

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 24 FEBRUARY 2022 TIME 7.30 PM**

PLACE: **COUNCIL CHAMBERS, CIVIC SUITE,
LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

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, 15 February 2022

For further information please contact:
Claudette Minott Committee Officer
2nd Floor Civic Suite
Catford Road SE6 4RU

Email: committee@lewisham.gov.uk



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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 24 February 2022

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 24 February 2022

MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 2 December 2021.

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**LEWISHAM COUNCIL
PLANNING COMMITTEE C
THURSDAY, 2 DECEMBER 2021 AT 7.30 PM
MINUTES**

MEMBERS IN ATTENDANCE: Olurotimi Ogunbadewa (Chair), Stephen Penfold, Mark Ingleby, Silvana Kelleher, John Paschoud, James Rathbone, Joani Reid.

MEMBER(S) UNDER STANDING ORDERS ALSO IN ATTENDANCE:
N/A

MEMBER(S) OF THE COMMITTEE ALSO JOINING THE MEETING VIRTUALLY: N/A

MEMBER(S) UNDER STANDING ORDERS ALSO JOINING THE MEETING VIRTUALLY: N/A

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

OFFICER(S) IN ATTENDANCE: Development Management Team Leader (DMTL), Senior Committee Manager (In Person Clerk)

OFFICER(S) ALSO JOINING THE MEETING VIRTUALLY: Planning Officers (Officer), Committee Officer (Remote Clerk)

LEGAL ADVISOR: Joy Ukadike, Senior Planning Lawyer Legal Services

**Item
No.**

1 Declarations of Interest

2 Minutes

RESOLVED that the minutes of the Planning Committee C held on the 30 September 2021 be amended to record that:

- Councillor John Paschoud was in attendance remotely.

Then agreed and signed as a correct record.

The Chair also advised there would be a variation of the meeting's Agenda.

3 113-117 Kirkdale, SE26 4QJ

Item removed from agenda.

4 36 Spring Hill, SE26 4LD

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

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

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

Following the Officers presentation, no questions were put to the Officer, from Members.

The agent addressed the Committee and described the application site. The applicant discussed: regulations the proposal complied with and the benefits of the proposal to the borough.

Members' questions to the agent, related to: materials, conservation and parking.

The Officer provided clarification regarding materials to be used for the windows, as outlined in the Officer's report.

The DMTL confirmed there were no Article 4 restrictions applicable to the proposal.

The agent clarified the parking arrangement for the development.

During Member discussion it was agreed that all concerns raised, would be adequately dealt with by officers.

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 construction of a three-storey, one-bedroom separate dwelling to the side of 36 Spring Hill, SE26, including associated landscaping, cycle and bin storage

Subject to conditions and informatives outlined in the report.

5 46 Ringmore Rise, London, SE23 3DE

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

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

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

Following the Officers presentation, Members questions related to: accommodation, parking, design,

The Officer advised the Committee that planning policy prevented single dwellings from being converted into multiple smaller dwellings. Members were advised the current application site being demolished and rebuilt as to family dwellings was viewed as acceptable by officers.

The Committee were informed by the Officer that professional judgment was used, to assess the impact of the parking arrangement on the proposal. It was felt by officers that 1 additional car added to the street, as a result of the proposal would not create parking stress. The Officer told the Committee that the excavation of the development went downwards and that the height of the proposal would be higher than the current existing building. It was also confirmed that a soft landscaping condition was in place as opposed to hard landscaping. The Officer advised an assessment as to if the paving for the development was permeable would be undertaken at condition stage.

The applicant addressed the Committee and described the application site. The applicant discussed: a previous similar application, the earlier advice provided by the Officer, regarding the demolition of one family dwelling, to create two family dwellings, the

history of the pre-application advice received and the reduction of parking space for environmental reasons.

Members' did not put any questions to the applicant.

A representative with objections addressed the Committee. The representative discussed: personal impact of the proposal, distance, scale and mass, design, height, proximity of properties to the boundaries of the proposal, overlooking, the feeling of being 'hemmed in' and a prior similar application, that had been refused planning permission.

Members' questions put to the representative, related to: the prior refused application, distance, scale and mass and design. The Officer gave Members a history of prior applications up to the current application, to be considered. The Committee were advised the prior applications were not seen as relevant to the current application. The DMTL also advised that the history of the application was extensive. In addition, the current application was materially similar to previous applications that had been granted planning permission. The DMTL provided examples and reasons for clarification. Members were assured that issues that had led to prior applications refusal, had been addressed by the current application under consideration.

The Committee were assured that a site visit was conducted. From the visit officers were satisfied with the distance between the proposal and neighbouring properties.

Members were informed that the approved extension was in keeping with the surrounding buildings and was in keeping with the character and appearance of the area.

During Member discussion a Member stated the design as outlined in the current application was an improvement of the previous proposals.

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 46 Ringmore Rise SE13 and the construction of a:

- two storey plus basement, plus roof space semi detached building consisting of 2x four bedroom dwellings, together with the provision of cycle and refuse storage, 1 off-street parking space and associated landscaping.

Subject to conditions and informatives outlined in the report.

6 19 Haredon Close, London, SE23 3TG

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

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

Principle of Development • Urban Design • Impact on Adjoining Properties

Following the Officers presentation, Members questions related to: HMO licensing.

The Officer advised the Committee that licensing of the HMO, did not form part of the application under consideration. The Officer confirmed that the proposal was a single family dwelling. The DMTL advised that the applicant wanted to create an extension, reiterating the advice that the issue of licensing was not relevant to the current application. Members were advised, that if a future breach of planning control occurred, the appropriate authorities would assess the matter but this was not material to the planning decision on the extension. .

The applicant did not attend the meeting.

There were no representatives with objections.

During Member discussion a Member wondered why an application for an extension came to Committee, as it may be a Permitted Development (PD). The DMTL advised if the development subject of the application amounted to PD was not relevant and provided further clarification the proposal was for planning premission. The Officer

confirmed the extension would consist of a single added storey and a loft conversion.

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 construction of a first floor rear extension at 19 HAREDON CLOSE, SE23, together with a loft extension

Subject to conditions and informatives outlined in the report.

7 7 Waller Road, London, SE14 5LE

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

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

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

Following the Officers presentation, Members questions related to: amenities.

The Officer advised the Committee of the local authority's conservation officers' assessment of the amenity space, provided by the proposal. Members were advised that the space was considered acceptable by officers.

The Officer advised no legal definition existed for amenity space and used the Officers' presentation slides to provide clarity regarding the shared garden space provided. The DMTL advised that material judgment had been applied and the amenity space was considered on balance to be compliant with planning policy

The applicant addressed the Committee and described the application site. The applicant discussed: no objections received, the existing building use, accommodation, benefits of communal space,

design improvements, landscaping enhancements and conservation area.

Members' put no questions to the applicant.

A representative from the Telegraph Hill Society addressed the Committee, with objections. The representative discussed: consultation, development plans, design, policy, conversion concerns, roof lights, character and bin storage.

Members questions related to: conversion concerns, HMO status, materials and bin storage.

The applicant advised Members that the conversion of the existing development would be an efficient use of the site space, which would result in 3 'good sized' flats.

During the course of the meeting, Members raised concerns regarding the loss of a family home, if the proposal was granted planning permission. The DTML advised that Committee that the London Plan was supportive of retaining HMOs. However, as the current HMO development was in poor condition, the proposal for the change of use was deemed acceptable. Members also raised concern regarding the roof lights for the proposed development. The Officer advised Members that the roof lights, were considered to be acceptable by officers.

Members were assured the bin storage provision for the proposal, would not have any significant impact, on the street scene. It was advised that this aspect of the proposal was conditioned, so that the officers would need to be satisfied with the bin storage provision before the condition was discharged.

Another Member raised concern with regard to the materials to be used in regard to the proposed extension. The Officer assured the Member that a condition requiring Flemish bond would be added, with amendments agreed by the Chair.

The Committee considered the submissions made at the meeting, and Members voted on the recommendation in the report with a result of 6 in favour of the proposal and 1 against. It was

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the reconfiguration and change of use of 7 Waller Road, SE14 to provide:

- three self-contained flats, together with the construction of a single storey extension to the rear elevation, a dormer extension to the rear roofslope, one rooflights in the front roofslope, replacement front elevation windows, replacement roof slate, bin and cycle storage and associated hard and soft landscaping to the front elevation.

Subject to conditions and informatives outlined in the report and, A requirement that officers should:

- Add a condition to advise that Flemish bond must be used with respect to the proposed extension.

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

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

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

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

Following the Officers presentation, there were no questions put to the Officer by the Committee.

The applicant did not attend the meeting.

There were no representatives with objections.

The Committee

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the change of use from lock up / open storage yard (Use Class B8) to an office (Use Class E)

including the construction of a roof over the whole site and all associated works at Nelsons Archway, Brigade Street, SE3.

Subject to conditions and informatives outlined in the report.

9 Land to the rear of, 29 Ladywell Road, London, SE13 7UW

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

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

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

Following the Officers presentation, Members questions related to: Officer's report, vehicle splays, materials and parking.

The Officer confirmed to Committee, there was a typo in paragraph 162 of the Officer's report.

Members were advised by the Officer, that it was possible to add a condition to ensure visibility splays would be provided by the developer, in accordance with the standards in 'Manual for Streets' where required

The Committee were assured by the Officer that a condition was recommended to confirm the materials, including colour of the London Stock Brick, as well as the colour/finish of the timber doors and aluminium framed windows. Officers would need to be satisfied with the developer's proposal, before the condition were discharged. The Officer confirmed that the developer was working with Officers, in regard to parking permits for the development.

The applicant addressed the Committee and described the application site. The applicant discussed: the history of the application and the application site, consultation with the local authority and residents, parking, highways and conservation.

Members' questions to the applicant, related to: boundary treatment
The applicant provided clarification with regard to the boundary treatment. The Officer used their presentation slides to support the clarification provided.

A representative with objections addressed the Committee. The representative discussed: the application history, character, conservation, scale, height, view obstruction, setting of the development, flood risk, health and safety risks and another similar application that was refused.

Members questions that followed, related to: traffic speed, flood risk
The Officer provided clarification with regard to traffic speed, as outlined in the Officers' report.

The Committee were assured by the Officer, that experts were satisfied the development would not pose a flood risk.

During the meeting, a Member arrived late into the proceedings. As they had not heard enough of the item under consideration, they advised they would not be voting. Another Member advised they could not hear all the Officers presentation and so would not be casting a vote.

The Committee considered the submissions made at the meeting, and Members voted on the recommendation in the report with a result of 5 in favour of the proposal and 2 abstentions. It was

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the Demolition of two garages on land at the rear of 29 Ladywell Road SE13 and the construction of a:

- one storey house incorporating basement and associated landscaping.

Subject to conditions and informatives outlined in the report.

The meeting closed at 10.00 pm

Chair



Planning Committee C

Lewisham Spiritualist Church, 65 Boone Street, London, SE13 5SE

Date: 24 February 2022

Key decision: No.

Class: Part 1

Ward affected: Blackheath

Contributors: Alfie Williams

Outline and recommendations

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

Application details

Application reference number(s): DC/21/123039

Application Date: 6 August 2021

Applicant: Princes Gate Properties Ltd

Proposal: Demolition of the existing single storey church building at 65 Boone Street SE13, and the construction of a replacement five storey building comprising a church at ground floor and eight new separate flats above, with associated car and cycle parking, bin storage and soft and hard landscaping.

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

Designation: Air Quality Management Area
Area of Archaeological Priority
Lee Neighbourhood Forum
PTAL 2

1 SITE AND CONTEXT

Site description and current use

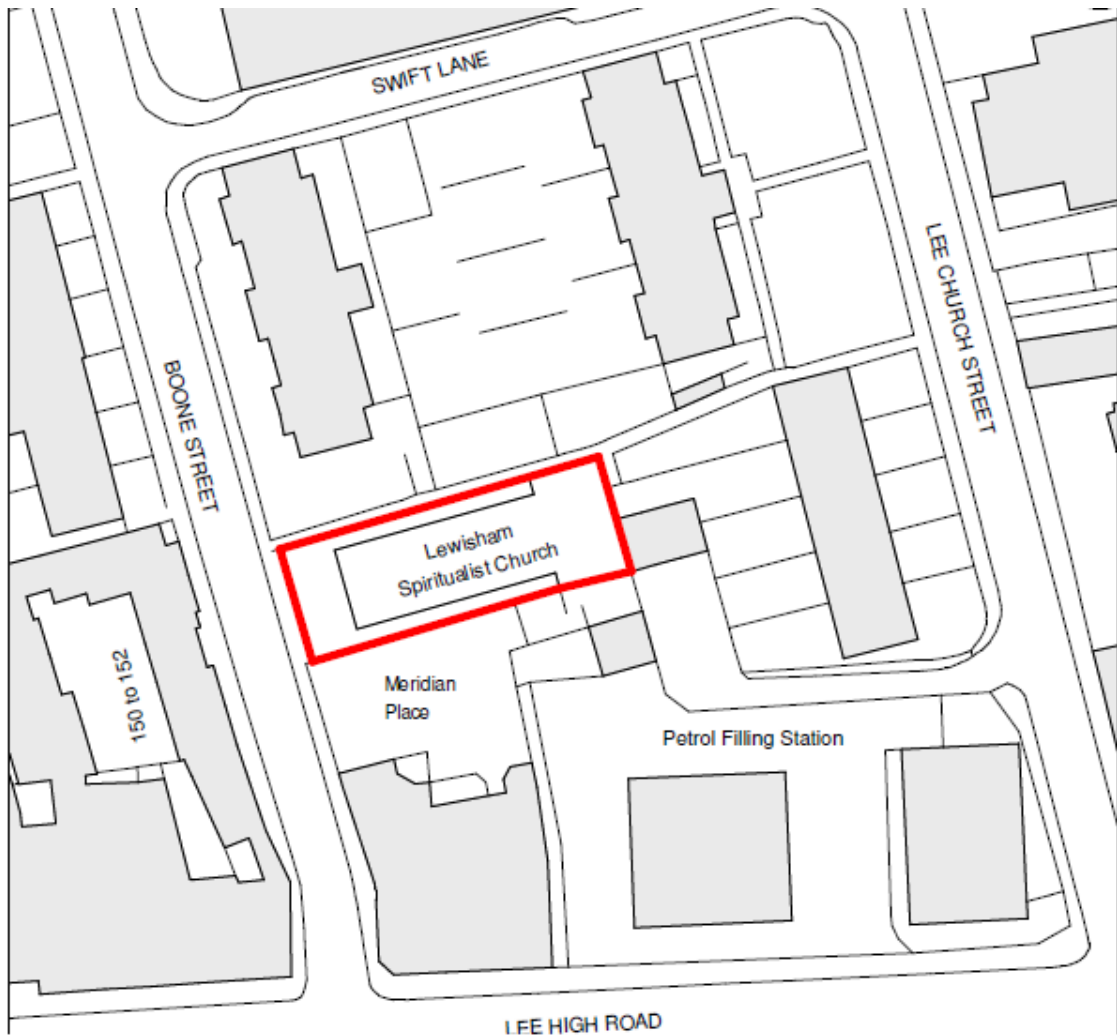
- 1 The site is located on the eastern side of Boone Street, which adjoins Lee High Road to the south. The site contains a single storey detached building that is currently in use as a church (Use Class F1). The building is constructed of brick with rendered facades that have been painted white and features a hipped roof with a tiled covering. To the front of the building is a forecourt that is hard surfaced.
- 2 The site area is 0.04 ha, therefore this is a Small Site for purposes of LPP H2 and Lewisham's Small Sites SPD.

Figure 1. Site Location Plan

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Character of area

- 3 North, east and west of the site are predominantly residential land-uses of varying typology and density generally two to four storeys in scale. To the south-east of the site is a petrol station currently occupied by BP. To the south-west of the site is a three-storey brick building accommodating ground-floor commercial uses, which front on to Lee High Road.
- 4 Boone Street is predominantly residential in character. Lee High Road, located approximately 50m to the south, has a more mixed commercial character and features a number of shopping parades. Lewisham Town Centre is located 1km to the west and the site is also within 0.8km of Blackheath District Centre and 0.8km of Lee Green District Centre.

Heritage/archaeology

- 5 The site is not located within a conservation area, nor does it contain a listed (statutorily or locally) building. The closest listed buildings are Boones Chapel (Grade I) and the Merchant Taylors Almshouses (Grade II) located between Boone Street and Brandram Road to the west. Blackheath Conservation Area is located 40m to the west and 150m to the north.

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Transport

- 6 The site has a PTAL of 2 which is poor. However, the site is less than 50m from Lee High Road, which is served by several bus routes. The closest train stations to the site are Hither Green approximately 800m to the south-west and Blackheath approximately 800m to the north-east. The site is within an Air Quality Management Area.

2 RELEVANT PLANNING HISTORY

- 7 DC/20/116948: The demolition of the existing one storey church building at 65 Boone Street, SE13, and the construction of a replacement five storey building comprising a church (including ancillary flat) at ground floor and nine new separate flats, with associated car and cycle parking, bin storage and soft and hard landscaping – refused for the following reasons:
- 1. The proposed development, by reason of its design, plot coverage and excessive height, scale and bulk, would represent an over-dominant and visually obtrusive form of development that would substantially over-develop the restricted plot, failing to respect the character and appearance of the surrounding streetscene, contrary to Policies 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), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 124 of the National Planning Policy Framework.*
 - 2. The proposal, by reason of the excessive height, massing and scale would appear as an excessive and visually overbearing form of development that would substantially over-develop the restricted plot resulting in an unacceptable impact on outlook to adjoining residential occupiers at 50-58 (evens) Lee Church Street, contrary to Policies 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), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and paragraph 127 of the National Planning Policy Framework.*
 - 3. The proposed development, by reason of the proximity of the windows and balconies to the northern boundary of the site, would result in an unacceptable loss of privacy to the adjoining residential occupiers of 41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street, contrary to Policies 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), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 127 National Planning Policy Framework.*
 - 4. Insufficient supporting information has been provided to demonstrate that there is sufficient parking capacity within the surrounding area to justify the car-free layout, contrary to Policy 6.13 Car parking of the London Plan (March 2016 as*

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amended), Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011), Policy 29 Car parking of the Development Management Local Plan (November 2014) and Paragraphs 102 and 109 of the National Planning Policy Framework.

8 DC/21/120931: Demolition of the existing one storey church building at 65 Boone Street SE13, and the construction of a replacement five storey building comprising a church at ground floor and nine new separate flats above, with associated car and cycle parking, bin storage and soft and hard landscaping – refused on 11 June 2021 for the following reasons:

- 1. The proposed development, by reason of its design, plot coverage and excessive height, scale and bulk, would represent an over-dominant and visually obtrusive form of development that would substantially over-develop the restricted plot, failing to respect the character and appearance of the surrounding streetscene, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 124 of the National Planning Policy Framework.*
- 2. The proposal, by reason of the excessive height, massing and scale would appear as an excessive and visually overbearing form of development that would substantially over-develop the restricted plot resulting in an unacceptable impact on outlook to adjoining residential occupiers at 50-58 (evens) Lee Church Street, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and paragraph 127 of the National Planning Policy Framework.*
- 3. The proposed development, by reason of the proximity of the windows and balconies to the northern boundary of the site, would result in an unacceptable loss of privacy to the adjoining residential occupiers of 41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 127 National Planning Policy Framework.*
- 4. Insufficient supporting information has been provided to demonstrate that there is sufficient parking capacity within the surrounding area to justify the car-free layout or to effectively mitigate the effects of over-spill parking in the area, contrary to Policy T6 Car parking and Policy T6.1 Residential parking of the London Plan (March 2021), Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011), Policy 29 Car parking of the Development Management Local Plan (November 2014) and Paragraphs 102 and 109 of the National Planning Policy Framework.*

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 9 The proposed development would see the demolition of the existing building and construction of a five-storey building comprised of a replacement church with eight residential units above. The church would feature a main hall and five meetings rooms as well as a kitchen and toilet facilities. The eight residential units are arranged from the first floor above and would be accessed via an independent residential entrance in the front elevation.
- 10 The building would be five storeys to the front with void to the rear of the front block, which would facilitate a communal roof terrace at first floor level and space for balconies. The rear block would be four storeys in height with the top storey set in from all sides and the rear elevation stepping down to single storey. The building would be built over the majority of the plot including up to the rear and both side boundaries at ground floor level. The upper storeys would be set in from the side and rear boundaries. A small area at the front of the building would remain providing a forecourt for servicing, including a bin store for the residential accommodation, cycle parking for the church and soft landscaping. Cycle parking for the residential accommodation would be provided at ground floor level adjacent to the residential lobby.
- 11 The building would feature facing brickwork with a darker tone to the bottom and top storeys. All of the windows and doors would be dark grey powder coated aluminium. The church entrance would be larger than the residential entrance and would project forward with a canopy featuring signage. The building would also feature balconies with metal balustrades arranged on the front elevation and within the internal void. There would be one balcony on the rear elevation. At roof level the building would accommodate living roofs to the front and rear blocks at various levels.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 12 The scheme is similar to the previous scheme with the footprint, design and materials largely retained. However, there have been changes that attempt to overcome the refusal reasons for the previous application. These include the following measures:
- removal of the fifth storey from the rear block;
 - a reduction to the massing at the rear of the building at second, third and fourth storey level;
 - reducing the massing of the first floor level by setting the building in further from the northern boundary;
 - removing the balconies from the northern side elevation;
 - redesigning the front façade including the alignment of balconies and windows and alterations to the entrances;
 - a change to the material for the top storey of the rear block from metal to brick;
 - reduction to the number of flats from nine to eight.

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Figures 2 and 3 below illustrate these changes:

Figure 2: Proposed Side Elevation with dotted line overlaid showing the massing for the previous refused scheme DC/21/120931



Figure 3: Comparison proposed front elevations

Refused application DC/21/120931

Current Scheme



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4 CONSULTATION

4.1 APPLICATION PUBLICITY

14 Site notices were displayed and letters were sent to residents and business in the surrounding area as well as to the relevant ward Councillors on 16 August 2021.

15 20 responses were received, comprising eight objections and 12 comments in support.

4.1.1 Comments in objection

Comment	Para where addressed
Impact on the operations of the church	41-45
Contribution to family housing	44
Affordable housing contribution	44
Noise and disturbance from the church to the residential accommodation above	63
Height & design (impact to townscape)	75-76
Traffic levels	85-86
Emergency vehicle access	87
Parking stress	98-99
Impact on outlook	108-111
Impact on privacy & overlooking	113-115
Impact on light & overshadowing	122-124
Anti-social behaviour and security	131
Impact to sewer capacity & drainage	142

16 The objections also raise issues relating to the Trust and ownership of the site. These matters are not material planning considerations.

4.1.2 Comments in support

Comment	Para where addressed
Secure the long-term viability of the church	41-45
Community value	41-42
Condition of the existing building	41-42, 75
High quality design	75-81
Contribution to urban greening	138-140

4.2 INTERNAL CONSULTATION

17 The following internal consultees were notified on 13 August 2021.

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- 18 Ecology: no objection subject to conditions securing the living roof, living wall and wildlife features. Also recommended a condition securing additional bat surveys in the event the demolition works are not undertaken within two years of the current survey.
- 19 Environmental Protection: no objection subject to conditions securing the recommendations of the Noise Impact Assessment. Conditions also recommended to secure a Construction Management Plan, Ultra-Low NOx Gas Boilers and Land Contamination.
- 20 Highways: raised no objections subject to conditions securing a Construction Management Plan, Delivery and Servicing Plan and Travel Plan. Also recommended that a legal agreement would be required securing a financial contribution for consultation to extend the CPZ and improvements to the public highway.

4.3 EXTERNAL CONSULTATION

- 21 The following External Consultees were notified on 13 August 2021.
- 22 Design Out Crime Officer: recommended security measures to meet Secured by Design Standards. Given the scale of development Officers have attached this advice as an informative.
- 23 London Fire Brigade: no objection.
- 24 Thames Water: Recommended a condition for a piling method statement and requested that informatives be attached with advise relating to surface water, ground water and mains water.

5 POLICY CONTEXT

5.1 LEGISLATION

- 25 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).
- 26 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

- 27 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.
- 28 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.
- 29 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

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recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

30 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

31 Lewisham SPD:

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

32 London Plan SPG:

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

6 PLANNING CONSIDERATIONS

33 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

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- Natural Environment
- Planning Obligations

6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 34 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.
- 35 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

- 36 The London Plan (LPP) at Policy H1 sets Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 37 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.
- 38 LPP S1 affords protection to existing social infrastructure and identifies that development proposals that provide high quality social infrastructure will be supported. The policy confirms that social infrastructure covers a wide range of facilities, including community and faith facilities. It identifies that proposals that would result in a loss of social infrastructure in areas of defined need without realistic proposals for re-provision should be resisted.
- 39 DMP 41 Innovative community provision, states that the Council will encourage the use of innovative solutions to the provision of community meeting space. The aim of this policy is to promote the provision of community facilities. These facilities can form the heart of communities and neighbourhoods and can be important to promoting social cohesion and opportunities to meet, socialise, learn and develop interests and skills. DMP 41 is also clear that community facilities refer not only to community halls and centres, but to all other spaces where people can meet, such as rooms above shops and pubs, as well as places of worship and sports and leisure space.
- 40 DMP 44 states that the Council's preferred locations for the development of public places of worship are within the network of major and district town centres.

Discussion

- 41 The proposed development would result in the re-provision of the existing church and associated community facilities on the site within a new purpose built space. Town centres are the Council's preferred locations for churches and public places of worship. However, the proposal would re-provide an existing church and as such the location is not objectionable. The replacement facility would measure 239sqm, which broadly matches the existing (243sqm).

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- 42 The redevelopment of the church would produce qualitative improvements to the church's facilities including five meeting rooms and the provision of a new building in place of the existing, which is in poor condition. The applicant has proposed agreement to a Community Access Plan (CAP) to be secured as a planning obligation. The CAP would formalise access to the facilities for local community groups and charities for 20 hours per week charged at a nominal fee and would represent a planning merit, to which significant weight is attached.
- 43 The application site is considered a sustainable location for intensification of this scale given the proximity to transport links and amenities on Lee High Road. The contribution of eight new residential units towards both the small sites and overall housing targets set by the London Plan is a planning merit of the scheme, which would carry weight within the overall planning balance.
- 44 The scale of development does not meet the policy threshold (10 units) triggering a contribution to affordable housing or family housing thus this is not a material consideration. Officers are satisfied that eight units is the optimal scale of development here given that the previous nine unit scheme were assessed to overdevelop the site as indicated by the reasons for refusal.

6.1.1 Principle of development conclusions

- 45 The principle of the redevelopment of the site to provide a mixed-use building, including the re-provision of the church and new residential accommodation, is supported. The eight residential units would make a modest contribution to local housing targets, which constitutes a planning merit. The CAP would deliver benefits to the wider community in accordance with the principles of LPP S1 and DMP 41.

6.2 RESIDENTIAL QUALITY

General Policy

- 46 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (GLA Housing SPG).
- 47 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 and external space standards

Policy

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

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Discussion

50 The table below sets out proposed dwelling sizes.

Table 1: Internal and external space standards

Flat No.	Unit size	Required GIA (M ²)	GIA (m ²)	External amenity space (m ²)
1	2b3p	61	61	18
2	1b2p	52	50	7
3	1b2p	52	50	9
4	2b3p	61	61	6
5	2b4p	74	70	7
6	2b3p	61	61	6
7	2b3p	66	61	7
8	2b3p	61	61	6

51 All of the proposed residential units would either meet or exceed the London Plan requirements in terms of overall size. This is also true for the size of bedrooms and provision of storage. Floor to ceiling heights generally exceed 2.5m for the majority of the floor space. The proposed residential units would therefore be fully policy compliant with the internal space standards set by LPP D6. The provision of external amenity space would also either meet or exceed the London Plan requirement.

Outlook ventilation & Privacy

Policy

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

Discussion

53 All of the proposed residential units would be dual aspect providing passive ventilation, which would assist in mitigating overheating. The provision of windows and the open aspect around the site would ensure that the residential accommodation would benefit from acceptable levels of outlook.

54 The provision of new residential accommodation would result in additional sensitive receptors within an Air Quality Management Area. An Air Quality Assessment (AQA) prepared by Aether dated March 2020 has been submitted in support of the application. The report found that the concentrations at the proposed receptors (windows and balconies) would be below the annual mean objectives. Accordingly, the AQA concludes that additional mitigation would not be required.

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- 55 The separation distances between the application site and the nearest buildings would ensure that the proposed residential units are not directly overlooked. There would be a degree of overlooking between directly facing units within the internal void and there is potential for intrusive views from the first floor communal garden into the balconies of Flats 1 and 2 and a bedroom of Flat 2. Therefore, conditions are recommended securing obscure glazing for a number of the windows and details of the planting within the communal garden to ensure that the soft landscaping would prevent direct views into the residential accommodation and private amenity spaces.

Daylight and Sunlight

Policy

- 56 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 57 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.
- 58 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

Discussion

- 59 An Internal Daylight Analysis (SRE, August 2021) has been submitted with the application. The report shows that all 22 habitable rooms would either meet or exceed the BRE guidance. Therefore, the proposed residential accommodation would receive acceptable levels of daylight and sunlight.

Noise & Disturbance

Policy

- 60 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 61 LPP D13 *Agent of Change* states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses can be mitigated. The policy also aims to safeguard the ongoing operation of existing uses.
- 62 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

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- 63 There is significant potential for unacceptable noise levels to arise via internal noise transference from the operations of the church and external break in due to the proximity to Lee High Road (A20). A Noise Impact Assessment (NIA) prepared by Cass Allen has been submitted to support the application. The NIA concludes that it would be possible to mitigate the internal noise transference via measures including sound insulation between floors and noise limiters for acoustic equipment within the church. For external noise break in, the NIA recommends suitable glazing and ventilation specification for windows. Conditions will be imposed securing full details of the noise attenuation measures and specifications prior to the occupation of the residential accommodation.

Accessibility and inclusivity

Policy

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

Discussion

- 65 The proposal would provide one flat (12.5%) that would be designed as wheelchair user dwellings (requirement M4(3)), located at second floor level (Flat 5). The remaining flats would be M4(2) compliant. This would be secured by condition.

Summary of Residential Quality

- 66 Overall standard of residential accommodation is generally good quality and compliant with the relevant policies of the Development Plan.

6.3 URBAN DESIGN

General Policy

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

Policy

- 68 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.
- 69 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.
- 70 LPP D9 states that development plans should define what is considered a tall building for specific localities, although not less than 6 storeys or 18 metres.
- 71 CSP 15 aims to secure the highest quality design for Lewisham.

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- 72 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.
- 73 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.
- 74 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 29 and 30 are of particular relevance.

Discussion

- 75 The existing building is of limited architectural value and therefore its demolition is not objectionable. The proposed redevelopment of the site would represent a significant increase to the scale of development compared to the existing building. At a single storey the application site is an anomaly on the eastern side of Boone Street, which features modern four and five storey flatted blocks that contrast with the two storey terraces on the western side of the road. Officers consider the proposed front block, at five storeys, would be appropriate giving the emerging context of the eastern side of Boone Street for larger scale development. At five storeys the building would not meet the London Plan definition of a tall building and thus policy D9 is not engaged.
- 76 The massing of the rear block has evolved in a positive way since the previous refused applications. The height has been reduced to four storeys providing a degree of subservience to the street frontage. In addition, the height steps down further towards the rear creating a less visually dominant building. The reductions to the height and massing combined with the void between the two main blocks ensures that the plot coverage would no longer be overbearing.
- 77 The changes to the front façade have resulted in greater refinement. The windows and balconies are now aligned, which reflects the fenestration pattern for the surrounding buildings. Two tones of brick would be used to provide vertical expression to the elevation with the top parapet and ground floor level utilising darker brown bricks with light brown brickwork between. This would create distinct top, middle and bottom sections of the façade. The brickwork for the front block would also be used for the rear block providing a cohesive overall design response. The rear elevation would feature a green wall adding visual interest to a largely blank elevation. The windows and balustrades for the balconies are high quality and therefore appropriate.
- 78 The entrance to the church has been pulled forward of the front façade and is higher than the residential entrance reflecting its civic stature. The improved stature of the entrance would be embellished by the enhanced detailing including the concrete surround and signage. The residential entrance would mimic the detailing of church entrance, at a lower scale, increasing legibility and presence within the streetscene.
- 79 The front forecourt would feature an area of soft landscaping in addition to the refuse stores and cycle standards. The landscaping would contribute to the greening of the streetscene and would be a significant improvement on the existing forecourt, which is entirely covered in concrete hardstanding.

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80 The scale of the building combined with the distance would prevent any adverse impacts to the setting of the heritage assets to the west and north of the site. Accordingly, the proposed development is considered compliant with the heritage policies of the development plan including LPP HC1, CSP 16 and DMPs 36 and 37.

6.3.1 Urban design conclusion

81 The amendments to the design, bulk and massing of the building compared to the previous refused schemes has successfully overcome the reason for refusal and would contribute a high quality contextual building to the streetscene. Therefore, the building is considered acceptable in urban design terms

6.4 TRANSPORT IMPACT

General policy

82 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

83 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

6.4.1 Local Transport Network

Policy

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

Discussion

85 The application site has a PTAL of 2, which is a poor level of public transport accessibility. However, this is considered an anomaly given the proximity to Lee High Road, which is well served by bus routes. Therefore, Officers are satisfied that additional residential units could be accommodated within the surrounding transport network.

86 One of the stated aims of the application is to improve the facilities for the church to secure its long-term future. The Highways Department have expressed concern that this may lead to intensification of the use of the church. Officers recognise that the use of the church could increase independent of this planning application, however, this is unlikely given the current condition of the building. The parking survey submitted with the application also indicated that parking stress in the area is high. Therefore, Officers consider it reasonable to impose a condition securing a user’s Travel Plan for the church in order to encourage non-car modes of travel to the site so as not to exacerbate existing problems with car parking.

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87 Boone Street is a narrow one-way road, under 5m at its narrowest point, which is close to the junction with Lee High Road. Highways Officers have highlighted a concern that visitors to the church and flats would further reduce this width by parking on single yellow lines outside the hours of control. Therefore, a s278 agreement is required to amend the waiting and loading restrictions on the western side of Boone Street (from the southernmost parking bays southwards to the junction with Lee High Road) to `no waiting or loading at any time`. The s278 agreement would also include the removal of the redundant vehicle crossover adjacent to the front of the site on Boone Street.

6.4.2 Servicing and refuse

Policy

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

89 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.

90 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

91 The provision of independent refuse and recycling storage for the residential accommodation and church is welcomed. The proposed four 1100l Eurobins for residents and two for use by the Church and church flat would exceed the requirement and as such are not objectionable.

92 Limited details have been provided in terms of deliveries and servicing for the church and the residential use. The Highways Department have raised this lack of information as a concern. However, the church can continue to operate the existing servicing arrangement without planning permission and maintaining the existing arrangements is unlikely to introduce any additional impacts to the surrounding transport network. Therefore, further details are not necessary.

6.4.3 Transport modes

Walking and cycling

Policy

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

Discussion

94 The proposed development would generate a requirement of 15 long stay and two short stay cycle parking spaces for the proposed residential accommodation as set out within Table 10.2 of the London Plan. The proposed development would provide 16 long stay cycle parking spaces within a store at ground floor level and six short stay cycle stands within the front forecourt thereby exceeding this requirement. The long stay provision

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would be split between two tiered stands and Sheffield stands ensuring that accessible stands have been provided within the store.

- 95 Table 10.2 states that places of worship should provide one short stay space per 100sqm of floor space. At 239sqm the church would require two short stay spaces. As there is an existing church on the site this requirement is not engaged. However, the proposed six short stay parking would exceed this requirement.

Private cars

Policy

- 96 LP Policy T6, supported by CSP 14 and DMP 29, requires 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.
- 97 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

Discussion

- 98 No on-site car parking spaces are proposed to be provided. Therefore, a Parking Survey (Appendix E of the Transport Statement) using the Lambeth Methodology has been submitted in order to justify intensification of the site in terms of the provision of eight residential units. The figures demonstrate that there is a high level of parking stress in the immediate vicinity. Under the current conditions parking was at 87% capacity for the first survey and 94% capacity for the second survey. This exceeds the 80% generally considered high and therefore additional on-street parking demand is a concern.
- 99 The Transport Statement (TPP Consulting, August 2021) proposes preventing access to residents permits for the CPZ as one of the measures to reduce the impact to parking stress. This approach is supported, however, despite the Site being within the Blackheath CPZ, the Traffic Order for Boone Street does not include all of the bays on Boone Street, with some designated as 'free'. Therefore, restricting access to residents permits alone would not be effective in managing parking stress on Boone Street as some bays are exempt from the CPZ. For that reason a financial contribution would be secured as a planning obligation to be used for public consultation to extend the CPZ restrictions on Boone Street. In addition three year membership of a car club will also be offered to future residents secured as a planning obligation.

6.4.4 Construction

Policy

- 100 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

- 101 The initial details for construction management and logistics are considered acceptable. The final details will be secured as part of a comprehensive Construction Management Plan (CMP) condition to be submitted and approved prior to the commencement of the development.

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6.4.5 Transport impact conclusion

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

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

103 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 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.

104 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).

105 The main impacts on amenity that generally arise from this type of development include: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

6.5.1 Enclosure and Outlook

Policy

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

107 Section 12 of the Small Sites SPD (October 2021) established design principles for the development of small sites including guidance on preventing harmful impacts to the living conditions of neighbouring properties.

Discussion

108 The proposed redevelopment would significantly increase the scale of development on the site. The greatest impact would be to the properties located directly to the rear of the site on Lee Church Street. This impact was considered particularly severe for Nos 50 and 52 and constituted a reasons for the refusal of both previous applications.

109 For the current application this impact would be greatly reduced. At the rear boundary the height would step down to a single storey rather than being two storey. The second storey would be set back 1.6m from the rear boundary, with the floors above set back more substantially: the third storey by 5.6m and fourth storey by 6.7m. These distances are a significant improvement on the refused schemes with further improvements derived from the omission of the fifth storey entirely.

110 The recently adopted Small Sites SPD (October 2021) provides guidance on appropriate distances between new development from existing properties to ensure that impacts to amenity are within acceptable levels. Figure 27 of the SPD states that new development should generally not intercept a 25 degree line from the centre of the ground floor windows nor a 43 degree line from a point 1.6m above ground level 10m from the rear elevation. Figure 4 below demonstrates the significant improvements on the previous

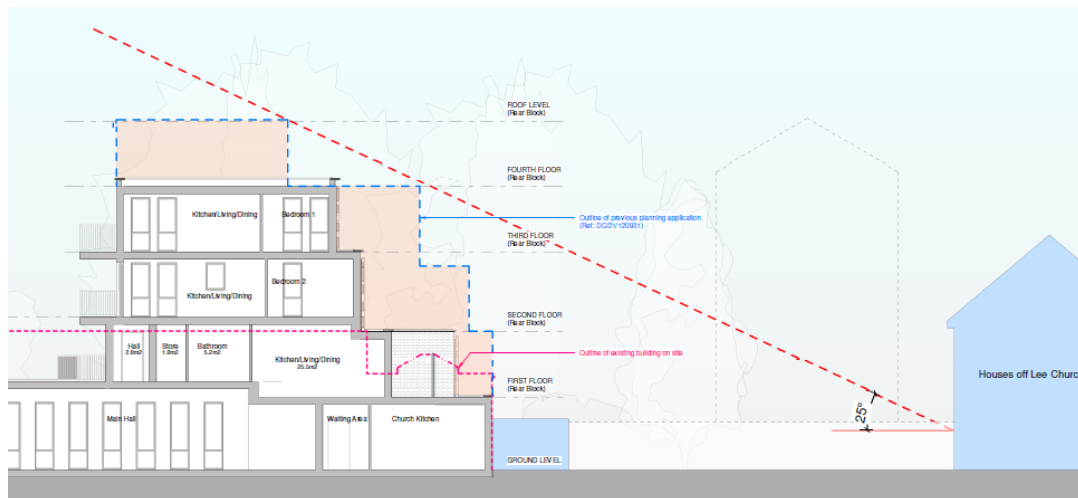
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refusals and compliance with the 25 degree line from the ground floor windows. The reductions to the massing combined with the 19m length of the gardens are considered to ensure that the development would not result in a materially harmful impact to outlook nor an adverse sense of enclosure at Nos 50 - 58.

Figure 4. Proposed site section with previous scheme overlaid with blue dashed line



111 For the flats to the north (41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street), the garden area provides an open aspect and as such Officers are satisfied that the proposed building would not cause harmful enclosure. The flats to the south and buildings opposite to the west do not have directly facing amenity spaces. The separation distances to the windows would prevent unacceptable enclosure and loss of outlook.

6.5.2 Privacy

Policy

112 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant. The 16m allows for a 6m gap to the private garden zone defines as 10m from the year elevation.

Discussion

113 The provision of directly facing windows on the front elevation is considered to be acceptable and reflects a relationship that is typical of the road. The introduction of balconies to the front, while not typical, would not introduce harm given that these views are less sensitive. Views from the first floor windows and balcony in the rear elevation would be restricted by louvered screens at the rear preventing intrusive overlooking towards Lee Church Street. Further details of the screening would be secured by condition. The windows in the southern side elevation either face onto the petrol station or serve bathrooms and communal areas. As such, Officers consider that the impact to the privacy of the flats at 181-185 (odds) Lee High Road would be acceptable.

114 The previous two applications identified harm to the privacy of 41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street from overlooking from the windows and

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balconies on the northern side elevation and formed the basis of Reason for Refusal 3 for both applications. This loss of privacy principally related to the garden area that separates the two blocks. The design of the proposed building has evolved so that balconies have been removed from the northern elevation. However, windows do remain.

- 115 The windows at first floor level would be set in 1.2m from the side boundary with the gardens a further 8m from the boundary separated by a public footpath and servicing areas for the flats. This relationship was considered unacceptable for the previous application. However, the recently adopted Small Sites SPD provides new guidance for privacy and at Figure 29 of the Small Sites SPD states that 6m is an appropriate gap between a window and private garden. Therefore, on balance Officers consider this impact to be acceptable taking into account the trees that line the boundary provide a degree of screening. In coming to this conclusion Officers have also given weight to the planning merits of the scheme and the improvements to the design of the building that have successfully overcome the other reasons for refusal.

6.5.3 Daylight and Sunlight

Policy

- 116 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 117 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.
- 118 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.
- 119 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).
- 120 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).
- 121 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

- 122 A Daylight, Sunlight and Overshadowing Report (SRE, August 2021) has been submitted with the application. 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:

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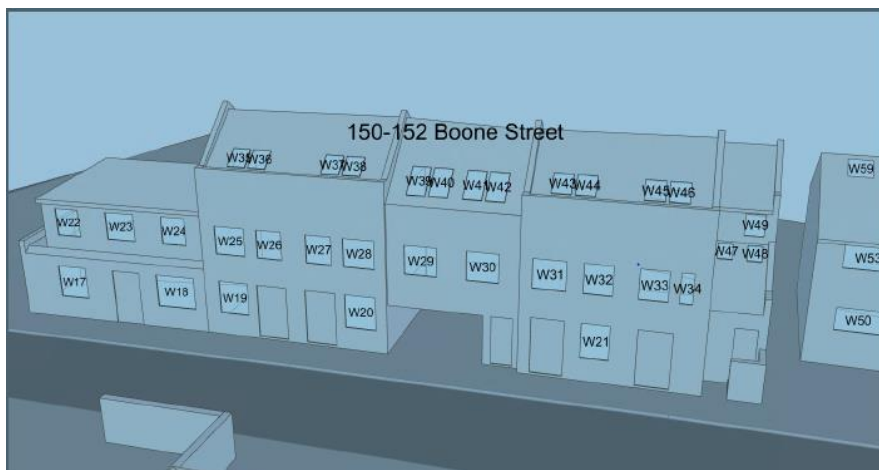
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- 41-63 Boone Street
- 120-130 Boone Street
- 150-152 Boone Street
- 26-48 Lee Church Street
- 50-58 Lee Church Street
- 181-185 Lee High Road

123

The report concludes that the proposed development would generally comply with BRE guidelines in terms of the impact to light levels at windows in the surrounding residential properties and overshadowing to amenity spaces. The BRE guidance states that development should not result in existing windows losing more than 20% of the existing value for VSC. The report finds that two windows at 150-152 Boone Street would lose 22% (W30 and W31 as shown in Figure 5) of their existing value for VSC, which is the only transgression beyond the BRE targets identified within the report. This is a modest transgression and is considered acceptable for an urban environment.

