRUCTION MANAGEMENT**

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.
- (d) Dust mitigation measures.
- (e) The location of officer and welfare facilities
- (f) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (g) Security Management (to minimise risks to unauthorised personnel).
- (h) 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 that the development does not contribute to any significant impacts on the transport network (in terms of capacity and

congestion), or on highway safety, in line with the National Planning Policy Framework (NPPF) Paragraph 108.

5) **CYCLE PARKING**

- (a) Prior to first occupation, full details of the proposed cycle parking facilities for 11 bikes including detail for the Wheelylift and its maintenance shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided in accordance with the details approved under part (a) and made available for use prior to occupation of the development and maintained thereafter.

Reason: To ensure that the development contributes to and provide access to sustainable modes of transport, in line with the National Planning Policy Framework (NPPF) Paragraph 108.

6) **REFUSE AND RECYCLING**

- (a) Prior to first occupation, full details of the proposed and fully the enclosed refuse storage shall be submitted to and approved in writing by the local planning authority. Such details shall include appropriate provision for refuse, recycling and food waste and demonstrates how the store would be ventilated and accessible for all residents.
- (b) The waste and recycling storage shall be provided in accordance with the details approved under part (a) and made available for use prior to occupation of the development and maintained thereafter.

Reason: To ensure that the development is visually attractive as a result of appropriate and effective landscaping, in line with National Planning Policy Framework (NPPF) paragraph 127 (b).

7) **LANDSCAPING**

- (a) The proposed soft and hard landscaping must be in line with drawing number 112-PL030 and Soft Landscaping Scheme plan on page 8 of the Landscaping Statement prepared by FRAME, dated March 2021 received on 9 April 2021.
- (b) The scheme shall be maintained in accordance with the submitted strategy on page 9 of the Landscaping Statement prepared by FRAME, dated March 2021 received on 9 April 2021.

Reason: To ensure that the development is visually attractive as a result of appropriate and effective landscaping, in line with National Planning Policy Framework (NPPF) paragraph 127 (b).

8) **IMPLEMENTATION OF LANDSCAPING SCHEME**

All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development is visually attractive as a result of appropriate and effective landscaping, in line with National Planning Policy Framework (NPPF) paragraph 127 (b).

9)

LAND CONTAMINATION

- (a) No development shall commence until detail of remediation strategy is submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall identify and evaluate feasible remedial technologies and to validate the successful implementation of a site remediation to ensure the safe and regulatory compliant redevelopment of the site.
- (b) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the London Planning Authority for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

- (c) The development shall not be occupied until a closure report for the development has been submitted to and approved in writing by the local planning authority. 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 development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable level of water pollution from previous unidentified contamination sources at the development site, in line with the National Planning Policy Framework (NPPF) Paragraph 170. There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to controlled waters.

10)

PILING

- (a) No piling or any other foundation design using penetrative methods shall occur until a report demonstrating that there is no resultant unacceptable risk of groundwater has been submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be carried out in accordance with the details approved in part (a).

Reason: To ensure that the development does not harm groundwater resources, in line with the National Planning Policy Framework

(NPPF) Paragraph 170. The development should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwater. It is recommended that where soil contamination is present, a risk assessment is carried out in accordance with Environmental Agency guidance "Piling into contaminated sites".

11) **SUSTAINABLE DRAINAGE SYSTEM**

- (a) No drainage system for the infiltration of surface water drainage in the ground is permitted until a report demonstrating that there is no resultant unacceptable risk to controlled waters has been submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be carried out in accordance with the details approved in part (a).

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable level of water pollution caused by mobilised contaminations, in line with the National Planning Policy Framework (NPPF) Paragraph 170. Infiltration water has the potential to cause remobilisation of contaminants present in shallow soil or made ground which could ultimately cause pollution to groundwater.

12) **PRIVACY SCREEN**

No part of the development hereby approved shall be occupied until the timber privacy screens marked with No 5 as shown on approved plans have first been erected and shall be retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto in line with the National Planning Policy Framework (NPPF), paragraph 127 (f).

13) **DEMOLITION**

The demolition of the existing building must take place in accordance with the hereby submitted Method Statement for the Demolition and Site Clearance (prepared by P.J Foley Ltd, dated 22 January 2021, project number PJF/001/FPL)

Reason: To make sure that the demolition does not harm or negatively affect the neighbouring properties.