Figure 5. Model of 150-152 Boone Street taken from Daylight, Sunlight and Overshadowing Report (SRE, August 2021)



124

The report omits an assessment for four ground floor windows (W17, W19-21) at No.150-152, as it is claimed the windows serve offices. This claim is disputed within an objection, where it is claimed that the properties are live/work units. A review of Council records did not conclusively establish the use of the properties and there is limited guidance on amenity standards for live/work units. Notwithstanding the use of the properties, Officers are satisfied that the impact to the windows would not be significant given that analysis within the Daylight, Sunlight and Overshadowing Report demonstrates that the surrounding windows either pass (windows W18, W22-29, W32-49 as shown in Figure 5) or are within 2% of the requirement (windows W30 and W31 as shown in Figure 5). In making this assessment Officers have given appropriate regard to BRE guidance, which should be applied flexibly in urban environments as set out in the GLA Housing SPD.

6.5.4 Noise and disturbance

Policy

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- 125 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
- 126 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.
- 127 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.
- 128 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

- 129 The proposed church would replace the existing church and therefore would not introduce additional disturbances to the area. A condition will be imposed to secure details of the sound insulation. The introduction of additional residential accommodation within a predominantly residential area is not likely to result in any adverse noise impacts.
- 130 There is potential for short-term disturbances to arise during the construction phase of development given the scale of the works. This is in terms of noise but also from dust and other forms of pollution. Therefore, a condition is recommended to secure a Construction Management Plan in order to minimise the impacts of the development. A condition would also be imposed limiting the time of works and deliveries relating to the construction phase.

6.5.5 Impact on neighbours conclusion

- 131 No significant adverse impacts to the living conditions of the neighbouring properties have been identified and therefore the development would be compliant with the relevant policies of the development plan. In coming to this conclusion Officers have assessed the potential for an increase in anti-social behaviour and harm to security, as raised in the objections, and are satisfied that these impacts are not a likely consequence of a mixed-use development comprised of a church and residential accommodation.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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- 132 NPPF para 159 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.
- 133 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 134 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

6.6.1 Energy and carbon emissions reduction

Policy

- 135 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.
- 136 CSP 8 also states that major development 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

- 137 The proposed development falls below the threshold for a major development so the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, an Energy and Sustainability Strategy (SRE, May 2021) has been submitted with the application detailing that Air Source Heat Pumps (ASHP) would be utilised for the development, which would deliver emission reductions beyond Building Regulations of 43.4%, for the residential aspect, and 36.5% for the place of worship aspect. This would surpass the requirements set by the London Plan.

6.6.2 Urban Greening

Policy

- 138 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 139 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

- 140 The proposed development would incorporate biodiverse green roofs at various levels including the flat roofs of both main blocks. This combined with the small area of garden landscaping at the front of the site and the green wall at the rear elevation would represent a significant net increase in urban greening compared to the existing site, which is almost entirely comprised of buildings and hardstanding. A condition is recommended securing the provision of the green roofs, green wall and soft landscaping.

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6.6.3 Sustainable Urban Drainage

Policy

141 LPP SI 13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Discussion

142 The proposed development would result in a substantial increase to the amount of green surfaces and soft landscaping on the site. These features would be secured by condition in addition to the hard landscaping thereby increasing the permeable surfaces as the site. Additionally, Thames Water have reviewed the application and have requested that applicant apply for the necessary permissions in terms of surface water, ground water and mains water. This advice would have been attached to the decision notice as an informative.

6.6.4 Sustainable Infrastructure conclusion

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

6.7 NATURAL ENVIRONMENT

General Policy

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

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

146 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

6.7.1 Ecology and biodiversity

Policy

147 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.

148 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.

149 CSP 12 seeks to preserve or enhance local biodiversity.

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150 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

151 An Ecological Mitigation and Enhancement Scheme (Tim Moya Associates, April 2020) has been submitted with the application and details that the development would incorporate the following wildlife enhancement measures:

- 'Extensive' green roofs
- Bird, bat and invertebrate boxes (various locations)
- Invertebrate boxes
- Log piles

152 The wildlife enhancements have been reviewed by the Council's Ecologist who is broadly supportive of the measures. However, the Ecologist has recommended that the number of bat bricks be increased from one to two and that the five bird bricks be exclusively swift bricks rather than include sparrow bricks due to new evidence.

153 A Bat Scoping Survey (Tim Moya Associates, April 2020) has also been submitted, which concludes that the site and the building has negligible potential for bat roosts. The conclusions of the survey have been accepted by the Council's Ecologist. However, the Ecologist has noted that the survey was conducted in March 2020 and is valid for two years. Therefore, a condition is recommended securing further surveys in the event that the demolition works are not carried out by March 2022.

6.7.2 Trees

Policy

154 At paragraph 131 the NPPF is clear that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

155 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

156 A Tree Survey (ACD Environmental, March 2020) and Arboricultural Impact & Method Statement (ACD Environmental, March 2020) have been submitted with the application to detail the impact of the development to the trees on the adjacent sites. The survey identifies that there are five trees within the vicinity of the site. Of these trees the report states that the development would only require works within the Root Protection Area of the sycamore (T4) and concludes that the development would not result in the loss or harm to any of the trees on the adjacent sites. A condition is recommended securing a

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Tree Protection Plan for the construction phase of the development to ensure that none of the trees are harmed.

6.7.3 Ground pollution

Policy

157 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

158 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 174). Further, the NPPF at para 182 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. DMP 28 reflects national policy and is relevant.

Discussion

159 In the absence of a report demonstrating that the site is free from ground contamination Environmental Protection have recommended that a condition be imposed securing reports.

6.7.4 Air pollution

Policy

160 NPPF para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of 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.

161 LPP SI1, CSPs 7 and 9 and DMP 23 reflect the national guidance and are relevant. Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

162 An Air Quality Assessment (Aether, March 2020) has been submitted in support of the application and shows a better than air quality neutral outcome for the construction and operational phase of development. As such, the propose development is considered acceptable in air quality terms.

6.7.5 Natural Environment conclusion

163 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 wildlife enhancements that would be introduced within the site.

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7 LOCAL FINANCE CONSIDERATIONS

164 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).

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

166 The CIL is therefore a material consideration.

167 £45,720.00 Lewisham CIL and £30,207.86 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

168 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.

169 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.

170 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.

171 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

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guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 172 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
- 173 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>
- 174 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, given that the church would be reprovided as part of the development. Therefore there would be minimal impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 175 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Article 9: Freedom of thought, belief and religion
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 176 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.
- 177 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.

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178 This application has the legitimate aim of providing a new building with a replacement church and residential uses. The rights potentially engaged by this application, including Articles 8 and 9 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 LEGAL AGREEMENT

179 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

180 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.

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

Transport and Public Realm (s278 agreement)

- amending the waiting and loading restrictions on the western side of Boone Street to `no waiting or loading at any time`.
- remove the redundant vehicle crossover to the front of the site.

Community Access Plan

- a Community Access Plan for the church requiring the facilities to be made available for a minimum of 15hrs per week for community and voluntary groups at rates equivalent to similar Council facilities in the local area

Car Club Provision

- To enter into an agreement with a Car Club operator to provide 3 years membership to the first household of each residential unit.

Car Free

- a financial contribution of £15,000 towards work to assess the potential to extend the Controlled Parking Zone to include Boone Street.

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- 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).

Monitoring and Costs

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

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

11 CONCLUSION

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

184 The principle of the proposed development is supported given that the existing church would be re-provided as part of the redevelopment of the site, resulting in a qualitative improvement to the church's facilities and an expanded community access offer from the new meeting rooms. The proposal would also deliver eight residential units. These are planning merits of the scheme to which considerable weight is attributed.

185 The standard of the accommodation provided by the residential units is considered to be of good quality. In design terms, the scale and massing of the building are assessed to be appropriate for the context and the materials and detailing high quality. As such, the building would make a positive contribution to the surrounding townscape.

186 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment and would deliver benefits in terms of a net increase in urban greening and biodiversity. The proposed conditions and planning obligations are considered to ensure that any potentially adverse impacts to the local transport network would be mitigated, overcoming a refusal reason for the previous applications.

187 The reductions to the height and massing of the building would ensure that the building would not introduce a materially harmful loss of outlook or increased enclosure to the properties to the rear of the site on Lee Church Street. A change to planning guidance together with the improvements to the scheme have reduce the assessed level of harm to the privacy of the blocks to the north of the site on Boone Street and Lee Church Street. Accordingly, this impact is no longer considered to warrant the refusal of the application and all of the reasons for refusal for the previous schemes have been successfully overcome.

188 Therefore, subject to the imposition of conditions, the development is judged acceptable and would accord with the Development Plan.

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12 RECOMMENDATION

189 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and 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. Approve Plans

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

5150_3_80; 5150_3_81 received 11 August 2021;

5150_3_84 Rev A; 5150_3_85 Rev A received 11 December 2021;

5150_3_82 Rev C; 5150_3_83 Rev B; 5150_3_89 received 9 February 2022;

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. 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

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(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 S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4. (a) No 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(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).

5. External Sound Insulation

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- (a) The development shall not be occupied until a scheme of sound insulation against external noise and vibration has been submitted to and approved in writing by local planning authority. The sound insulation shall achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided..
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

6. Internal Soundproofing

- (a) The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority demonstrating that soundproofing of a specification for sound insulation against airborne noise and structural vibration to meet 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms and 35dB LAeq (day) for other habitable rooms, would be installed where walls and/or ceilings for the residential accommodation parties non domestic use.
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety and post-completion sound testing to demonstrate compliance with the part (a) scheme have been submitted to and approved in writing by the local planning authority. The report shall be undertaken by a qualified independent acoustician. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 7. (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 in the form of a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out) must be submitted to and approved in writing by the local planning authority (in consultation with Thames Water) prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

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

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) main entrances and signage;
- (iii) roofing materials and roof junctions;
- (iv) windows, external doors and reveals;
- (v) rainwater goods;
- (vi) balconies and balustrades

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

(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 and Recycling Facilities**

(a) Prior to the occupation of the development, details of the refuse and recycling facilities and management 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 residential accommodation 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 appearance of 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 of the development, full details of the cycle parking facilities providing a minimum of 15 long stay and six short stay spaces for the development shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the residential accommodation and maintained thereafter.

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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 development, drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the appearance and 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. Bat Surveys

- (a) In the event that works on the demolition works, hereby approved, have not been completed by 31 March 2022, further bat surveys will be required. 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

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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 planting for screening within the communal courtyard at first floor level) 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 and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

15. **Wildlife Features**

Details of the number and location of the wildlife features including bird boxes, bat boxes, log piles and invertebrate 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. 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).

16. **Living Roofs**

- (a) The development shall be constructed with an extensive biodiversity living roof (substrate depth approximately 135 mm, with variation between 80mm and 20mm across the roof) laid out in accordance with plan no. 5150_3_83_B and the Ecological Mitigation and Enhancement Scheme (Tim Moya Associates, April 2020) hereby approved and maintained thereafter.
- (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.

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

17. **Church Travel Plan**

- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan for the Church, 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, 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).

18. **Terrace and Balcony Screening**

The residential units hereby approved shall not be occupied until full details of the siting and specification of the screening to the roof terraces and balconies, and planted area to the front of Unit 6, 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 protect the privacy of the approved residential accommodation and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

19. **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 windows marked as Obscured on drawing 5150_3_83 Rev B on the building hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

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

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20. Construction Works and Deliveries

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 174 of the National Planning Policy Framework 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).

21. Mains Water

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

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

22. Gas Boilers

In the event gas boilers are proposed, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and approved in writing by the local planning authority prior to installation. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI1 Improving Air Quality of the London Plan (March 2021).

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

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the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

3 Thames Water have issued the following advice:

- A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via [https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFUI6EkdUw\\$](https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFUI6EkdUw$) . Please refer to the Wholesale; Business customers; Groundwater discharges section.
- With regard to Surface Water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website: [https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-payfor-services/Wastewater-services__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFXB1YMIfg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-payfor-services/Wastewater-services__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFXB1YMIfg$)
- If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.
- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where

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it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13 BACKGROUND PAPERS

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

14 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

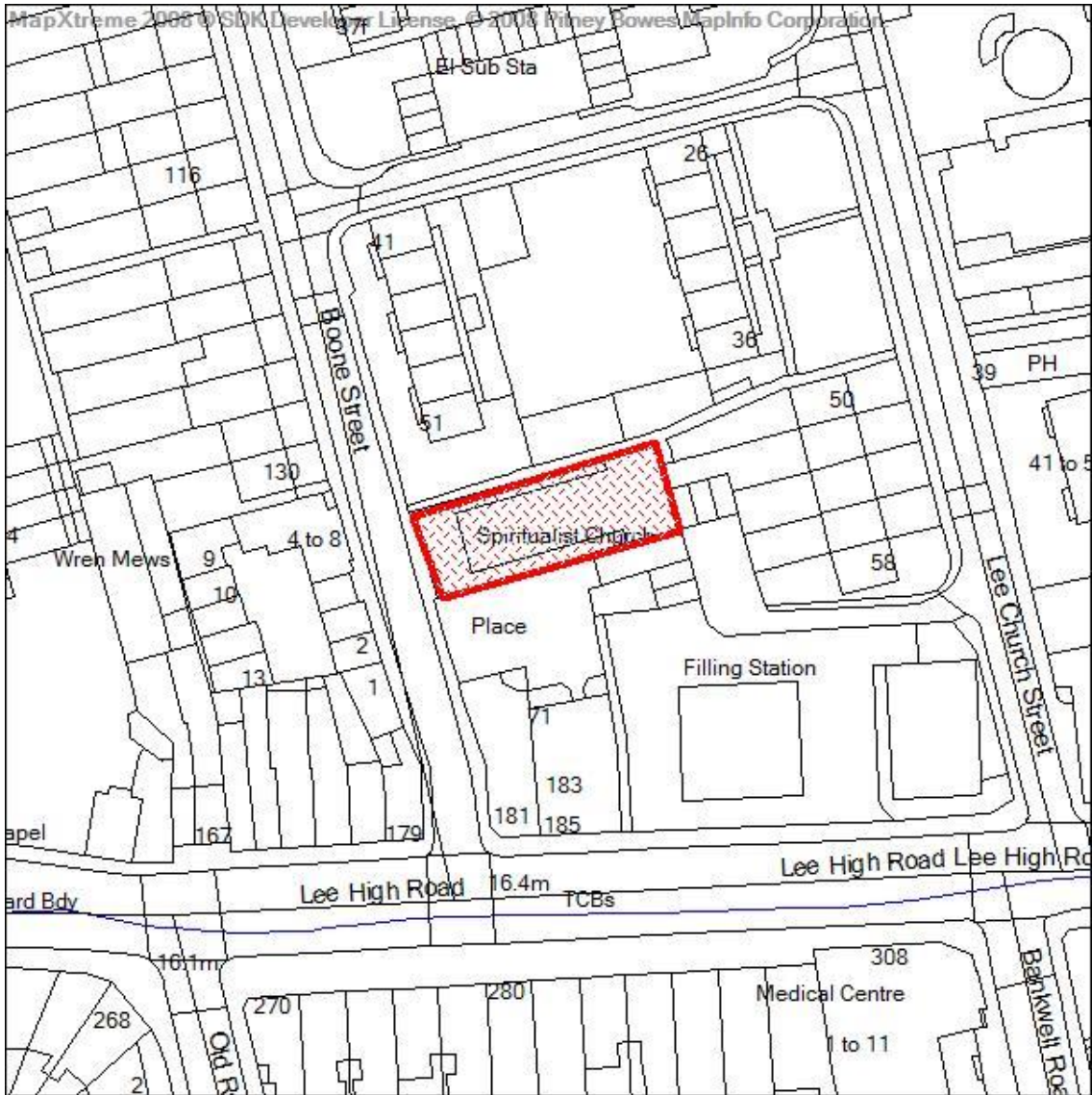
Email: alfie.williams@lewisham.gov.uk

Telephone: 020 8314 9336

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Lewisham Spiritualist Church

65 Boone Street

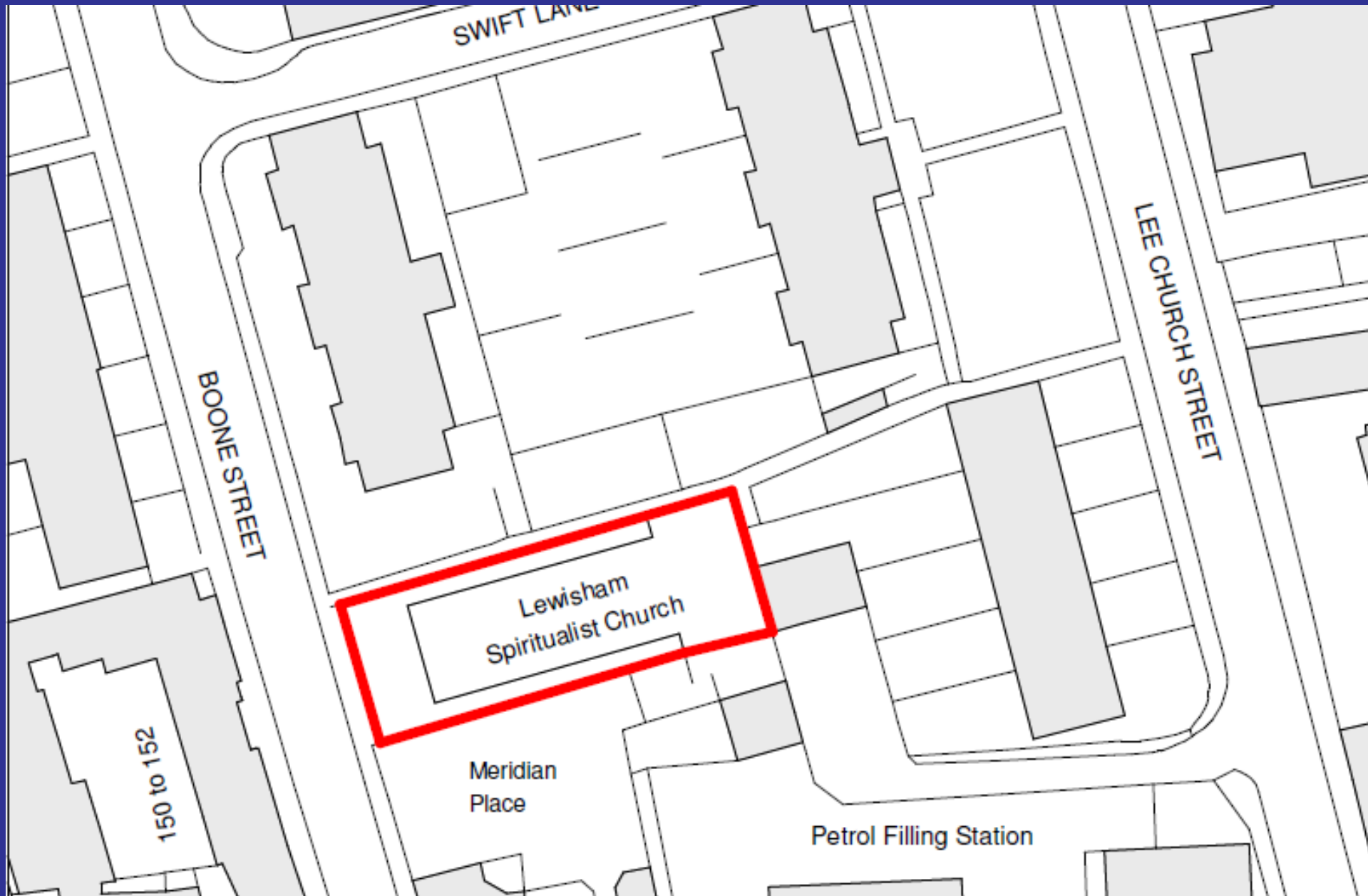
London

SE13 5SE

Application No. DC/21/123039

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

Demolition of the existing single storey church building at 65 Boone Street SE13, and the construction of a replacement five storey building comprising a church at ground floor and eight new separate flats above, with associated car and cycle parking, bin storage and soft and hard landscaping.









3D CGI Front and North Elevations

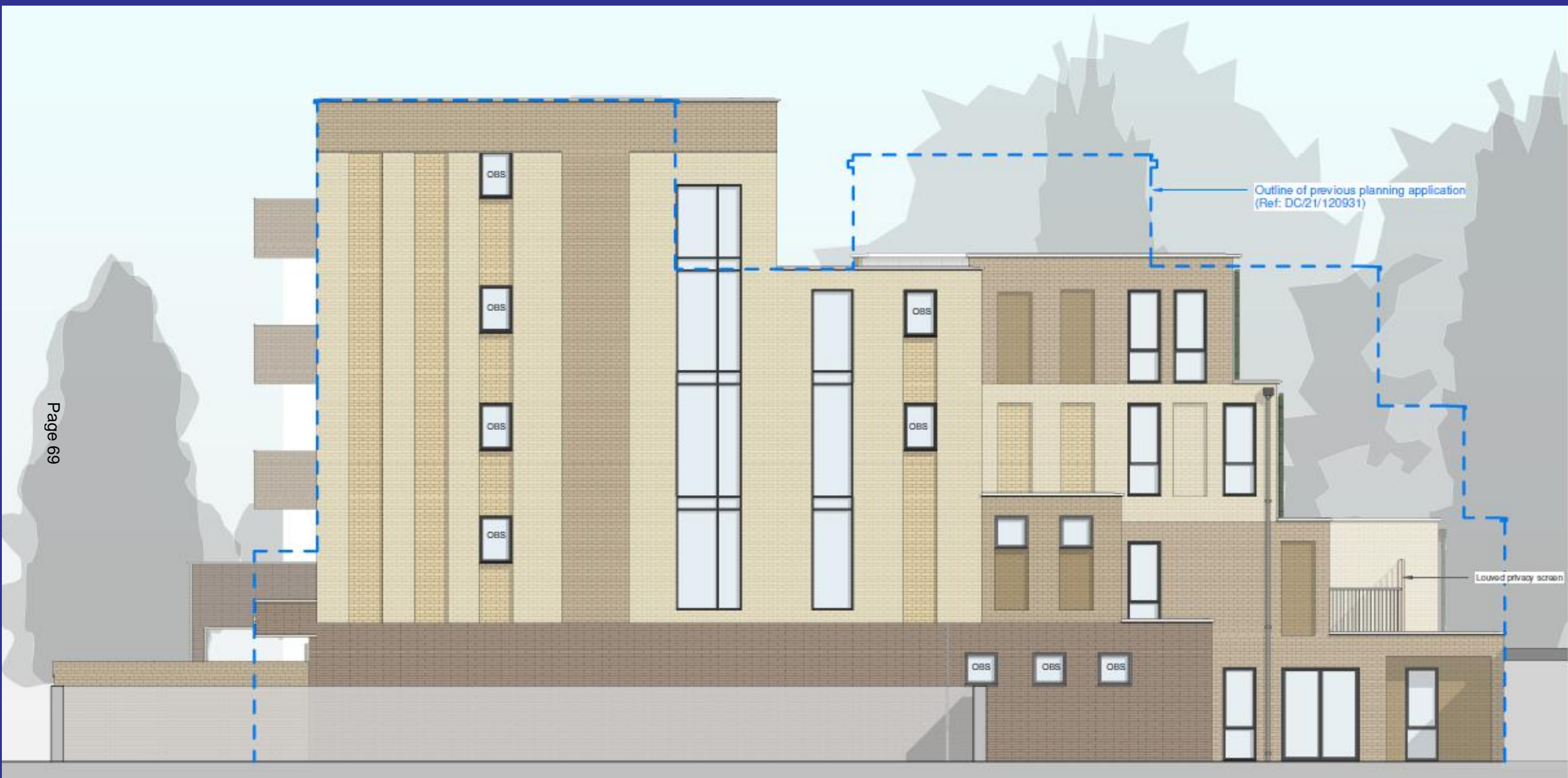


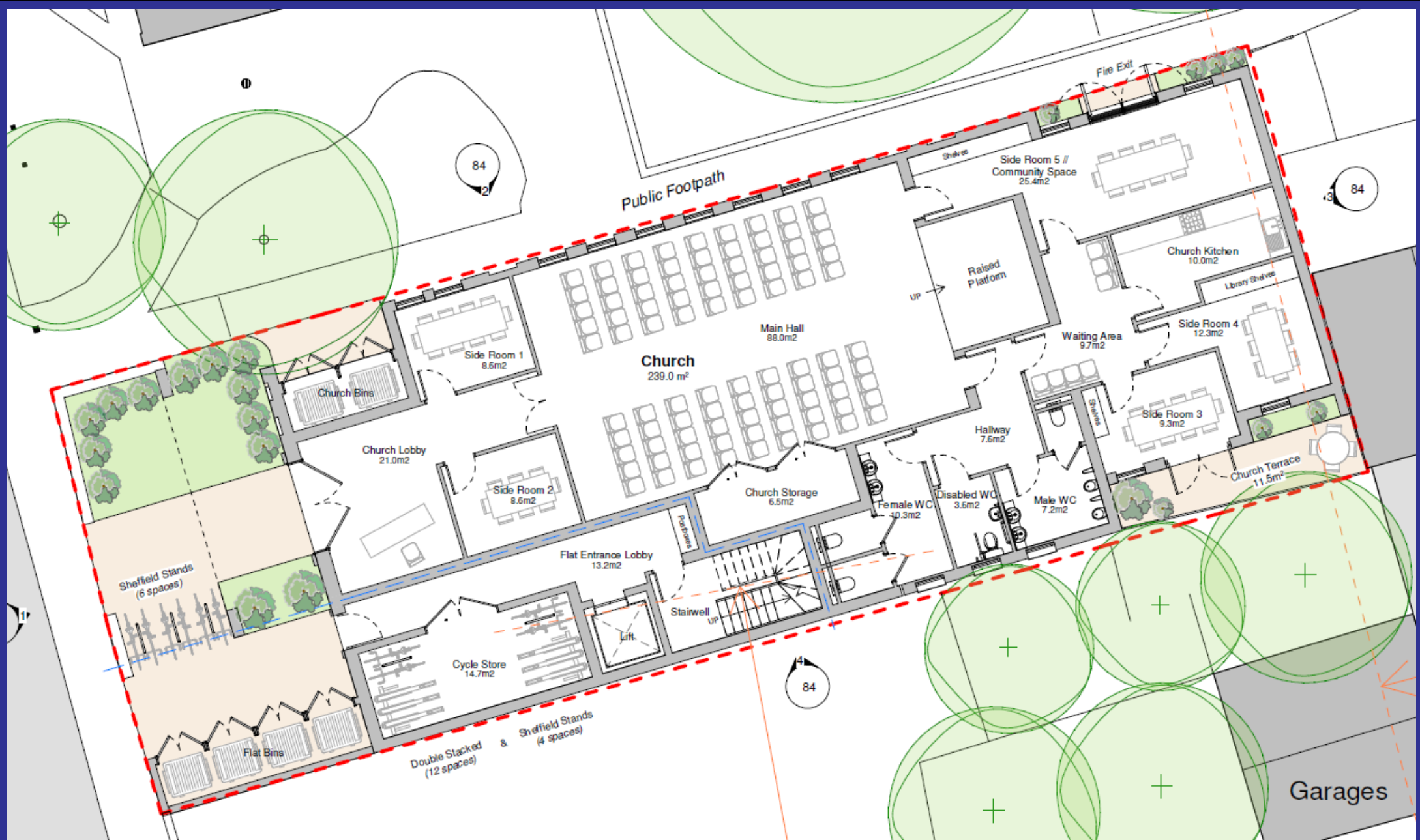
1 Front Elevation



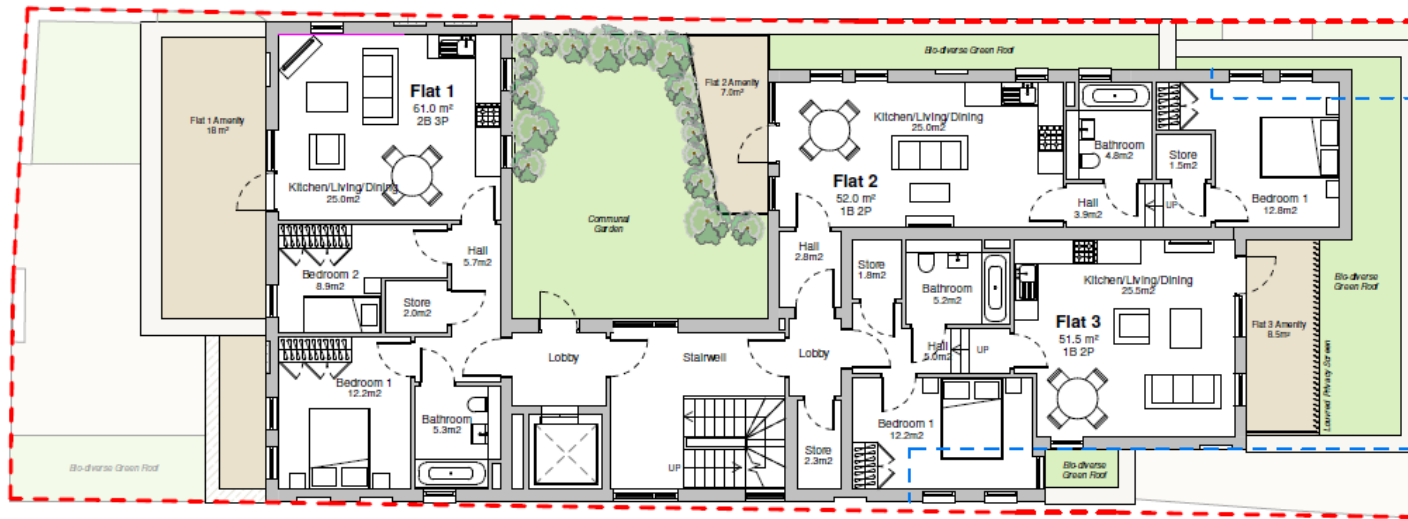
2 Rear Elevation



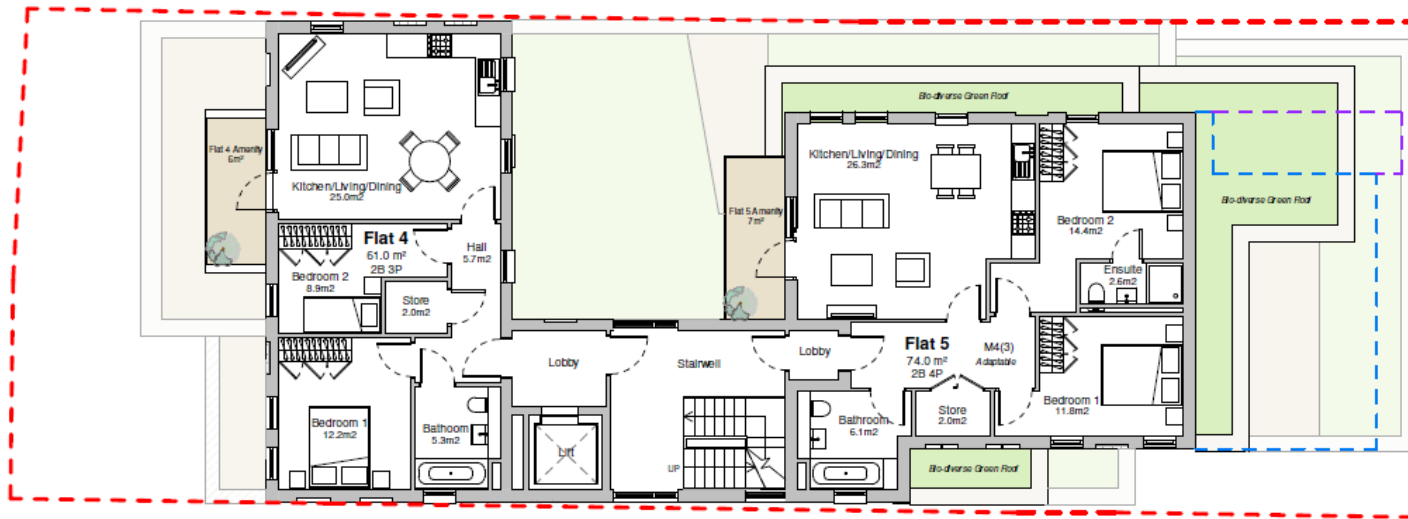




Proposed Ground Floor

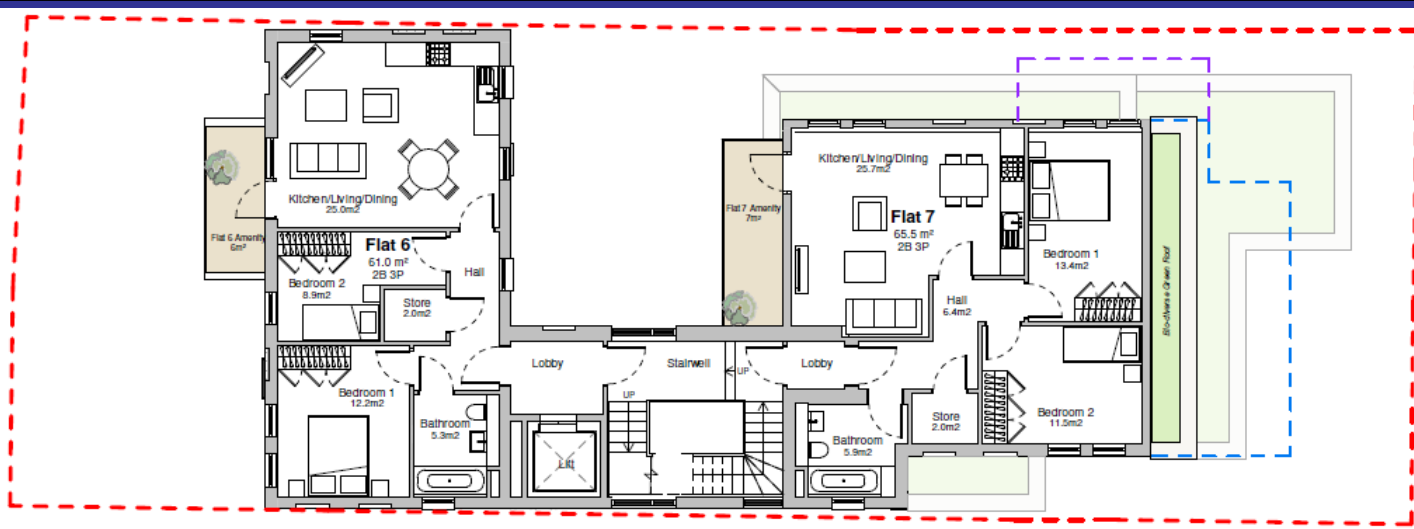


1 First Floor Plan
1 : 100

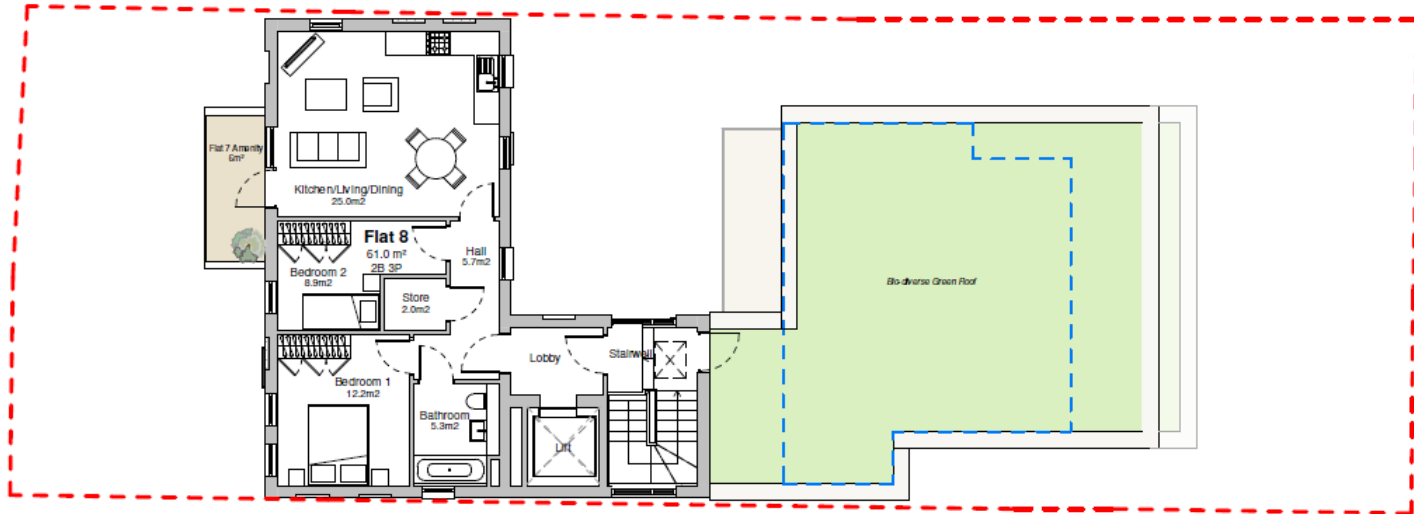


2 Second Floor Plan
1 : 100

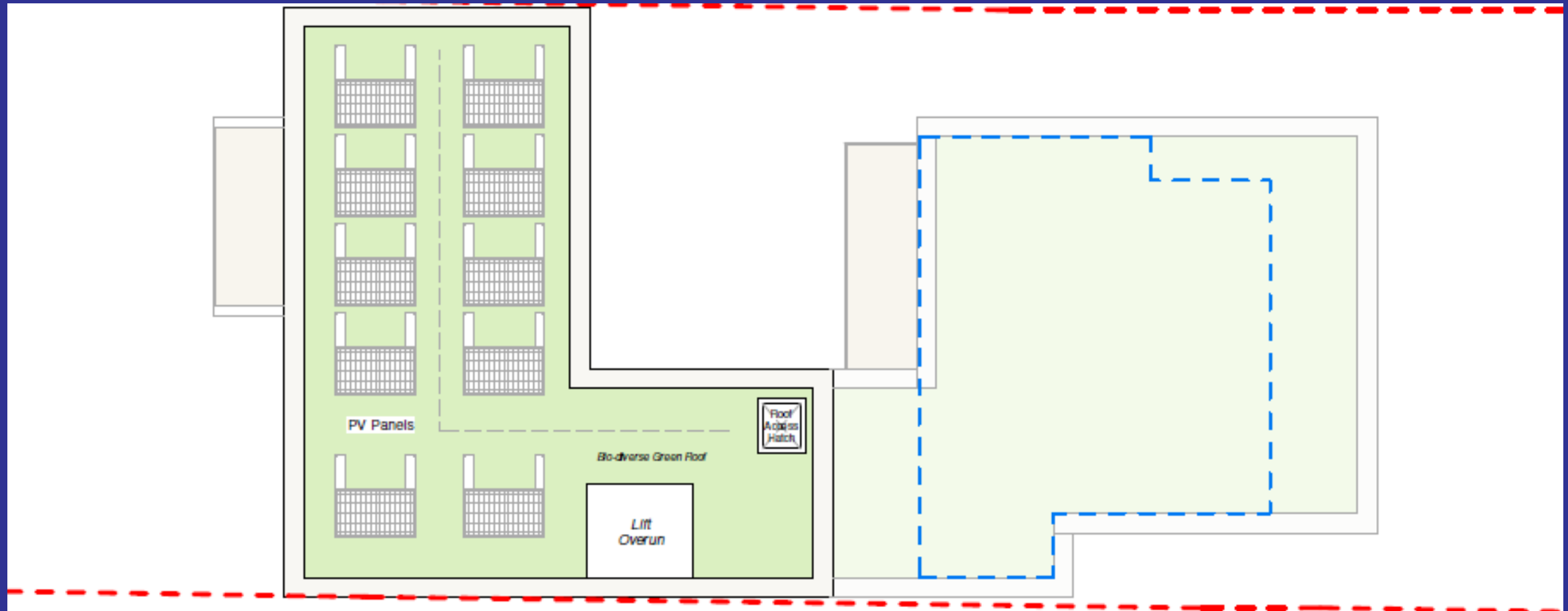
Proposed 1st & 2nd Floor Plan



③ Third Floor Plan
1 : 100

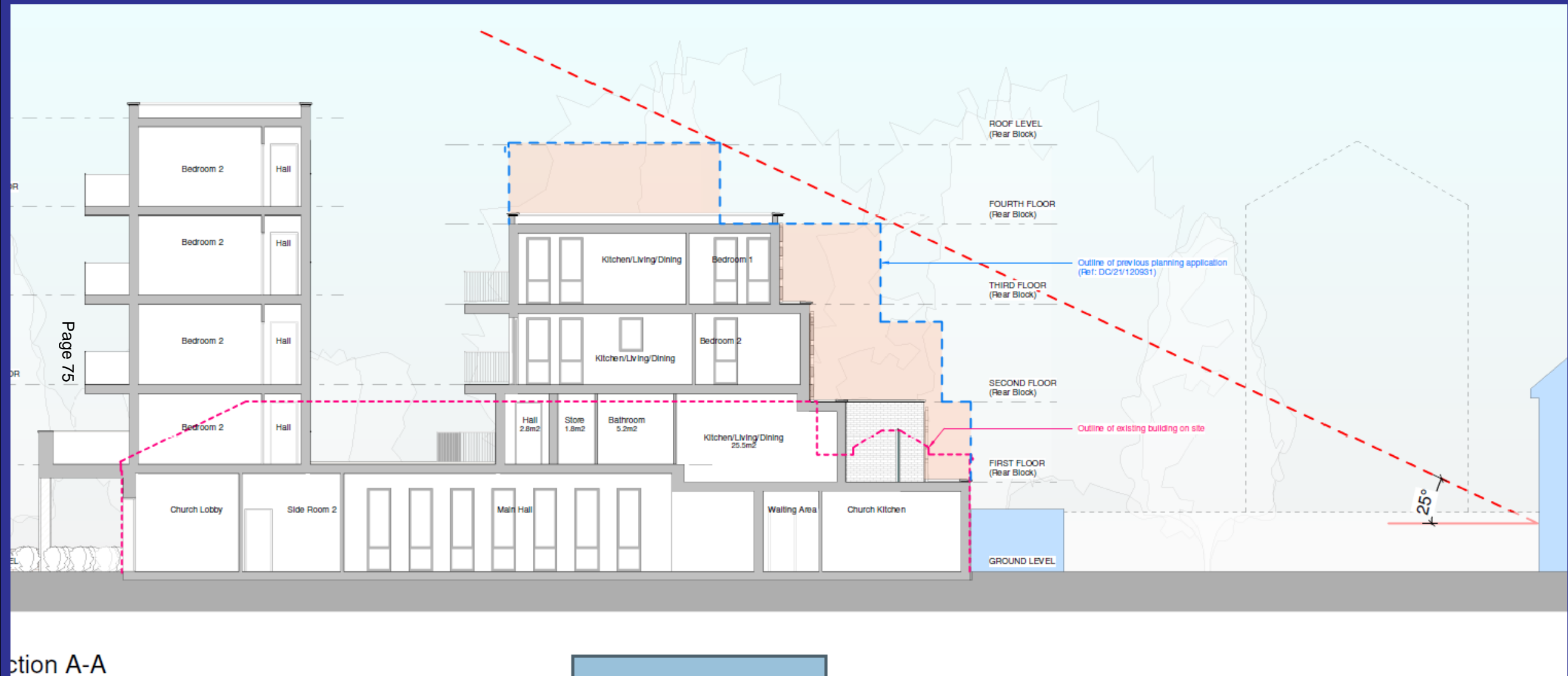


④ Fourth Floor Plan



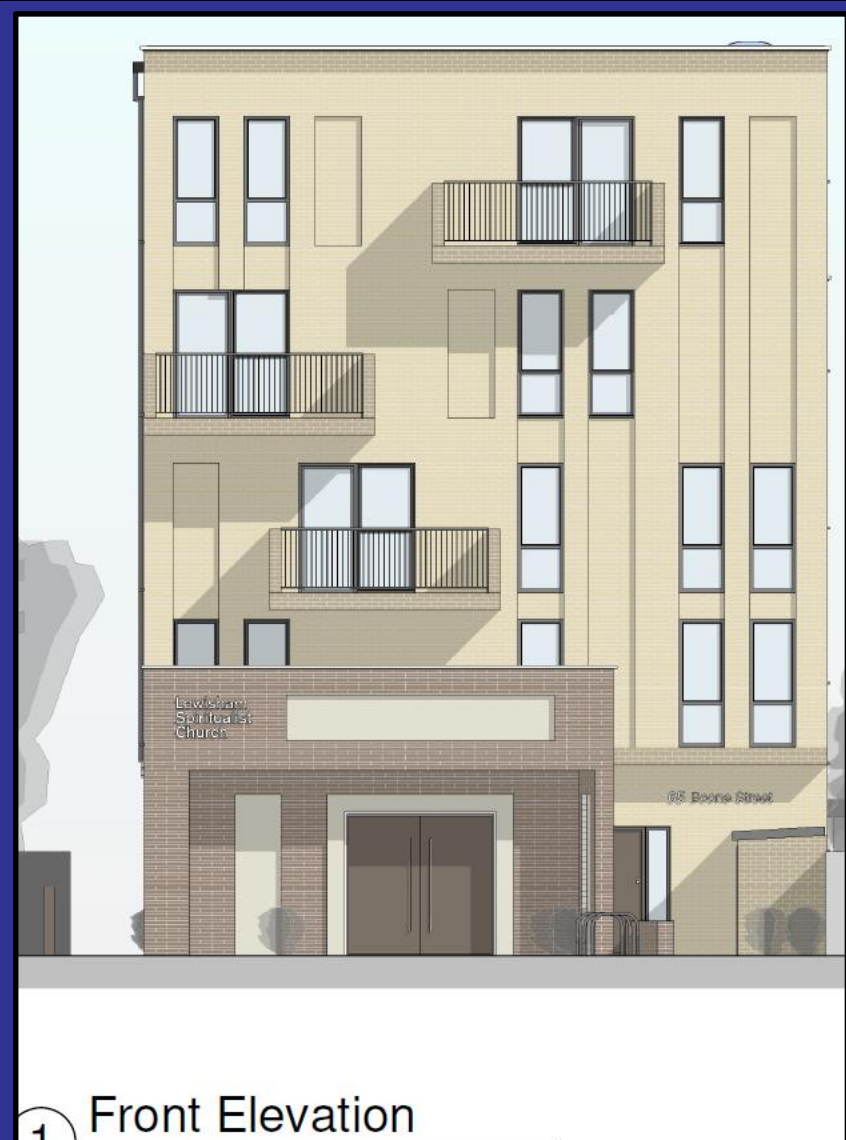
MAIN PLANNING CONSIDERATIONS

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





Current Scheme



Previous Scheme

Comparison Front Elevations

MAIN PLANNING CONSIDERATIONS

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

End of Presentation



Planning Committee C

Report title:

29-35 TRANQUIL VALE, LONDON, SE3 0BU

Date: 24 February 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Blackheath

Contributors: Jesenka Ozdalga

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the agreement for deferral at the Planning Committee C held on 30 September 2021 in order to review parking arrangements proposed by developer.

Original report submitted at the Planning Committee C held on 30 September 2021 is included in Appendix 1.

This report outlines only changes to the relevant sections "Urban Design and Impact on Heritage Assets" and "Transport Impact" and proposed conditions.

Application details

Application reference number(s): DC/21/121861

Application Date: 19 May 2021

Applicant: ECE Planning Limited on behalf of Butcher Curnow & Company Limited

Proposal: Demolition of existing office building (Use Class E) and construction of two three-storey semi-detached houses with associated landscaping to the front and rear of 29-35 Tranquil Vale SE3 with access onto Collins Street.

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

Designation: PTAL 5
Air Quality
Blackheath Conservation Area
Affecting the setting of a listed building

Screening: Not applicable

1.1 REASON FOR DEFERRAL

- 1 The proposal was initially presented at the Planning Committee C held on 30 September 2021. The main issue raised by members' was in relation to the proposed parking spaces and highway safety in this location, together with the breach of London Plan policy relating to the restriction on car-parking in areas with a high PTAL rating. At the meeting, officers clarified that provision of car parking in this application did not raise concerns by the inspector in the appeal decision or by the Council's highways officers. Nevertheless, members concluded that the application should be deferred so that the car parking could be revised in line with London Plan.

1.2 COMPARISON TO PREVIOUS PROPOSAL

- 2 The application was revised to omit the car parking areas to the front of the proposed two new dwellings. This report outlines the sections of the original report that have changed due to the revised proposal. The original report is attached at Appendix 1.
- 3 The main planning considerations in relation to the revised proposal are:
 - Urban design and impact on heritage assets; and
 - Transport Impact

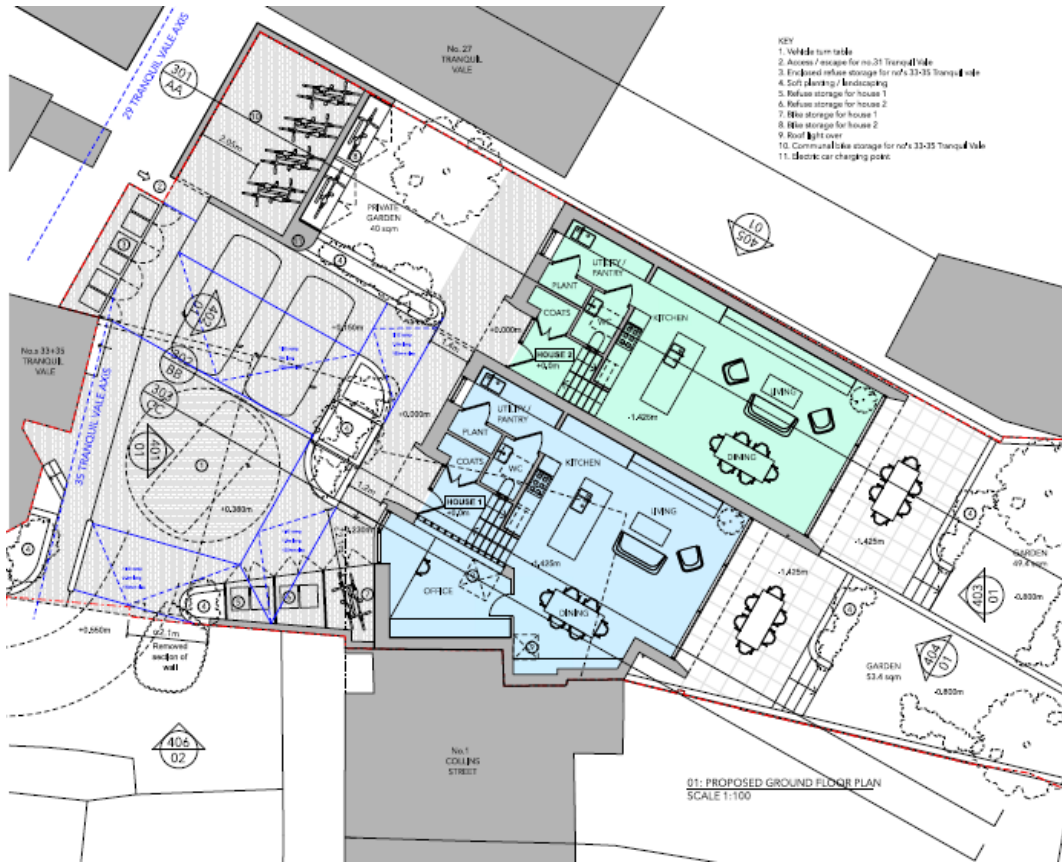


Fig.1. Scheme presented at the Planning Committee C on 30 September 2021.

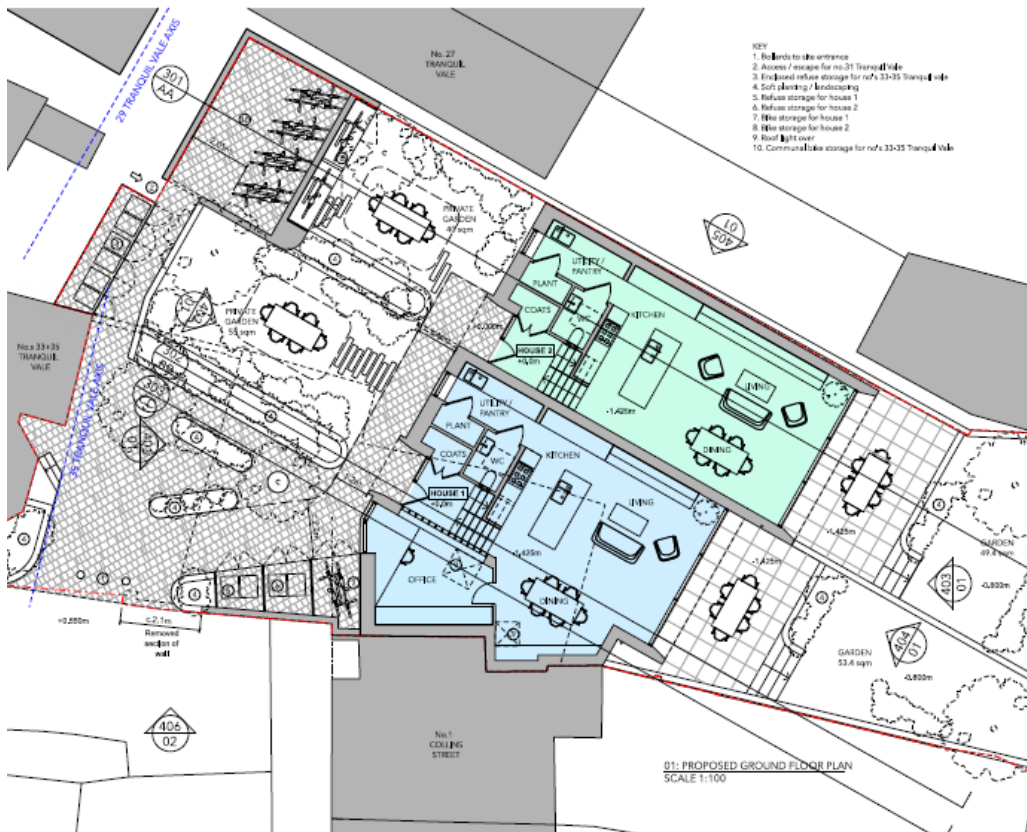


Fig.2. Revised landscaping plan to omit car parking to the front

1.3 URBAN DESIGN AND HERITAGE

1.3.1 Urban Design

Policy

4 The relevant policies are included within paras 80 and 81 of the original report.

Discussion

5 Assessment of the overall design of the proposed new dwellings is contained within paragraphs 82 to 86 of the original report.

1.3.2 Impact on the Listed Buildings

Heritage Policy

6 Relevant policies are included within paras 88, 89 and 90 of the original report.

Discussion

7 Assessment of the impact of the proposed new dwellings to the setting of listed buildings is contained within paragraphs 91, 92 and 93 of the original report.

8 Landscaping and arrangements to the front area of new houses were revised to omit car parking and a turntable and include provision of front garden areas, areas of hardstanding for pedestrian access and soft landscaping. Two bollards would be installed to the front to prevent car access on site. Revisions to the front area of the buildings to omit car parking are welcome and the conservation officer raised no objections to the revised proposal which are considered not to harm the appearance of the listed building and townscape of the conservation area.

1.3.3 Impact on Blackheath Conservation Area

Policy

9 Relevant policies are included within paras 94 and 95 of the original report.

Discussion

10 Assessment of the impact of the proposed new dwellings to the surrounding conservation area is contained within paragraphs 96, 97 and 98 of the original report.

1.3.4 Urban design and heritage conclusion

11 The urban design of the proposed buildings is acceptable and it would result in a suitable design pair of semi-detached houses, subject to adding a condition about the proposed material and in particular the shade of the proposed brick. The proposed arrangements to the front area of the new dwellings are considered acceptable in design terms.

12 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not cause harm to designated and non-designated heritage assts.

1.4 TRANSPORT IMPACT

General policy

13 Relevant policies are included within paras 101 to 104 of the original report.

1.4.1 Access

Policy

14 Relevant policies are included within para 105 of the original report.

Discussion

15 The application site has a single vehicular and pedestrian access point from Tranquil Vale. This lies at the end of a short cul-de-sac off Tranquil Vale. New residents would have to cross the road before reaching a pavement. This is considered acceptable in light of the nature of the road and the existing situation. This also was not considered a reason for refusal in the earlier appeal decision.

1.4.2 Servicing and refuse

16 Relevant policies are included within paras 107, 108 and 109 of the original report.

Discussion

17 Assessment of the overall design of the proposed servicing and refuse for the new dwellings, including reference to conditions of the development granted permission under ref no DC/19/112018 is contained within paragraphs 110 to 114 of the original report.

18 With regards to the revised proposal to the front area of the new dwellings, a refuse store would be provided at the front of the site close to the entrance to the site for both houses. The refuse storage would be within fully enclosed storage and would accommodate two standard wheelie bins for each house. This is sufficient to meet the refuse and recycling requirements for the development.

1.4.3 Local Transport Network

Policy

19 Relevant policies are included within paragraph 115 of the original report.

Discussion

20 Assessment of the impact of the proposed new dwellings to the local transport network is contained within paragraph 116 of the original report.

1.4.4 Transport modes

Cycling

Policy

21 Relevant policies are included within paragraph 117 of the original report.

Discussion

22 Assessment of the proposed cycle parking for the new dwellings, including reference to the conditions of the development granted permission under ref no DC/19/112018 is contained within paragraphs 118 to 120 of the original report.

23 With regards to the revised scheme, two cycle parking spaces would be provided close to the entrance of one house and within the front garden of the other. The cycle storage would be safe, accessible, fully enclosed and as such is consider acceptable and compliant with provisions of Policy T5 of London Plan.

Private cars

Policy

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

25 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 5 and above should be car free.

Discussion

26 The revised proposal would not provide on-site car parking nor the car turn-table that was initially proposed to facilitate entry/exit to the site. This is considered to address the requirements of London Plan, Policy T6, and Table 10.3 for car-free parking in areas of PTAL 5 and 6.

27 The application site is within Blackheath CPZ (Controlled Parking Zone). Concerns have been raised about the creation of parking pressure in the local area. Even though a Parking Survey was not submitted at this stage, officers consider that legal agreement is necessary to secure that future occupants would not be able to obtain parking permit for the local CPZ. As such, the revised proposal would not be considered to result in an unacceptable increased parking stress in the surrounding. Officers note that the developer has responded to committee's concerns regarding the level of parking provision raised at the previous Committee C meeting. Officers consider the removal of the parking and turn-table and restriction on parking permit strikes a balance between the previous appeal decision and changes to the policy context since the appeal decision was issued.

1.4.5 Construction impact

Policy

28 Relevant policies are included within paragraph 124 of the original report.

Discussion

29 Assessment of the construction impact during construction of new dwellings, is contained within paragraph 125 of the original report.

1.4.6 Transport impact conclusion

30 The revised development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended.

1.5 LEGAL AGREEMENT

31 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:

- Necessary to make the development acceptable
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

32 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.

33 This case needs a 'S106' agreement to mitigate the impacts of the development in terms of preventing future occupiers from access to residents parking permits for the local CPZ. Heads of Terms were sent to the applicant and expected to be signed and agreement drafted following the planning committee meeting.

34 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).

1.6 CONCLUSION

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

36 The revised proposed development is acceptable in terms of its scale, form, design, material and impact on heritage assets including the conservation area, the NDHA and nearby listed buildings. The revised proposal is not considered to result in an unacceptable impact on neighbours in terms of overlooking, loss of daylight/sunlight, noise or disturbance. It was also considered that the proposal would not negatively impact on the local transport network or parking.

37 In light of the above, it is recommended that this planning permission is approved subject to conditions and informative.

1.7 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 and drawings hereby approved and as detailed below:

- G218-100; G218-101; G218-121; G128-122; G218-130; G218-131; G218-140; G218-141; G218-142; G218-143; G218-220; G218-301; G218-302; G218-303; G218-403; G218-404; G218-950; G218-951; G218-953 received on 20 May 2021.
- G218-102; G218-120 Rev A received on 2 July 2021.
- G218-210 Rev A received on 13 July 2021.
- G218-405 Rev A and End of terrace treatment in surrounding area study received on 2 August 2021.
- G218-SK-050 Landscape plan received on 26 January 2022.
- G218-201 Rev B; G218-202 Rev B; G218-203 Rev A; G218-204 rev A; G218-221 Rev B; G218-401 Rev A; G218-402 Rev A; G218-406 Rev A received on 28 January 2022.
- 01 rev A4 received on 7 February 2022.

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.

3) CONSTRUCTION MANAGEMENT PLAN

Notwithstanding the submitted Construction Management Plan prepared by Gruff, prior to commencement of any works on site, including any site clearance or demolition, the Construction Management and Logistic Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:-

- a) Confirmation that vehicles that would be used during construction of the development can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway
- b) A site plan showing:
 - a. security fencing/hoardings;
 - b. site access points;
 - c. office / welfare accommodation;
 - d. where vehicle loading will occur;
 - e. storage of materials;

- f. storage of Waste / skips;
- g. detail of scaffolding
- c) Dust mitigation measures
- d) The location and operation of plant and wheel washing facilities
- e) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- f) 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 including any temporary arrangements for pedestrians, including access to neighbouring properties
- 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: 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) MATERIALS

- a) Notwithstanding the submitted plans, a sample panel showing brick type, reconstituted precast stone, bond, pointing colour and profile shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- b) The scheme shall be constructed in those materials as approved under part (a) of this condition.

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

5) REFUSE AND RECYCLING

- a) Notwithstanding the submitted plans, no development beyond the superstructure shall commence until details of refuse and recycling facilities including food waste bin have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) of this condition 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).

6) **GREEN ROOF DETAIL**

- a) Notwithstanding the submitted plans, detail of the green roofs shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The detail for green roofs shall be:
 - (i) Biodiversity based with extensive substrate base (depth 80-150mm);
 - (ii) Include detail on the proposed type and number of plant species to be used; and
 - (iii) Include maintenance schedule.
- b) The green roofs shall be constructed in accordance with the approved detail under part (a) of this condition and shall thereafter be permanently retained and maintained.
- c) The green 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.

Reason: To comply with Policy G5 Urban greening in the London Plan (March 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).

7) **SOFT LANDSCAPING**

- a) Notwithstanding the submitted plans, furthers detail of the soft landscaping that would provide more native and wildlife friendly species shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- b) The soft landscaping design approved under part (a) of this condition shall be carried out strictly in plans and shall thereafter be permanently retained and maintained.
- c) 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: 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.

8) **BOUNDARY TREATMENT AND HARD LANDSCAPING**

- (a) Notwithstanding the submitted plans, prior to superstructure works full detail and drawings showing hard landscaping and boundary treatment of any part of the site not occupied by buildings (including details of the

permeability of hard surfaces and manufacturer's literature to show the materials clearly) 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.

9) **WILDLIFE BOXES**

- a) Detail of four bird nesting boxes, four bee bricks and two bat roosting boxes shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- b) The wildlife boxes and bricks as approved under part (a) of this condition shall be incorporated in the construction of the development hereby permitted.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

10) **CYCLE STORAGE**

The cycle parking facilities shall be provided in accordance with plan G218-201 Rev C received on 28 January 2022 and be 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) **TREES PROTECTION**

The development hereby approved shall be carried out in accordance with all the recommendation included in the submitted of the Arboricultural Impact Assessment (prepared by Tree Radar UK LTD, reference TRUK 0149, dated 30/04/2021

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

12) **SATELLITE DISHES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on elevations or the roofs of the buildings hereby approved.

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

13) **PLUMBING AND PIPES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including other than rainwater pipes, shall be fixed on the external faces of the buildings hereby approved.

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

14) **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (EXTENSIONS)**

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

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

15) **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 windows (or other openings) shall be constructed in any elevation of the buildings 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 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

1.8 INFORMATIVES

1) **POSITIVE AND PROACTIVE STATEMENT**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further positive discussions took place during the determination which resulted in further information being submitted.

2) **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to 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) **STREET NAMING AND NUMBERING**

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

4) **FUTURE MAINTENANCE**

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air space. Therefore, any building are required to be situated at least 2m from Network Rail's boundary

5) **PLANT AND MATERIALS**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail

Appendix 1

Committee	PLANNING COMMITTEE C	
Report Title	29-35 Tranquil Vale, London, SE3 0BU	
Ward	Lewisham Central	
Contributors	Jesenska Ozdalga/Patrycja Ploch	
Class	PART 1	30 September 2021

<u>Reg. Nos.</u>	DC/21/121861
<u>Application dated</u>	19 May 2021
<u>Applicant</u>	ECE Planning Limited on behalf of Butcher Curnow & Company Limited
<u>Proposal</u>	Demolition of existing office building (Use Class E) and construction of two three-storey semi-detached houses with associated parking and landscaping' at the rear of 29-35 Tranquil Vale SE3 with access onto Collins Street.
<u>Background Papers</u>	(1) Submission drawings (2) Submission technical reports and documents (3) Internal consultee responses (4) Statutory consultee responses
<u>Designation</u>	(1) Blackheath Conservation Area (2) PTAL 5 (3) Air Quality Management Area (4) Major District Centre (5) Sustainable Drainage
<u>Screening</u>	Not applicable

1 SUMMARY

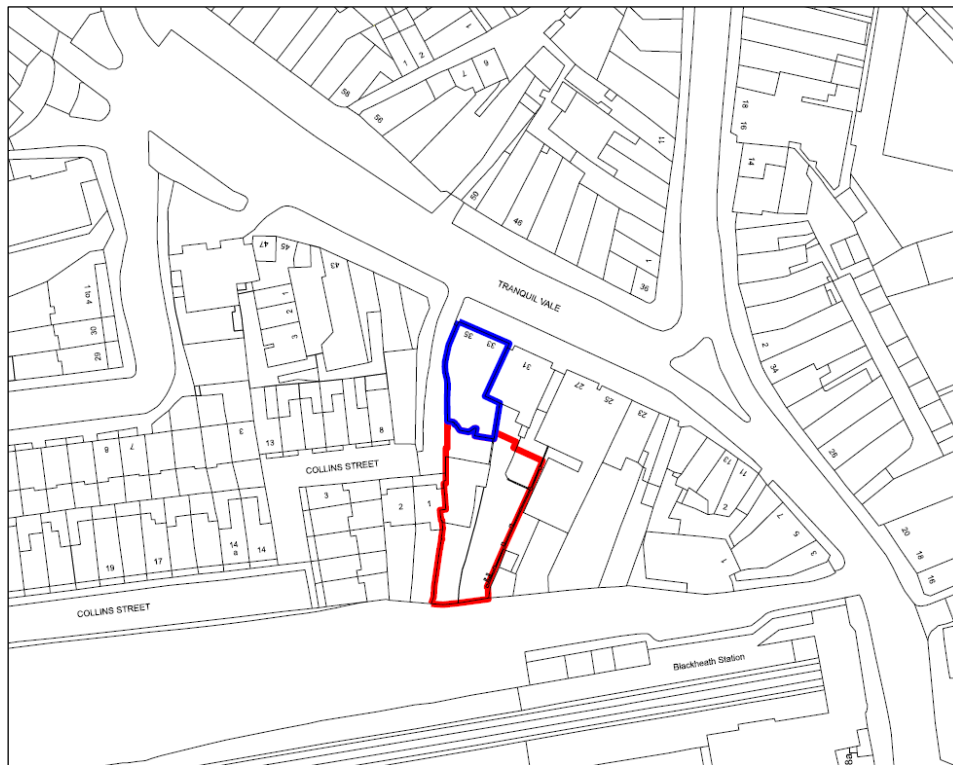
- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as more than three individual objections have been received from local residents and Blackheath Society objected.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a 0.05-hectare plot located to the rear of Nos 29-35 Tranquil Vale, which are two grade II listed 18th century buildings of which 33-35 are combined into one. The properties on Tranquil Vale are in the centre of the residential area of Blackheath conservation area. This street consists primarily of ground floor shops with accommodation or offices above. Drawing 1 shows the application site in red and other land that is in ownership of the applicant in blue.

Drawing 1: Site location plan



Surrounding development

- 3 To the north there are properties facing Tranquil Vale. To the east there are rear garden of properties facing Tranquil Vale. To the south there is Blackheath Station car park and the railway station. To the west there are residential properties on Collins Street.

Character of area

- 4 The surrounding area is predominantly residential with similarly built terraced dwellings situated on Collins Street. The Tranquil Vale has a number of mix-use properties.

Heritage/archaeology

- 5 The application site is located within Blackheath Conservation Area (Character Area 9: The village) and is adjacent to character area 9a: Collins Street and South Vale Road, which has an Article 4 Direction. The row of properties on Tranquil Vale are all Grade II listed.

Surrounding area

- 6 The site is located approximately 100m from the entrance to the Blackheath Park.
- 7 Tranquil Vale and Montpelier Vale are approximately 160m away and they provide various shops, other facilities and services.

Local environment

- 8 The site is also within an Area of Special Character and District Centre.

Transport

- 9 The site has a Public Transport Accessibility Level (PTAL) score of 5 on a scale of 1-6b, 1 being lowest and 6b the highest. It is less than 100m from Blackheath Station and Blackheath town centre.

10 Collins Street is included in Controlled Parking Zone (CPZ) BHA, which covers this part of Blackheath Mon-Sat 9am-7pm.

3 RELEVANT PLANNING HISTORY

3.1 ON-SITE

11 In 1983 planning application was granted for the erection of a new three-storey office building at the rear of No's 33-35 Tranquil Vale together with the addition of three windows and a door on the flank and rear elevations of the main building. There is no planning reference for this application, however the applicant is claiming that the permission is alive as part of the development was implemented.

12 Application reference DC/14/089427 for "change of use, alteration and conversion of Units 2, 3 & 4, 33-35 Tranquil Vale to provide 1 one-bedroom self-contained flat, 1 two-bedroom self-contained flat and 1 three bedroom self-contained flat, together with changes to the rear roofslope and installation of a new door and new gates in the existing wall fronting Collins Street" was received on 10th October 2014 and it was approved on 28th October 2015.

13 Application reference DC/18/109919 for "demolition of existing B1 office building and construction of two x three-storey semi-detached houses with associated parking and landscaping at the rear of 29-35 Tranquil Vale, SE3 with access onto Collins Street" was received in November 2018 and it was refused in July 2019 for the following reasons:

- 1) The loss of garden land belonging to the curtilage of the adjoining Listed Buildings at No.29 & 31 Tranquil Vale and the scale and extent of the proposed buildings would result in excessive and dominant development that would obscure the listed group in views from the rear, remove parts of their curtilage, and unacceptably erode their curtilage, potentially affecting their future use, viability and sustainability. This is contrary to the NPPF (2019), London Plan (2016) Policy 3.5, the adopted Core Strategy (2011) Policy CS 16 and Development Management (2014) DM Policy 33, DM Policy 36.
- 2) The proposed development by reason of its scale, form, massing, design and prominent location, would appear as an incongruous form of development, including in long views from across the railway line, causing demonstrable harm to the designated and non-designated heritage assets comprising the conservation area, the group of listed buildings on Tranquil Vale and the non-designated heritage assets adjacent on Collins Street, and their settings, contrary to the NPPF (2019), London Plan (2016) Policy 7.4 and 7.6, the adopted Core Strategy (2011) Policy CS15 and the Development Management Local Plan (2014) DMP 30, 33, 36 and 37.
- 3) The proposed development, by virtue of its height, bulk and proximity to neighbouring properties and their amenity spaces at No 1 Collins Street and No 29 Tranquil Vale, would result in material harm to the living conditions of neighbouring residents in terms of overbearing impact and loss of outlook, contrary to the provisions of Chapter 12 of the NPPF (2019), London Plan (2016) Policy 7.4 and 7.6, the adopted Core Strategy (2011) Policy CS15 and the Development Management Local Plan (2014) DM Policies 32 and 33.

14 The decision on application reference DC/18/109919 was appealed by the applicant on 30 January 2020 and it was dismissed by Planning Inspectorate (see appeal reference APP/C5690/W/19/3239930) on 4 August 2020. The appeal was dismissed and the conclusion at paragraph 22 noted that "...while the proposed development would not

prejudice the use, viability and sustainability of 29 and 31 Tranquil Vale, it would harm the setting of the listed building and the character of the CA, as well as the amenity of the occupiers of 1 Collins Street.”

3.2 PRE-APPLICATION

- 15 Pre-planning application reference PRE/20/118707 was submitted on 8th October 2020 to discuss whether the revised scheme overcame the reasons for refusal and dismissal of planning application reference DC/18/109919. The written response was issued on 26th October 2020 advising that the proposed development requires further work before it can be considered acceptable. The area that the applicant needs to work on includes the position, alignment and the space between new buildings and the frontage building.
- 16 Follow up pre-planning application reference PRE/20/119553 was submitted on 9th December 2020 to discuss the changes made following the issue of written pre-response submitted under reference PRE/20/118707. The written response was issued on 10th February 2021, advising that the proposal has improved since the last pre-application meeting. The application submitted two design Options. Officers confirmed that Option 2 responded better to previous comments and it has the potential to preserve the character and appearance of the Conservation Area and the setting of the Listed Buildings on Tranquil Vale. However, there is further work that needs to be done in relation to design of the proposed elevations, urban greening and transport and highway (in particular design of cycle parking and pedestrian approach to the site).
- 17 Further follow-up pre-planning application reference PRE/21/120753 was submitted on 9th March 2021 to discuss the alterations made following the issue of written pre-response submitted under reference PRE/20/119553. The written response was issued on 12th April 2021, advising that the applicant has positively responded to issues raised at the last pre-application meeting (reference PRE/20/119553). The remaining areas that needed to be addressed were including of rainwater goods on proposed elevations, improvement and detail of the proposed hard landscaping, impact access to the site on the eastern side of Collins Street and drawing to show that the proposal would not result in overlooking and loss of privacy to neighbouring properties.

3.3 NEIGHBOURING SITES

- 18 Application reference DC/19/112018 at 29 to 35 Tranquil Vale was for “the change of use of the units and changes to the rear roofslope, addition of new dormers, new rear windows at level 1, new and replacement doors, lowering of part of retail floor to create a level access, and other associated alterations” was received in April 2019 and approved in August 2019. This application is relevant to the current application as Condition 4 (Refuse and Recycling); Condition 5 (Cycle parking for other uses); Condition 6 (Cycle parking for residential use); Condition 7 (Soft landscaping); and Condition 11 (Rear Courtyard) relate to the area in front of the proposed houses.

4 PLANNING APPLICATION

4.1 THE PROPOSALS

- 19 The application proposes to demolish the existing office building and construct two, three storey, semi-detached houses with associated parking and landscaping.
- 20 To accommodate the proposal the site boundary would be extended to include part of garden land that currently belongs to No’s 29 and 31 Tranquil Vale. The proposed buildings have been set back and detached from the adjacent front façade of No 1

Collins Street. The orientation of the building would respond and follow that of the building facing onto Tranquil Vale.

- 21 The proposed building would be two storeys in height and they would have a skillion roof which is a single flat plane roof stretching from one side of the house to the other. The proposed materials to be accommodated in the development include slate roof tiles, a mix light grey brickwork, light reconstituted precast stone and clear glazing.
- 22 The main outlook from the proposed dwellings would be south, towards the rear gardens. The majority of the habitable rooms have been orientated to the rear façade and fenestration to allow natural light and to avoid and reduce overlooking from the front elevation to properties on Tranquil Vale.
- 23 Refuse and cycle storage is provided with green roof at the front of the properties in the main courtyard. The development would also provide and accommodate refuse and cycle parking that is required to be provided by the application approved under reference DC/19/112018 described in paragraph 17 of the report.
- 24 There would be two car parking spaces provided within the front courtyard, one for each house. A vehicle turntable is proposed to enable easy access and egress via Collins Street. A section of the existing boundary wall would be removed to improved visibility when accessing and existing the site, as well as open up the site and improve its relationship with Collins Street.

4.2 AMENDMENTS

- 25 Amendments have been made to the application and revised information submitted as set out below.
- Improvements to soft landscaping and planting proposals
 - Submission of side elevation facing east
 - Submission of proposed surface water run off appraisal

4.3 COMPARISON WITH PREVIOUS SCHEME

- 26 The refused scheme, shown in drawing 1 and 2 below, had an orientation that related to and carried on the axis of Collins Street. The front elevation had large areas of brick and had cycle and refuse storage in the single storey extension at the front. The courtyard area between the rear of building facing Tranquil Vale and proposed buildings was mainly made out from hard landscaping.

Drawing 1 and 2: Previously refused scheme



27 Drawing 3 and 4 below, shows the proposed scheme and how it has developed since the last planning application.

Drawing 3 and 4: Current proposal



5 CONSULTATION

5.1 APPLICATION PUBLICITY

28 The Council undertook statutory public consultation on the planning application and in line with the Council’s Statement of Community, Involvement letters were sent to neighbouring properties and businesses. In total 44 letters were sent.

29 In addition, a public notice was displayed outside the application site. A press notification was also issued on 2nd June 2021.

30 6 representations were received, in objection to the proposed development.

5.1.1 Comments in objection

Table 1: Material planning considerations

Comment	Para where addressed
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<i>Urban Design and Impact on Heritage Assets</i>	
The proposal would form a terrace and harm the character and appearance of Collins Street	See paragraph 94
Not in keeping with existing properties by reason of inappropriate design (massing, scale, colour and detail)	See paragraphs 81-83
The proposed houses would be too big for the street, majority of houses in the area are 2-bedroom	See paragraphs 81-82
The partial demolition of boundary wall to the left of No 1 Collins Street that is 150 years old and is part of the adjoining listed building is unacceptable	See paragraph 90
<i>Transport impact</i>	
Inadequacy of Construction Management Plan and blockages to the street from building works	See paragraph 122
Parking pressure created by the development	See paragraph 119
<i>Sustainable development</i>	
Removal of trees (outlook and wildlife)	See paragraph 149

Table 2: Non-material planning considerations

Comment	Comment
Lack of communication from the applicant about the proposed works with local residents	The applicant will be advised via an informative to better communicate with the local residents throughout the construction process.
The proposal would underpin No 1 Collins Street	Underpinning a house is the process of strengthening the building's foundations. This might have to be done to allow construction. If you are worried about structural integrity you can get a third party surveyor to check the proposed plans for underpinning the house. This is a civil matter between the two landowners.
No indication how long the development would take.	This is not a material consideration. Anyone interested is advised to contact the developer for updates on construction and completion dates.

5.2 INTERNAL CONSULTATION

- 31 Lewisham SuDS Team: no SuDS issues with this development.
- 32 Lewisham Highways: The proposal is largely acceptable subject to conditions securing further details on turntable, cycle and bin storage, electric car charging facilities, construction management plan and S278 agreement.
- 33 Lewisham Conservation: No objection, the proposal is largely acceptable with the exception of the boundary wall which needs clarifying and amending.

- 34 Lewisham Tree Officer: The proposal is largely acceptable subject to condition for further considerations and review of landscape strategy.
- 35 Lewisham Ecology: no objection subject to conditions.

5.3 EXTERNAL CONSULTATION

- 36 Ward Councillors: no response received.
- 37 The Blackheath Society: objects to the application by reason of attachment to No 1 Collins Street, no information about maintenance of proposed turntable, removal of trees, colour of bricks, site access and construction.
- 38 Historic England (Listed Buildings): no comments on the application.
- 39 Network Rail: no objection. However, due to the close proximity of the proposed works to the railway embankment and the operational railway. Network Rail requests that the applicant/developer follows Asset Protection informative to ensure that safe operation of the railway is maintained.
- 40 TfL: no response received.

6 POLICY CONTEXT

6.1 LEGISLATION

- 41 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).
- 42 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

- 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

- 46 The National Policy and Guidance comprises:

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

6.4 DEVELOPMENT PLAN

47 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

48 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

49 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

50 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.

51 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.

7.1.1 Loss of existing employment on site

Policy

52 CS Glossary defines employment as uses which fall within B1, B2 and B8 of the Use Class Order. Therefore, LP Policy E4, CS Policy 5 and DMLP Policy DM11 are relevant. These policies seek to protect employment uses on the smaller sites in office, industrial and warehouse/storage use and builders and scaffolding yards in and around town centres, district and local hubs and also those embedded in residential areas.

Discussion

53 The proposal is for the demolition of an office building (Use Class E, previous Use Class B1a) and construction of residential units (Use Class C3). The loss of office space would normally be resisted, however in making an assessment, it is important to take into account the alternatives for the site in terms of what could occur without a need for any further permissions. In light of the previous applications approved under reference DC/14/089427 and DC/19/112018 there is no objection to the loss of office building and employment use. The permission from 2019 is an extant consent which has been lawfully commenced and fall within the red line boundary line of the current development.

54 Furthermore, the Inspector, in his decision from 4 August 2020 following refused scheme under DC/18/109919, does not raise concerns with regards to the demolition of the existing office building and subsequent loss of employment space. Provision of residential accommodation

Policy

55 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

56 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.

57 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.

Discussion

58 The scheme would provide two additional residential dwellings. Although the contribution to the overall housing market would be small, this is a welcome contribution to the current annual target for Lewisham.

7.1.2 Development on back land and infill sites

Policy

59 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

60 For the purposes of DMP 33, the application site exhibits characteristics of both an infill and backland site. The part of the site directly behind No's 33-35 Tranquil Vale is the

infill site. The part of the side to the south and at the rear of No's 29-31 is the backland site.

61 The previous application (DC/18/109919) was refused because of the loss of garden land belonging to the curtilage of the adjoining Listed Buildings at No.29 & 31 Tranquil Vale.

62 The last application was appealed and Planning Inspector found at paragraph 8 that “as regards the principles of rear development behind these building which date from the early-mid C18, the historical maps indicate that there have been buildings behind Nos 33 and 35 since 1870, and behind Nos 29 to 35 since 1903. I appreciate that the original condition of these building may have been undeveloped at the back. Nevertheless, the historical development now has a bearing on their significance and is a substantial component of their setting today, wherein the rear plan of No 29 appears truncated, and the development behind Nos 33 and 35 remains in place.”

63 As the Inspector found that the proposed development would not prejudice the use, viability and sustainability of 29 and 31 Tranquil Vale. The previous objection to development of this part of the site is considered to be overcome, and the application is acceptable with regard to DM 33.

7.1.3 Principle of development conclusions

64 In light of the above, the principle of development is accepted.

7.2 HOUSING

65 This section covers the standard of accommodation.

7.2.1 Internal and external space standards

General Policy

66 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. This is reflected in relevant policies of the LP Policy D6, the CS Policy 15, DMLP Policy 32 and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

Discussion

67 The table below sets out proposed dwelling sizes in regards to the internal and external space that would be provided.

Table 3: Internal space standards – proposed v target

House	No of bedrooms	No. of persons	2 storey dwelling sqm (proposed (target))	Bedroom size sqm (proposed (target))	Amenity space sqm (proposed (target))	Built-in storage sqm (proposed (target))
1	5b	9p	156.5 (135)	B1 - 15 (11.5)	53.4 (11)	1 (3.5)
				B2 - 7.5 (7.5)		
				B3 – 13.5 (11.5)		
				B4 – 12.5 (11.5)		

				Stu - 12.2 (11.5)		
2	4b	7p	140.9 (121)	B1 - 15 (11.5)	89.4 (9)	(3)
				B2 - 7.5 (7.5)		
				B3 - 13.5 (11.5)		
				B4 - 12.5 (11.5)		

68 Officers note that the application applied for both houses to be 4-bedroom. However, given the size of the study in House 1 on the ground floor this room could be used as single bedroom. As such, House 1 has been assessed as a 5-bedroom house.

69 The proposed houses would meet the requirements of LP Policy D6 in terms of total floorspace.

70 The proposal would also meet the requirements of LP Policy D6 in terms of the size of bedrooms. The bedrooms would also be policy compliant in terms of the width of the rooms.

71 The floor to ceiling height of the dwellings would be 2.5m in accordance with DMLP Policy 32 and LP Policy D6, while the storage would also comply.

72 The proposed private amenity would exceed the required amount by LP Policy D6. Each house would have access to rear private garden. In addition, House 2 would have access to a private front garden.

7.2.2 Outlook, Privacy and Overheating

Policy

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

Discussion

74 The main outlook from the proposed dwellings would be south, towards the rear gardens. The majority of the habitable rooms have been orientated to the rear façade and fenestration to allow natural light.

75 The dwellings would benefit from good levels of privacy. Most habitable rooms have been orientated to face the rear of the site to avoid and reduce overlooking from the front elevation to properties on Tranquil Vale. Where there are windows to habitable rooms in the front elevation those are considered to be well positioned to ensure that the privacy of future occupiers is not affected.

76 The dwellings would be dual aspect. These measures are considered sufficient to avoid unacceptable overheating.

7.2.3 Daylight and Sunlight

Policy

77 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.

Discussion

78 Officers consider the daylight and sunlight levels would be acceptable. No assessment has been provided but it is not considered necessary for this scheme given its modest scale and the benefits identified in the Design and Access Statement, namely: full height windows and double aspect.

7.2.4 Housing conclusion

79 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LP Policy D6 and DMLP Policy 32.

7.3 URBAN DESIGN AND HERITAGE

7.3.1 Urban Design

Policy

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

81 LP Policy D4, CS Policy 15 and DMLP DM30, required that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity.

Discussion

82 The development site includes the office building and rear yard behind No's 33 to 35 and a large part of the rear garden of No's 29 to 31. The Planning Inspectorate did not consider that the loss of the curtilage to the rear plot of No's 29 to 31 would be harmful to the significance and future viability of these buildings. In light of this there is no objection to this part of the development in terms of urban design and heritage.

83 As part of the proposal the existing office building to the rear of No's 33 to 35 would be demolished. This building dates to the early 20th century and it is of no architectural or historical significance. There is no objection to its demolition.

84 The dismissed appeal has led to improvements over the previously refused scheme. The proposed building would now align with the listed building fronting Tranquil Vale. The change in the orientation has allowed the applicant to create a greater sense of separation between the listed buildings, the non-designated heritage assets and the proposed development. Officers are satisfied that the footprint and layout of the proposed houses responds well to the existing grain and orientation.

85 The scale and massing of the proposed houses are sensitive to the historic pattern of development and it demonstrates hierarchical subservience. The proposed house would be broadly equivalent to the neighbouring buildings. The skillion roof would allow some views of the listed building fronting Tranquil Vale.

86 Following the dismissed appeal, the elevation design has evolved and improved. The front and rear elevations have more articulation and detail in them. The side elevations would contextual in that they would mainly have blank brick side. The proposal would break from the past but there are sufficient elements rooted in the same tradition to make them sensitive indentations, compatible with the distinctive architectural character of the listed building and non-designated heritage assets and conservation area. The choice of materials is considered to complement the wider area. The proposed material palette of brick and re-constituted stone is simple and appropriate in this backland location. A material condition is proposed to ensure that the elevations of high quality and the tone of the proposed brick would relate to the other elevations in treatment.

Detail of brickwork sample panel showing brick type, bond, pointing colour and profile would be requested.

7.3.2 Impact on the Listed Buildings

87 The Conservation Officer's full comments constitute part of the background papers.

Heritage Policy

88 Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 . states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The courts have held that this duty requires decision-makers to give 'considerable importance and weight' or 'high priority' to the desirability of preserving listed buildings and their settings.

89 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Paragraph 200 of NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

90 LP Policy HC1, CS Policy 15, DMLP Policy 36 and 37 and Blackheath conservation area character appraisal and SPD are relevant. These policies seek to ensure that heritage assets are protected so that they may continue to contribute to the richness of the borough's historical environment and inform future development and regeneration.

Discussion

91 The application site is located to the rear of a group of listed buildings fronting Tranquil Vale. This listed group forms part of an important wider group from No's 3-35, forming the southern edge of Tranquil Vale and high significance in townscape terms. The group plots are long and thin, with most reaching all the way through to the station car park and access road to the rear.

92 The rising land level means that the building will be seen in the foreground of not just No's 29 to 35 Tranquil Vale but also buildings on the other side and beyond. Whilst the fact that they will partially obscure the rear elevations of the listed building is regrettable, this was not something that the Planning Inspector objected to. The elevations of the building are well developed and the skillion roof would allow some views of the listed buildings. On balance, the proposal would not result in harm to the character and appearance of the listed buildings. As mentioned above the footprint, layout and orientation of the houses would respond well to the existing grain and orientation and it would not harm the listed buildings.