14) **OBSCURED GLAZED WINDOWS**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows marked with No 3 on hereby approved plans shall be fitted as obscure glazed and unopening (or fitted with an opening restrictor) to a minimum of 1.6m measured from the bottom of window frame and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto in line with the National Planning Policy Framework (NPPF), paragraph 127 (f).

- 15) **REMOVAL OF DROPPED KERB**
Prior to first occupation of any of the dwellinghouses hereby approved, the redundant crossover must be removed, any road markings must be reinstatement on the road and the public footway reinstated. The works must be made in accordance with advised provided by Highway Maintenance Group.

Reason: To remove the redundant crossover and to promote sustainable transport in line with the National Planning Policy Framework (NPPF), paragraphs 102 and 108.

12.2 INFORMATIVES

- A) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk>
- B) The developer must notify the LPA of the completion of the development as soon as reasonably practical after completion. Notification must be in writing and should include: (a) the name of the developer; (b) the address or location of the development and (c) the date of completion.
- C) The development must be carried out in accordance with the details approved by the LPA.
- D) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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Committee	PLANNING COMMITTEE C	
Report Title	16 Reynard Close, London, SE4 2DF	
Ward	Telegraph Hill	
Contributors	Thomas Simnett	
Class	PART 1	22 July 2021

<u>Reg. Nos.</u>	(A) DC/21/120972
<u>Application dated</u>	22/03/2021
<u>Applicant</u>	Mr Zheng agent on behalf of Applicant
<u>Proposal</u>	Construction of a single storey rear extension at 16 Reynard Close, SE4, and all other associated works.
<u>Background Papers</u>	1. Submission drawings
<u>Designation</u>	PTAL 4 Air Quality Local Open Space Deficiency
<u>Screening</u>	N/A

1 SUMMARY

- 1 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 three objections from neighbouring properties.
- 2 Due to the Covid-19 pandemic, Officers have been unable to undertake a site visit to the property and as such, an assessment has been made using Google Maps.

2 SITE AND CONTEXT

Site description and current use

- 3 The site consists of a two-storey modern mid-terraced two.-bedroom single family dwelling; built in yellow brick and a concrete roof tiles. The property is located on the western side of Reynard Close, close to the junction with Foxwell Street. The site includes a small front garden that mainly consists of a drive way and a modest garden to the rear of the property which benefits from soft landscaping.

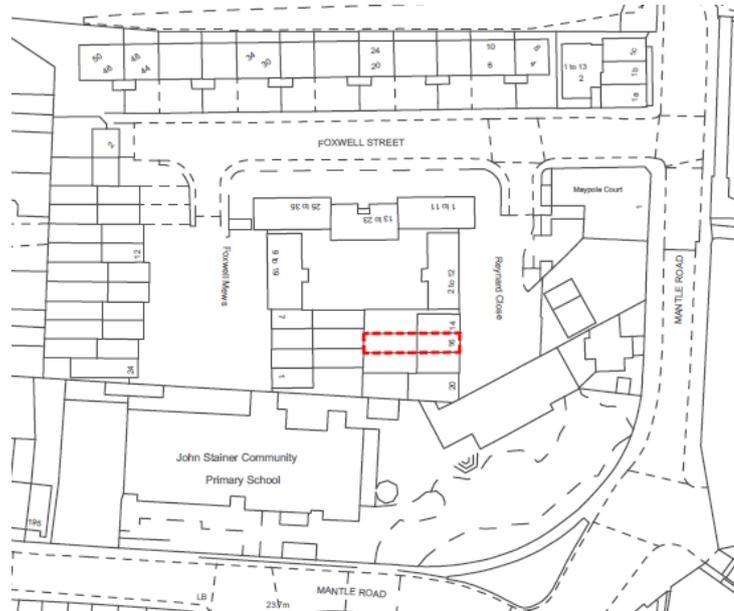


Figure 1 - Site location plan

Heritage/archaeology

- 4 The building is not listed and it is not within a conservation area. There are no listed buildings within the immediate vicinity of the site.

Surrounding area

- 5 The surrounding area is predominately residential in nature and is comprised of a mix of buildings which were built around the 19th and 20th Centuries, all of distinctive style and form. The application site is in close proximity to John Stainer Community Primary School which is a short distance to the south of the property.

Transport

- 6 The application site has a Public Transport Accessibility Level (PTAL) rating of 4, where on a scale of 1 to 6, 1 is the lowest and 6 is the highest.