93 The part of the wall and gates that are proposed to be removed are newer and non-original parts of the listed building. The gate and section of the wall are proposed to be removed to improve the visibility and the relationship of the courtyard space with Collins Street. The Planning Inspector considered that the opening of the courtyard would bring many positive aspects to the public realm over the existing conditions of the building at the back of No's 33 to 35 Tranquil Vale which add little to the townscape of the conservation area. The Conservation Officer considered that the curved planted on either side of the entrance would not be in keeping with the character of the site as they

are too polite. Officers consider that the curved edges compliment the design of the proposed house and on balance their design would not harm the appearance of the listed building and townscape of the conservation area.

7.3.3 Impact on Blackheath Conservation Area

Policy

94 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the part of LPA's when considering whether to grant planning permission for development which affects a conservation area to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of that conservation area.

95 The same planning policies apply to the assessment of the impact on the conservation area as the impact on the listed building, listed above.

Discussion

96 The site also sits adjacent to an unlisted 19th century semi-detached villa at No's 1 to 2 Collins Street which make a positive contribution to the conservation area and are considered as a non-designated heritage asset.

97 The location, scale and design of the proposed buildings sit appropriately in the site and would add to the existing collection of good quality contemporary infill development that is characteristic of the Blackheath Conservation Area.

98 The form, height and footprint of the proposed building would sit comfortably next to No 1 Collins Street. The angled building line, visual separation created by the historic wall and gap between the ground floor level will mean that the new buildings will not obscure No's 1 and 2 Collins Street nature as a semi-detached pair, and they will read instead as a new semi-detached pair adjacent to them.

7.3.4 Urban design and heritage conclusion

99 The urban design of the proposed building is acceptable and it would result in suitable design pair of semi-detached houses, subject to adding a condition about the proposed material and in particular the shade of the proposed brick.

100 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not cause harm to designated and non-designated heritage assts.

7.4 TRANSPORT IMPACT

General policy

101 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

- 102 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 103 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.
- 104 The Core Strategy, at Objective 9 and CS Policy 14, reflects the national and regional priorities.

7.4.1 Access

Policy

- 105 The NPPF paragraph 110, Part F, states that developments should ensure that safe and suitable access to the site can be achieved for all users.

Discussion

- 106 The application site has a single vehicular and pedestrian access point from Tranquil Vale. This lies at the end of a short cul-de-sac off Tranquil Vale. New residents would have to cross the road before reaching a pavement. This is considered acceptable in light of the nature of the road and the existing situation. This also was not considered a reason for refusal in the earlier appeal decision.

7.4.2 Servicing and refuse

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

- 108 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.

- 109 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

- 110 The proposed courtyard would provide servicing and refuse area for the development approved under application reference DC/19/112018 and for the proposed development.

- 111 With regards to approved development under reference DC/19/112018. Condition 4 (Refuse and recycling) detailed that no works to the residential part of the development shall commence until detail of the storage of refuse and recycling facilities is submitted and approved by the local planning authority. The proposal shows six refuse and recycling bins to the north of the site that would be in a fully enclosed storage with green roof. This is sufficient to meet the refuse and recycling requirements for the development. Officers note that Condition 4 need to be discharge under a separate application.

- 112 With regards to the new proposal, refuse store would be provided at the front of the site close to the entrance to the site for both houses. The store for each house would have a space for one standard (240l) and one standard (180l) wheelie bin. The refuse storage

would be fully enclosed storage with green roof. This is sufficient to meet the refuse and recycling requirements for the development.

113 All refuse storage areas fail to show space for food waste bin, however. This can be addressed via a condition, should Members be minded to grant planning permission.

114 The current arrangement for waste collection for properties on Collins Street are such that the refuse track reverses into the cul-de-sac to collect the bins. Servicing and deliveries would remain the same. The proposed refuse and servicing arranged are therefore acceptable.

7.4.3 Local Transport Network

Policy

115 The NPPF at paragraph 104 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

116 The application site has a PTAL of 5, which is a very good level of public transport accessibility. Officers are satisfied that the modest scale of development would prevent the need for any 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.

7.4.4 Transport modes

Cycling

Policy

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

Discussion

118 The proposed courtyard would provide cycle parking facilities for the development approved under application reference DC/19/112018 and for the proposed development.

119 With regards to approved development under reference DC/19/112018. Condition 5 (Cycle parking for other uses) required submission of detail for short and long stay cycle parking for units A, B and C. Condition 6 (Cycle parking for residential use) required submission of detail of four-cycle parking spaces for unit D and E. Unit E is where the proposal site is for the two houses. The proposal shows eight communal cycle parking spaces north-east part of the site. The cycle storage would be safe, accessible, fully enclosed and it would have green roof. Whilst commercial and residential cycle parking would be mixed given the site constraints, in this instance this is not objectionable.

120 With regards to the proposed development two cycle parking spaces would be provided close to the entrance to each house. The cycle storage would be safe, accessible, fully enclosed and it would have green roof.

Private cars

Policy

121 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent

excessive car parking provision that can undermine cycling, walking and public transport use.

- 122 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 5 and above should be car free.

Discussion

- 123 The proposal would provide two on site car parking spaces. It is noted that the refused planning application or the Planning Inspector decision did not raised issues with the proposed car parking. The applicant's reason for the provision of the car parking spaces is the fact that the courtyard was used for parking historically. Concerns have been raised about creation of parking pressure in the local area. The space on site can only accommodate two car parking spaces. The cars currently leave and exit the site without a turn-table. To make the site more usable the applicant is proposing to install a turntable. This would be an improvement on the existing situation. The responsibility to maintain the turntable would lie with future occupiers of the two houses proposed.

7.4.5 Construction impact

Policy

- 124 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

- 125 The site constraints, including the narrowness of Tranquil Vale and Collins Street and the lack of space on the site for storage of materials and receiving deliveries, impose practical concerns for the construction phase of the development. Therefore, a detailed Construction Logistics Management Plan ("CLMP") 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. A site plan showing the location of storage for materials would be required. These details would be secured within the CLMP, to be agreed prior to the commencement of any works on site, including any site clearance or demolition.

7.4.6 Transport impact conclusion

- 126 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

- 127 The properties most likely to be impacted by the proposal are Nos 29-35 Tranquil Vale and No 1 Collins Street. Other properties are considered sufficiently far from the site, or situated in such a way relative to the site, that no harm would arise.

7.5.1 Enclosure, Outlook and Privacy

Policy

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

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

- 129 DMLP Policy 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.

Discussion

Nos 29-35 Tranquil Vale

- 130 The proposed buildings would be between 10-12m away from the rear elevations of Nos 33-35 Tranquil Vale and between 18-13m away from the rear elevations Nos 29-31 Tranquil Vale. The location, mass and height of the buildings would mean that it would be in view from the ground floor flat. While the outlook from this flat would change, it would not be significantly different in terms of overbearing impact and outlook from the existing situation.

- 131 The outlook from the proposed houses has been designed to be south, towards the rear gardens. The majority of the habitable rooms have been orientated to the rear façade and fenestration to avoid and reduce overlooking from the front elevation to properties on Tranquil Vale. The impact in terms of overlooking and privacy is considered acceptable.

No 1 Collins Street

- 132 The proposed building would project past the rear elevation of the two-storey rear extension at No 1 Collins Street. The first floor of the proposed houses is stepped away from the site and it is not as deep as the ground floor part. In light of this, officers consider that the proposed property would have no overbearing impact or harmful effect on the outlook from those windows.
- 133 There would be no windows in the side elevations facing this property. Accordingly, there would be no overlooking and loss of privacy issues to the residents occupying No 1 Collins Street.

7.5.2 Daylight and Sunlight

Policy

- 134 The NPPF does not express particular standards for daylight and sunlight.
- 135 DMP 32 expects new developments to provide a 'satisfactory level' of natural lighting for its neighbours.

Discussion

- 136 The scale and position of the proposed dwelling relative to neighbouring properties' habitable rooms and their amenity spaces is such that no adverse impact on their daylight or sunlight is likely to arise. This is supported by the sun path diagrams included in the Design and Access Statement on pages 23 to 25.

7.5.3 Noise and disturbance

Policy

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

Discussion

138 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.

139 The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however Officers do not consider that to be a material planning consideration in this case due to the modest scale of development. Hours of noisy work are controlled by other legislation.

7.5.4 Impact on neighbour's conclusion

140 In light of the above, the proposed development would not have unacceptable impact on neighbouring amenity.

7.6 SUSTAINABLE DEVELOPMENT

7.6.1 Energy and Environmental Sustainability

Policy

141 LP Policy SI2 required development to minimise greenhouse gas emissions.

Discussion

142 The proposed development has been designed to be energy and water efficient through the implementation of high-level insulation, integrated solar panel system blended into the roof material, rainwater harvesting, and use of appropriate heating and ventilation system. Given the scale of the proposed development the energy strategy is considered acceptable.

7.6.2 Sustainable Urban Drainage

Policy

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

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

Discussion

145 The proposal includes permeable paving, green roofs on the cycle, refuse and ground floor extension. The proposed SuDS plan was reviewed by Council SuDS team who confirmed that the proposal is acceptable.

7.6.3 Sustainable Infrastructure conclusion

146 The proposal is acceptable in terms of Sustainable development, subject to obligation and conditions.

7.7 NATURAL ENVIRONMENT

General Policy

- 147 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 148 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 149 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 Green spaces and trees

Policy

- 150 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 151 LP Policies G5 and G7, CS Policy 12, and DMLP Policy 25 seeks to protect natural environment and improved it where possible.

Discussion

- 152 The proposal would remove two C grade trees. In addition, the stumps of six trees would be removed. All other trees on site will be retained and protected during the works. To mitigate the loss of trees, replacement planting is anticipated within the gardens of the new properties.
- 153 The proposal also includes plans for planting and soft landscaping. The Council's Ecological Regeneration Manager reviewed the application documents and plans advising that the proposal is acceptable subject to condition that would secure green roof detail, bird and bat boxes, sensitive lighting and revised detail for soft landscaping as there is room for further improvements on native/wildlife friendly species.

7.7.2 Natural Environment conclusion

- 154 The proposal is acceptable in terms of Natural Environment, subject to conditions.

8 LOCAL FINANCE CONSIDERATIONS

- 155 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).
- 156 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 157 The CIL is therefore a material consideration.

158 £19,400 Lewisham CIL and £11,640 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

159 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.

160 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.

161 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.

162 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>

163 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

164 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>

165 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

166 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

167 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.

168 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.

169 This application has the legitimate aim of providing 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

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

171 The principle of developing the site for additional residential dwellings in a sustainable urban location is acceptable and in accordance with the Development Plan, and weight is given to this planning merit.

172 The proposed development is acceptable in terms of its scale, form, design, material and impact on heritage assets including the conservation area, the NDHA and nearby listed buildings.

173 The proposal would have no unacceptable impact on neighbours in terms of overlooking, loss of daylight/sunlight, noise or disturbance. It was also considered that the proposal would not negatively impact on the local transport network or parking.

174 In light of the above, it is recommended that this planning permission is approved subject to conditions and informative.

12 RECOMMENDATION

175 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

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 and drawings hereby approved and as detailed below:

- G218-100; G218-101; G218-121; G128-122; G218-130; G218-131; G218-140; G218-141; G218-142; G218-143; G218-203; G218-204; G218-220; G218-301; G218-302; G218-303; G218-401; G218-402; G218-403; G218-404; G218-406; G218-950; G218-951; G218-953 received on 20 May 2021.
- G218-102; G218-120 Rev A received on 2 July 2021.
- Planting Design Proposal; 01 Rev A3; AS1218 01 Rev A4; G218-201 Rev B; G218-202 Rev A; G218-210 Rev A; G218-221 Rev A received on 13 July 2021.
- G218-405 Rev A and End of terrace treatment in surrounding area study received on 2 August 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.

3) **CONSTRUCTION MANAGEMENT PLAN**

Notwithstanding the submitted Construction Management Plan prepared by Gruff, prior to commencement of any works on site, including any site clearance or demolition, the Construction Management and Logistic Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:-

- i) Confirmation that vehicles that would be used during construction of the development can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway
- j) A site plan showing:
 - a. security fencing/hoardings;
 - b. site access points;
 - c. office / welfare accommodation;

- d. where vehicle loading will occur;
- e. storage of materials;
- f. storage of Waste / skips;
- g. detail of scaffolding
- k) Dust mitigation measures
- l) The location and operation of plant and wheel washing facilities
- m) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- n) 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 including any temporary arrangements for pedestrians, including access to neighbouring properties
- o) Security Management (to minimise risks to unauthorised personnel).
- p) 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) **MATERIALS**

- c) Notwithstanding the submitted plans, a sample panel showing brick type, reconstituted precast stone, bond, pointing colour and profile shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- d) The scheme shall be constructed in those materials as approved under part (a) of this condition.

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

5) **REFUSE AND RECYCLING**

- c) Notwithstanding the submitted plans, no development beyond the superstructure shall commence until details of refuse and recycling facilities including food waste bin have been submitted to and approved in writing by the local planning authority.
- d) The facilities as approved under part (a) of this condition 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).

6) **GREEN ROOF DETAIL**

- d) Notwithstanding the submitted plans, detail of the green roofs shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The detail for green roofs shall be:
 - (i) Biodiversity based with extensive substrate base (depth 80-150mm);
 - (ii) Include detail on the proposed type and number of plant species to be used; and
 - (iii) Include maintenance schedule.
- e) The green roofs shall be constructed in accordance with the approved detail under part (a) of this condition and shall thereafter be permanently retained and maintained.
- f) The green 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.

Reason: To comply with Policy G5 Urban greening in the London Plan (March 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).

7) **SOFT LANDSCAPING**

- d) Notwithstanding the submitted plans, furthers detail of the soft landscaping that would provide more native and wildlife friendly species shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- e) The soft landscaping design approved under part (a) of this condition shall be carried out strictly in plans and shall thereafter be permanently retained and maintained.
- f) 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: 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.

8) **BOUNDARY TREATMENT AND HARD LANDSCAPING**

- (c) Notwithstanding the submitted plans, prior to superstructure works full detail and drawings showing hard landscaping and boundary treatment of any part of the site not occupied by buildings (including details of the permeability of hard surfaces and manufacturer's literature to show the materials clearly) shall be submitted and approved in writing by the local planning authority.
- (d) 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.

9) **WILDLIFE BOXES**

- c) Detail of four bird nesting boxes, four bee bricks and two bat roosting boxes shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- d) The wildlife boxes and bricks as approved under part (a) of this condition shall be incorporated in the construction of the development hereby permitted.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

10) **TURNTABLE**

Details of the how turn-table would operate and be maintained shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The works shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the cars can safely egress the site and we would not approve a reverse gear manoeuvre.

11) **CYCLE STORAGE**

The cycle parking facilities shall be provided in accordance with plans G218-201 Rev B, AS1218 01 Rev A03 received on 13 July 2021 and be 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).

12) **TREES PROTECTION**

The development hereby approved shall be carried out in accordance with all the recommendation included in the submitted of the Arboricultural Impact Assessment (prepared by Tree Radar UK LTD, reference TRUK 0149, dated 30/04/2021

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30

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

13) **SATELLITE DISHES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on elevations or the roofs of the buildings hereby approved.

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

14) **PLUMBING AND PIPES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including other than rainwater pipes, shall be fixed on the external faces of the buildings hereby approved.

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

15) **ELECTRIC VEHICLE CHARGING POINT**

(a) Details of the number and/or location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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

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

16) **HIGHWAYS WORKS**

(a) No development above ground shall commence until the applicants has entered into S278 agreement with Highway Authority and details of the following works have been submitted to and approved in writing by the Local Planning Authority:

- i. Measures to minimise conflict between pedestrians accessing / egressing the site and vehicles manoeuvring in Collins Street (including changes to surface (on Collins Street) to delineate the area where pedestrians will access / egress the site and share the space with vehicles);
- ii. Measures to prevent surface water running off onto the public highway;
- iii. Reinstatement works to the highway as a result of the removal of part of the boundary wall; and
- iv. Any paint markings on the road.

(b) Prior to occupation, the works required under (a) must be completed and evidence of its completion submitted and approved by the Local Planning Authority.

Reason: In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011). This is a pre-commencement condition because the Local Planning Authority needs to be satisfied that the proposed and required highways works necessary to facilitate the development can be satisfactorily designed before development starts.

17) **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (EXTENSIONS)**

No extensions or alterations to the building(s) 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).

18) **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 windows (or other openings) shall be constructed in any elevation of the buildings 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 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

12.2 INFORMATIVES

1) **POSITIVE AND PROACTIVE STATEMENT**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further positive discussions took place during the determination which resulted in further information being submitted.

2) **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to 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) **STREET NAMING AND NUMBERING**

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

4) **DISCHARGE OF CONDITION ON OTHER APPLICATION**

The applicant is reminded that Condition 4 (Refuse and Recycling); Condition 5 (Cycle parking for other uses); Condition 6 (Cycle parking for residential use); Condition 7 (Soft landscaping); and Condition 11 (Rear Courtyard) attached to planning permission reference DC/19/112018 need to be fully discharged.

5) **PRIOR TO COMMENCEMENT CONDITIONS**

The applicant is advised that:

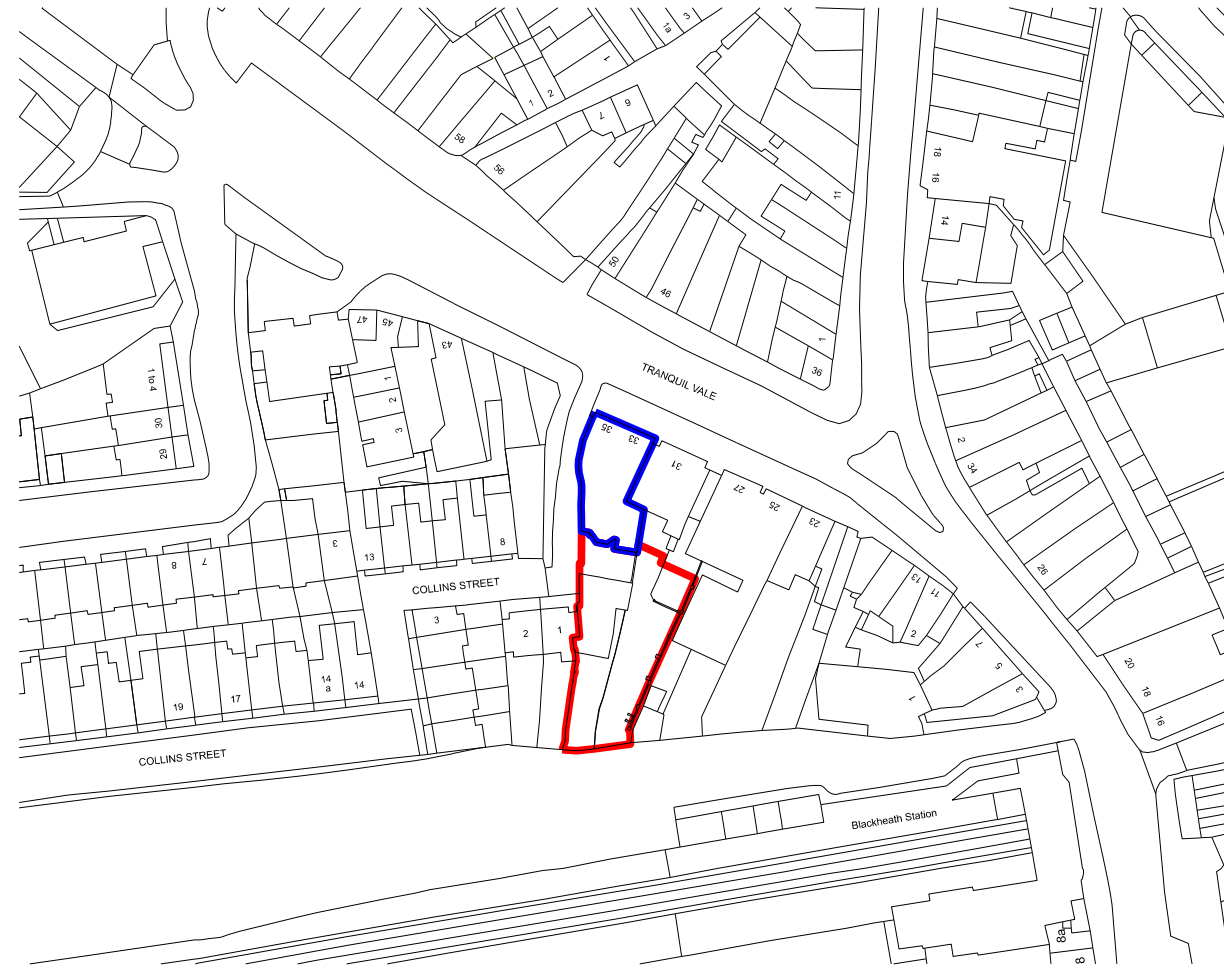
- Condition 3 require submission of detail prior to commencement of any works on site, including any site clearance or demolition.
- Conditions 4, 5, 6, 7, 8, 9, 10, 15 and 16 require submission of detail prior to any superstructure works commencing on site.

6) **FUTURE MAINTENANCE**

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air space. Therefore, any building are required to be situated at least 2m from Network Rail's boundary

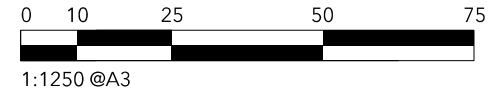
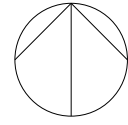
7) **PLANT AND MATERIALS**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail



01: SITE LOCATION PLAN
SCALE 1:1250

Note
Do not scale from this drawing.
Use figured dimensions only.
Dimensions given in mm unless otherwise stated.
All dimensions to be checked on-site.
Any discrepancies to be reported to the architect
before any work commences.
Gruff Limited ©



Rev	Chk By	Reason	Date
-	RM	Planning issue	May 2021

Client
BUTCHER CURNOW & CO

Project
29-35 TRANQUIL VALE

Title
SITE LOCATION PLAN

Date	Drawn by
April 2021	RM

Scale @ A3	Purpose
1:1250 @ A3	P

Number	Rev
G218-100	-

gruff

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29-35 Tranquil Vale, London, SE3 0BU

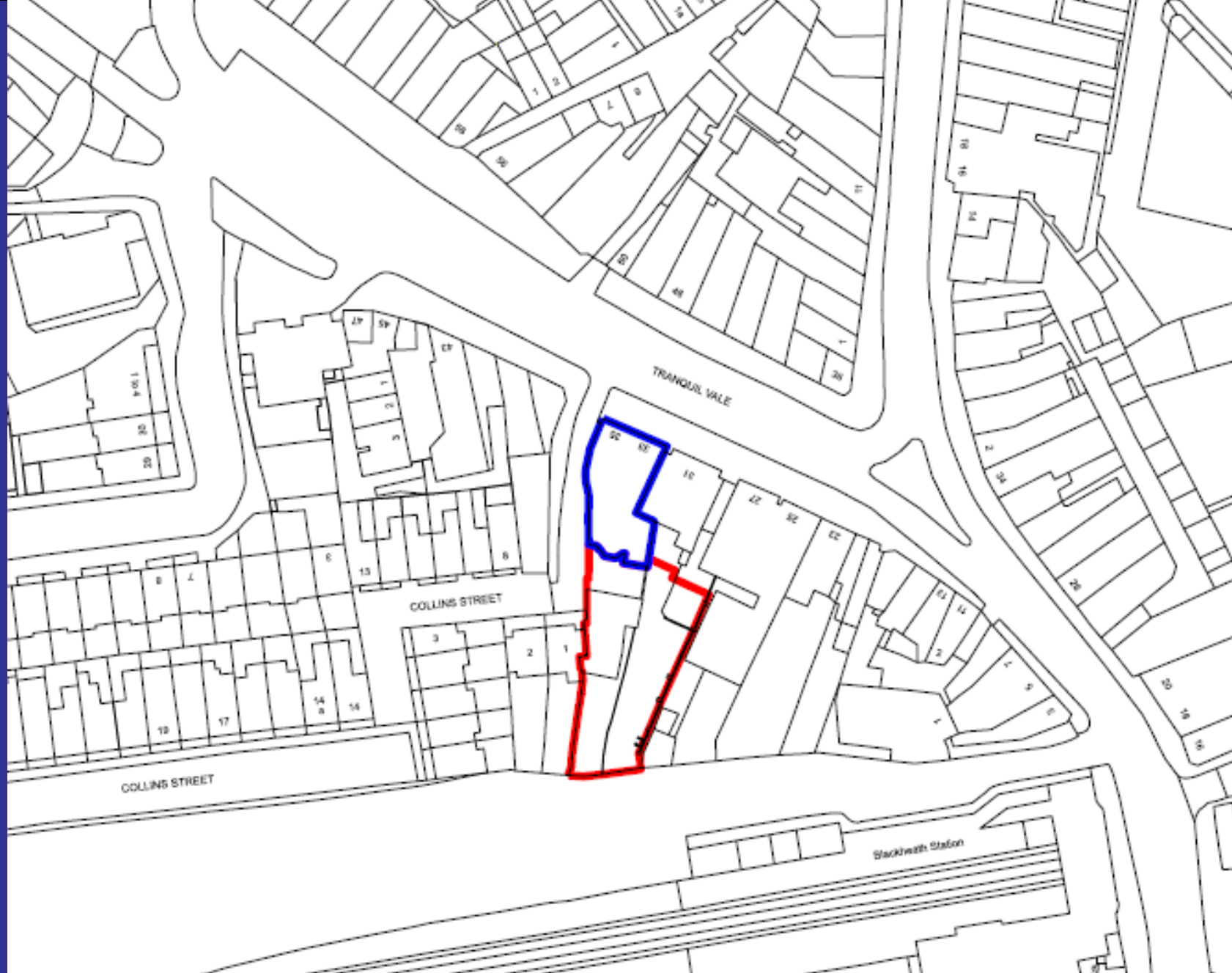
Application No. DC/21/121861

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



This is an application for:

Demolition of existing office building (Use Class E) and construction of two three-storey semi-detached houses with associated landscaping to the front and rear of 29-35 Tranquil Vale SE3 with access onto Collins Street.



Site location



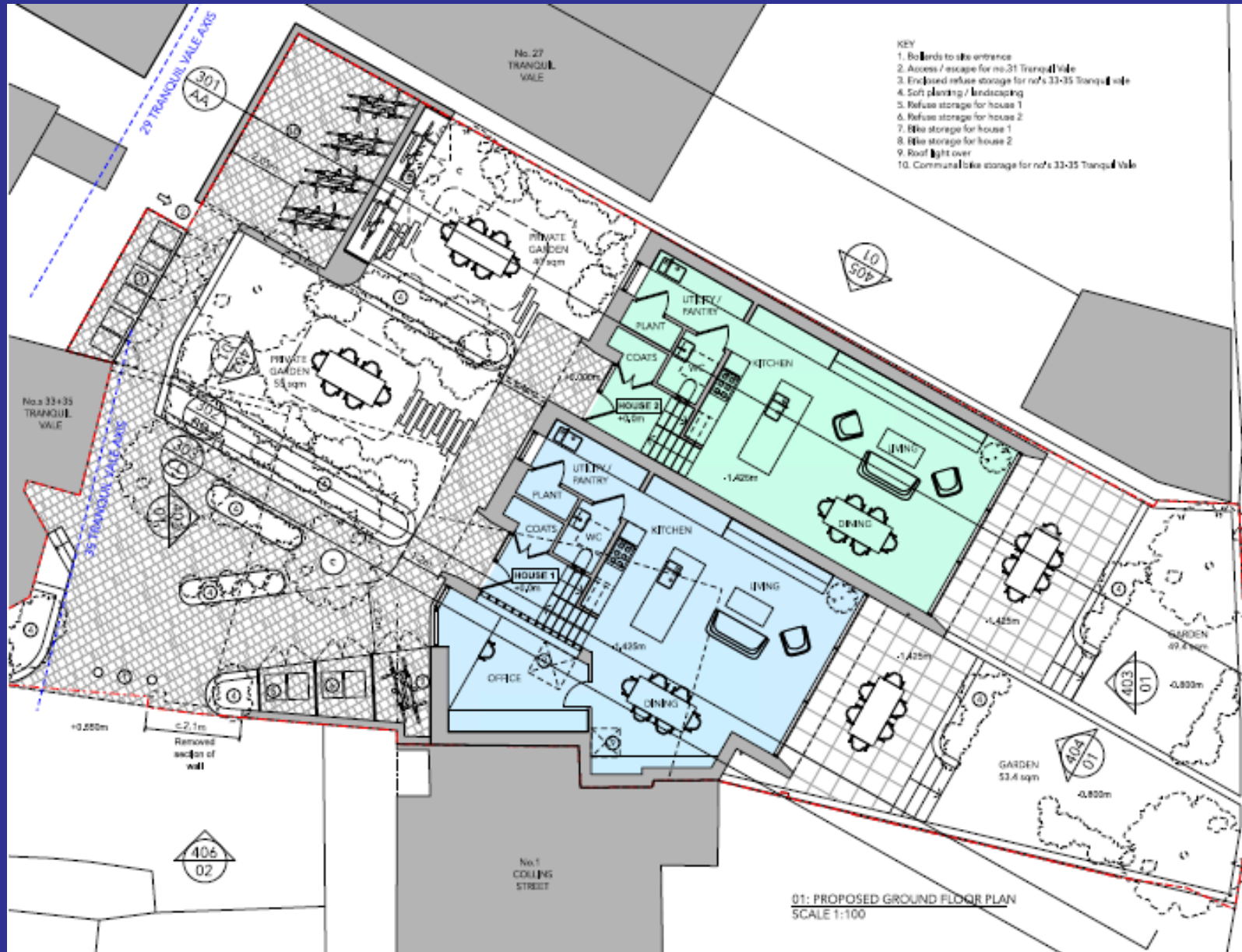




Proposed revised front area



Revised proposed soft and hard landscaping



Proposed ground floor plan

Key material planning considerations:

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

THE END





Planning Committee C

Report title:

BLACKHEATH HOSPITAL, 40-42 LEE TERRACE, LONDON, SE3 9UD

Date: 24th February 2022

Key decision: No

Class: Part 1

Ward(s) affected: Blackheath

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to, the conditions and informatives

The report has been brought before Committee for a decision due to the submission of seven objections from local residents and one objection from a Hatcliffe Close Residents Association.

Application details

Application reference number(s): DC/21/123944

Application Date: 19 October 2021

Applicant: Walsingham Planning submitted on behalf of Circle Health Group

Proposal: The installation of a rooftop plant and all associated works at Blackheath Hospital 40-42 Lee Terrace SE3.

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

Designation: PTAL 4
Local Open Space Deficiency
Air Quality
Blackheath Conservation Area
Locally List Building

Screening: Not applicable

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is located on the southern side of Lee Terrace between the residential streets of Hatcliffe Close and Tristan Square. Adjoining the rear of the property are two-storey semi-detached and detached residential dwellings fronting Lock Chase.
- 2 The application property is the BMI Blackheath Hospital which is formed of Nos. 40 and 42 Lee Terrace, No. 40 Lee Terrace is to the west and No. 42 Lee Terrace is to the east. No 42 features a grey brick (now painted) façade with stucco dressings while No 40 has a wholly stuccoed finish with tower.
- 3 The two buildings merged around 1983 when a new link building was built between to allow the site to be used as a single hospital, No. 40 Lee Terrace was also extensively rebuilt and extended at this time.

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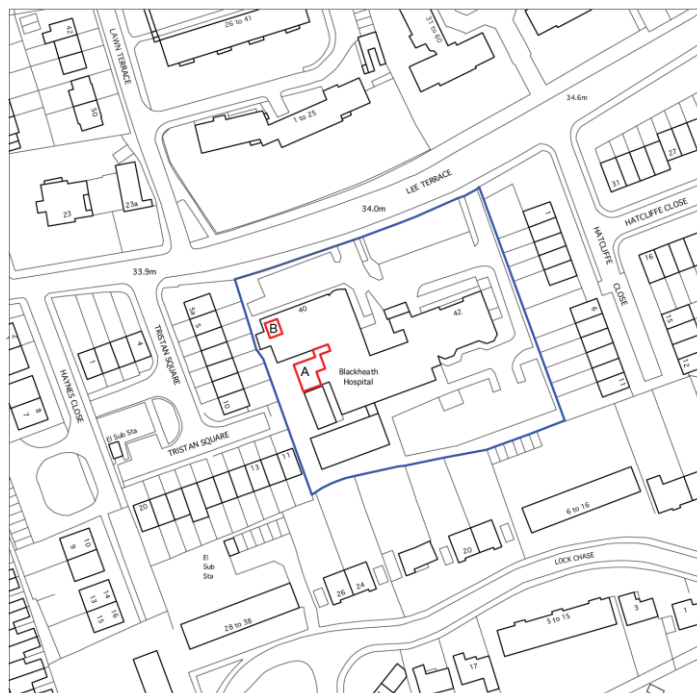


Figure 1 – Site location plan

Character of area

- 4 The hospital is bounded by residential development with Hatcliffe Close adjoining the site to the east, Tristan Square to the west and Lock Chase to the south.

Heritage/archaeology

- 5 The application site is located within the Blackheath Conservation Area and contains two locally listed buildings, which form the principal elevation of the Hospital to Lee Terrace.
- 6 The Local List Descriptions are as follows:

No 40 Lee Terrace

Villa. Detached. 1868. Stucco, stone and slate. Central/principal section built to three storeys with basement and tower. Four bays. Corniced string at second floor level. Slightly projecting quoined entrance bay to left. Flat-arched entrance flanked by Tuscan columns and surmounted by round-arch window with splayed moulded reveal and keystone. This surmounted by cambered-arch window with keystone and decorative stone balustrade; this supported by large enriched brackets. Above parapet, terminates in tower with pyramidal roof, finial and deep projecting eaves with paired brackets. One round-arch window flanked by two blind round-arch windows. To right, low pitched roof surmounted by decorative iron balustrade. To left, bowed section of three bays with half-blind six-pane sashes surmounted by stone balustrade parapet. Corniced string at first floor level. To right, two storey, two bay extension under plain parapet with further, recessed extension of one bay. With no. 42, now part of Blackheath Hospital.

No 42 Lee Terrace

Villa. Detached. 1870. Latterly painted brick and slate with stone and stucco Blackheath Conservation Area dressings. Two storeys with attics. Symmetrical façade. Three bays flanked by two projecting bays. Pitched roof to central section, pyramidal roof with highly

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decorative oculus dormers to projecting bays. Deep bracketed eaves. Central bays have replaced casements with at first floor, fine iron balconets over corniced string. Ground floor windows are flat arched with central flower motif and spaced by archlevel nail-head strings. To projecting bays, three-light sash windows to ground floor separated by plain columns and flanked by plain pilasters. Columns and pilasters surmounted by variation on composite capitals. To first floor, three light sashes similarly divided but surmounted by plain frieze with central cherub motif enriched by foliage. This in turn surmounted by flat cornice with central camber. Original bricks dark grey. Although now painted, original effect of contrasting brick and stucco still clear. With no. 40, now part of Blackheath Hospital.

Local environment

- 7 The site falls within Air Quality Management Area.

Transport

- 8 The site has a Public Transport Accessibility Level (PTAL) score of 4 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 9 Blackheath Railway Station is located approximately 0.2 miles to the north-east of the application site.

2 RELEVANT PLANNING HISTORY

- 10 There have been fifteen applications on this site historically, the most recent applications are:-
- 11 **DC/21/124085:** Certificate of Lawfulness (proposed) pursuant to The Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 7, Class M for the construction of a single-storey entrance lobby extension at the front of Blackheath Hospital, 40-42 Lee Terrace SE3. **Granted**
- 12 **DC/21/122611:** Construction of a single storey glazed entrance lobby extension at the front of Blackheath Hospital 40-42 Lee Terrace SE3, together with roof top plant equipment and 2 Air Conditioning condenser units on the side elevations. **Refused – reasons for refusal:**
- 1) The proposed single storey extension to the front, by reason of its scale, design and materials would be an incongruous and architecturally inappropriate addition that would result in substantial harm to the character and appearance of the host locally listed buildings and surrounding Blackheath Conservation Area contrary to NPPF (2021) Paragraph 202, Policy HC1 Heritage conservation and growth of the London Plan (March 2021); Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations and extensions to existing buildings including residential extensions; 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens; DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest and the Blackheath Conservation Area Appraisal and SPD

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- 2) By virtue of insufficient details and mitigation measures on proposed equipment (external plant, air handling equipment and air condition condenser units) the proposal fails to demonstrate that there would be no adverse impact on surrounding properties in terms of increased noise contrary to Paragraph 130 of NPPF (2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy 26 Noise and Vibration and 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

- 13 **DC/16/099401** - Application submitted under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment to allow the variation of Condition (1) of the planning permission DC/03/54427 dated 23 September 2003 for the construction of a single storey modular building linked to the rear of Blackheath Hospital, 40-42 Lee Terrace SE3 to provide additional clinical facilities for a temporary period, as amended by the minor material amendment under Section 73 (DC/15/92524) granted on 27th October 2015, **in order to allow the retention of the temporary building for a further year. Granted.**
- 14 **DC/15/094861** - Demolition of two existing buildings, serving as the Endoscopy Department and ancillary office space, located in the south-western corner of Blackheath Hospital, 40-42 Lee Terrace SE3, together with the construction of a part single part two-storey extension to the south-western corner of the main building for use as an Endoscopy Department and an Intensive Treatment Unit (ITU) in connection with the existing hospital use (Class C2) with ancillary plant room, new roof plant and landscaping works, including replacement trees and the provision of covered bicycle store at the far south-eastern side of the site. **Granted.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 This application relates to the installation of a rooftop plant and all associated works at Blackheath Hospital 40-42 Lee Terrace SE3.
- 16 The proposal follows the Hospital's plans to convert its in-patient bedrooms to out-patient consulting and treatment rooms following the Covid-19 pandemic.
- 17 The conversion of in-patient bedrooms to out-patient consulting and treatment rooms, requires some external plant to safely service two Ear, Noise and Throat (ENT) consulting rooms, a minor operating theatre and two treatment rooms.
- 18 The majority of this plant is proposed on an area of existing flat roof on the west side of the building as shown as Area A on drawing 201048-1002 REV P03. This consists of air handling plant. There will also be a door inserted into the north elevation of the screening department to allow for access to the rooftop.
- 19 Additionally, two VRV air conditioning system condenser units are required on the roof of the second storey. These will be set back from the north elevation parapet will be positioned to the side (east) of the stair core which is shown as Area B on drawing 201048-1002 REV P03

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3.2 COMPARISON WITH PREVIOUS SCHEME

- 20 The previous application also related to an extension, however this application deals solely with the rooftop plant equipment.
- 21 A proposed west elevation extent of visibility plan was submitted demonstrating the two AC condensing units to the front elevation would not be visible from street level.
- 22 A further noise report was submitted, which the Environmental Health Team have confirmed the mitigation measures proposed are appropriate.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 23 There was no pre-application engagement conducted by the applicant.

4.2 APPLICATION PUBLICITY

- 24 Site notices were displayed on 03 November 2021 and a press notice was published on 03 November 2021.
- 25 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 15 December 2021.
- 26 8no number responses received, comprising 7no neighbour objections and 1no objection from a resident's association.

4.2.1 Comments in objection from neighbours

Comment	Para where addressed
Increase in noise and disturbance	Para 80
Queried whether there are enough mitigation measures	para 81
Lack of screening to plant works	Para 65
Does not address the reasons for refusal of previously refused application (DC/21/122611)	Para 78
Loss of privacy from new access point onto west elevation flat roof	Para 74

- 27 A number of other comments were also raised as follows:
- 28 Concerns were raised over the existing MRI scanner and associated cooling plant on the east elevation which has been the cause of noise disturbances for a number of years. According to the objector despite planning conditions to limit the noise of these units there is still an issue surrounding noise disturbance. Officers can only make an assessment based on the proposed development.

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- 29 Comments were also made that if planning permission is granted that Lewisham should withhold permission until the issues around the MRI scanner cooling unit is resolved. The Local Planning Authority is unable to withhold any permission to compel the resolution of non-material issues unrelated to that permission. Comments were received alleging the exact positions of the proposed units are unknown. Officers consider the position of proposed development is shown on the plans. If any development is not installed as approved, this would be an enforcement matter.
- 30 Comments were also received which questioned whether the drawings are detailed enough to make a full assessment, Officers consider that that the proposed drawings are adequate for an assessment to be carried out.
- 31 A number of comments were raised relating to a previously installed TV aerial, lopping of trees, and the staff smoking area. These are not material planning considerations in the assessment of this application.
- 32 Comments were received that stated no alternative locations were proposed for the plant equipment, Officers do not consider this necessary as it would appear from the noise report that adequate mitigation would limit the noise generated to acceptable levels.

32.1.1 **Comments in objection from residents association**

Comment	Para where addressed
Increase in noise and disturbance	Para 80
Queried whether there are enough mitigation measures	para 81

- 33 A number of other comments were also raised as follows:
- 34 Comments were received relating to a previous grant of planning permission that had not complied with permitted noise levels. Officers are only able to make an assessment whether the proposed development would be acceptable in terms of design and impact on neighbouring amenity, they are not able to make an assessment on the previously approved application. This would be a planning enforcement matter.

4.3 INTERNAL CONSULTATION

- 35 The following internal consultees were notified on 15 December 2021.
- 36 Environmental Protection: raised no objections subject to conditions. See para 78 for further details.
- 37 Conservation: raised no objections subject to conditions. See para 62 and 64 for further details.

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5 POLICY CONTEXT

5.1 LEGISLATION

38 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).

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

5.2 MATERIAL CONSIDERATIONS

40 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.

41 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.

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

43 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

44 Lewisham SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Blackheath Conservation Area Character Appraisal

6 PLANNING CONSIDERATIONS

45 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

46 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.

47 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.

48 LP Policy S2 states that development proposals that support the provision of high-quality new and enhanced health and social care facilities to meet identified need and new models of care should be supported.

49 The Development Plan is generally supportive of health facilities extending or altering their premises. The principle of development is supported, subject to details.

6.1.1 Principle of development conclusions

50 The principle of development is supported.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSET

General Policy

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

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

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- 53 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 54 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

Policy

- 55 London Plan Policy D3 states that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. It should also be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 56 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 57 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 58 DMLP 30 - Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.
- 59 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.
- 60 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 61 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

Discussion

- 62 The extent of visibility plans submitted confirm that the two AC condenser units installed at roof level to Area B would not be visible from the front of the property. Conservation Officers concluded based on the information submitted that there would be no harm to the host property which is a locally listed building and within the conservation area.

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- 63 The proposed plant equipment to Area A would not be visible from the public realm and as such is not considered to adversely affect character and appearance of host building and conservation area. The equipment is modest in size and would be set against the backdrop of the existing building.
- 64 Conservation Officers requested that the GRP enclosure is painted the same colour as the render to the front of the building, this will be secured by way of condition.
- 65 Although there had been an objection over the proposal's design and lack of proposed screening to the whole plant equipment in Area A, given its location and the existing use of the site Officers do not consider it necessary to provide screening to all of the plant equipment in Area A. It is also noted that there are trees and shrubs on the boundary of the hospital with the properties that back onto it on Tristan Square would provide natural screening of the plant equipment.
- 66 The proposed insertion of a door into the first floor level to the west elevation would allow access to the flat roof that would contain the main plant equipment, this door is considered acceptable and given that the proposed door would be located in a non-original part of the building.
- 67 Officers consider that the current proposal would lead to no harm to the Blackheath Conservation Area and the locally Listed Building.

6.2.1 Urban design and impact on heritage assets conclusion

- 68 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of Blackheath Conservation Area.
- 69 Officers consider the proposals design to be acceptable subject to conditions.

6.3 IMPACT ON ADJOINING NEIGHBOURS

General Policy

- 70 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.
- 71 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32).
- 72 The main impacts on amenity that generally arise from this type of development include: (i) loss of privacy; (iii) noise and disturbance.

6.3.1 Privacy

Policy

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73 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy for its neighbours

Discussion

74 Concerns were raised through objections that the proposed door to the west elevation flat roof would reduce the privacy of Tristan Square properties which back onto the elevation where the main plant equipment would be located. Officers are satisfied that this rooftop would not become a rooftop terrace and the access door would be used to access the equipment for maintenance purposes only.

6.3.2 Noise and disturbance

Policy

75 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

76 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.

77 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

78 A Noise Assessment has been submitted, undertaken in accordance with BS4141:2014 “Methods for Rating Industrial and Commercial Sound, 2014” (Reference 1) which provides the method for rating the effects of industrial and commercial sound on residential areas. The noise impact assessment report was reviewed by the Environmental Health Officer and considered acceptable subject to a pre-commencement condition securing a ventilation system report in order to mitigate air pollution.

79 Table 1 on page 7 of the Assessment states the most noise sensitive receivers were calculated to have a background sound level of 45dB during the daytime period and 44dB 24 hour operation. This report considers the proposed plant equipment, both within buildings and located within acoustic enclosures on the roof, and concludes that the

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proposal would achieve maximum noise emission levels which are 5dB below the existing background level at any time.

- 80 The calculations in the report demonstrates that, with the recommended mitigation measures, noise levels associated with the proposed plant would achieve the established maximum noise levels at the nearest receptors and would therefore be in conformity with relevant BS Standards related to noise.
- 81 While it is recognised that there are already noise related issues from the hospital the proposed development with the mitigation measures as set out in the noise report would not give rise to an unacceptable increase in noise pollution which would harm neighbouring amenity. While there were objections which questioned whether enough mitigation measures have been proposed, the noise report suggests that the proposed mitigation measures would be adequate to ensure there is no increase to noise levels.
- 82 Environmental Health Officers have requested a condition be placed on any planning consent which requires a ventilation system report to be submitted prior to commencement of development in order to mitigate air pollution from the proposed plant handling equipment.
- 83 It is recommended that a condition be placed on any planning consent which requires that the noise generated not exceed the expected maximum levels as detailed in the Noise report. This condition would afford the Council additional enforcement powers to ensure that noise emissions are maintained at a neighbourly level. Officers are satisfied that the submitted noise assessment report addresses the reasons for refusal of (DC/21/122611) and there would not be an unacceptable increase in noise.

6.3.3 Impact on adjoining neighbours conclusion

- 84 Officers consider the proposed development would not give rise to an unacceptable impact on the living conditions of neighbours subject to conditions

7 LOCAL FINANCE CONSIDERATIONS

- 85 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).

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

- 87 The CIL is not liable and is therefore not a material consideration.

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8 EQUALITIES CONSIDERATIONS

88 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.

89 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.

90 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.

91 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>

92 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

93 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>

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

9 HUMAN RIGHTS IMPLICATIONS

95 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

96 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.

97 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.

98 This application has the legitimate aim of providing additional capacity with health uses. The rights potentially engaged by this application, including Article 8 and Protocol 1 Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

100 Officers consider that the proposals would enable the Hospital to provide additional out-patient services which would not negatively affect the character and appearance of the host property and Blackheath conservation area. Through the imposition of planning conditions impact's on urban design and the amenities of adjoining occupiers will be appropriately mitigated.

11 RECOMMENDATION

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

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11.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

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

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

2) **APPROVED PLANS**

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

201048-1000 REV P03; 201048-1001 REV P03; 201048-1001 REV P03; 201048-1005 REV P01; 201048-1006 REV P02; 201048-1007 REV P01; 201048-1008 REV P02; 201048-1010 REV P02; 201048-1011 REV P01; 201048-1013 REV P1; R9080-1 REV 1 (**Received 19 November 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) **NOISE ASSESSMENT**

(a) In accordance with the Noise Assessment (Technical Report: R9080-1 Rev 1 dated 27 September 2021) 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) 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).

4) **MATERIALS**

The hereby approved GRP enclosure shall be painted to match the colour of the front elevation as shown on plan 201048-1010 REV P02 and maintained thereafter.

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

5) **Ventilation**

Prior to the commencement of development, a Ventilation system report in order to mitigate air pollution shall be submitted to and approved in writing by the Council. The report shall include the following information:

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- a) Details and locations of the air intake locations of the mechanical ventilation system, or
- b) Details of filtration system to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, and Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890.

Ventilation intakes shall be positioned a suitable distance away from chimney/boiler flues, ventilation extracts, and roads. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. A post installation certificate of the approved ventilation strategy shall be submitted to the Council for approval prior to the occupation/use of the development. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policy 5.3 and 7.14, and NPPF 181.

11.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

102 Thomas Simnett Thomas.simnett@lewisham.gov.uk 020 8314 6284 (ext. 46284)

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Blackheath Hospital

SE3 9UD

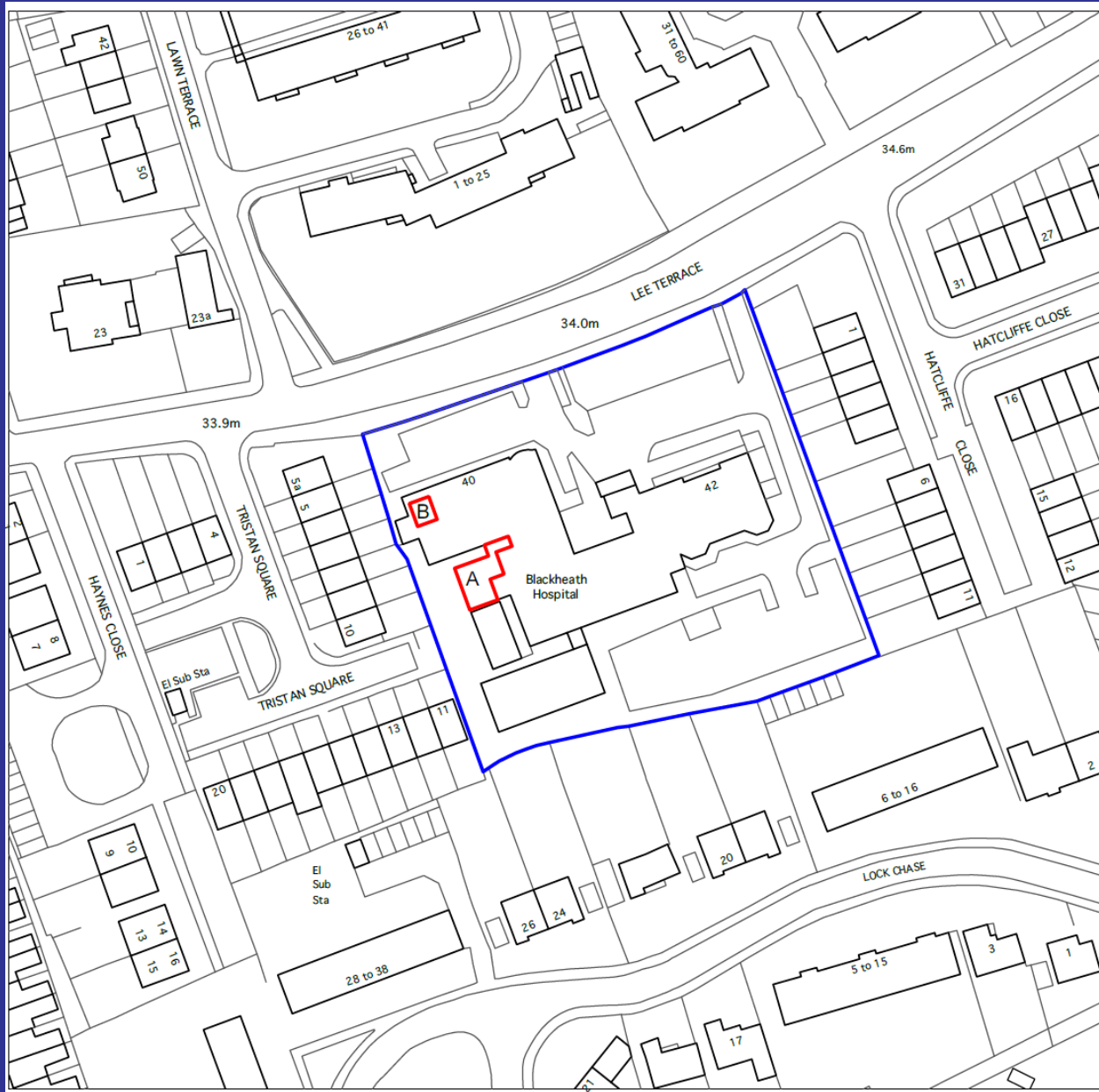
Application No. DC/21/123944

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



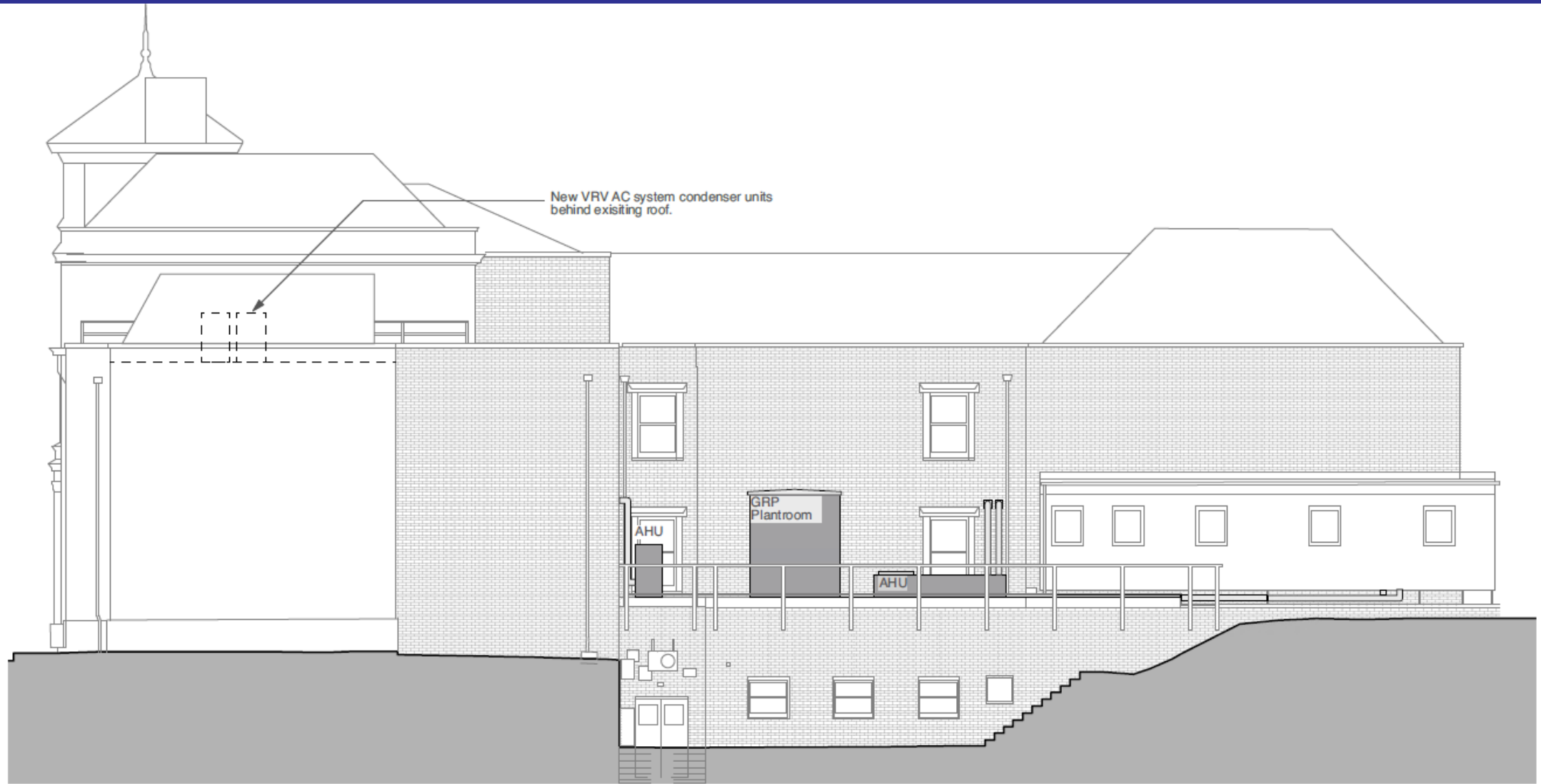
The installation of a rooftop plant and all associated works at Blackheath Hospital 40-42 Lee Terrace SE3.





Site Location Plan



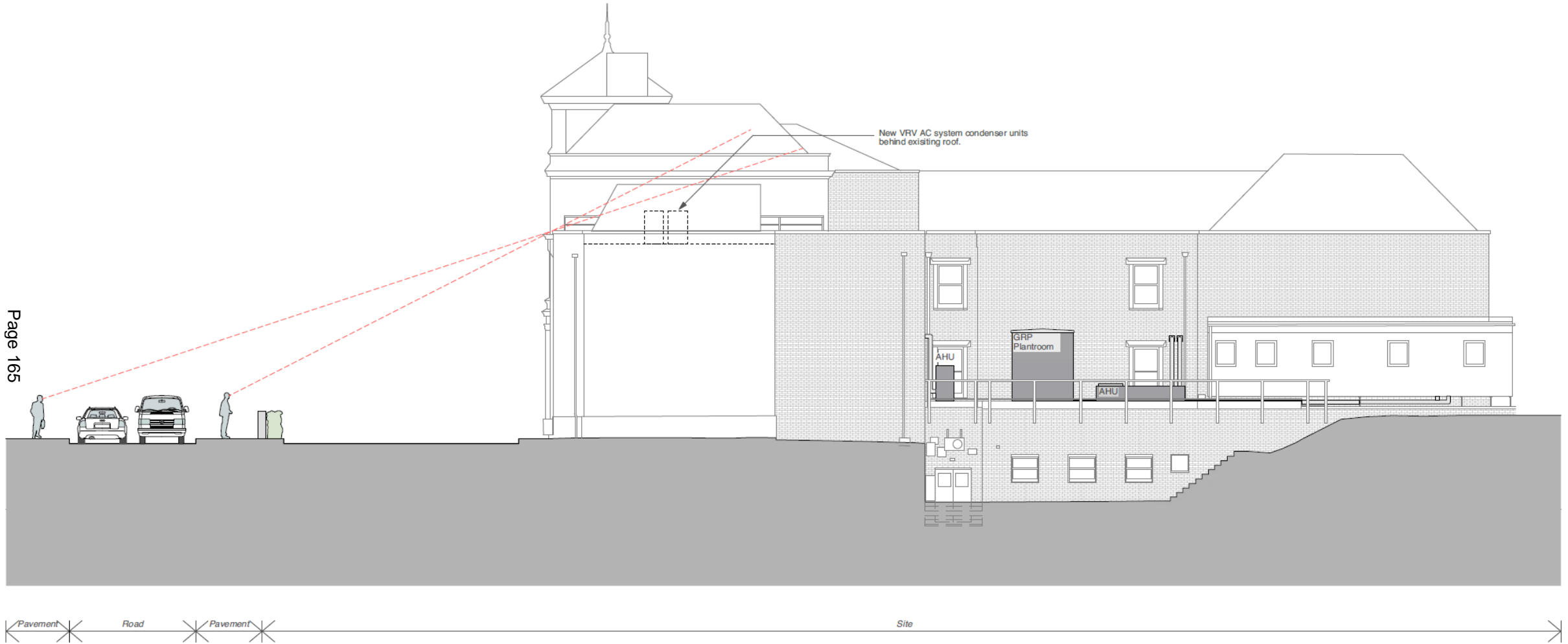


Proposed West Elevation



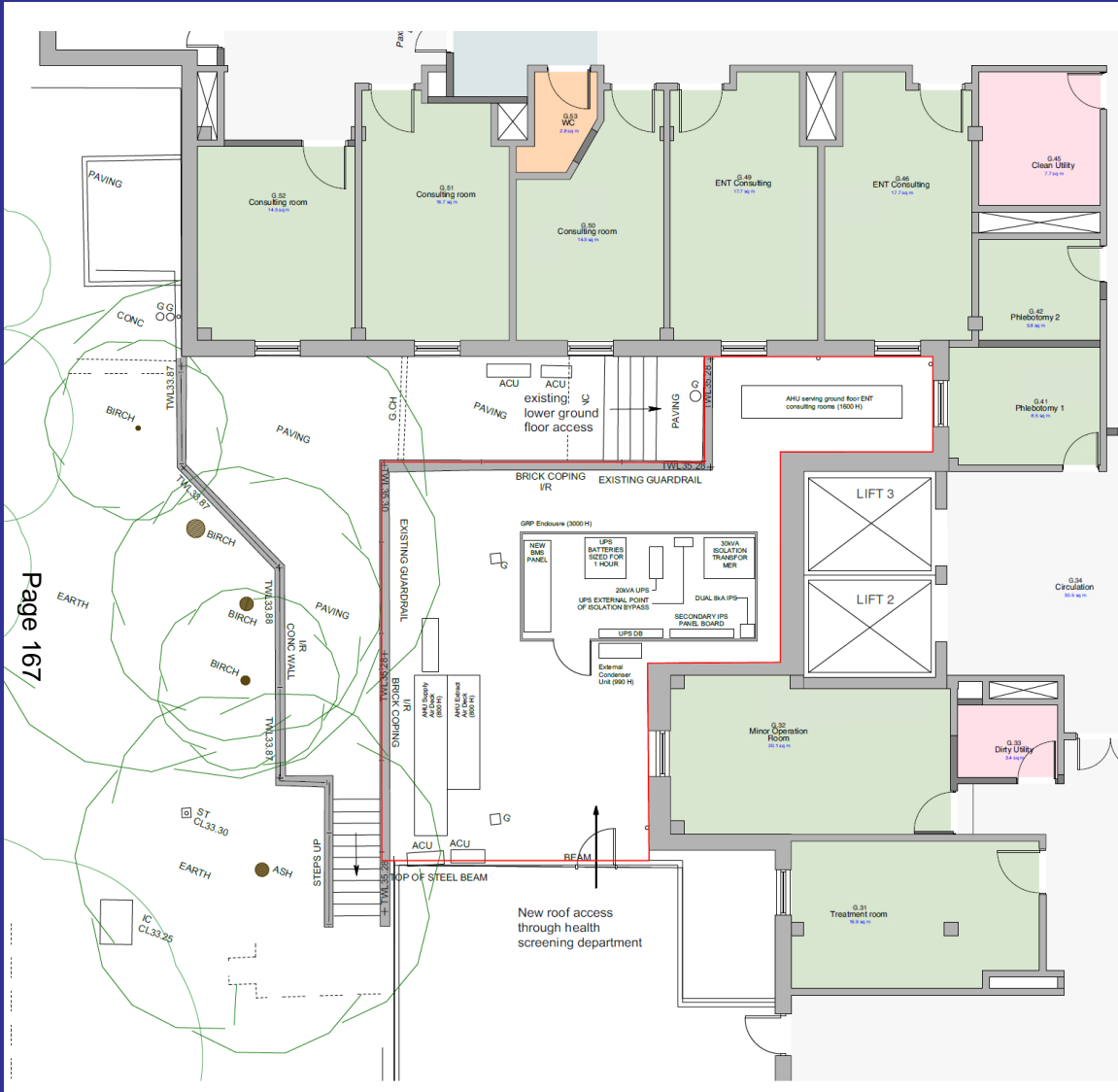
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Proposed North Elevation

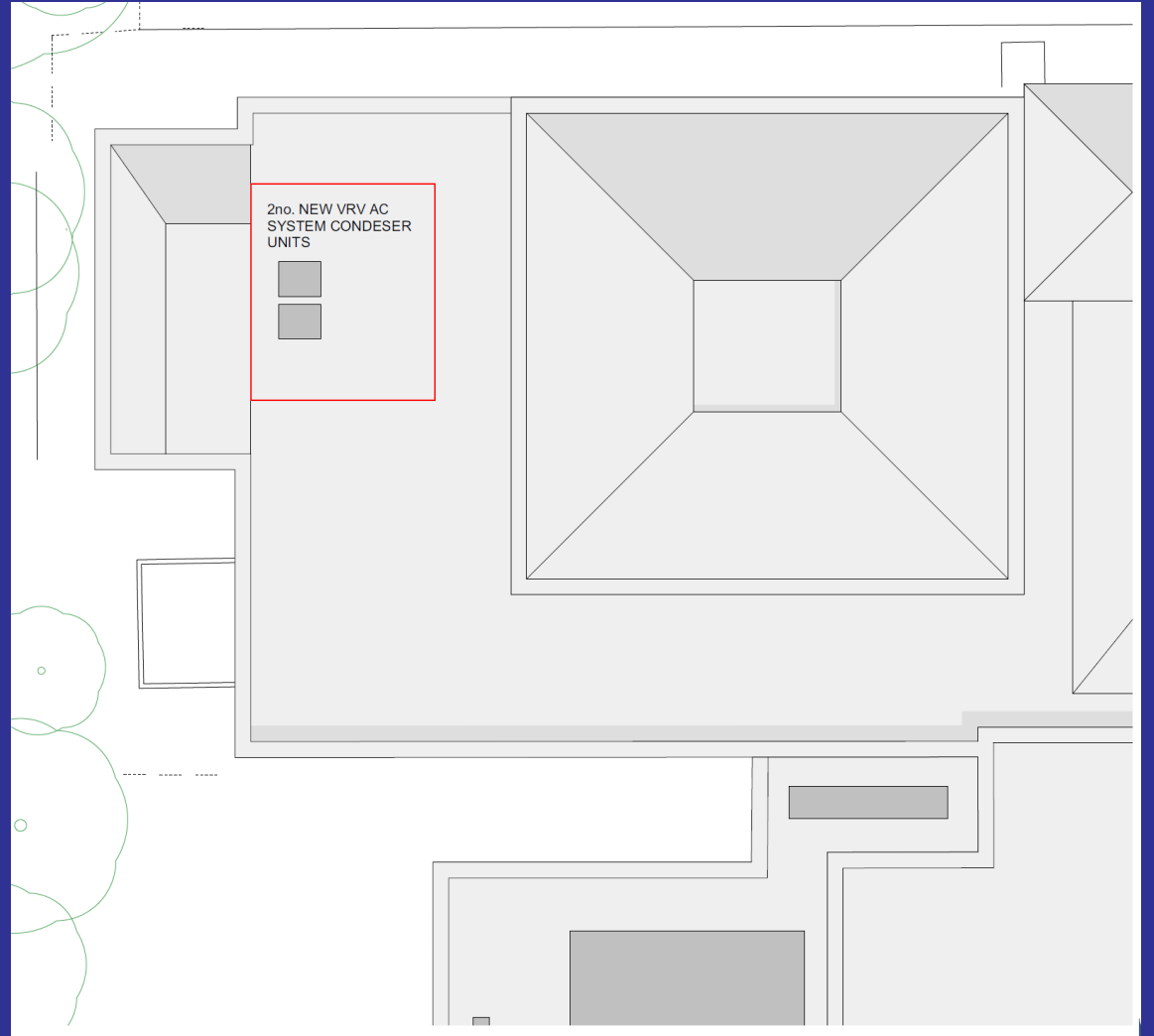


Key planning considerations

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



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Planning Committee C

Report title:

Lewisham Way Youth and Community Centre, 138 Lewisham Way, SE14 6PD.

Date: 24 February 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Brockley

Contributors: Jesenka Ozdalga

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of five objections from neighbouring properties and one objection from a conservation area society.

Application details

Application reference number(s): DC/21/122742

Application Date: 20 July 2021

Applicant: Mr Wallace – Bell Cornwell LLP on behalf of House of Noise

Proposal: Retrospective planning application for the change of use of Lewisham Way Youth And Community Centre, 138 Lewisham Way SE14 (Use Class F2(b) into a recording studio (Use Class E) with ancillary office space and shared community workspace (Use Class E), together with the alterations to the existing shop front, the construction of a wooden pergola, landscaping works, installation of replacement windows, the creation of cycle parking, waste and recycling facilities and the creation of a 'community garden.

Background Papers:

1. Submission drawings and documents
2. Internal consultee responses
3. Internal documents regarding disposal of community centre

Designation: PTAL 6a
Air Quality
Brockley Article 4 Direction

Screening: n/a

1 SITE AND CONTEXT

Site description and current use

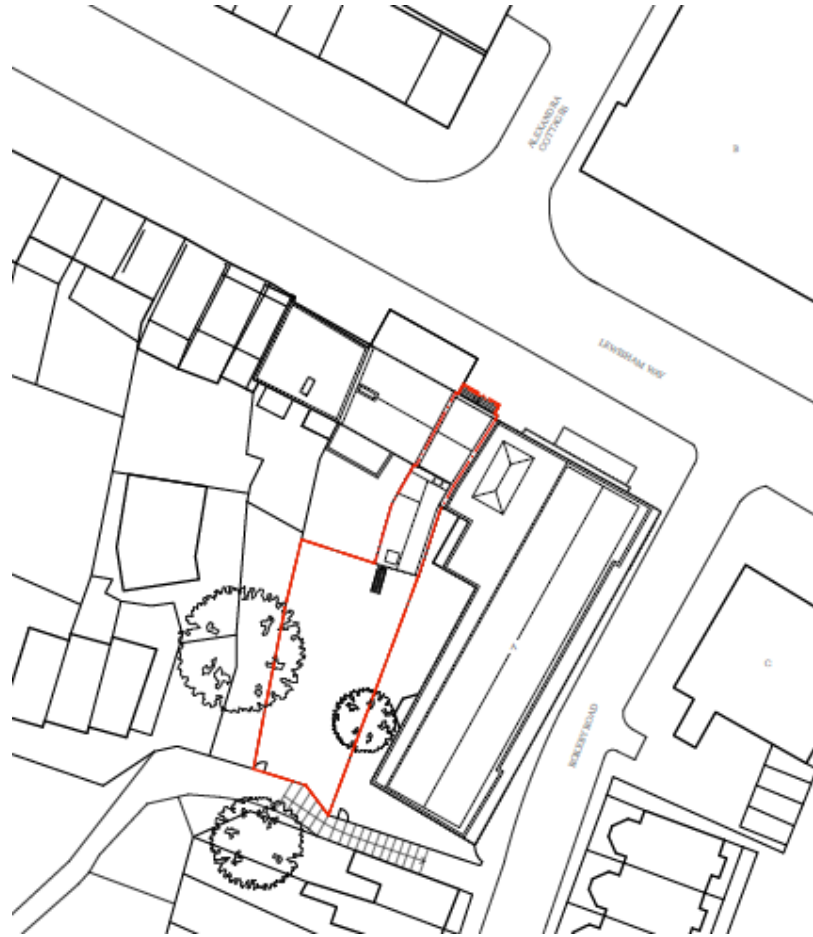
- 1 Due to the Covid-19 pandemic, Officers have been unable to undertake a site visit to the property and as such, an assessment has been made using Google Maps and submitted photos.
- 2 The application site lies on the southern side of Lewisham Way, close to the junction with Rokeby Road. The application site consists of a two storey with room in roof space mid-terrace building. The building was in use as a council-run community centre until 2015 when it was recommended for full-commercial lease.

Figure 1: Site location plan

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Character of area

- 3 The character of local area is largely of two and three storey terraced houses with exception of large contemporary storage facility opposite the site and Grade II listed Art House immediately adjacent to the site.

Heritage/archaeology

- 4 The site is located immediately to the boundary with the Brockley Conservation Area but the site itself is not subject to the Article 4 Direction. The application building is not listed, however it is adjacent to the Grade II listed Deptford Public Library (Art House).

Surrounding area

- 5 The surrounding area is characterised by a broad mix of uses, which includes residential and predominantly commercial uses on the ground floor. Other uses include The Lewisham Art House which provides 40 artist studios with associated public gallery and workshop programmes and the large Big Yellow Self Storage facility located opposite (Use Class B8).

Local environment

- 6 The site is not within flood risk zone and is in area of identified poor air quality.

Transport

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7 The application site has a PTAL rating of 6a, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport.

2 RELEVANT PLANNING HISTORY

8 **DC/21/120491** - Retrospective application for the change of use of the Lewisham Way Youth & Community Centre, 138 Lewisham Way SE14 from F2(b) community centre to E(g)(i) and (g)(ii) office and shared workspace. **Refused by reasons of:**

- *The information provided with the application fails to adequately demonstrate that there is no demand for social infrastructure facilities in the local area and that the change of use to offices is appropriate. As such, the proposal is considered to be contrary to paragraph 91 of the National Planning Policy Framework (February 2019); Policy S1 'Developing London's social infrastructure' of the London Plan (March 2021); and Policy 19 'Provision and maintenance of community facilities' of the Lewisham Core Strategy (June 2011).*
- *The proposed development by reason of not providing one (1) long-stay and one (1) short-stay cycle parking spaces that are accessible, secure, weatherproof and fit for purpose would fail to contribute to the Council's objectives of encouraging sustainable transport and fails to comply with Policy T5 'Cycling' of the London Plan (March 2021); and Policy 14 'Sustainable movement and transport' of the Lewisham Core Strategy (June 2011).*
- *The proposed development fails to provide adequate waste and recycling facilities for the proposed use contrary to Policy 14 'Sustainable movement and transport' of the Lewisham Core Strategy (June 2011).*

9 **DC/20/117174** - Prior Approval application for change of use from retail (Use Class A1) to a restaurant (Use Class A3) at 138 Lewisham Way, SE14, pursuant to Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). **Refused by reason of:**

- *The applicant has failed to provide evidence to prove the building has been in lawful use for a use falling within Use Class A1 (retail) of the Town and Country Planning (Use Classes) Order 1987 (as amended). It is believed that the building was and is in lawful use as community centre (Use Class D1). The proposed development would therefore not comply with Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

3 RELEVANT ENFORCEMENT HISTORY

10 **ENF/20/00218** - Unauthorised change of use of basement to recording studio, Installation of covered stage area and covered area in rear garden, installation of new

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windows. Complaint received; site inspection undertaken. Negotiation letter issued on 20 January 2021.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

11 Retrospective planning application for the change of use of Lewisham Way Youth And Community Centre, 138 Lewisham Way SE14 (Use Class F2(b)) into a recording studio (Use Class E) with ancillary office space and shared community workspace (Use Class E), together with the alterations to the existing shop front, the construction of a wooden pergola, landscaping works, installation of replacement of windows, the creation of cycle parking, waste and recycling facilities and the creation of a 'community garden.

4.2 COMPARISON WITH PREVIOUS SCHEME

12 The previous scheme was refused because it was unable to demonstrate lack of demand for community facilities in the area and whether change of use to offices was appropriate. Other reasons for refusal were with regards to absence of proposed suitable bin and bike storage.

13 The current proposal in paragraphs 4.15 and 4.16 of the submitted Planning Statement lists available alternative community facilities in the area. In addition, a support letter was received from council's Director of Culture, Libraries and Learning and estates manager stating that this site was no longer delivering community benefits for the council to keep investing in and outlining the commercial marketing process that took place for this site.

14 In terms of bin and bike storage, the current proposal demonstrates availability of access to the rear garden space and indicates locations for bin and bike storage.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

15 No pre-application advice was sought for this application.

5.2 APPLICATION PUBLICITY

16 Site notices were displayed on 17 August 2021 and a press notice was published on 4 August 2021.

17 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 16 August 2021.

18 Six responses were received including The Brockley Society, comprising 6 objections. One of the responses was signed on behalf of occupants of three flats.

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- 19 The Brockley Society: raised objections and concerns to the loss of community use, lack of evidence of local demand for shared office workspace, no proposed business plan or feasibility study, no demonstrated engagement with Art House, removal of front signage, alterations without planning permission and unclear use of pergola, bin and cycle storage.
- 20 A link for an Online [petition](#) was received with 322 signatures (at the time the report was prepared)

5.2.1 Comments in objection

Comment	Para where addressed
Loss of community facility	Paras 48 - 53
Whether proposed use class E is accurate with regards to potential music events to be held on the premises	Para 54
Impact on neighbouring amenity from intensification of use of rear garden area and proposed opening hours	Paras 101 and 102
Overlooking on neighbouring amenity from shared workspaces	Para 97
Increased noise and disturbance from potential use of garden for live performances	Para 103
Access and management of bike and bin storage	Paras 83 and 87

- 21 A number of other comments were also raised as follows: Use of alcohol on premises, use of rear garden door that leads to Luxmore Street, unauthorised works on the premises and impact on existing right of way of neighbouring 134 Lewisham Way.
- 22 Use of alcohol on premises would not be material planning consideration and would fall under scope of licensing.
- 23 Unauthorised works to the building and garden in terms of installation of windows, shopfront and pergola would be assessed within this application.
- 24 Right of way is not a material planning consideration but a civil matter dealt with by separate legislation.

5.3 INTERNAL CONSULTATION

- 25 The following internal consultees were notified on 2 August 2021.
- 26 Conservation officer: initially raised concerns. Following revisions, the conservation officer overall considered proposal to the front elevation acceptable, however raised concerns over proposed pergola to the rear. Further revisions were made to proposed roofing over only half area of the pergola to provide shelter for bike storage. Officers consider these amendments sufficient to address conservation officer's concerns.

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- 27 Environmental Protection officer: initially raised concerns over absence of noise impact assessment. Following submission of noise assessment report comments were provided considering the acceptability of design measures however raising concerns over proximity of nearest residential receptor, lack of limitation on noise levels within the studio and proposed opening hours. These issues are addressed in the sections below.
- 28 Highways: did not provide comments.
- 29 Director of Culture, Libraries and Learning: provided support to the provision of recording studio in this location.
- 30 Council's Estates Manager: provided letter outlining marketing evidence for this site.

5.4 EXTERNAL CONSULTATION

- 31 The following External Consultees were notified on 2 August 2021.
- 32 Transport for London: raised no objections subject to conditions. See Section 7.3 of this report for further details.
- 33 The Brockley Society: raised objection to the change of use from Class F2(b) to Class E, loss of community centre, removal of the fascia and demolition of back hall without permission. Further comments were provided at the later stage stating that proposal lacks business plan, feasibility study and reference to adjacent Art House, together with building of pergola to the rear without planning permission. Further concerns were raised over potential use of rear garden for performances.

6 POLICY CONTEXT

6.1 LEGISLATION

- 34 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).
- 35 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

- 36 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.
- 37 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.
- 38 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

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

6.4 DEVELOPMENT PLAN

39 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

40 Lewisham SPG/SPD:

- Shopfront Design Guide Supplementary Planning Document (March 2006)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

7 PLANNING CONSIDERATIONS

41 The main issues are:

- Principle of Development
- Urban Design
- Impact on Adjoining Properties
- Highways and Servicing

7.1 PRINCIPLE OF DEVELOPMENT

General policy

42 The National Planning Policy Framework (NPPF) at paragraphs 81 and 83 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries.

43 The London Plan (LP) in Policy S1 Developing London's Infrastructure, paragraph F states that development proposals that would result in a loss of social infrastructure in

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an area of defined need as identified in the borough's social infrastructure needs assessment required under Part A should only be permitted where:

1) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or;

2) the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.

44 LP Policy E8 Sector growth opportunities and clusters under states that employment opportunities for Londoners across a diverse range of sectors should be promoted and supported along with support for the development of business growth and sector-specific opportunities ensuring the availability of suitable workspaces including among others: flexible workspace such as co-working space and serviced offices and laboratory space for theatre, television and film studio capacity.

45 DM Policy 41 Innovative community facility provision states that The Council will encourage, where appropriate, the use of innovative solutions to the provision of community meeting space including schools to make usable community, sports and leisure space accessible to local people outside of teaching hours and temporary use of vacant or unused inside and outside space for community uses, where it is able to provide a safe and appropriate environment, there is no detriment to local amenity and it is in accordance with the rest of the Local Plan.

46 Core Strategy Policy 19 Provision and maintenance of community and recreational facilities states that the Council will work with its partners and apply London Plan policies to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are provided, protected and enhanced across the borough.

Discussion

47 The proposal is for the retrospective change of use from a community centre (Use Class F2) to a recording studio (at the lower ground floor) with ancillary offices (Use Class E - at first and second floor) and shared workspace (Use Class E – at ground floor). There are no physical changes to the building apart from the minor works to the external envelope of the building including shop front area.

48 Policy S1 above outlines that loss of social infrastructure for community use would be permitted if the loss is part of wider public service transformation plan.

49 Mayor and Cabinet, on 15 July 2015 was presented with Voluntary Sector Accommodation Implementation Plan report and agreed on the approach and implementation plan for community centres. In Appendix D of this report, Lewisham Youth Community Centre was categorized as "Sole occupancy of a building at full market rate". An alternative was considered for the existing organisation to deliver its services from one of the other community premises in the area.

50 Safer Stronger Communities Select Committee held on Wednesday 8th March 2017 was presented with the report Voluntary Sector Accommodation Plan – update on Implementation where on page 19 it states that Lewisham Way Youth and Community Centre had a lease in place and was removed from community assets list.

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- 51 A Letter submitted by Council's Director of Culture, Libraries and Learning states that this site was not delivering the community benefits required to enable council to continue to invest in them. The building was in a poor state of repair and as an old residential property wasn't particularly well suited as a community centre. A review of community spaces owned by the council in 2015 did not include 138 Lewisham Way as a space to be retained for community use. The Moonshot Centre in Angus Street, close by and the New Cross Learning Library both provide community activities. With its proximity to Goldsmiths University and Lewisham College, both offering production courses and with the Art House visual arts studios next door, this was deemed a good location for a recording studio. Creative and Cultural Industries are considered a growth area for our local economy.
- 52 Furthermore, the Council's Estates Manager provided a letter outlining the marketing process that followed the review of the Council's community assets in 2015 which did not indicate that 138 Lewisham Way would be retained as a community asset. It is stated that the community group that had been in occupation had accumulated rent arrears, the property had fallen in disrepair, and it was vacated in April 2017. Unfortunately the property was squatted shortly after it became vacant, which caused further damage to the building and additional expense in regaining possession. The council then had to have 24 hour security for a while before property guardians moved in in late 2017. The property was marketed by the council's commercial lettings agents Hindwoods from late 2017 onwards. Initially, there was no interest in the building due to the significant inward investment needed to bring it back into a usable condition. The only viable interest came from the applicant, who were willing to provide the capital investment needed, and it was felt that the proposed use offered a good fit with Goldsmiths and Lewisham College nearby and Art House next door.
- 53 As outlined above, the application site was part of the wider public service transformation plan and with the availability of other centres for community use in the vicinity, officers consider that the proposal complies with Policy S1 of The London Plan.
- 54 Concerns were raised whether Class E was the appropriate use class for recording studio. Recording studios were within former use class B1 (c) which was revoked in 2020 and now falls under use class E(g) Uses which can be carried out in a residential area without detriment to its amenity. Therefore, officers are satisfied that the proposed use as shared office space and recording studio falls under class E as described.

7.1.1 Principle of development conclusions

- 55 In line with recently adopted London Plan policies and demonstrated availability of alternative community uses in the vicinity of the application site, together with letters of support by council representatives and council's reports relevant to this site, it was considered that loss of community use in this location is appropriately justified. Therefore, the principle of change of use from community centre to recording studio and offices with shared working space (class E) is considered acceptable.

7.2 URBAN DESIGN

General Policy

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

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7.2.1 Appearance and character

- 57 The proposal includes minor changes to the external envelope of the existing building as follows:
- 58 Proposed works to the front elevation include repairs of wall, masonry wall, flashing & plasterwork, installation of replacement dormer window, new wall mounted alarm, removal of projecting signage and alarm, replacement shopfront and signage. Proposed changes to the rear elevation include only installation of a replacement dormer window. The proposed changes are generally of similar nature to the existing arrangements and materials of the elevations. As such, on balance, they are considered acceptable and to preserve the setting of the listed building. However condition would be added to the decision notice to secure further details to the shopfront alterations.
- 59 The application seeks retrospective planning permission for the installation of a wooden pergola to the further end of a rear garden. Half of the roof, further from the boundary wall with adjacent Art House would be covered with polycarbonate roof sheet to provide enclosure for bike storage.
- 60 Officers are satisfied that proposed alterations to elevations and installation of pergola to the rear garden are of minor nature and subject to condition to secure further details of shopfront are considered acceptable.

7.2.2 Impact on Heritage Assets

Policy

- 61 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 62 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 63 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 64 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 65 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 66 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

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

68 Further guidance is given in Shopfront Design Guide, a supplementary planning document.

Discussion

69 The proposal was revised to address concerns raised by conservation officers and secure further detailing of shopfront. Officers consider that the current proposal would not cause harm to adjacent conservation area and listed building due to the limited scale of the works and therefore no weighing exercise according to paragraphs 199 and 202 of the NPPF was deemed necessary.

Summary

70 Officers, having regard to the statutory duties in respect of listed buildings and conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of the adjacent conservation area and setting of the Listed Building.

7.2.3 Urban design conclusion

71 As external changes to the building are of minor nature and/or contained to the rear, no harm is considered to be generated upon the streetscape, wider neighbourhood character nor the Brockley Conservation Area or the nearby listed building.

7.3 TRANSPORT IMPACT

General policy

72 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

73 Para 111 states "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

74 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.

75 The Core Strategy, at Objective 9 and CS Policy 14, reflects the national and regional priorities.

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7.3.1 Access

Policy

- 76 The NPPF paragraph 110, Part F, states that developments should ensure that safe and suitable access to the site can be achieved for all users.

Discussion

- 77 The application site has access from main road – Lewisham Way and access to the rear garden via Luxmore Street and Rokeby Road. This is the existing arrangement and is considered acceptable for the proposed change of use.

7.3.2 Local Transport Network

Policy

- 78 The NPPF at paragraph 104 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

- 79 The application site has a PTAL of 6a, which is an excellent level of public transport accessibility. Officers are satisfied that the minor scale of development would prevent the need for any 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.

7.3.3 Servicing and refuse

Policy

- 80 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 81 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.
- 82 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

- 83 The proposed bin storage is indicated on submitted garden plan. The proposed location is to the rear of the site. Officers note that bin storage was not addressed nor included in previously refused application. Available access to the rear is from Luxmore Street or via Rokeby Road. Whilst location for the bin storage would be generally acceptable, further details would be secured by condition to demonstrate design and type of bin storage together with management plan.

7.3.4 Transport modes

Walking and cycling

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Policy

- 84 Developments are required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

85	Unit type	Long stay	Short stay
	Offices	1 space per 150 sqm (GEA)	first 5,000 sqm: 1 space per 500 sqm; thereafter: 1 space per 5,000 sqm (GEA)

Discussion

- 86 The proposal would provide approximately 119sqm of floorspace. As such, the proposal is required to provide one (1) long-stay and one (1) short-stay cycle parking to comply with London Plan requirements.
- 87 Officers note that cycle storage was not addressed nor included in previously refused application. The proposed cycle parking spaces in excess of required number would be located within the rear garden and under the proposed pergola. Access would be provided via Luxmore Street to the rear. This is considered acceptable, however further details on design and type of cycle storage would be secured by condition.

Private cars

Policy

- 88 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.
- 89 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 5 and above should be car free.

Discussion

- 90 The proposal does not feature any existing car park spaces and is proposed as car free development. This is considered acceptable. Officers note the trip generation for the former community centre use would be broadly commensurate with the proposed uses, and that the scheme is retrospective with limited transportation impacts.

7.3.5 Transport impact conclusion

- 91 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.

7.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

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- 92 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.
- 93 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 94 London Plan Policy 13 Agent of Change requires new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses to put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.
- 95 Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens.
- 96 A range of other legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.

Discussion

- 97 The proposed minor alterations to the external envelope of the building are not considered to result in change to the privacy, outlook and light of adjoining amenities. The proposed wooden pergola to the rear garden is of modest scale and sufficient distance from adjoining gardens for any adverse impact to occur in terms of overbearing and overshadowing, overlooking, loss of daylight/sunlight or privacy.
- 98 Officers note that in previously refused application for the same proposal (DC/21/120491), impact on living conditions of neighbours was deemed acceptable and did not form a reason for refusal.
- 99 The proposal includes provision of recording studio at the lower ground floor level of the building. Noise Impact Assessment Report prepared by Clement Acoustics, dated 26 November 2021 was submitted. Environmental protection officer provided comment on this report stating that overall proposed design mitigation measures are acceptable (triple glazing and sound proofing) however raised concerns over proximity of nearest residential receiver, lack of specification and restriction on maximum noise levels and proposed opening hours.
- 100 The applicant has submitted revised Noise Impact Assessment Report dated 15 December 2021 which, under paragraph 7.5 includes further noise management measures. Officers attended the site and confirmed that the recording studio was in situ. It was further concluded that the recording studio is located within the part of the rear outrigger and for that reason officers conclude that potential impact from vibration throughout the main building would be limited and acceptable. Furthermore, officers observed that each entry point to the recording studio features double doors, called "sound locks" to prevent penetration of any noise from the outside during recording process. Notwithstanding sound proofing installed on site, additional mitigation measures and noise management plan are proposed under section 7.5 of revised noise impact assessment report. Officers consider it appropriate to impose conditions

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restricting operating hours of the premises and installation of noise limiter to ensure there is no breach in maximum acceptable noise levels within the studio.