3 RELEVANT PLANNING HISTORY

- 7 There is no planning history for the application site.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 8 The proposal seeks permission for the construction of a single-storey extension to the rear of the host property that is built to the boundary with Nos. 14 and 18.
- 9 The proposed extension would have a depth of 3.0m and would have a width of 3.9m with a flat roof with a maximum height of 3.0m and a lantern roof light located in the centre.
- 10 The proposed materials would match the existing wherever possible in terms of yellow brick and glazing systems.

- 11 Officers sought amendments to the originally submitted drawings as the depth of the proposed extension was greater than the guidance contained within our Alterations and Extensions SPD. The agent reduced the extension from 5.0m to 3.0m after negotiations with Officers.

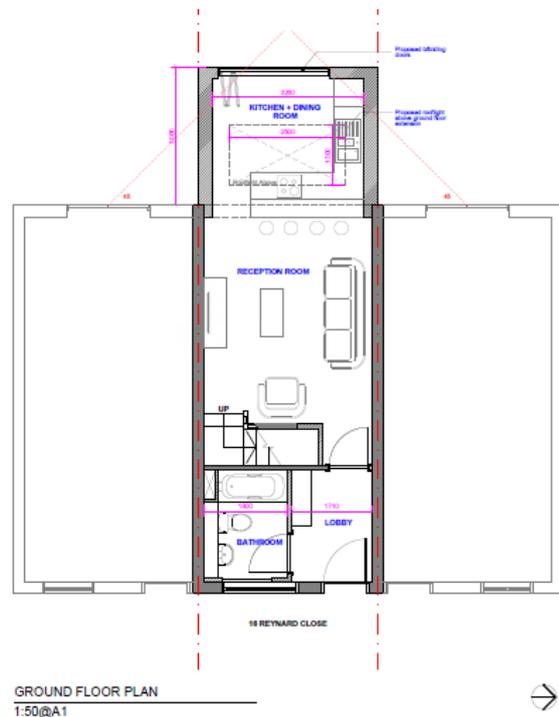


Figure 2 - Proposed ground floor plan

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 12 Site notices were displayed on 11 June 2021.
- 13 Letters were sent to residents and business in the surrounding area on 30 March 2021 and the relevant ward Councillors on 29 March 2021.
- 14 One response was received, signed by three separate objectors, and no representations of support or comments.
- 15 Further letters were sent to neighbouring properties after amendments were received on 11 May 2021. No further letters were received or any objections rescinded.

5.1.1 Comments in objection

Comment	Para where addressed
Poor quality design	See para 36
Overbearing impact	See para 44
Impact on privacy	See para 47
Impact on sunlight/daylight	See para 45

- 16 A number of other comments were also raised as follows:

- 17 Comments were raised regarding the duration of the build and the impact the building work would have on parking. Officers do not believe the scale of the building work proposed would result in any significant harm and as a result this is not a material planning consideration in this application. An informative will be added reminding the agent no car parking bays must be obstructed by construction vehicles and that construction work should be undertaken in accordance with the London Borough of Lewisham's guidance.
- 18 Comments were received regarding the loss of views as a result of the proposed extension. The right to a view is not a material planning consideration and therefore does not form part of this recommendation.
- 19 Comments were made regarding the right to light of residents at No. 18 as they have been residing at the property for 25 years. The right to light is a civil matter controlled by separate legislation and as such is not a material planning consideration and therefore does not form part of this recommendation.

6 POLICY CONTEXT

6.1 LEGISLATION

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

6.2 MATERIAL CONSIDERATIONS

- 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.

6.3 NATIONAL POLICY & GUIDANCE

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

6.4 DEVELOPMENT PLAN

- 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)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

26 The main issues are:

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

7.1 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 development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.

7.2 URBAN DESIGN

General Policy

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

30 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.

31 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.

32 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.

Discussion

- 33 The extension would extend 3.0m from the rear elevation of the host property and across the full width. The entirety would be within the curtilage of the subject site. It would have a height along the boundary with Nos. 14 and 18 of 3.0m. Officers raise no concerns with the height of the proposed extension in terms of design.
- 34 Officers consider the proposed extension to be of a modest scale and is sensitively designed not to obscure the windows at the first-floor level and remains subservient to the host building.
- 35 The proposed extension would not take up more than half the depth of the original rear garden, and as such Officers do not consider the proposals would lead to the overdevelopment of the site. A rear garden of in excess of 5m would be retained as a result of the proposed development.
- 36 The extension would be built using yellow brick which matches the host building, whilst the flat roof will be constructed using either an EPDM or GRC finish. The glazing system, rooflights and box guttering would all match the existing materials in the host property. The materials are considered good quality and would complement the existing character of the building.
- 37 The proposed extension would comply with the relevant guidance in terms of its scale, siting and the use of high-quality materials. Officers also have no concerns regarding the level of light from which the proposed extension would benefit, due to the large lantern rooflight.