101 In addition to the above, an increase in noise over the existing levels of background activity given the town centre location, traffic on Lewisham Way and over any noise that might have been generated from previous community use is judged appropriate for the context of the site.

102 In terms of future use of the rear garden and its potential impact on amenity of neighbouring amenities, officers consider that given the previous community use of the application site, overall modest scale of the building and rear garden, and with condition restricting operating hours of the rear garden between 7am and 9pm, are considered sufficient to ensure there is no adverse impact in terms of noise and disturbance on neighbouring amenity.

103 Concerns were raised over potential use of the premises and rear garden for live performances. Officers consider that the proposed use of premises and rear garden would not significantly differ from the previous scope of use as community centre. The applicant has confirmed that there is no intention on holding live performances within premises and rear garden and together with the proposed condition restricting opening hours of the rear garden, this is not considered to result in an unacceptable impact on neighbouring amenity. However, officers consider it appropriate to add condition restricting any live performances within the rear garden.

7.4.1 Impact on neighbours conclusion

104 The proposal is considered acceptable in terms of impact on neighbouring amenities subject to conditions restricting opening hours and securing appropriate maximum noise levels within the studio.

7.5 NATURAL ENVIRONMENT

7.5.1 Green spaces and trees

Policy

105 NPPF para 170 expects development to contribute to and enhance the natural and local environment.

106 LP Policies G5 and G7, CS Policy 12, and DMLP Policy 25 seeks to protect natural environment and improved it where possible.

Discussion

107 It is noted that existing rear garden does not feature any mature trees or significant planting. Furthermore, the application does not include any development in the rear garden that may adversely affect trees on surrounding sites.

108 However, as the garden is proposed for use ancillary to the shared workspace and offices, officers consider it appropriate to include condition on soft landscaping to secure improvement and further planting of the existing soft landscaping of this garden.

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7.5.2 Natural Environment conclusion

109 The proposal is acceptable in terms of Natural Environment, subject to condition.

8 LOCAL FINANCE CONSIDERATIONS

110 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).

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

112 The CIL is therefore a material consideration.

113 Change of use without creating additional floor space is not deemed CIL liable.

9 EQUALITIES CONSIDERATIONS

114 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.

115 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.

116 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.

117 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

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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>

- 118 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
- 119 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>
- 120 An equalities analysis assessment was presented to Mayor and Cabinet in July 2015 which assessed the impact on individual protected characteristics of the implementation of the new policy approach to using Council assets to support the voluntary and community sectors. This focused on the two main areas of concern – the impact on older and younger people and those from the BAME community. However, the decision was made that the subject centre be released under lease and the subject centre lost its community use. Any potential impact on equality has also been mitigated by availability of alternative community use provision nearby,

10 HUMAN RIGHTS IMPLICATIONS

- 121 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Article 9: Freedom of thought, belief and religion
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
 - Protocol 1, Article 2: Right to education
- 122 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

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123 Members need to satisfy themselves that any 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.

124 This application has the legitimate aim of providing a new use with employment uses. The rights potentially engaged by this application, including Articles 1 and 8 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

126 It has been demonstrated that loss of community use in this location is part of wider public service transformation plan and that there is availability of similar community uses in the vicinity. Officers consider that proposed Class E uses are suitable for this location, and the proposal would not result in harm to the host building, adjacent conservation area or setting of a listed building.

127 The proposal would not result in an unacceptable impact on neighbours in terms of overlooking, loss of daylight/sunlight, noise or disturbance. It was also considered that the proposal would not negatively impact on the local transport network or parking.

128 In light of the above, it is recommended that this planning permission is approved subject to conditions and informative.

12 RECOMMENDATION

129 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The proposed remaining works and discharge of the conditions for the completion of development to which this permission relates must be completed not later than the expiration of six (6) months beginning with the date on which the permission is granted.

Reason: As required to resolve planning breach.

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:

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EX/LEW/LGF; EX/LEW/UGF; EX/LEW/1F; EX/LEW/2F; GA/LEW/02; GA/LEW/1F; GA/LEW/EEA; GA/LEW/EEB; GA/LEW/FEA; GA/LEW/FEB; GA/LEW/UGF; LP/LEW/01; PBUC/LEW/01; SP/LEW/01 received on 20 July 2021.

Proposed Front Elevation received on 26 October 2021.
Pergola Cross Section A-A; Pergola Cross Section A-A received on 7 December 2021.

Proposed lower ground floor plan received on 24 January 2022.

AP/LEW/GN received on 31 January 2022.

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) SHOPFRONT DETAILS

- (a) **Prior to installation**, plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop fronts **shall be** submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.
- (b) The development shall be constructed in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 19 Shopfronts, signs and hoardings.

4) CYCLE PARKING

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

Reason: In order to ensure adequate provision for cycle parking and to comply with 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).

5) REFUSE AND RECYCLING STORAGE

- (a) **The premises shall not be occupied** until full details of proposals for the storage of refuse and recycling facilities for the use hereby approved, have been submitted to and approved in writing by the local planning authority.

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- (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).

6) 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 any works within the rear garden.
- (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).

7) OPENING HOURS OF THE PREMISES

The premises relating to work space and offices shall only be operational between the hours of **7am to 11pm on all days (including Sundays and Bank 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 of the Development Management Local Plan (November 2014).

8) OPENING HOURS OF THE REAR GARDEN

The rear garden shall only be in use between the hours of **7am to 9pm on all days (including Sundays and Bank Holidays)**.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning

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Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

9) OPENING HOURS OF THE RECORDING STUDIO

The premises relating to recording studio at the lower ground floor level shall only be operational between the hours of **7am to 6 pm on Mondays-Saturdays and not at all on Sundays and Bank 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 of the Development Management Local Plan (November 2014).

10) NOISE MANAGEMENT

Noise levels within the recording space shall not exceed 92 dB(A) at any time. Prior to occupation of the premises, noise limiter shall be installed within the instrument playback room in line with noise assessment recommendation, with limiter calibration to be undertaken prior to any operation on the site.

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 of the Development Management Local Plan (November 2014)

11) RESTRICT USE CLASS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used as recording studio and shared office/work space and for no other purpose (including any other purpose in Class E) of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to safeguard the amenities of adjoining occupants and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration 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,

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positive discussions took place which resulted in further information being submitted.

13 BACKGROUND PAPERS

- 130 Conservation officer comments
- 131 Letter from Director of culture, libraries and learning
- 132 Letter from Estates Manager
- 133 Mayor and Cabinet, Voluntary Sector Accommodation Implementation Plan, date 15 July 2015 with APPENDIX D - Sole occupancy of a building at full market rate
- 134 Safer Stronger Communities Select Committee, Voluntary Sector Accommodation Plan – update on implementation March 2017, date 8 March 2017.

14 REPORT AUTHOR AND CONTACT

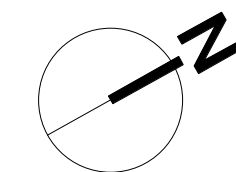
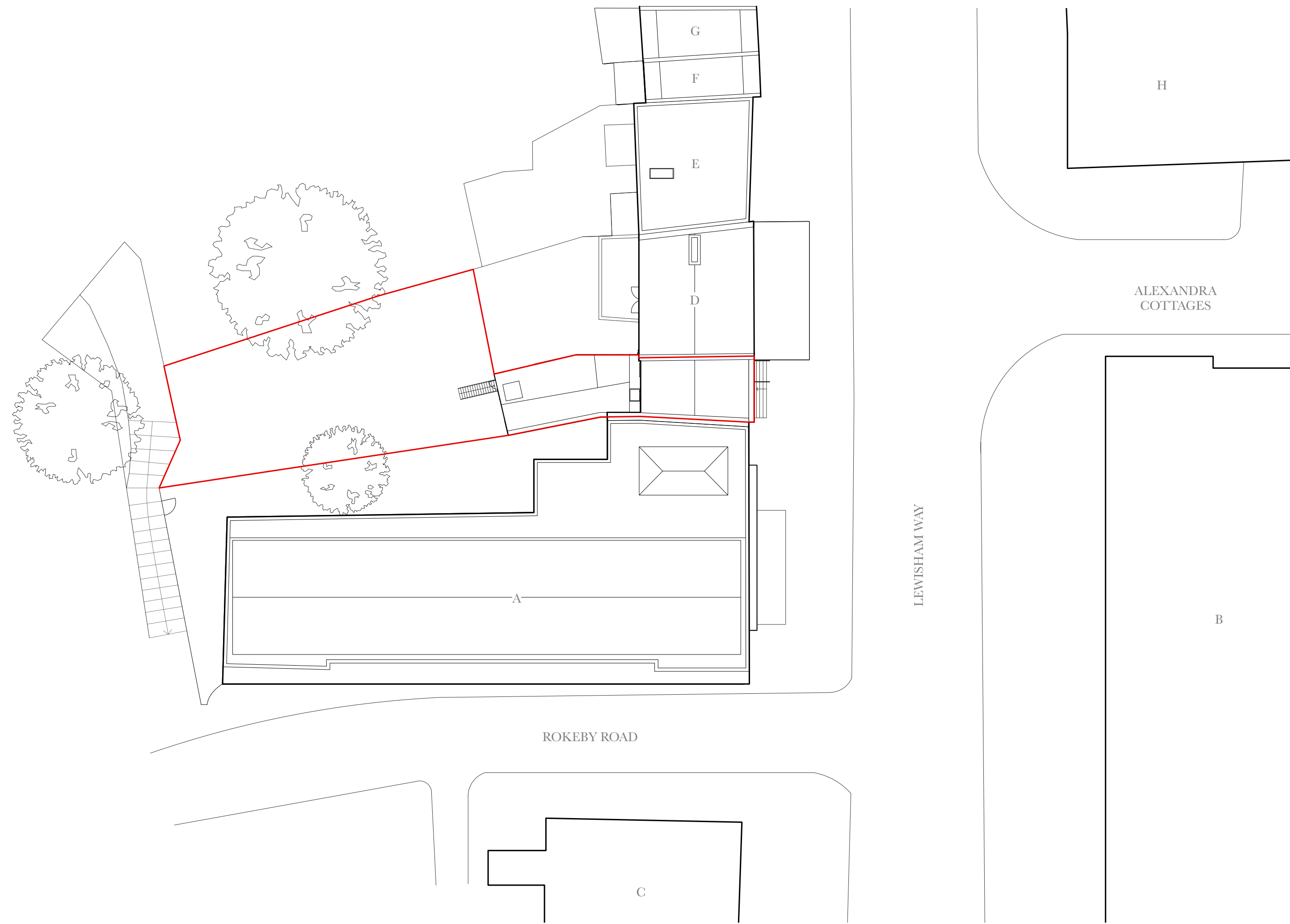
- 135 Jesenka Ozdalga, jesenka.ozdalga@lewisham.gov.uk, 020 8314 3530

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Some spaces / areas were inaccessible at time of survey. All drawing relating to these spaces is indicative.

Notes

O K R A

Kaymet Works
52 Ossory Road,
London
SE1 5AN

KEY

- - SITE BOUNDARY
138 Lewisham Way
- A - Art House Lewisham
(Formerly the BoD Central Library)
140 - 144 Lewisham Way
- B - Big Yellow Storage
155 Lewisham Way
- C - Tony's Kut's
146 Lewisham Way
- D - 134 - 136 Lewisham Way
- E - 132 Lewisham Way
- F - 130B Lewisham Way
- G - 130A Lewisham Way
- H - Uncle Ned's Beds
135 Lewisham Way

Revisions

Project

138 Lewisham Way

Drawing Title

Existing Site Plan

Address

138 Lewisham Way
London
SE14 6PD

Local Authority

London Borough of Lewisham

1:500 at A3

Status - Design

Drawing no.

SP/LEW/01

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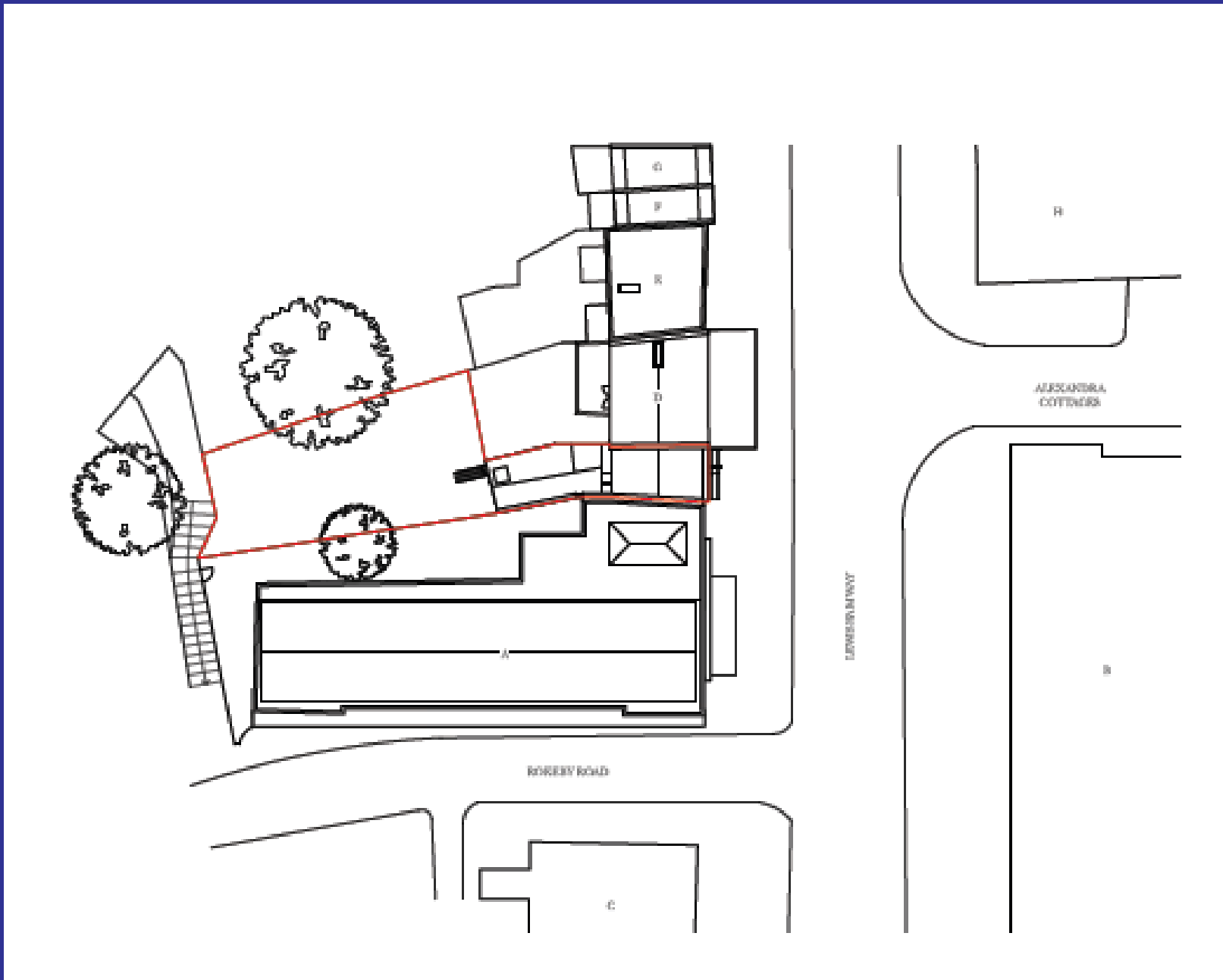
**Lewisham Way Youth and Community Centre,
138 Lewisham Way, London, SE14 6PD**

Application No. DC/21/122742

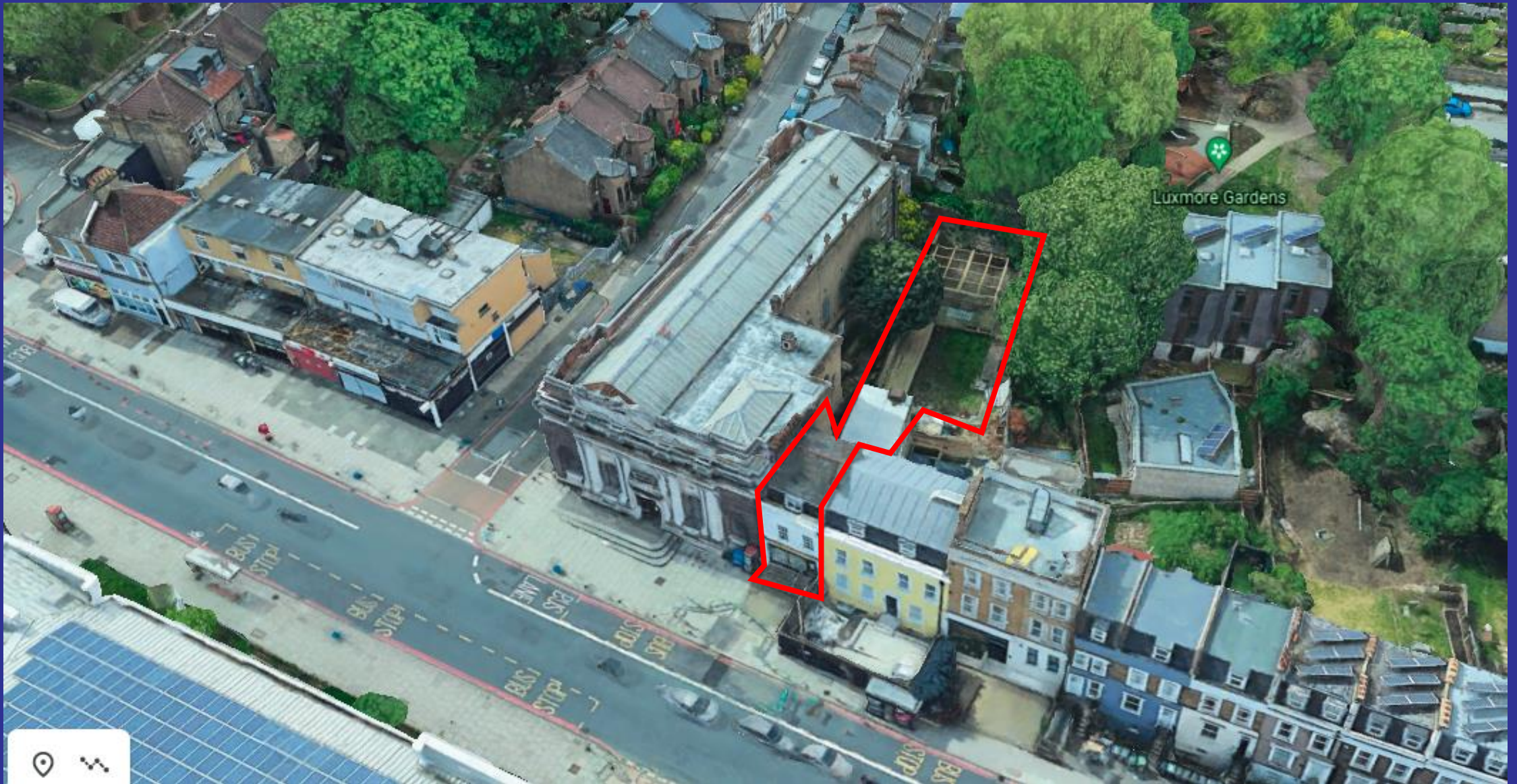
This presentation forms no part of a planning application
and is for information only.

This is an application for:

Retrospective planning application for the change of use of a Lewisham Way Youth And Community Centre, 138 Lewisham Way SE14 (Use Class F2(b)) into a recording studio (Use Class E) with ancillary office space and shared community workspace (Use Class E), together with the alterations to the existing shop front, the retention of a wooden pergola, landscaping works, installation of replacement of windows, the creation of cycle parking, waste and recycling facilities and the creation of a 'community garden'.



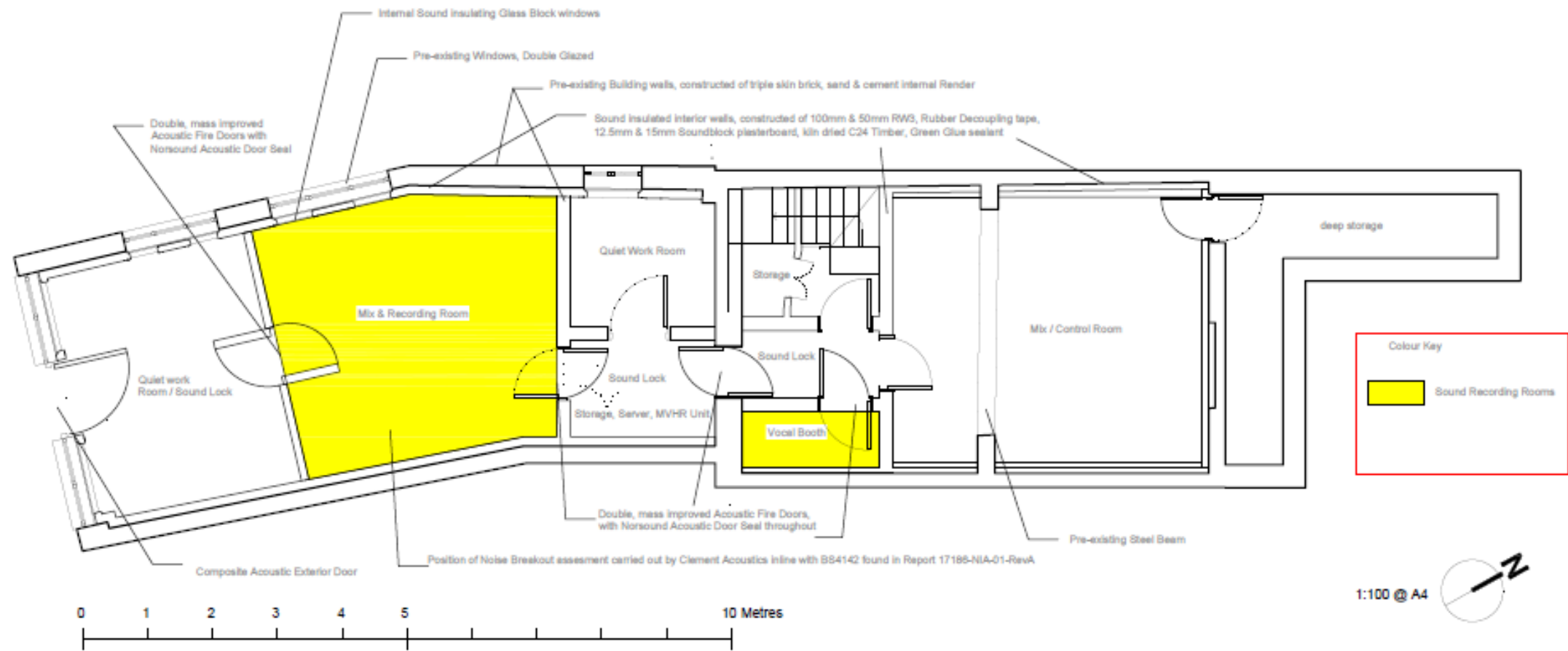
Site location



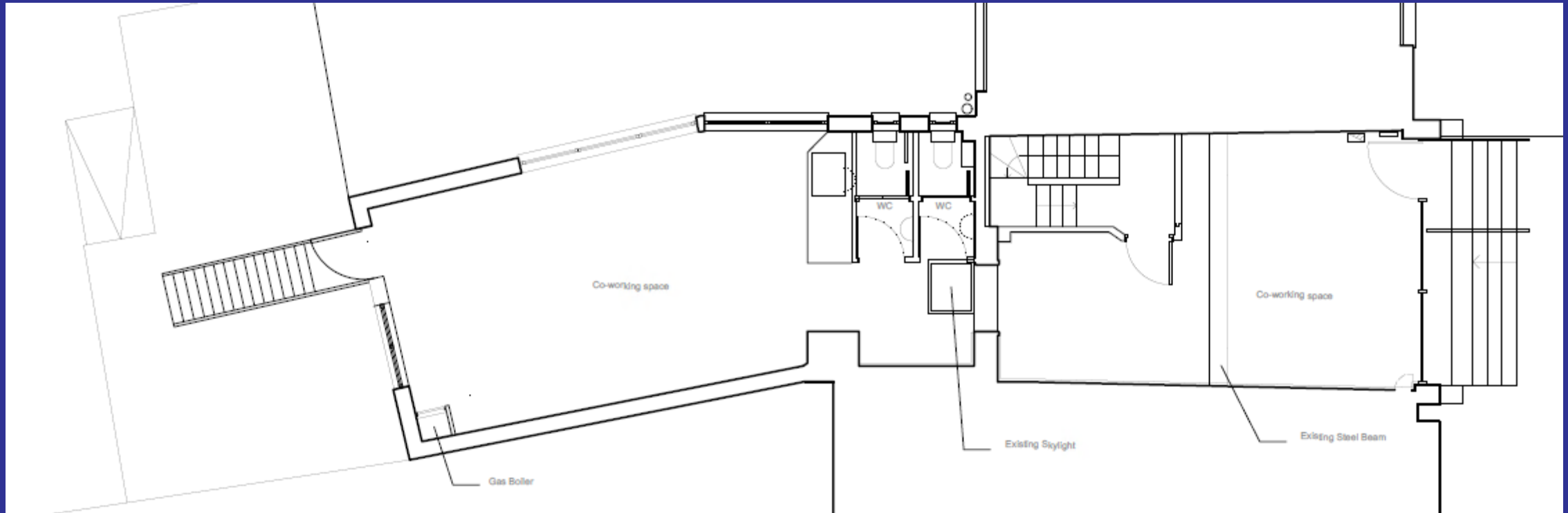
Application site and wider area



Front elevation of the application site



Proposed lower ground floor plan



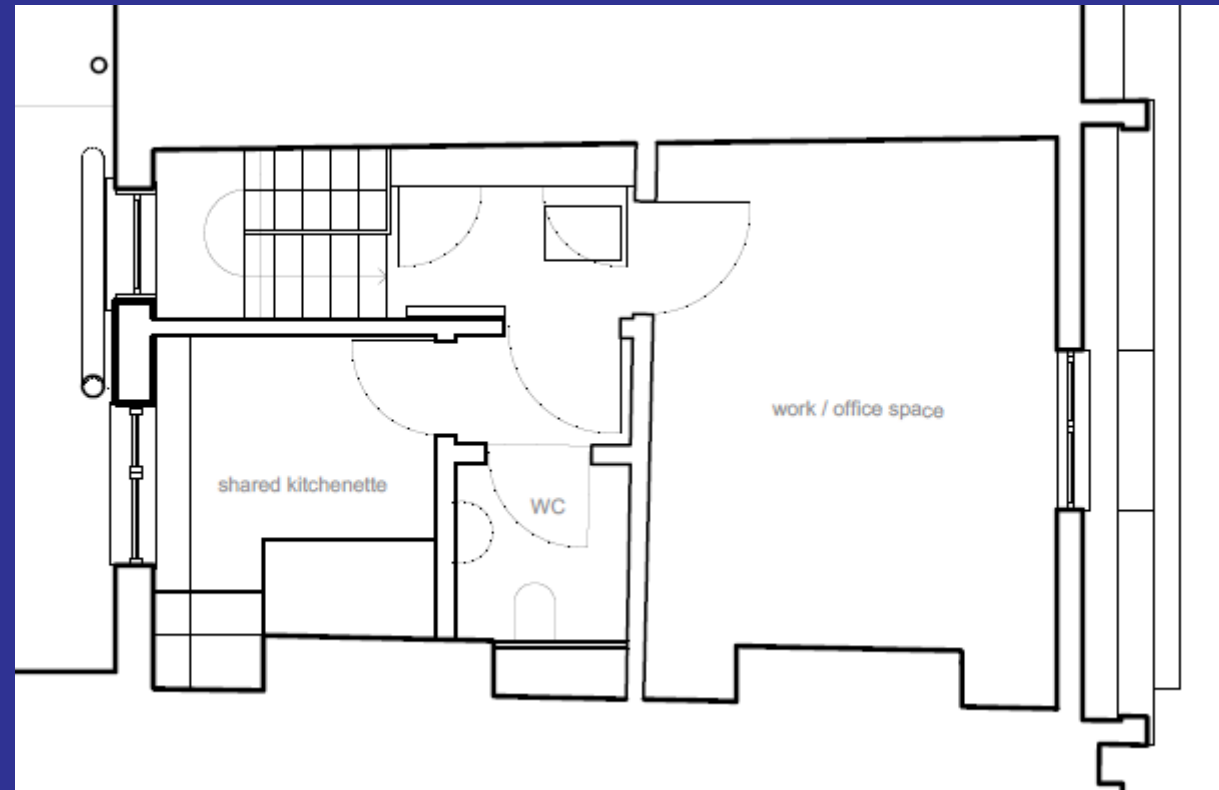
Proposed ground floor plan



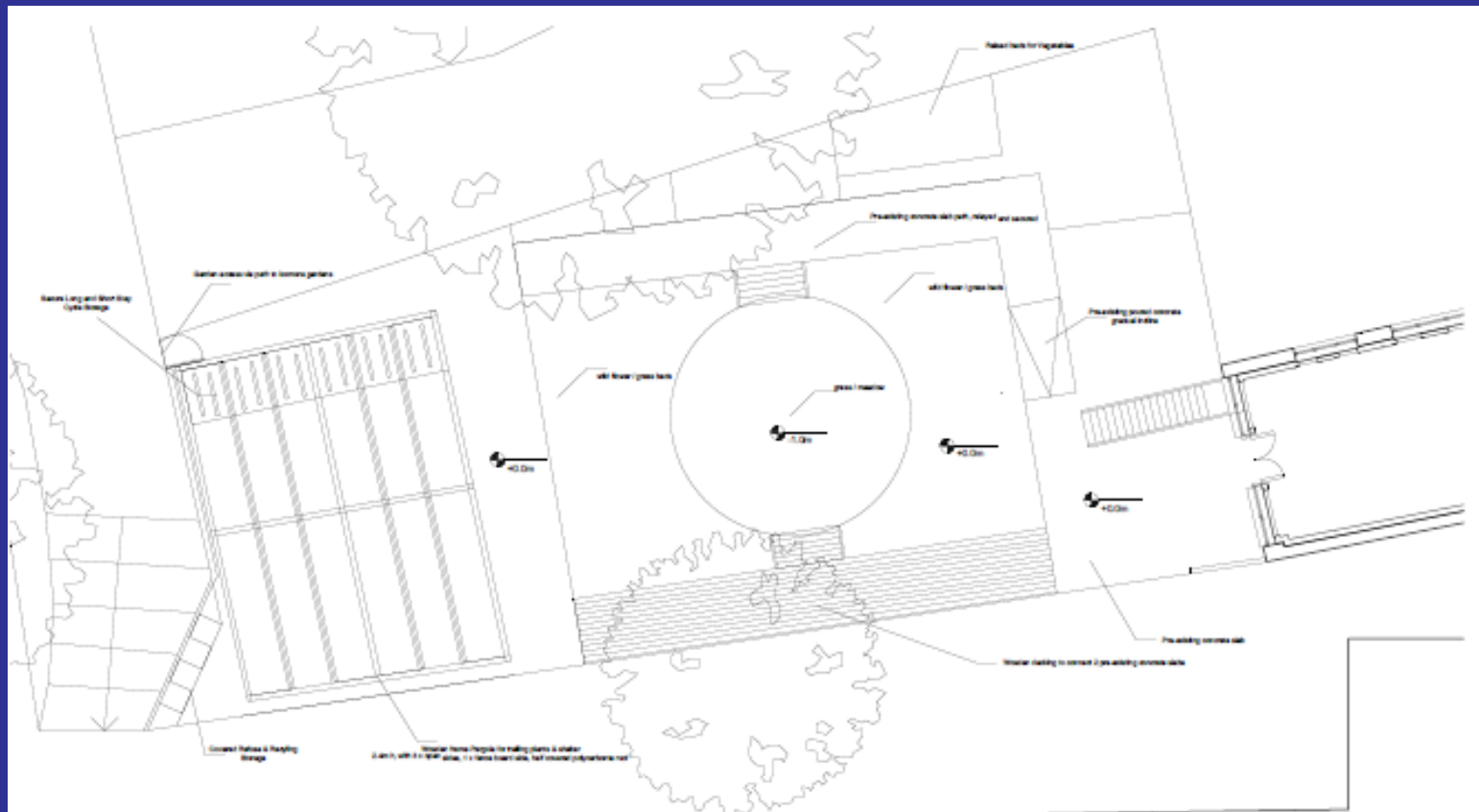
Page 202

Proposed first floor plan

Proposed second floor plan



Proposed first and second floor plans



Existing garden view and proposed rear garden plan



Key material planning consideration:

- **Principle of development** (loss of space for community use and provision of class E uses)
- **Urban Design and impact on heritage assets**
- **Transport and Highway** (highway, car parking, refuse, construction)
- **Impact on neighbouring amenity**
- **Natural environment**

THE END





Planning Committee C

Report title:

Garages at the rear of 4-24 Blythe Vale, SE6 4UJ

Date: 24 February 2022

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Perry Vale

Contributors: Georgia McBirney

Outline and recommendations

This report sets out the officer recommendation of approval for this planning application.

This case has been brought before members for a decision as 5 objections have been received and Cllr John Paschoud requested the application be heard at committee.

Application details

Application reference number(s): DC/21/123262

Application Date: 17 September 2021

Applicant: Boyer on behalf of Burlington Developments

Proposal: Demolition of the existing garages at the rear of 4-24 Blythe Vale, SE6 (land on the west side of Blythe Vale) and the construction of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.

Background Papers: Submission drawings
Submission technical reports
Internal consultee responses
Statutory consultee responses

Designation: PTAL 4 and Local Open Space Deficiency

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The subject site is in Perry Vale and comprises of 40 garages located on an 'L' shaped plot accessible to vehicles from Blythe Vale between Nos. 18 and 24.
- 2 The northern boundary of the site is bounded by properties on Stanstead Road, the eastern and southern boundaries by properties on Blythe Vale and the western boundary of the site is bounded by properties on Carholme Road, as shown in Figure 1.

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Figure 1 Location Plan

Character of area

- 3 The surrounding area is predominately residential in nature. Residential properties in the vicinity are predominately two storey in height and date from the 19th and 20th Centuries.

Heritage/archaeology

- 4 The application site is not within a conservation area, nor is it subject to an Article 4 Direction.
- 5 The application site does not contain a listed building, nor is it in the vicinity of one.

Local environment

- 6 The site is within Flood Risk Zone 1 meaning there is minimal risk of river flooding; there are no known other sources of flood risk.

Transport

- 7 The application site has a PTAL rating of 4 on a scale of 0 to 6b, which indicates the site has good accessibility to public transport.
- 8 Catford and Catford Bridge Stations are 0.4 miles and 0.5 miles from the application respectively.

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9 There are bus stops a short walk from the site on Stanstead Road which are served by two bus routes (Nos. 171 and 185).

2 RELEVANT PLANNING HISTORY

10 **PRE/21/120305:** Pre-application advice on the demolition of the existing garages and the construction of nine residential dwellings.

11 It was advised that the principle of residential development could be supported on the site subject to details.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

12 The application is for the demolition of the existing garages at the application site and the construction of nine dwellinghouses. The dwellinghouses would be situated along the southern and western boundaries of the site.

13 Eight of the dwellings would be two-bedroom units and one dwelling would have three bedrooms. All of the dwellings would have private gardens.

14 Two of the dwellinghouses (Nos. 1 and 9) would be single storey in height and seven of dwellinghouses would be two storeys in height. The front elevations of proposed dwellinghouses 1 to 4 are shown in Figure 2 below and the front elevations of dwellinghouses 5 to 9 are shown in Figure 3 below.

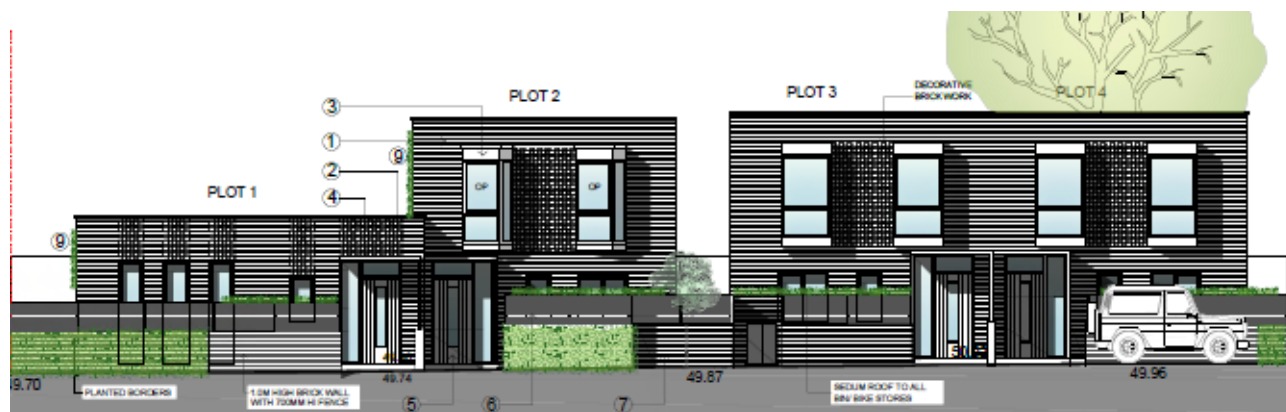


Figure 2 Front elevation of dwellings 1 to 4

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Figure 3 Front elevation of dwellings 5 to 9

- 15 Refuse storage and cycle parking would be provided for each dwellinghouse.
- 16 One disabled car parking space and one service vehicle bay are proposed as part of the development.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 17 The submission sets out that the applicants invited local residents by post to a non-statutory public consultation event which was held on the 1st July 2021.
- 18 The submission sets out that 35 individuals attended the consultation event.

4.2 APPLICATION PUBLICITY

- 19 A Site notice was displayed on the 24th September 2021.
- 20 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 24th September 2021.
- 21 [6] number responses received, comprising [5] objections, [1] support and [0] comments.

4.2.1 Comments in objection

Comment	Para where addressed
Increased parking demands and difficulties parking	126 - 127
Overlooking and loss of privacy	Section 6.5.2
Disruption and difficulties parking due to construction vehicles	A Construction Management Plan would be secured by condition
Proposal would alter fabric of the area due to cramming in dwellings in a low density area	60-64 and Section 6.3

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The dwellings would have small gardens compared to surrounding properties	82
Overdevelopment	60-64 and Section 6.3
Loss of green space	The application site is a brownfield garage site and there is no loss of green space
Over bearing and unneighbourly form of development	Section 6.5.1
Layout of development is out of character and harmful to amenities	60-64, Section 6.3 and Section 6.5
The design does not enhance the surrounding Victorian properties, local context or local character	98
Impact on trees in neighbouring properties	A Tree Protection Plan and Arboricultural Method Statement would be secured by Condition
Noise pollution from Air Source Heat Pump (ASHP)	167
No social and economic benefits to the area	The application is CIL liable
Loss of sunlight to gardens	Section 6.5.3
Noise and disturbance from dwellinghouses	Section 6.5.4
Concerns about delivery and servicing of dwellings	Section 6.4.2 and a Delivery and Servicing Plan would be secured by condition
Increased waste	Section 6.4.2 and a Waste Management Plan would be secured by condition
Increased dust pollution from construction	A Construction Management Plan would be secured by condition
Increased traffic	Section 6.4.1

22 Risk of subsidence to existing properties: This is not a material planning consideration

4.2.2 Comments in support

Comment	Para where addressed
There is a shortage of housing, this sensible reconstructing application should go ahead.	Section 6.1 and Section 6.2

4.3 INTERNAL CONSULTATION

23 The following internal consultees were notified on 23rd September 2021.

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- 24 Highways: No objection subject to details being secured by condition – see section 6.4 for further details.
- 25 Tree Officer: No comments received
- 26 Environmental Protection: No objection subject to conditions in respect of a Construction Management Plan, Site Contamination, Dust Minimisation, Wheel Washing, Construction Hours and a Noise Impacts Assessment.
- 27 Ecological Regeneration Manager: No objection subject to conditions - see section 6.7 for further details.

4.4 EXTERNAL CONSULTATION

- 28 The following external consultees were notified on 11th January 2022.
- 29 Thames Water: No objection subject to informatives being attached to a permission

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

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

5.3 NATIONAL POLICY & GUIDANCE

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

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5.4 DEVELOPMENT PLAN

34 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

35 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)
- Small Sites SPD (October 2021)

36 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- 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)
- Social Infrastructure (May 2015)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

37 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

38 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.

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Loss of Garages

- 39 The application proposes the loss of the existing garages on the site to make way for the proposed development.
- 40 Generally, the principle of demolition of the existing garages is accepted, full consideration to the displacement of parking spaces is considered in the relevant section of this report.

Residential Development

- 41 The NPPF (2021) speaks of the need for delivering a wide choice of high quality homes. Which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.
- 42 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting underutilised land and buildings, particularly where they would contribute to housing needs and where sites could be used more effectively.
- 43 Policy H2 of the London Plan requires boroughs to proactively support well designed new homes on small sites to help achieve targets set out in Table 4.2. Lewisham has a ten year target to deliver 3,790 new homes on small sites. Policy H2 sets out that boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 44 Spatial Policy 1 of the Core Strategy defines the location of the application as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for 14% of the boroughs requirements in order to meet local housing need and contribute towards meeting and exceeding London Plan targets.
- 45 DM Policy 33 Infill, backland and back garden and amenity area development sets out the requirements for a variety of sites within residential areas that may come forward for development. Part B of supporting paragraphs 2.251 defines Backland sites as 'landlocked' sites to the rear of street frontages not historically in garden use such as builders yards, small workshops and warehouses and garages. They require sensitive treatment and a high quality design in order to achieve successful development because of the potential for visual and functional intrusion due to the close proximity.
- 46 As the application site is a backland site, Part B of DM Policy 33 is relevant. It sets out that new development on sites of this type will only be permitted where they provided:
- (a) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians
 - (b) no significant loss of privacy and amenity, and no loss of security for adjoining houses and rear gardens; and
 - (c) appropriate amenity space in line with policy requirements in DM Policy 32 (Housing design, layout and space standards)
- 47 The Small Sites SPD sets out that backland sites present an opportunity to achieve high quality place making sense of identity. Similarly, to DM Policy 33, section 32 of the Small

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Sites SPD sets out that new residential development on sites previously occupied by garages should make adequate provision for pedestrians and take care to respect the privacy enjoyed by neighbours.

48 Residential development is acceptable in this location subject to the applicant meeting the policy tests set out above and other relevant development plan policies as set out in the sections below. The development is acceptable in principle and will make a contribution to Lewisham's targeted housing supply.

6.1.1 Principle of development conclusions

49 The demolition of the existing garages and construction of nine dwellinghouses is supported in principle.

6.2 HOUSING

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

6.2.1 Contribution to housing supply

Policy

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

52 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).

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

54 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

55 The plan sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029.

56 National and regional policy avoids specifying prescriptive dwelling size and mixes for market and intermediate homes.

57 NPPF paragraph 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups within the community.

58 Core Strategy Policy 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

59 The area is characterised as being suburban.

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Discussion

- 60 The proposal is for nine dwellinghouses, consisting of 7x 2B/4P units, 1x 2B3P unit and 1x 3B6P unit. The site measures approximately 0.14 hectares.
- 61 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Table [1]: Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	A 0.14	n/a
Units	W 9	W/A 64.28 U/HA
Habitable rooms	X 28	X/A 200 Hr/HA
Bedrooms	Y 19	Y/A 135.71 Br/Ha
Bedspaces	Z 37	Z/A 264.28 Bs/Ha

Summary

- 62 Policy D6 of the London Plan states for London to accommodate the growth identified in the plan in an inclusive and responsible way, every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding areas on most sites.
- 63 Whether the scale of development is appropriate for the site and surrounding area, the impact of neighbouring occupiers, and accessibility are all relevant factors when determining the optimum density, and these are considered in the following sections of this report.
- 64 Subject to the following matters, the proposed density is acceptable and would not result in the over intensification of the site and would provide nine dwellinghouses, including family sized dwellings. The proposed development would result in a more efficient use of land and increase the housing supply in line with the London Plan (2021).

6.2.2 Affordable housing

Percentage of affordable housing

Policy

- 65 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG guidance makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e., development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more).
- 66 The application proposal falls below the threshold for seeking affordable housing provision as only 9 units are proposed. Officers consider that given the size of the site and the quantum of development, the provision of nine units is acceptable. The density

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calculations above do not suggest an under-utilisation of land or that additional units may be appropriate.

6.2.3 Residential Quality

General Policy

67 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, and Small Sites SPD 2021 LBL).

68 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity. The Small Sites SPD has an Inside and Out Toolkit at section 15.

Internal space standards

Policy

69 London Plan Policy D6 and DM Policy 32 seeks to achieve housing developments with the highest quality internally and externally in relation to their context and sets out minimum space standards. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

70 The table below sets out proposed dwelling sizes.

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

Unit	Layout	Storeys	GIAm ²	B1m ²	B2m ²	B3m ²	Built in storage	Amenity
1	2B/4P	1	87 (70)	16 (11.5)	15 (11.5)		2.71 (2)	28 (7)
2	2B/4P	2	88 (79)	14 (11.5)	13 (11.5)		2.36 (2)	30 (7)
3	2B/4P	2	88 (79)	14 (11.5)	13 (11.5)		2.21 (2)	22 (7)
4	2B/4P	2	88 (79)	13 (11.5)	14 (11.5)		2.21 (2)	21 (7)

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5	2B/4P	2	89 (79)	13 (11.5)	13 (11.5)		2.52 (2)	42 (7)
6	3B/6P	2	109 (102)	14 (11.5)	13 (11.5)	13 (11.5)	2.96 (2.5)	42 (9)
7	2B/4P	2	89 (79)	13 (11.5)	13 (11.5)		2.52 (2)	44 (7)
8	2B/4P	2	89 (79)	13 (11.5)	13 (11.5)		2.58 (2)	31 (7)
9	2B/3P	1	75 (70)	13.5 (11.5)	9 (7.5)		2.48 (2)	31 (6)

71 As can be seen from table 2 above, all of the units would exceed the minimum floor areas for the unit types. All of the bedrooms would also exceed the required sizes.

72 In respect of built in storage, part (7) of Policy D6 states that built in wardrobes in excess of 0.72m² in double bedrooms and 0.36m² in single bedrooms count towards built in storage. All of the dwellinghouses would be provided with dedicated built-in storage and all of the built in wardrobes would provide excess built in storage in accordance with part (7). The built in storage figure in table 2 include the built in and built in wardrobe excess; all of the units would exceed the minimum requirements for built in storage.

73 Units 1 and 9 would have floor to ceiling heights of 2.9m and would therefore comply with part (8) of Policy D6 and DMP 32. In respect of units 2 to 8, the ground floors would have a floor to ceiling height of 2.5m and first floors would have a height of 2.4m for 80% of the first floor, whilst this is not compliant with part (8) of Policy D6 and DMP, it is compliant with the Nationally Described Space Standards (2015) which state the floor to ceiling height should be 2.3m or above for 75%, as such the floor to ceiling height is acceptable.

Outlook & Privacy

Policy

74 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.

Discussion

75 All of the units would be dual aspect with all habitable rooms being provided with a good standard of outlook. Officers acknowledge that proposed dwellings 2 to 8 would not have any windows in the rear elevation at first floor level, these parts of the dwellinghouses host bathrooms, and gallery study spaces within the upstairs landing area. These rooms

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would be served by rooflights, given that these rooms are not main habitable rooms the lack of outlook is considered to be acceptable.

- 76 Privacy to the rooms of the proposed dwellinghouses is considered to be acceptable due to the location of the windows and the distance from neighbouring properties is not considered to result in direct overlooking. The windows on at first floor level on front elevations of dwellings 2 to 4 would be situated a minimum of 9m from the nearest garden boundary with the closest dwelling being having a separation distance of approximately 16m. Dwellings 5 to 9 would be situated a minimum of 3.6m from rear garden boundaries and in excess of 21m from the dwellinghouses fronting Blythe Vale.

Daylight and Sunlight

Policy

- 77 DMP 32(1)(b) expect new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living space.

Discussion

- 78 All of the dwellinghouses would be dual aspect with all habitable rooms being served by windows as such the proposed dwellinghouses are considered to received adequate levels of daylight and sunlight.

Accessibility and inclusivity

Policy

- 79 LPP D7 requires 10% of residential units to be designed to Building Regulation M4(3) 'wheelchair user dwellings' i.e., designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users; with the remaining 90% being designed to M4(2) 'accessible and adaptable'. Para 12.16 of the Small Sites SPD echoes LPP D5.

Discussion

- 80 Proposed dwellinghouse 1 would be designed to building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellinghouses would be designed to building regulation M4(2) 'accessible and adaptable', as such the development would comply with LPP D7.

External space standards

Policy

- 81 Standard 4.10.1 of the Mayors Housing SPG states that a 'minimum of 5sqm of private amenity outdoor amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. This is also set out in LPP D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.

Discussion

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82 Table 2 sets out the private amenity space for each dwelling against the size required, all of the dwellings would be provided with private amenity space that would exceed the minimum requirements.

Summary of Residential Quality

83 All of the units would exceed the minimum space standards, and the units are considered to provide high quality residential accommodation.

6.2.4 Housing conclusion

84 The proposal would deliver 9 dwellinghouses which exceed the required space standards. It would contribute to meeting the Boroughs identified housing need in a predominately residential and sustainable location, and substantial weight is given to this material planning consideration.

6.3 URBAN DESIGN

General Policy

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

86 Policies D4 and D6 of the London Plan emphasise that the ‘scrutiny of a proposed development should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping’.

87 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design, and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of site, is sensitive to local context, and responds to local character.

88 DMP 30 requires planning applications to demonstrate site specific response, which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

89 DMP 33 states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality and relates successfully and is sensitive to the existing design quality of the streetscape.

90 The Small Sites SPD includes a Placemaking Toolkit in section 16.

6.3.1 Appearance and character

Policy

91 In terms of architectural style, the NPPF encourage development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 130).

92 LPP D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout,

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orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

- 93 DM Policy 30 requires planning applications to demonstrate a site specific response which creates positive relationship with the existing townscape whereby height, scale and mass of the proposed development relates to urban typology of the area.
- 94 DM Policy 32 expects new residential development to be attractive and neighbourly.
- 95 DM Policy 33 relates to development on backland sites, and sets out a number of specific requirements for development on these sites.

Discussion

- 96 The development proposes a modern development consisting of 8 properties arranged in pairs and one detached property. Proposed dwellinghouses 2 to 8 would be two storeys in height and proposed dwellinghouses 1 and 9 would be single storey in height; dwellinghouse 9 is the detached dwellinghouse. Due to slight land level changes within the site, all of the two storey dwellinghouses would not be the same height, the height difference is considered to be an appropriate design response to the land level changes within the site. Whilst all of two storey dwellinghouses are not the same height, in each pair of two storey dwellinghouses (3&4, 5&6 and 7&8), the dwellinghouses are level. The pair consisting of dwellinghouse 1 and 2, the dwellings would not have the same height as dwellinghouse 1 would be single storey and dwellinghouse 2 would be two storeys. The difference in height is considered to be acceptable and site specific response to the relationship with neighbouring properties.
- 97 Whilst backland development is not a feature within the area, the development being arranged in pairs and with one detached property; and two proposed dwellings being single storey in height, aids in the massing and scale of the proposed development being acceptable and respecting the scale and massing of the surrounding development.
- 98 The applicants have taken a modern approach with design of the proposed development compared to the surrounding development which consists largely of Victorian and inter war properties, given the backland nature of the site, a modern approach that is different in style from the properties which front the surrounding streets is considered to be acceptable.
- 99 The submitted Design and Access Statement sets out that the facing material would be brick with corbelled brick panels, with powder coated olive grey aluminium doors and windows, metal sanding seam angled roofs and perforated olive grey entrance canopies. The principle of the proposed materials are considered to result in a high quality design the final details would be secured by condition so as to secure quality. Also, to ensure the design quality of the development and to avoid cluttered elevations and alterations, conditions are proposed to remove permitted development rights in respect of extensions and alterations to the dwellinghouses.
- 100 Parts of the site would retain the existing boundary walls and parts of the site would incorporate new boundary treatments, full details of the retained and proposed boundary treatments would be secured by condition.

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101 The design of the proposed development is considered to respect the height, massing and scale of surrounding development and is considered to be a high quality addition on an underutilised site.

6.3.2 Layout and landscaping

Policy

102 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.

103 DMP 32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as the existing context of the surrounding area. They must also meet the functional needs to future residents.

Discussion

104 The proposed development would replace garages and there is currently no soft landscaping on the site. To the front of each dwellinghouse soft landscaping is proposed and grassed garden are proposed. In addition, each dwellinghouse would incorporate green roofs and dwellings 1, 2 and 4 would incorporate green walls on the side elevations. Given that there is no soft landscaping on site, Officers welcome the introduction of landscaping, grassed gardens, green walls and green roofs. The final details of the hard and soft landscaping along with maintenance and management plan would be secured by condition.

105 Whilst officers acknowledge that the entrances to each dwellinghouse would not be visible from the street, and would be accessed via an access way (which can be accessed by vehicles as well as pedestrians); given the backland nature of the site, this is considered to be acceptable. External lighting would be secured by condition as to ensure the access way to the dwellinghouses is adequately lit.

106 Overall, officers consider the layout of the development to make good use of the underutilised backland site.

6.3.3 Urban design conclusion

107 In summary, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale, and would use suitable materials. The design of the proposal is acceptable and in line with the aforementioned policy.

6.4 TRANSPORT IMPACT

General policy

108 The NPPF paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

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109 Paragraph 111 of the NPPF states ‘development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

110 The Small Sites SPD has guidance in sub-sections 12.12 to 12.18.

6.4.1 Local Transport Network

Policy

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

Discussion

112 The application site has a PTAL rating of 4. Catford and Catford Bridge Stations are 0.4 miles and 0.5 miles from the application respectively. There are bus stops a short walk from the site on Stanstead Road which are served by two bus routes (Nos. 171 and 185).

113 The provision of nine additional dwellings is not considered to have a significant impact on the local transport network in terms of capacity on road network or public transport.

114 The loss of the existing garages on the highways network also needs to be considered. The submitted Planning Statement (prepared by Boyer, 2021) sets out that all of the garages are currently empty, and prior to be empty the most recent use was storage as the garages are too small to fit modern cars. Given that the garages are currently empty and prior to this were being used for storage and their size, the proposed loss of the garages are not considered to have an unacceptable impact on the highways network.

115 A Construction Management Plan would be secured by condition to ensure the impacts of construction vehicles on the local highways network would be acceptable.

6.4.2 Servicing and refuse

Policy

116 DM Policy 31 requires new development to have appropriate regard for servicing of residential units including refuse. The Small Sites SPD has guidance in sub-section 12.14.

Discussion

117 All of the units would be provided with individual bin stores; this is compliant with the guidance set out in the Small Sites SPD. It is not proposed for refuse vehicles to enter the site. As vehicles will not enter the site and the bin stores are outside of the 10m drag distance of the highways, the refuse bins will need to be brought within 10m of the highway on collection day and returned to the bin stores as to not restrict the foot paths and access to the site. Offices consider this approach acceptable provided a waste management plan is secured by condition.

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- 118 A service vehicle/loading bay is proposed, this is adjacent to the disabled parking bay. Given that telescopic bollards are proposed on the site access road, a delivery and servicing plan would be secured by condition that would set out the use and management of the bollards.

6.4.3 Transport modes

Walking and cycling

Policy

- 119 LP Policy T5 states that Development Plans and development proposals should remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.
- 120 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.
- 121 The Small Sites SPF has guidance on sections 12.13.

Discussion

- 122 In respect of cycle parking, Table 10.2 of LP Policy T5 sets out that each dwellinghouse should be provided with 2 spaces. Individual cycle parking would be provided for each dwellinghouse to accommodate the required 2 spaces. Whilst the development would provide the correct number of spaces, the stores as currently proposed would not comply with the London Cycling Designs Standards due to 1m spacing not being provided between Sheffield stands for dwellinghouses 1 to 4 and the width of the doors for the stores for dwellings 5 to 9 not being 1.2m wide as such revised cycle parking stores would be secure by condition.
- 123 In terms of short stay cycle parking, two spaces are required. Two spaces are proposed as part of this application and the details would be secured by condition.

Car parking

Policy

- 124 LP Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (car-lite). The Small Sites SPD has guidance in sub-section 12.12.

Discussion

- 125 Table 10.3 of LP Policy T6 states that areas of a PTAL of 4 in Inner London should be car free except for disabled persons parking. The proposed development proposes one on-site disabled bay.
- 126 Part G of LP Policy T6 states that disabled parking should be provided for new residential development and goes on to set minimum criteria for proposals delivering 10 or more units; this criterion is not applicable to this application as 9 units are proposed.

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Part H of LP Policy T6 sets out that disabled bays associated with residential development must be for residents used only (whether M4(2) or M4(3) dwellings) and not allocated to a specific dwelling, unless it is provided within the curtilage of a dwelling. A management plan for the disabled parking space would be secured by condition.

- 127 A parking stress survey was submitted with the application, the survey was conducted in June 2021. The surveys yielded a capacity 72.4% and 77.8% on surveyed streets, which indicates sufficient on street parking availability given the PTAL of the site and the number of proposed units.

6.4.4 Transport impact conclusion

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

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 129 NPPF para 130 sets an expectation that new development will be designed to create place that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of LPP D3, D6 and D14 and DMP 30, 32 and 33.
- 130 DMP 31(1)(b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. The Small Site SPD provides general guidance in section 12 (sub section 12.2 to 12.4) and specific guidance in section 32.
- 131 The main impacts on amenity arise from: (i) overbearing sense of enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity area; and (iv) noise and disturbance.

6.5.1 Enclosure and Outlook

Policy

- 132 DMP 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings. The Small Sites SPD subsection 12.3 provides further details.

Discussion

- 133 Blythe Vale: The main properties on Blythe Vale that the impact needs to be considered on are properties which adjoin the site Nos. 4 to 18 and Nos. 24 and 26.

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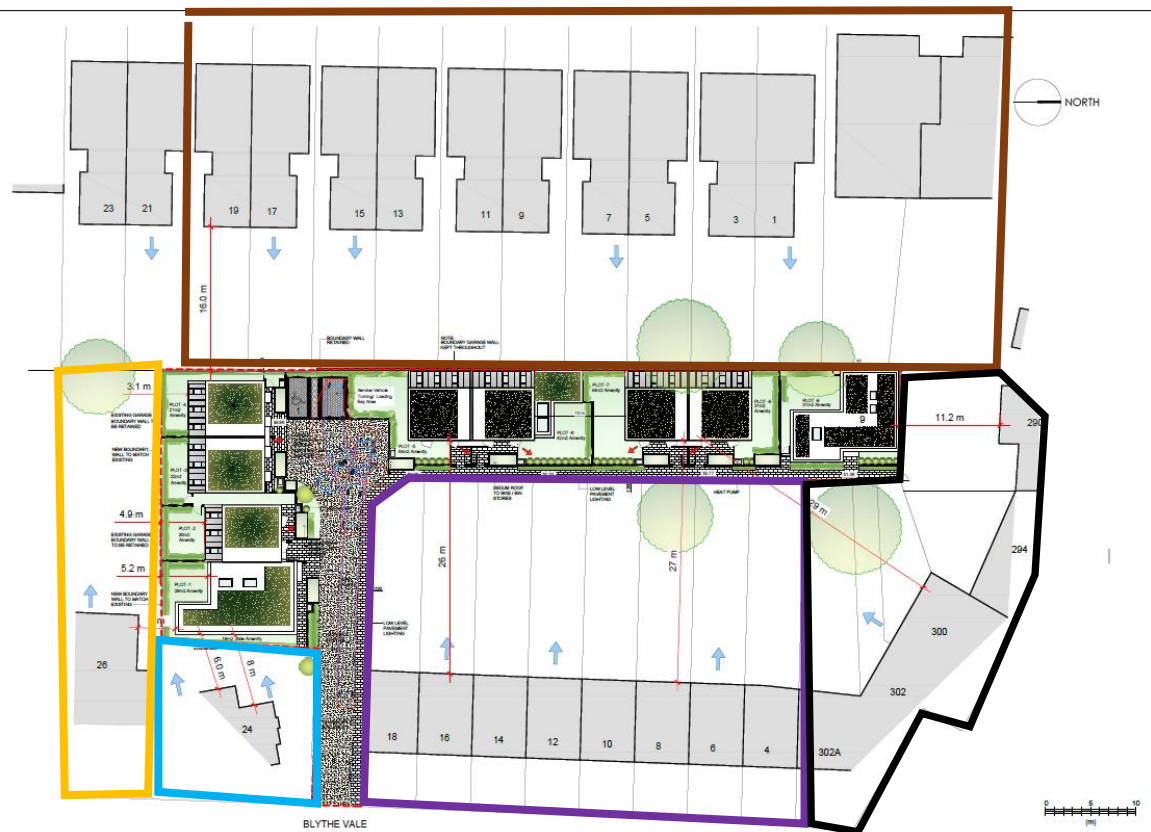


Figure 4 Block Plan and relationship to properties on Blythe Vale

- 134 Nos. 4 to 18 comprise of a terrace of inter/post war properties, which benefit from front and rear gardens; as outlined in purple in Figure 4. Some of the properties in the terrace benefit from single storey rear extensions. The gardens have approximate depths of between 18m and 21m. Dwellinghouses 5 to 9 would be situated to the rear of the gardens of Nos. 4 to 18, with the main front elevations of 5 to 8 setback 4.2m from the shared boundary and the elevation of No. 9 setback 2.07m from the shared boundary. Given the depth of the rear gardens and the setback of the dwellinghouses, the proposed dwellinghouses are not considered an unacceptable impact on Nos. 4 to 18 in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 135 Of the proposed dwellinghouses situated on the southern boundary, dwellinghouses 1 and 2 would be set back 7.7m from the side garden boundary of No. 18, given the siting of the dwellinghouses and the set back from the side garden boundary, the proposed dwellinghouses on the southern boundary are not considered to have an unacceptable impact on No. 18 in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 136 No. 24 Blythe Vale is a detached property which is adjacent to the entrance to the site, as outlined in blue in Figure 4. No. 24 is angled within its plot and the property has a shallow rear garden compared to the gardens of neighbouring properties, No.24 is setback approximately a minimum of 5m from the boundary of the site boundary. Proposed dwellinghouses 1 and 2 are the closest proposed dwellings to No. 24; proposed dwellinghouse 1 is single storey and proposed dwellinghouse 2 is two storey in height. Proposed dwellinghouse 1 would be set 1.22m from the shared boundary with No. 24 and would have a height of 3.8m. The existing 2m high fence would be retained,

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with additional boundary treatment with a height of 2m being installed within the garden of No.1. The proposed dwellinghouse would extend 1.8m above the existing boundary treatment. The two storey dwellinghouse at No. 2, would be set back 9m from the shared boundary with No.24. Considering the set back of No. 24 from the shared boundary with the application site, and that proposed dwellinghouse No. 1 would be single storey in height and the set back of the two storey dwellinghouses, the proposal is not considered to result in a materially harmful increase sense of enclosure or an unacceptable loss of outlook.

- 137 No. 26 Blythe Vale shares a boundary with the application site, No. 26 is outlined in yellow in Figure 4. None of the proposed dwellinghouses would be situated directly to the rear of No.26, and they would all be situated to the side as shown in Figure 4. Proposed dwellinghouse No.1 would be set back a minimum of 1.37m from the shared boundary with No. 26 Blythe Vale, proposed dwellinghouse No. 2 would be set back 4.2m from the shared boundary and proposed dwellinghouses 3 and 4 would be set back 3.1m from the shared boundary. Considering the set in of proposed dwellings 3 and 4 combined with the set back from the dwellinghouse at No. 26, proposed dwellings 2, 3 and 4 are not considered to an unacceptable impact on No. 28 in terms of an increased sense of enclosure or an unacceptable loss of outlook. Whilst officers acknowledge that proposed dwellinghouse 1 would be set a minimum of 1.37m from the shared boundary with No. 26, given the single storey nature of the proposed dwellinghouse, the proposal is not considered to result in a materially harmful increase sense of enclosure or an unacceptable loss of outlook.
- 138 Carholme Road: The main properties on Carholme Road that the impact needs to be considered on are Nos. 1 to 19 and Rosinella and Tehidy (named dwellings), which are outlined in brown in Figure 4. These properties are two storey residential properties which benefit from front gardens and rear gardens. Some of the properties benefit from single storey rear extensions. The rear gardens have an approximate depth of 16m. The side elevation of proposed dwelling 4 would be set in 1m from the shared boundary and the rear elevations of proposed dwellings 5 to 9 would be sited on the boundary. Whilst officers acknowledge that dwellinghouses 5 to 9 would not be set back from the shared boundary, given the pitched roofs of Nos 5 to 8 and the single storey height of No.9 which reduce the bulk of the dwellings, combined with the lengths of the rear gardens of the properties fronting Carholme Road, the proposal is not considered to be unacceptable in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 139 Stanstead Road: The application site share boundaries with Nos. 290, 294-298, 300, 302 and 302A Stanstead Road, which are outlined in black in Figure 4.
- 140 No. 290 Stanstead Road is a two storey residential property. The property benefits from a rear garden with an approximate length of 11.2m. Proposed dwellinghouse No. 9 would be built to the shared boundary with No. 290. Proposed dwellinghouse No. 9 would be single storey. Considering the single storey nature of proposed dwellinghouse No.9 and the depth of the rear garden of No. 290, the proposal is not considered to have an unacceptable impact in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 141 No. 294-298 was formerly in commercial use and in September 2020 and February 2021 permission was granted for the change of use of the ground and first floors into residential accommodation. Pre-commencement conditions attached have been discharged as such the assessment on this property will be on a residential use. Proposed dwelling No. 9 would be sited approximately 15m from the rear elevation of

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No. 294-298. The rear garden area of No. 294-298 does not directly adjoin the application site, further to this there is oblique relationship between No. 294-298 and proposed dwelling No. 9. Considering the oblique relationship and the separation distance, the proposal is not considered to have an unacceptable impact in terms of an increased sense of enclosure or an unacceptable loss of outlook.

- 142 No. 300 is in commercial use as such there is no residential amenity impact considerations.
- 143 There is residential accommodation at Nos. 302 and 302A and the rear gardens have approximate lengths of 19m and 23m respectively. The closest dwelling is set back 2m from the shared boundary. Given the depth of the rear gardens and the setback of the dwellinghouses, the proposed dwellinghouses are not considered an unacceptable impact on Nos. 302 and 302A in terms of an increased sense of enclosure or an unacceptable loss of outlook

6.5.2 Privacy

Policy

- 144 Privacy standards are distances between directly between facing windows and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 145 DMP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation distance of 21m between directly facing habitable windows on main rear elevations. This separation distance will be maintained as a general rule but will be applied flexibly dependent on the context of the development.
- 146 The Small Sites SPD sets out in section 12.4 that in general terms the privacy of the first 10m of a rear gardens (defined as the area of the rear garden extending 10m beyond the furthest rear part of the dwelling, for the main width of the dwelling) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (vertically aligned with clear glass) should be located more than 6m from the rear edge of the 10m privacy area.

Discussion

- 147 Blythe Vale: The windows at ground floor level of the dwellinghouses and the windows in the single storey dwellings would face within the site and onto the boundary treatment between the application site and neighbouring properties, therefore would not have an unacceptable impact in terms of privacy.
- 148 At first floor level, the front elevations would incorporate projecting windows which serve bedrooms. The windows in dwellings 2, and 5 to 8 would be angled as they face towards the properties and rear gardens on Blythe Vale. The windows on dwellings 3 and 4 would not be angled as they do not face directly onto any neighbouring property. The separation distance between the front elevations of the proposed dwellinghouses and the rear elevations is greater than the guidance of 21m and as such there is not considered to be an unacceptable impact in terms of overlooking to the dwellinghouses.

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- 149 In terms of overlooking to the rear gardens, of the windows would be exceed the guidance in the Small Sites SPD of the windows being located more than 6m from the rear edge of the 10m privacy area.
- 150 No windows would face towards No. 24 Blythe Vale therefore there would be no impact in terms of overlooking of loss of privacy.
- 151 The rear roof slope would host roof lights; therefore, the proposal would not result in any overlooking or loss of privacy in the rear garden of No. 26 Blythe Vale. Notwithstanding this, all of the rooflights would be set back from the rear boundary by a minimum of 3.1m from the shared boundary.
- 152 Carholme Road: The windows at ground floor level of the dwellinghouses and the windows in the single storey dwellings would face within the site and onto the boundary treatment between the application site and neighbouring properties, therefore would not have an unacceptable impact in terms of privacy.
- 153 The side elevation of dwellinghouse No 4 does not include any openings therefore there would no privacy considerations in respect of this proposed dwellinghouse on the properties fronting Carholme Road.
- 154 The rear roof slopes would host rooflights, therefore the proposal would not result in any overlooking or loss of privacy. Notwithstanding this, all of the rooflights would be located more than 6m form rear edge of the 10m privacy area.
- 155 Stanstead Road: The windows at ground floor level of the dwellinghouses and the windows in the single storey dwellings would face within the site and onto the boundary treatment between the application site and neighbouring properties, therefore would not have an unacceptable impact in terms of privacy.
- 156 The closest window at first floor level would be situated on proposed dwellinghouse No. 8 and this would be situated a minimum of 26m from the nearest property on Stanstead Road. Further to this, the window would be angled. The separation distance between the front elevations of the proposed dwellinghouses and the rear elevations is greater than the guidance of 21m and there such there is not considered to be an unacceptable impact in terms of overlooking to the dwellinghouses.

6.5.3 Daylight and Sunlight

Policy

- 157 London Plan Policy D6 states that design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate for its context. DMP 32 is in line with this and the Small Sites SPD provides further guidance in sub-section 12.3.
- 158 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.
- 159 The methods for calculating impact on daylight and sunlight within the report are as follows: (i) Vertical Sky Component (VSC); (ii) Annual Probable Sunlight Hours (APSH); and (iii) No Sky Line (NSL).

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

Discussion

161 The application is accompanied by a Daylight and Sunlight Assessment (prepared by T16 Design, dated August 2021).

162 The report sets out that in respect of daylight all of the neighbouring windows requiring analysis would comply with the BRE guidance. The report also sets out in respect of sunlight all of the windows requiring analysis would comply with BRE guidance.

163 The Daylight and Sunlight Assessment (prepared by T16 Design, dated August 2021), also includes an assessment in respect of sunlight to neighbouring gardens, all of the gardens would comply with the BRE guidance.

6.5.4 Noise and disturbance

Policy

164 DMP 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

165 The site currently consists of 40 garages; whilst officers acknowledge that the proposed 9 dwellinghouses are likely to generate more noise and comings and goings compared to the garages, this is not considered to be unacceptably harmful to neighbouring properties.

166 While there will be servicing impacts that will occur to access the site, these again are limited due to 9 units being proposed. Officers note that the site has an established use for 40 garages. If the site were redeveloped to update the garages to allowing accommodation of modern vehicles, this would significantly increase the comings and goings to the site by way of vehicular traffic. On balance the servicing impacts are judged to be acceptable in this context.

167 Concern has been raised in respect of noise disturbance from the proposed ASHP, details of the acoustic enclosure for the ASHP would be secured by condition.

6.5.5 Impact on neighbours conclusion

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

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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- 169 Paragraph 153 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.
- 170 CS objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. The Small Sites SPD sections 11 and 21 provide guidance of sustainability.

6.6.1 Energy and carbon emissions reduction

Policy

- 171 CSP 8 seeks to minimise carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 172 DMP22 requires all development to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.
- 173 LPP SI2 states that major development should achieve zero carbon and should minimise to 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

- 174 The application is not a major development (as only 9 units are proposed) and as such the provision of LPP do not apply. Notwithstanding this, the application is accompanied by an Energy and Sustainability Statement (prepared by XCO₂, dated August 2021).

Be Lean

- 175 The Statement sets out that the buildings have been designed to reduce energy demand. The Statement sets out that passive design measures include: enhanced u-values by way of insulation and glazing used; air tightness improvement; and reducing the need for artificial lighting.
- 176 The Statement sets out that active design measures include high efficacy lighting, mechanical ventilation heat recovery and ASHP.
- 177 The Statement sets out that the measures, would reduce regulated CO₂ emissions by 11.4% across the whole site.

Be Clean

- 178 The Statement sets out that due to the location of the site and consultation with the London Heat Map it is not feasible to connect the site with a district heat network and the site is not within any Heat Network Priority Area. The Statement goes on to state that due to updated carbon factors and the small scale of the development it is deemed inappropriate to include a site wide CHP network. The Statement sets out that it is due to the above reasons that ASHP are proposed for the development.

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179 As such, there would be no reductions from Be Clean measures, this is considered to be acceptable as there is no policy requirement due to the scale of the development.

Be Green

180 The proposal includes ASHP for each dwellinghouse. The Statement sets that an appraisal of renewable, low and zero carbon technologies identified ASHP as suitable technology for the development. According to the Statement regulated carbon saving achieved is estimated to be 33.3%.

6.6.2 Overheating

Policy

181 LPP S14 states that major proposals should demonstrate through an energy strategy how the potential for internal overheating would be reduced.

Discussion

182 As the application is not a major development (as only 9 units are proposed) the provision of LPP S14 does not apply. Notwithstanding this, the submitted Statement sets out that risk of overheating will be mitigated by both passive and active design measures. These measures include the ASHP, the insulation of pipe work, the size of glazing and an MVHR system.

183 Further to this, all of the units would be dual aspect which have greater capacity to address overheating.

6.6.3 Flood Risk

Policy

184 LPP SI12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

185 The site lies outside of Flood Zones 2 and 3 and therefore is at low risk of flooding.

6.6.4 Sustainable Urban Drainage

Policy

186 LPP SI13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovering from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.

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

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

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189 Policy G4 of the London Plan requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs.

190 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

191 The application site is in an area of low to medium risk of surface water flooding in accordance with the Environment Agency surface water flood maps.

192 Whilst all of the dwellings and cycle and bin stores would include green biodiverse roofs, a full SuDS strategy has not been submitted. A SuDS strategy would be secured by condition.

193 Details of permeable hard landscaping will be secured by condition.

6.7 NATURAL ENVIRONMENT

General Policy

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

195 The NPPF and NPPG promote the conservation and enhancement of the natural environment (Chapter 15) and set out several principles to support these objectives.

196 The NPPF at para 180 states that decisions should ensure that new development is appropriate or its location taking into account the likely effects (including cumulative effects) of pollution of health, living condition and the natural environment, as well as the sensitivity of the site or wider area impacts that could arise from development. The Small Sites SPD provides a Green Toolkit at section 14.

6.7.1 Ecology and biodiversity

Policy

197 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 purposes of conserving biodiversity.

198 NPPF para 174 states that 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 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

199 CSP seeks to preserve or enhance local biodiversity.

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200 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivering of benefits and minimising of potential impacts on biodiversity.

Discussion

201 The application site is a brownfield site that consists of 40 garages. A Preliminary Ecological Appraisal and Preliminary Roost Assessment (prepared by Adonis Ecology Ltd, dated June 2021) has been submitted with the application.

202 This report has been reviewed by the Councils Ecological Regeneration who raised no objections subject to conditions in respect of:

- Demolition and vegetation works should happen outside bird nesting season (March to August inclusive) and if this is not possible the features to be removed should be checked by a qualified ecologist
- Integrated bird, bat and insect boxes as follows:
 - Plot 1 and 9: 1 insect hotel
 - Plot 2: 2 universal swift bricks and 1 bat brick, east side
 - Plot 4: 1 bat brick, west side
 - Plot 5 and 7: 1 bat brick, south side
 - Plot 6 and 8: 2 universal swift bricks, north side
- Soft landscaping with native and/or wildlife friendly species
- Details of living walls
- Biodiverse (non-sedum mat) living roofs on dwellinghouses and bin and cycle stores

203 The report sets out that if works do not commence within 18 months of the survey that has been undertaken for the report, the ecology of the site should be re-assessed as the ecological situation may have changed in the intervening time, this would be secured by condition.

6.7.2 Green spaces and trees

Policy

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

205 Paragraph 131 of the NPPF (2021) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to

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ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

- 206 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. 224 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. 225 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. Small Sites SPD section 19 provides guidance on, amongst other things, trees.

Discussion

- 207 There are no trees within the existing garage site, however, there are trees in adjacent sites close to the boundary with the application site. The application is accompanied by a Tree Survey Report and Arboricultural Impact Assessment (prepared by Adonis Ecology, dated June 2021).
- 208 No trees are proposed to be removed to facilitate the proposed development. Two of the dwellinghouses are within the Root Protection Areas (RPAs) of trees T2, T3, T4 and T5 as such as Tree Protection plan and Arboricultural Method Statement would be secured by condition.
- 209 The report set out that minor facilitation pruning of the lower canopies of Trees T2, T4 and T6, as well as the canopies of T5 and T7. In terms of the amenity value of these trees, considering their location and the as minor pruning is proposed, this is not considered to have such a harmful impact on the amenity value of the trees. The methodology and scope of works would be required to be set out in the Arboricultural Method Statement that would be secured by condition.
- 210 All of the properties would have grassed private amenity spaces. The introduction of grassed gardens is welcomed given that there is not soft landscaping on the site currently. Due to amount of hard landscaping proposed for the access road and pedestrian path, it would be secured by condition that the gardens have to remain grassed to ensure soft landscaping within the development.

6.7.3 Ground pollution

Policy

- 211 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 212 DM Policy 28 advises the Council will use appropriate measures to ensure that contaminated land is fully investigated.

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Discussion

213 A pre-commencement condition is attached in respect of a desk top study and investigation report for site contamination.

7 LOCAL FINANCE CONSIDERATIONS

214 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).

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

216 The CIL is therefore a material consideration.

217 The application is CIL liable and the amount due to be paid would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

218 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.

219 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.

220 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.

221 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

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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>

222 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

223 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>

224 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 there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

225 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

226 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.

227 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore,

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

228 This application has the legitimate aim of providing 9 new residential dwellings. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered unlawfully interfered with by this proposal.

10 CONCLUSION

229 This application has been considered in the light of policies set out in the development plan and other material considerations, including the recently adopted Small Sites SPD.

230 The principle of the proposed development is supported as it would provide 9 market units on an underutilised site, of which one would be a 3B6P unit and seven would be 2B4P units. All of the dwellings are considered to provide a good standard of accommodation to future occupiers and substantial weight is given to this material planning consideration.

231 In urban design terms, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale and would be of an appropriate materiality.

232 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.

233 No adverse impacts have been identified to the living conditions of the neighbouring properties.

234 Overall, the contribution to housing supply, efficient use of land, the high quality design of the proposed dwellinghouses and as the development would be acceptable in terms of sustainable development, natural environment impact, highways impacts and on residential neighbouring amenity, the application is recommended for approval subject to the conditions set out in section 11.1 below.

11 RECOMMENDATION

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

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) **PLAN NUMBERS**

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

Received 17th September 2021

322-21-01; 322-21-02; 322-21-03; 322-21-09 Rev A; 322-21-10 Rev B; 322-21-12; 322-21-13; 322-21-14; LTH 322-21-01; LTH 322-21-02; LTH 322-21-03; LTH 322-21-04; LTH 322-21-05; LTH 322-21-06; LTH 322-21-07

Received 4th February 2022

322-21-04 Rev B; 322-21-05 Rev A; 322-21-06 Rev A; 322-21-07 Rev A; 322-21-08 Rev A; 322-21-11 Rev C; 322-21-15

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).

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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) **SITE CONTAMINATION**

(a) No demolition or development, 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(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).

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5) SURFACE WATER MANAGEMENT

(a) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with 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).

6) FIRE SAFETY STRATEGY

(a) No works whatsoever shall commence until a Planning Fire Safety Strategy has been submitted to and approved in writing by the local planning authority. The Planning Fire Safety Strategy should include:

- Details on space provisions for fire appliances and assembly points
- Details of passive and active safety measures
- Details of means of escape and evacuation
- Details of access and equipment for firefighting

(b) The development must be carried out in accordance with the provisions of the

Planning Fire Safety Strategy and retained as such for the lifetime of the development.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan (2021) and the provisions of the Small Sites SPD in light of the access arrangements from the public highway.

7) MATERIALS

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

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

8) **REFUSE STORAGE**

Notwithstanding the plans hereby approved, no development above ground shall commence until revised details of proposals for the storage of refuse and recycling facilities (including details of Biodiverse (non-sedum mat) living roofs) for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

9) **CYCLE PARKING**

Notwithstanding the plans hereby approved, no development above ground shall commence until revised details of proposals of the cycle parking facilities (including details of Biodiverse (non-sedum mat) living roofs) have been submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

10) **RESIDENTIAL SOUNDPROOFING**

(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not

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exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (1) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

11) **HARD LANDSCAPING**

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

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping.

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).

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13) **SOFT LANDSCAPING AND LIVING WALLS**

(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 living walls and 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).

14) **BIODIVERSE ROOFS**

(a) Details of Biodiverse (non-sedum mat) living roofs to the dwellinghouses, and cycle and reuse stores shall be submitted and approved in writing by the Local Planning Authority and maintained thereafter.

(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.

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).

15) **ARBORICULTURAL METHOD STATEMENT**

(a) No development shall take place until a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the local planning authority. Such study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the

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recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.: -

- Protection of trees within total exclusion zones.
- The location and type of protective fencing.
- The location of the main sewerage and water services in relation to trees.
- The location of all other underground services, i.e., gas, electricity and telecommunications.
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
- Suggested locations for the site compound, office, parking and site access.
- The replacement planting necessary to compensate for any necessary losses.

(b) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.

(c) The development shall be implemented in accordance with the approved AIS.

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 Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

16) **INTEGRATED BIRD, BAT AND INSECT BOXES**

Details of the following integrated bird, bat and insect boxes:

- Plot 1 and 9: 1 insect hotel
- Plot 2: 2 universal swift bricks and 1 bat brick, east side
- Plot 4: 1 bat brick, west side
- Plot 5 and 7: 1 bat brick, south side

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- Plot 6 and 8: 2 universal swift bricks, north side

Shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works and shall be installed in accordance with the approved details before the occupation of the buildings 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) **EXTERNAL LIGHTING**

(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

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

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

18) **RETENTION OF GRASSED AMENITY SPACE**

The whole of the grassed amenity spaces as shown on the drawings hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby approved.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014).

19) **BOUNDARY TREATMENTS**

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

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

20) **ACOUSTIC SCREENING FOR ASHP**

(a) Details of the acoustic screening to be installed to around the ASHP shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

(b) The approved acoustic screening shall be installed prior to occupation of any residential unit and retained in perpetuity.

Reason: To protect the amenities of the occupiers and to comply DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

21) **WASTE MANAGEMENT PLAN**

a) No development shall commence until a waste management plan has been submitted for the residential accommodation and approved in writing by the local planning authority.

(b) The waste management plan under part (a) shall be provided and implemented prior to the occupation of the development and shall thereafter be maintained.

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

22) **DELIVERY AND SERVICING PLANS**

(a) The development shall not be occupied until a Delivery and Servicing Plan including details of the operation and management of the bollard has been submitted to and approved in writing by the local planning authority.

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(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

23) **RESTRICTING PERMITTED DEVELOPMENT RIGHTS – EXTENSIONS**

No extensions or alterations to the building(s) 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).

24) **RESTRICTING 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 windows (or other openings) shall be constructed in the elevations of the building 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 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

25) **BIRD NESTING SEASON**

To avoid the destruction of active bird nests, demolition and vegetation works shall be undertaken outside of bird nesting season (March to August inclusive). If works are undertaken during the nesting season the features to be removed should be checked by a qualified ecologist that no active bird nests are present.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial

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playing pitches and local character of the Development Management Local Plan (November 2014).

26) **TIME LIMIT OF ECOLOGY SURVEYS**

If works of the development hereby approved do not commence within 18 months of the survey that has been undertaken for the report, the ecology of the site should be re-assessed as the ecological situation may have changed in the intervening time.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

27) **CONSTRUCTION WORK HOURS**

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

Reason: 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).

28) **WHEELCHAIR HOMES**

(a) One (1) M4(3) wheelchair accessible dwelling and eight (8) M4(2) accessible and adaptable dwellings shall be provided within the approved scheme.

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

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

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy

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(June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

29) **CAR PARKING MANAGEMENT PLAN**

Prior to first occupation, a Car Parking Management Plan shall be submitted for approval in writing by the Local Planning Authority. The plan should describe how the disabled parking will be distributed and managed on the site.

Reason: To ensure suitable arrangements for car parking as part of the development in accordance with Policy T6.1: Residential Parking of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (June 2011).

30) **PROVISIONS OF SUSTAINABILITY STATEMENT**

The proposed development shall be constructed in accordance with the recommendations within the submitted Energy and Sustainability Statement (prepared by XCO2, dated August 2021).

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

11.2 INFORMATIVES

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

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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-planningpermission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- 3) 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.
- 4) 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.
- 5) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- 6) "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via [https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBePI_6-w\\$](https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBePI_6-w$) . Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 7) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8) The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at [https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBEi6YyDw\\$](https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBEi6YyDw$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

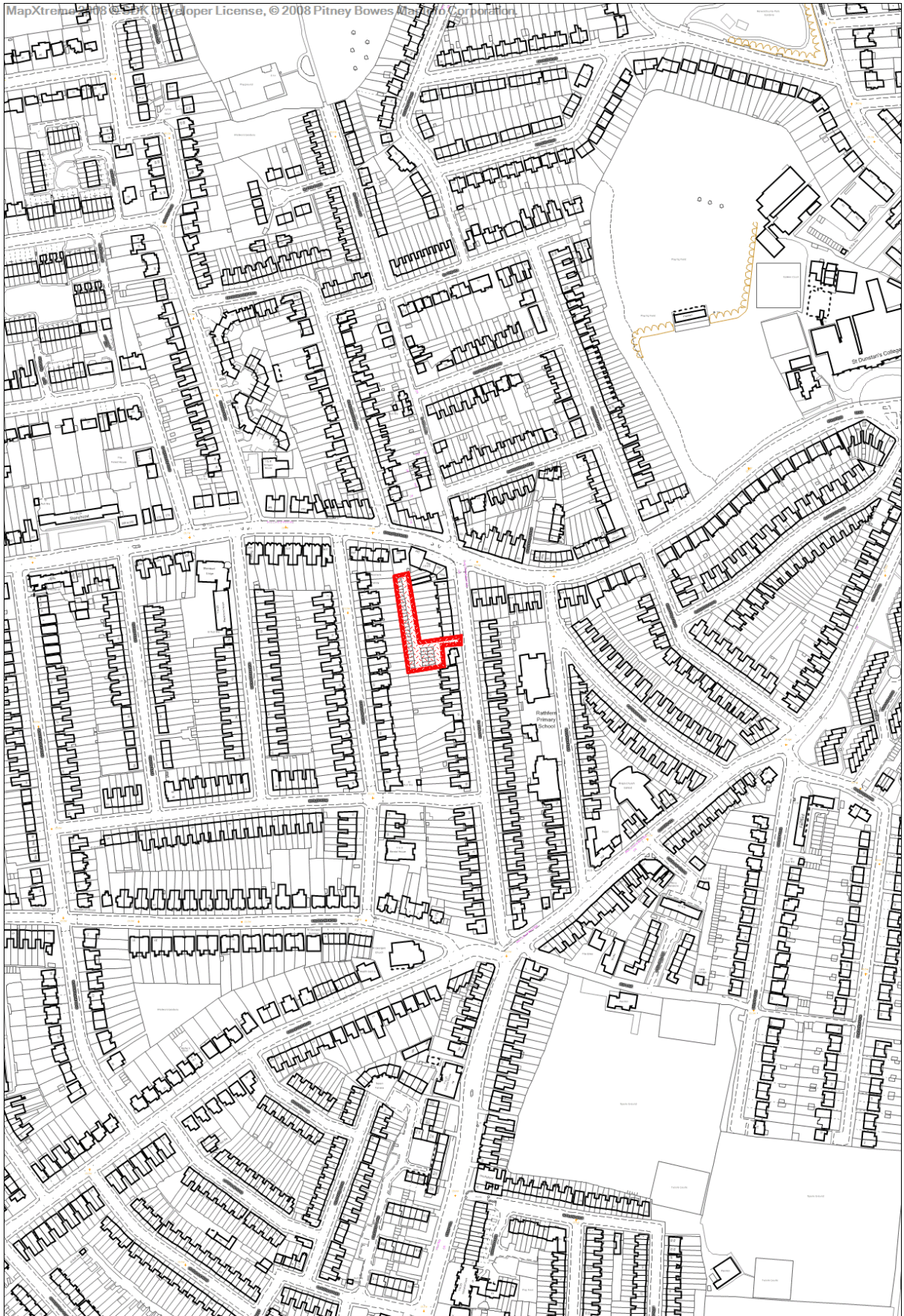
Georgia McBirney, Georgia.McBirney@Lewisham.gov.uk; 020 8315 7118

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Garages to the rear of 4-24 Blythe Vale, SE6 4UJ

The demolition of the existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and the erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.