7.2.1 Urban design conclusion

- 38 In summary, the extension, due to its scale and design and use of high-quality materials, would preserve the character and appearance of the host dwelling.
- 39 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore should be approved in terms of its design.

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 40 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
- 41 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).
- 42 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.
- 43 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

- 44 The height of the boundary wall with Nos. 14 and 18 would be 3.0m, which is in accordance with the Alterations and Extensions SPD, as such Officers do not consider this height would create an overwhelming sense of enclosure or be an overbearing structure for No. 36.
- 45 The agent has provided an elevation drawing which details the 45-degree tests (drawing (02)_005, see below and drawing (02)_003 see figure 2). The proposed extension passes the combined vertical and horizontal 45-degree tests.
- 46 Officers consider as the proposed scheme is in accordance to our Alterations and Extensions SPD and passes the 45-degree tests to both neighbouring properties there would not be a significant impact on daylight and sunlight.

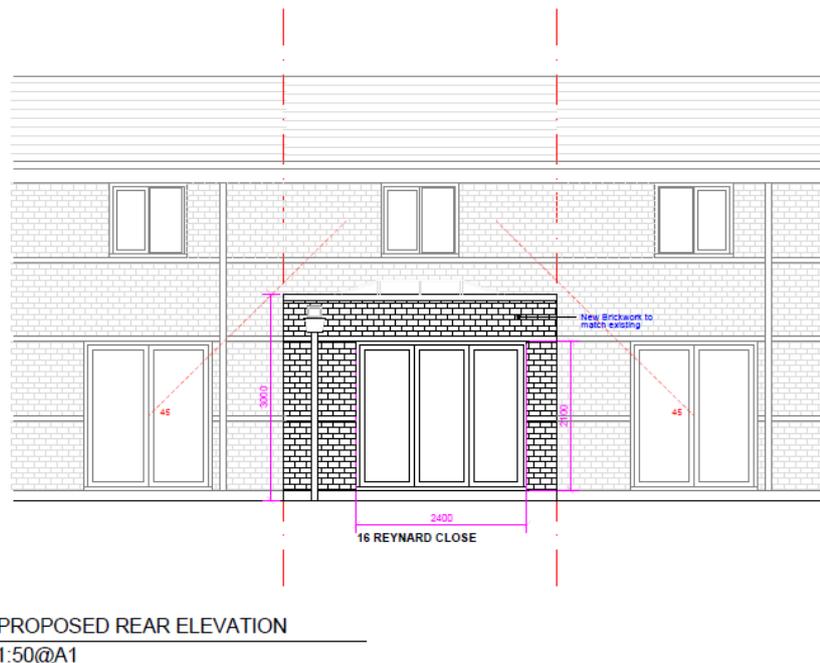


Figure 3 - Proposed rear elevation with vertical 45-degree tests

- 47 As the proposed windows would be in a ground floor elevation, where windows already exist, Officers do not consider the proposed extension would lead to an increase loss of privacy or sense of overlooking. In addition, Officers do not consider the position of rooflights would have any impact on privacy of neighbours or sense of overlooking.
- 48 The use of the proposed extension, being part of a single-family dwelling, is unlikely to result in levels of noise significantly above or beyond normal residential use. The construction phase of the development is likely to cause some temporary disturbances to neighbouring properties; however, this is likely to be short term due to the scale of the development proposed. Officers do not consider it appropriate, given the scale of development, to place a condition restricting the construction works and deliveries; however, an informative would be added linking to the Council's Good Practice Guide for construction sites.

7.3.1 Impact on neighbours conclusion

- 49 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 DMPs 31 and the provisions of the 2019 SPD.

50 Officers note that the objections were received prior to the amendments Officers sought with regards to the depth of the extension; however, no neighbour has withdrawn their objections in response.

8 LOCAL FINANCE CONSIDERATIONS

51 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).

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

53 The CIL is therefore a material consideration.

54 This application does not attract CIL.

9 EQUALITIES CONSIDERATIONS

55 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.

56 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.

57 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.

58 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>

- 59 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
- 60 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>
- 61 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 62 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
- 63 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.
- 64 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.
- 65 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.

11 CONCLUSION

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

67 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 be subservient to, and preserve the character of, the host building. 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.

12 RECOMMENDATION

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

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) DEVELOP IN ACCORDANCE WITH PLANS

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

(02) _001; (02) _002; (02) _003; (02) _004; (02) _005

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 new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

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

4) USE OF FLAT ROOF

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

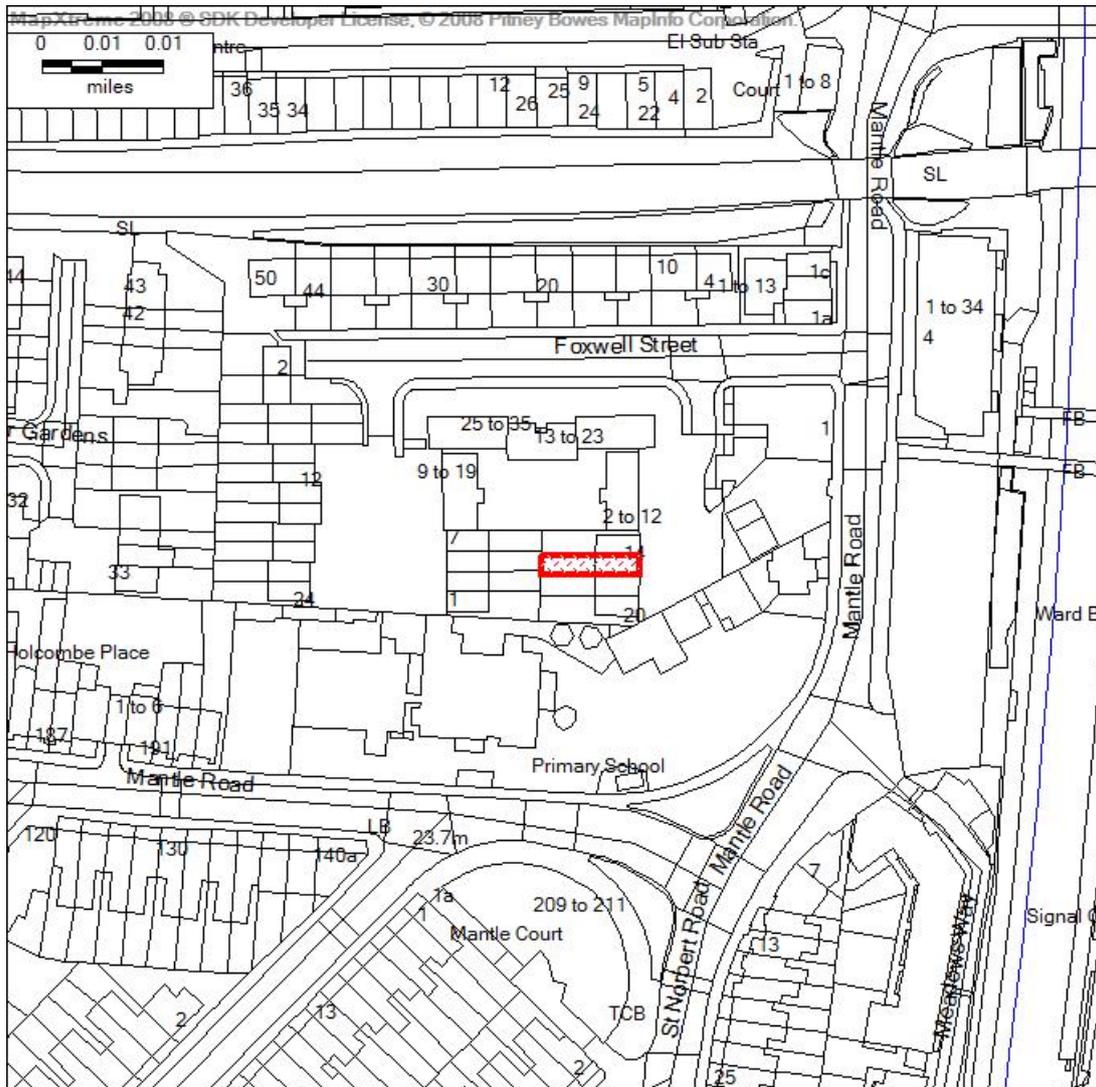
12.2 INFORMATIVES

- 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) 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.

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Site location map for 16 Reynard Close, SE4



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