Application No. DC/21/123262

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

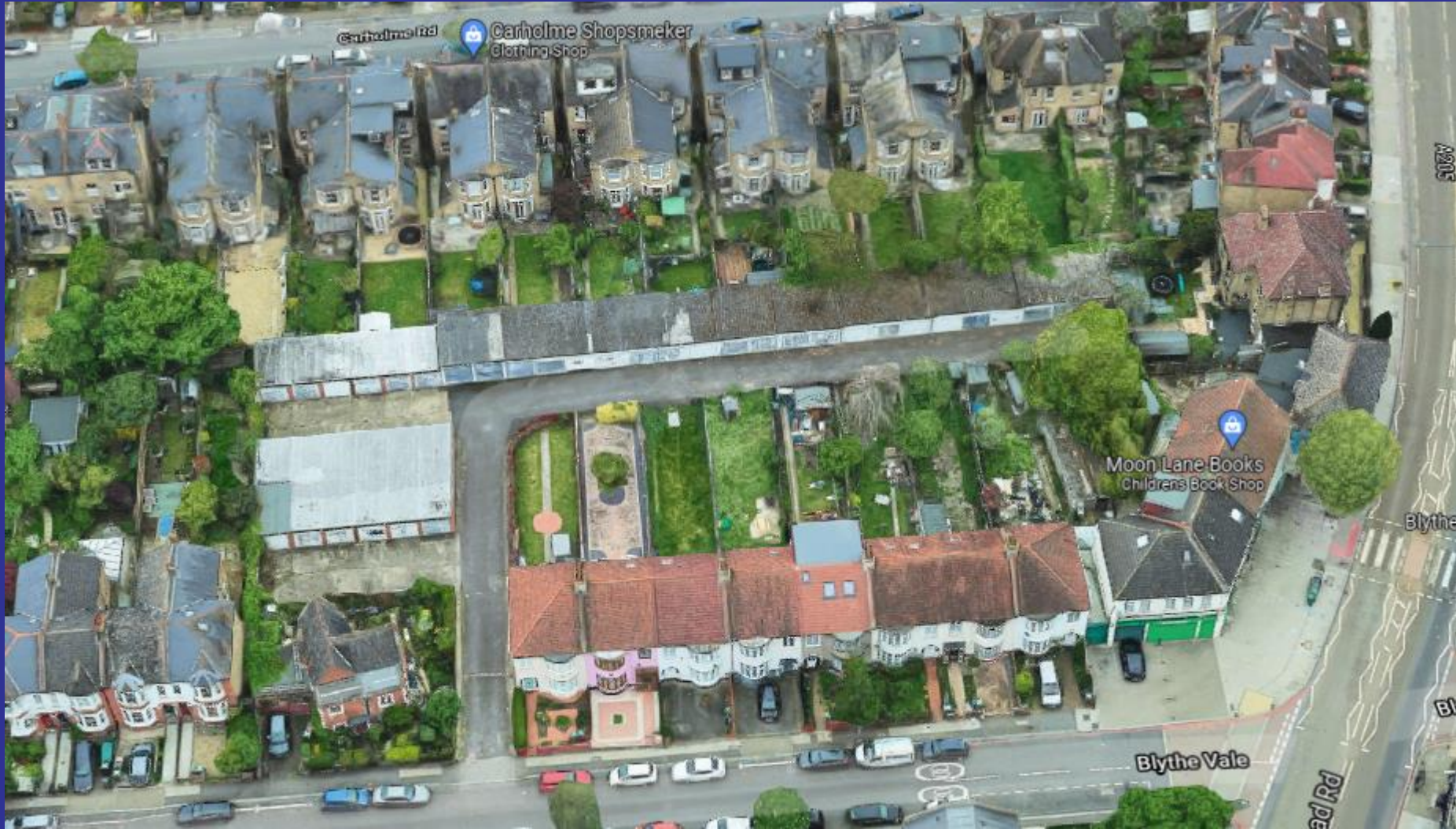
Site Location Plan



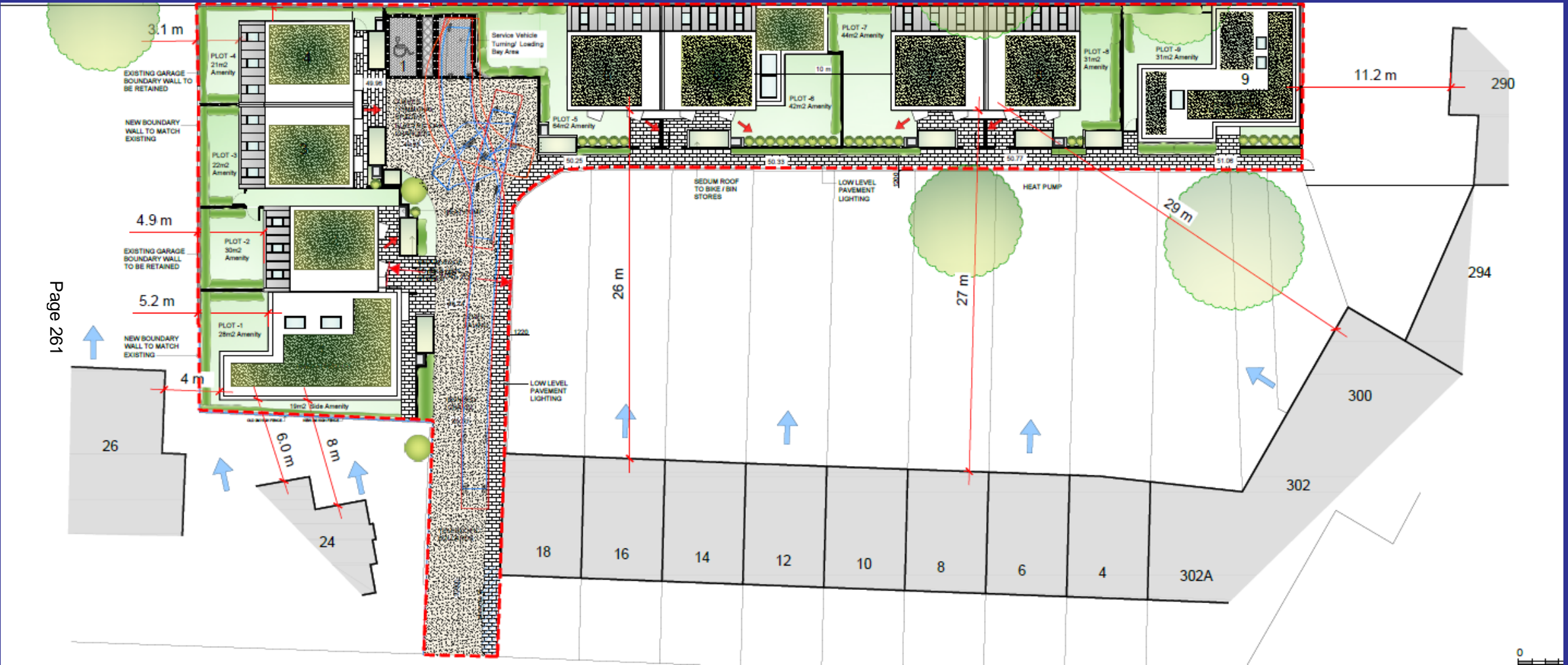
Existing Context – Aerial view of site context



Existing Context – Aerial view of site context

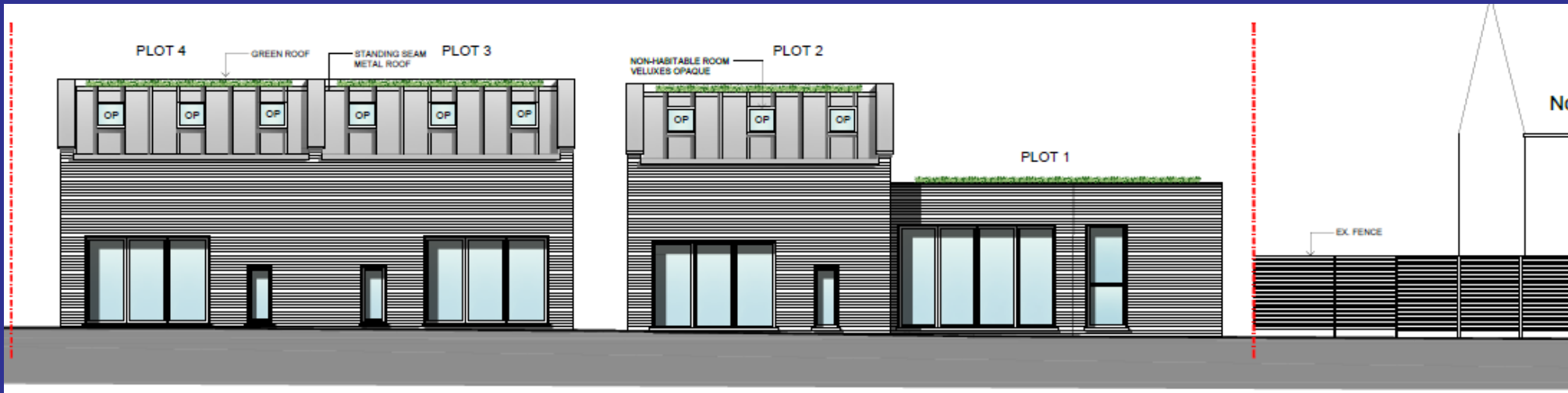


Proposed Site Plan

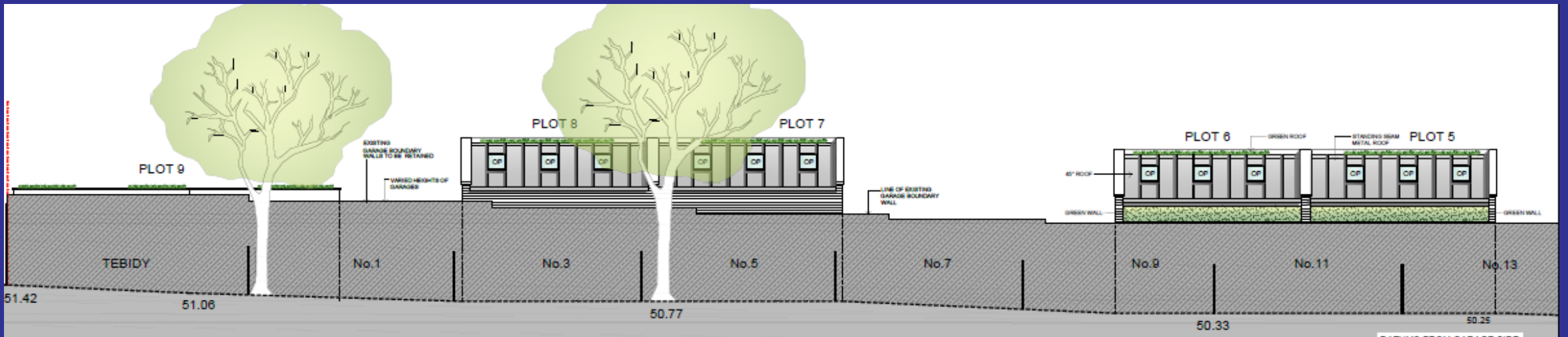
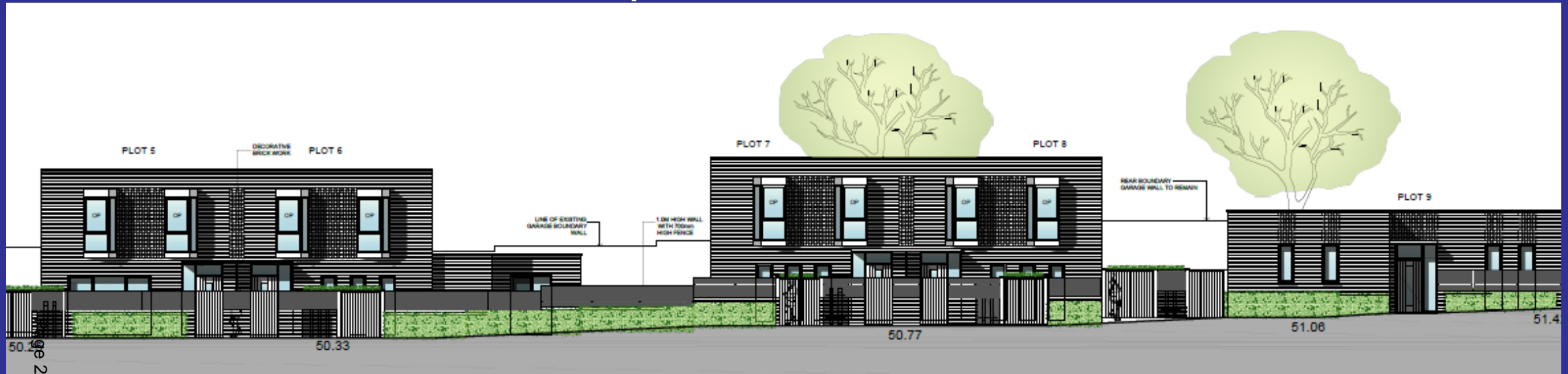


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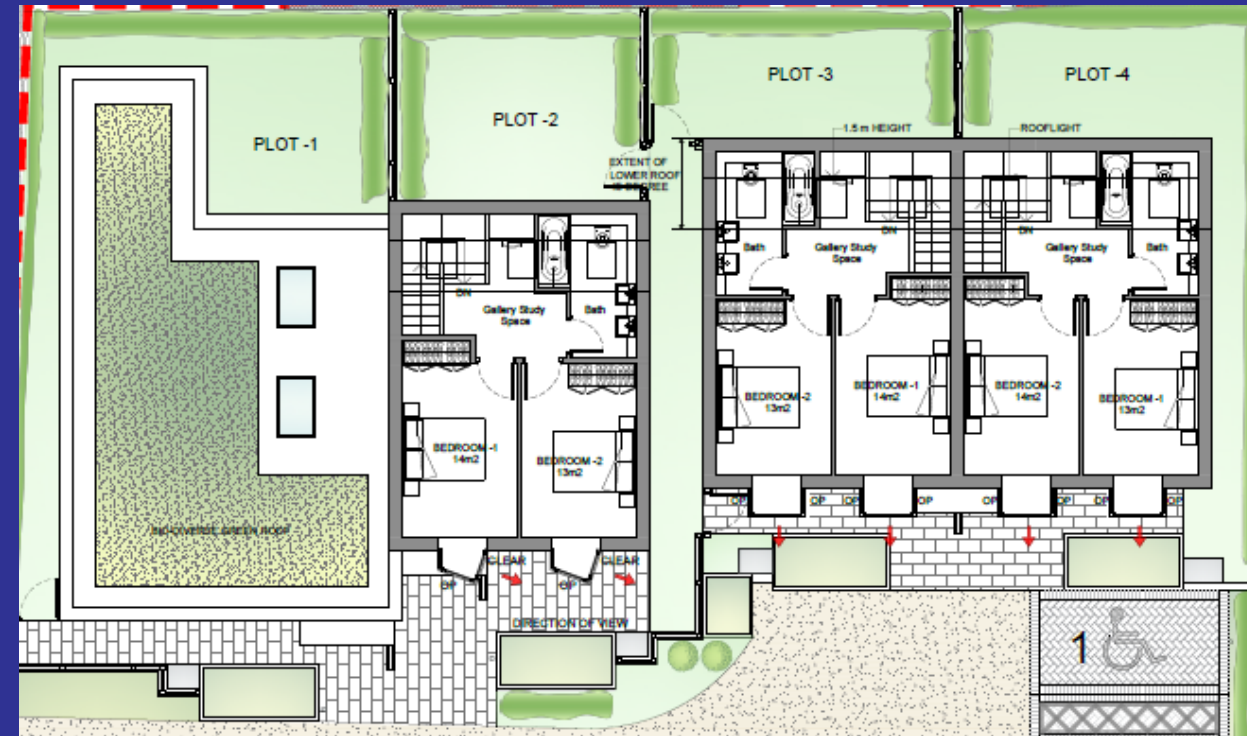
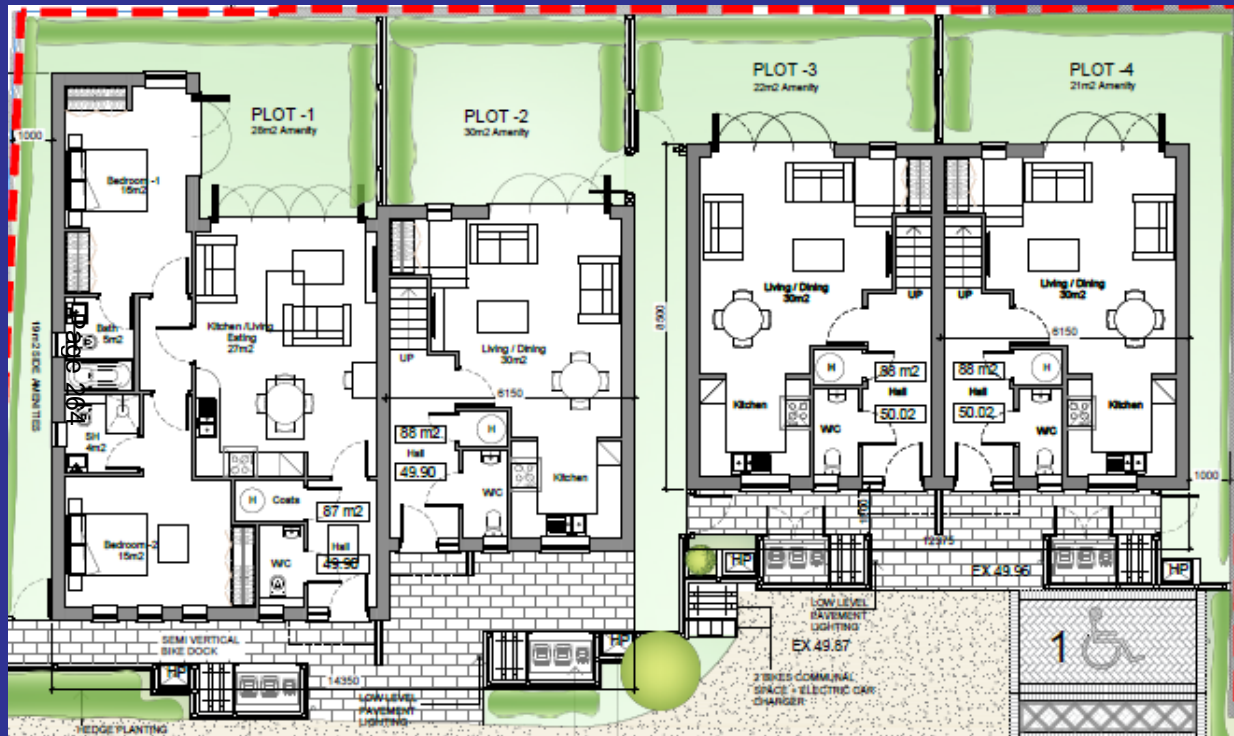
Proposed elevations



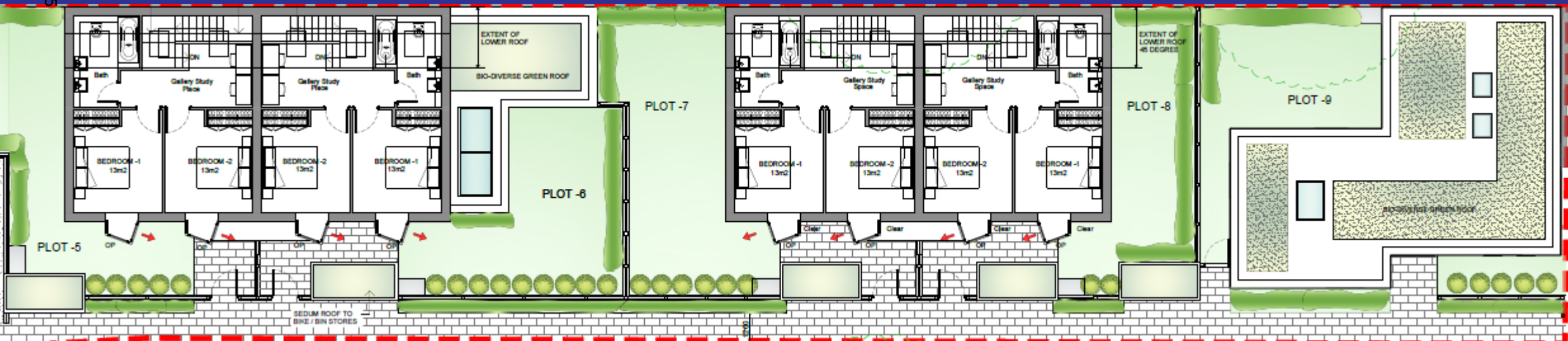
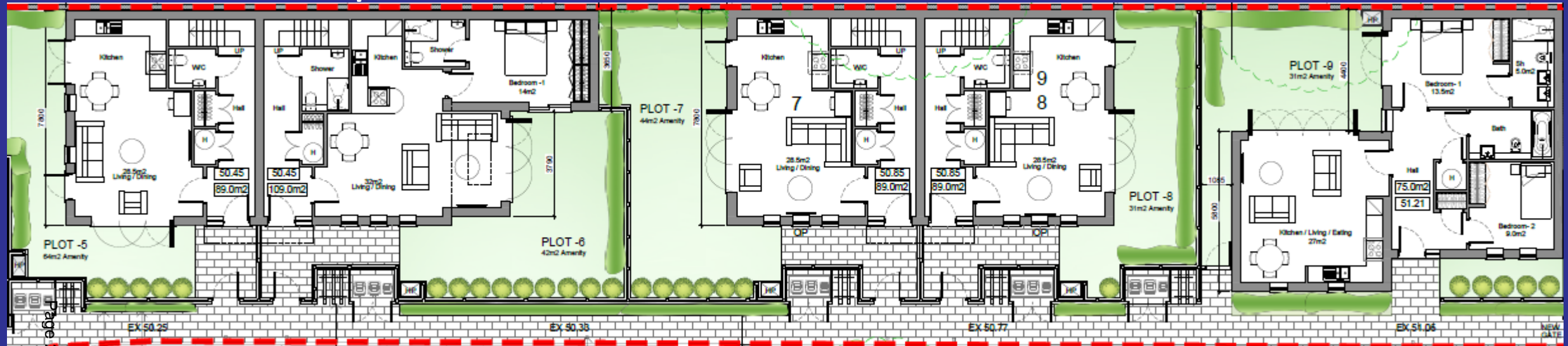
Proposed elevations



Proposed Floor Plans – Houses 1 to 4



Proposed Floor Plans – Houses 5 to 9



Key Planning Considerations

- Principle of Development
- Housing
- Urban Design
- Impact on Neighbouring Amenity
- Transport and Highways
- Sustainable Development
- Natural Environment

**End of
presentation**

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Planning Committee C

Report title:

72 WOOD VALE, LONDON, SE23

Date: 24 February 2022

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Forest Hill

Contributors: Antigoni Gkiza

Outline and recommendations

This report sets out the officer recommendation of approval for this planning application.

The case has been brought before members for a decision as three objections have been received from the neighbouring properties.

Application details

Application reference number(s): DC/21/123740

Application Date: 01 September 2021

Applicant: Yeates Design LLP submitted on behalf of Mr & Mrs Corbin

Proposal: Construction of a garden room at 72 WOOD VALE, SE23.

Background Papers: Submission drawings
Submission technical reports
Statutory consultee responses

Designation: PTAL 2
Air Quality
Forest Hill Article 4 (2) Direction

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 This application relates to a two-storey detached property, located on the eastern side of Wood Vale, at No 72. The property benefits from a two-storey rear extension and a large rear garden.



Figure 1: Site Location Plan

Character of area

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- 2 The surrounding area is predominantly residential in character with detached and semi-detached properties.

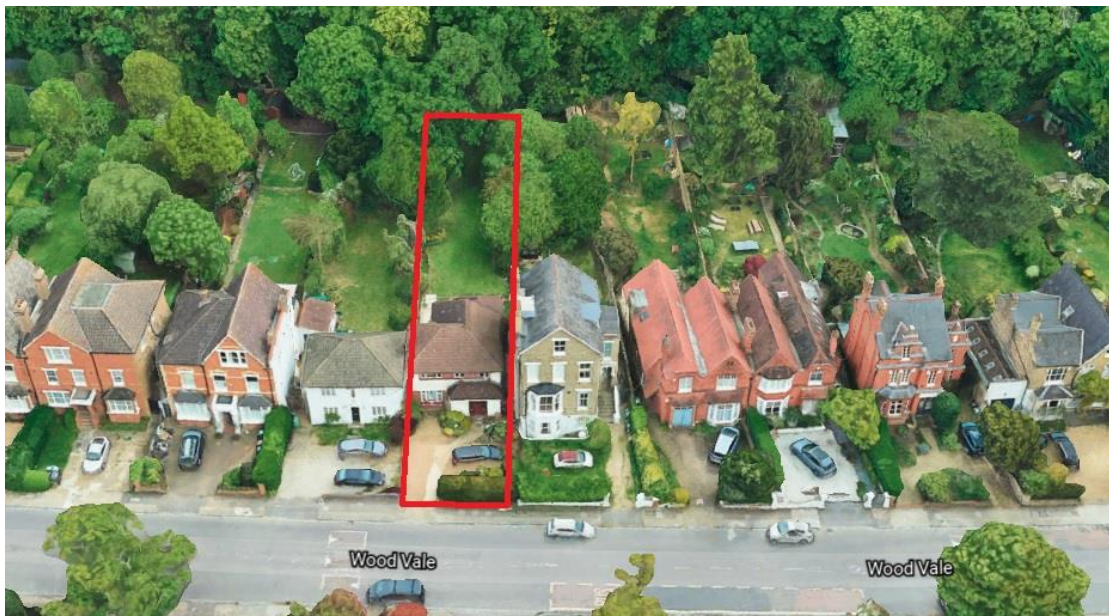


Figure 2: Aerial View

Heritage/archaeology

- 3 The site is within the Forest Hill Conservation Area and is subject to an Article 4 Direction.

Surrounding area

- 4 The site adjoins the Horniman Nature Trail and is located close to Horniman Gardens and Camberwell Old Cemetery.

Local environment

- 5 The site falls within Air Quality Management Area

Transport

- 6 The site has a Public Transport Accessibility Level (PTAL) score of 2 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 7 Forest Hill train station is located 0.18m/17 minutes' walk from the site.

2 RELEVANT PLANNING HISTORY

- 8 **DC/92/035359** - Determination under Section 64 of the Town and Country Planning Act 1990 as to whether planning permission is required for the erection of a porch at 72 Wood Vale SE23. **Refused** 5 August 1992.
- 9 **DC/92/035839** - To determine whether the erection of a conservatory at the rear of 72 Wood Vale SE23 would constitute lawful development. **Granted** 7 January 1993.

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- 10 **DC/92/035877** - The erection of a porch on the front elevation of 72 Wood Vale SE23. **Granted** 8 February 1993.
- 11 **DC/06/062146/FT** - The alteration of the existing roof to provide a mansard roof at 72 Wood Vale SE23, incorporating the construction of an extension to the rear roof slope and a dormer window and roof light in the front roof slope to provide additional living accommodation. **Refused** 22 May 2006. Reasons for refusal:
- The proposed roof extension, by virtue of its size, bulk and mansard design would be out of proportion with the existing dwelling and would be a dominant feature, giving the appearance of a top heavy building, to the detriment of the character of the original building and would therefore be contrary to Policies URB 3 Urban Design and URB 6 Alterations and Extensions in the adopted Unitary Development Plan (July 2004).
 - The proposed roof extension by virtue of its size, bulk and design would detract from the integrity of the two properties No.72 and No.74 Wood Vale as both properties are of a similar design in a street where the architectural style of these properties is not typical. The proposal would render the property an incongruous feature within the street scape which, due to its prominence, would have an adverse impact on the Forest Hill Conservation Area, contrary to Policies URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).
- 12 **DC/14/086923** - The removal of an existing conservatory and the construction of a double-storey rear extension at 72 Wood Vale SE23. **Granted** 8 July 2014.
- 13 **DC/21/123638** - Construction of a front and rear extension at 72 WOOD VALE, SE23. **Withdrawn** 29 November 2021.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 14 Construction of a garden room at 72 WOOD VALE, SE23.

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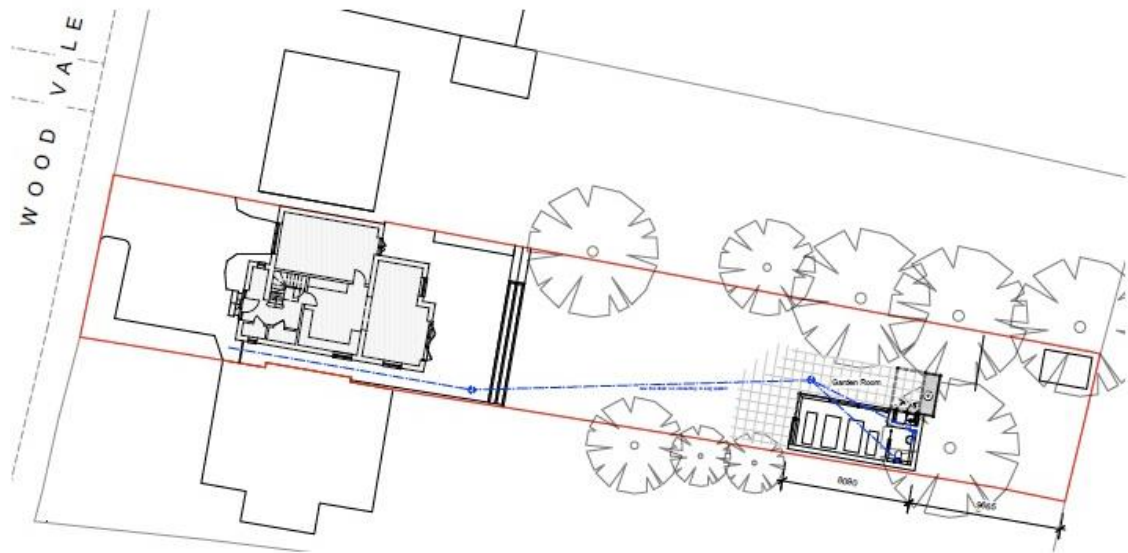


Figure 3: Proposed Site Plan

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

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

4.2 APPLICATION PUBLICITY

16 Site notices were displayed on 20 October 2021 and a press notice was published on 20 October 2021.

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

18 Three responses were received, comprising three objections.

4.2.1 Comments in objection

Comment	Para where addressed
The sitting of the proposed building is close to the neighbouring boundary which would affect the garden of the neighbouring flats.	43, 59, 62 & 63
The proposed material is out of keeping with the character of the Conservation Area.	51 & 52
The proposal is predicated on the fact that the neighbouring trees will hide the proposed outbuilding, which will hold the	61

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neighbouring property hostage in the future.	
--	--

19 A number of other comments were also raised as follows:

20 Concerns regarding the lack of information of the management of the construction noise that will occur due to the construction of the outbuilding.

21 Officer comment: Planning Officers can only assess the proposed development, and the management of the construction noise is not a material planning consideration.

4.3 INTERNAL CONSULTATION

22 The following internal consultees were notified on 06 October 2021.

23 Conservation: no comments received.

4.4 EXTERNAL CONSULTATION

24 No External Consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

25 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).

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

5.2 MATERIAL CONSIDERATIONS

27 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.

28 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.

29 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.

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5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

30 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

31 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Forest Hill Conservation Area Appraisal Part 1 & 2 (July 2010)

6 PLANNING CONSIDERATIONS

32 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

33 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.

6.1.1 Principle of development conclusions

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

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6.2 URBAN DESIGN

General Policy

- 35 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 36 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.
- 37 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 38 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

- 39 According to Section 6.9.4 of the Alterations and Extensions SPD outbuildings should be subordinate to the host building and ancillary to the house. The materials to be used should be appropriate for a garden setting. Section 6.9.6 goes on to state that they should relate well to the design of the existing house, be of simple form, modest scale and complementary materials. They should be discreetly positioned so that they are not read together with the host building.
- 40 The proposed outbuilding would be set in from the rear boundary by approximately 9.6m, 0.5m from the boundary with No 70 Wood Vale and 5.8m from the boundary with No 74 Wood Vale. The garden room would have a width of 3.6m, a depth of 8.09m and a height of 2.8m. The proposed structure would incorporate a barbecue cupboard to store barbecue equipment and fuel and also have an integrated sink and preparation worktop for use when cooking. There would be a pergola over the BBQ area which would have a width of 2.64m, a depth of 2.8m and a height of 2.6m. The outbuilding would have a paved terrace area which would cover approximately 29m².

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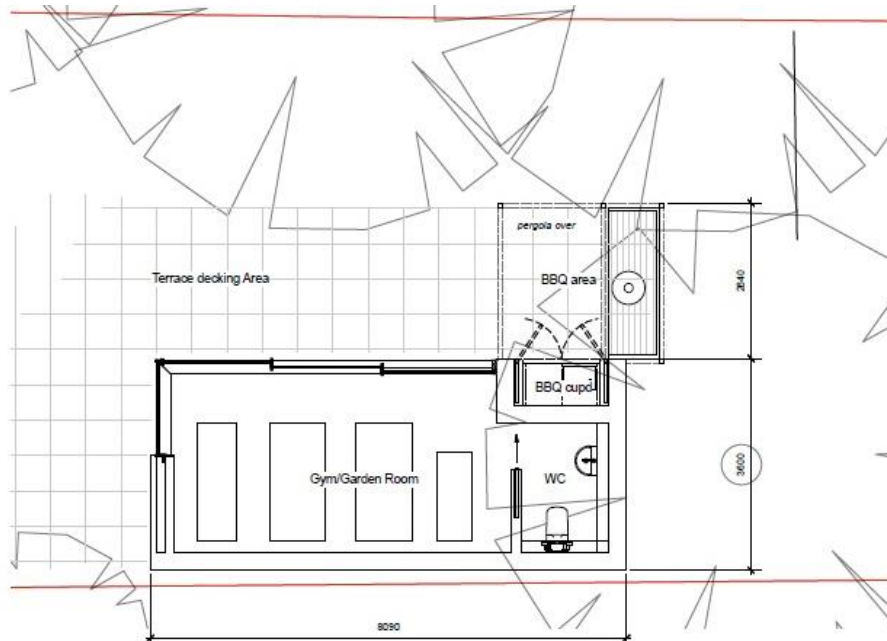


Figure 4: Proposed Floor Plan

- 41 The submitted documents indicate that the interior of the outbuilding would be used as a gym space and it would contain a WC. The drainage from the WC will connect to the main house system. Officers note that the applicant has provided evidence that the outbuilding would be used as a gym space for medical reasons.
- 42 The proposed outbuilding would have a raised parapet which would contain a green roof system and a highly insulated roof. The external walls would be made of a charred, black timber cladding and internally it would comprise a light coloured natural timber. The pergola over the barbecue area would be made of stained timber. In addition, the outbuilding would include sliding glass doors in black aluminium frame and clear double glazing. The barbecue cupboards would have sliding concealed flush doors. The paved terrace area will have a semi-porous paving system to allow rainwater to easily soak into the subsoil, which is considered acceptable.

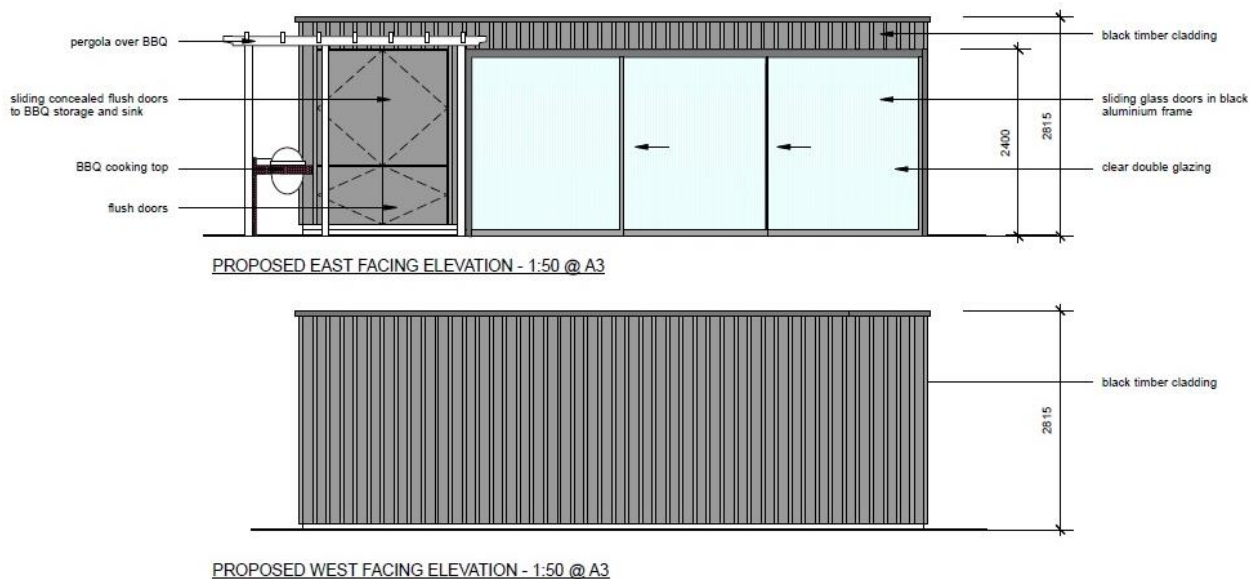


Figure 5: Proposed East/West Elevations

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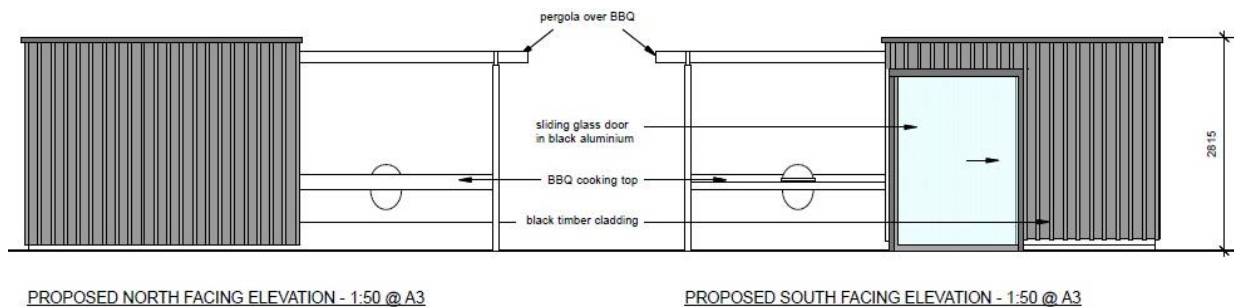


Figure 6: Proposed North/South Elevations

43 It is noted that the garden room would be located at distance of 0.5m from the boundary with No 70 Wood Vale and positioned at a place which is covered by trees which would act as a visual screening and would not be obtrusive to the neighbouring property.

6.2.1 Impact on Heritage Assets

Policy

- 44 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 45 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 46 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 47 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 48 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 49 Further guidance is given in Forest Hill Conservation Area Appraisal Part 1 & 2 (July 2010).

Discussion

- 50 Officers note that objections to the proposal raise concerns over the unsuitability of the proposed materials as they do not complement the character of the Conservation Area.
- 51 Officers note that there are several properties along Wood Vale which benefit from garden rooms or rear outbuildings such as Nos 64, 75, 79, 86. The proposed outbuilding is considered acceptable given the context of the surrounding area comprising structures

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at the back of gardens. Although, the materials of the proposed outbuilding are not similar to the materials of the host building, they are considered appropriate for this type of development located in a garden setting. It would be more sympathetic to the host building, the surrounding area and it would maintain the character of the Conservation Area. It would have an appropriate footprint within the context of the host site, and would leave ample amenity space.



Figure 7: Proposed 3D Image

- 52 Officers consider that the current proposal would lead to no harm to the Forest Hill Conservation Area. Officers also note that the Forest Hill Article 4 Direction only precludes Permitted Development that is visible from the Highway. Given the orientation of the property, a Class E outbuilding is achievable at the site as a fall back.

Summary

- 53 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of Forest Hill Conservation Area. As no harm arises, no balancing exercise is required.

6.2.2 Urban design conclusion

- 54 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore is acceptable in terms of design.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 55 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

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- 56 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).
- 57 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.
- 58 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

- 59 The proposed outbuilding would extend for 8.09m along the boundary with No 70 Wood Vale with a maximum height of 2.8m. The outbuilding would have a minimal setback of 0.5m from the boundary with No 70 and a setback of 5.8m from the boundary with No 74 Wood Vale.
- 60 Officers note that objections to the proposal raise concerns over the negative impact on the garden use of the neighbouring properties and the inappropriate use of the neighbouring landscaping to act as a visual screening to the proposed development.
- 61 The fence at the side with No 74 would cover most of the outbuilding and only a small part would be visible, which is considered acceptable. To the side with No 70 Wood Vale the existing fence becomes shorter at the proposed position of the outbuilding but due to the long depth of the gardens and the presence of dense vegetation, the proposed development is not considered to have any adverse impact on the neighbouring amenity. The presence of dense vegetation and high trees is a distinctive feature of the area, which acts as a visual screening for the majority of the properties. Officers also note the placement of the outbuilding below overhanging neighbouring trees is at the applicant's discretion provided the impacts to amenity are acceptable. That trees beyond the applicant's property line may screen the building is not a material planning consideration.
- 62 Therefore, the proposed outbuilding is not considered to result in any unreasonable harm to the residential amenity of these neighbouring properties, in terms of loss of daylight, outlook and creation of sense of enclosure that would warrant a refusal of the application. The use of the building as a gym space is judged ancillary to the host dwelling.

6.3.1 Impact on neighbours conclusion

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

7 LOCAL FINANCE CONSIDERATIONS

- 64 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

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- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

66 The CIL is therefore a material consideration.

67 This application is householder development, does not attract a CIL charge.

8 EQUALITIES CONSIDERATIONS

68 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.

69 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.

70 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.

71 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>

72 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

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

73 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>

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

9 HUMAN RIGHTS IMPLICATIONS

75 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

76 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.

77 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.

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

10 CONCLUSION

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

80 In conclusion, the proposal is overall considered acceptable in its design, scale, materials and impact on neighbouring amenity.

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

11 RECOMMENDATION

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

11.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

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

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

2) **DEVELOP IN ACCORDANCE WITH THE APPROVED PLANS**

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

639/P/101; 639/P/102; 639/P/103; 639/P/104; 639/P/105; 639/P/106; Design, Access and Heritage Statement (Received 5/10/2021).

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) **USE OF ANCILLARY BUILDINGS/ANNEXES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the residential accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 28 BORDER ROAD, SE26 and shall not be occupied as any form of self-contained residential accommodation without prior the benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant policies in the London Plan (March 2021), Core Strategy (2011) and Development Management Local Plan (2014).

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11.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

12 BACKGROUND PAPERS

- 83 Submission drawings
- 84 Submission technical reports and documents
- 85 Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

- 86 Report author: Antigoni Gkiza (Planning Officer)
- 87 Email: antigoni.gkiz@lewisham.gov.uk
- 88 Telephone: 020 8314 8396

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72 WOOD VALE

London

SE23 3ED

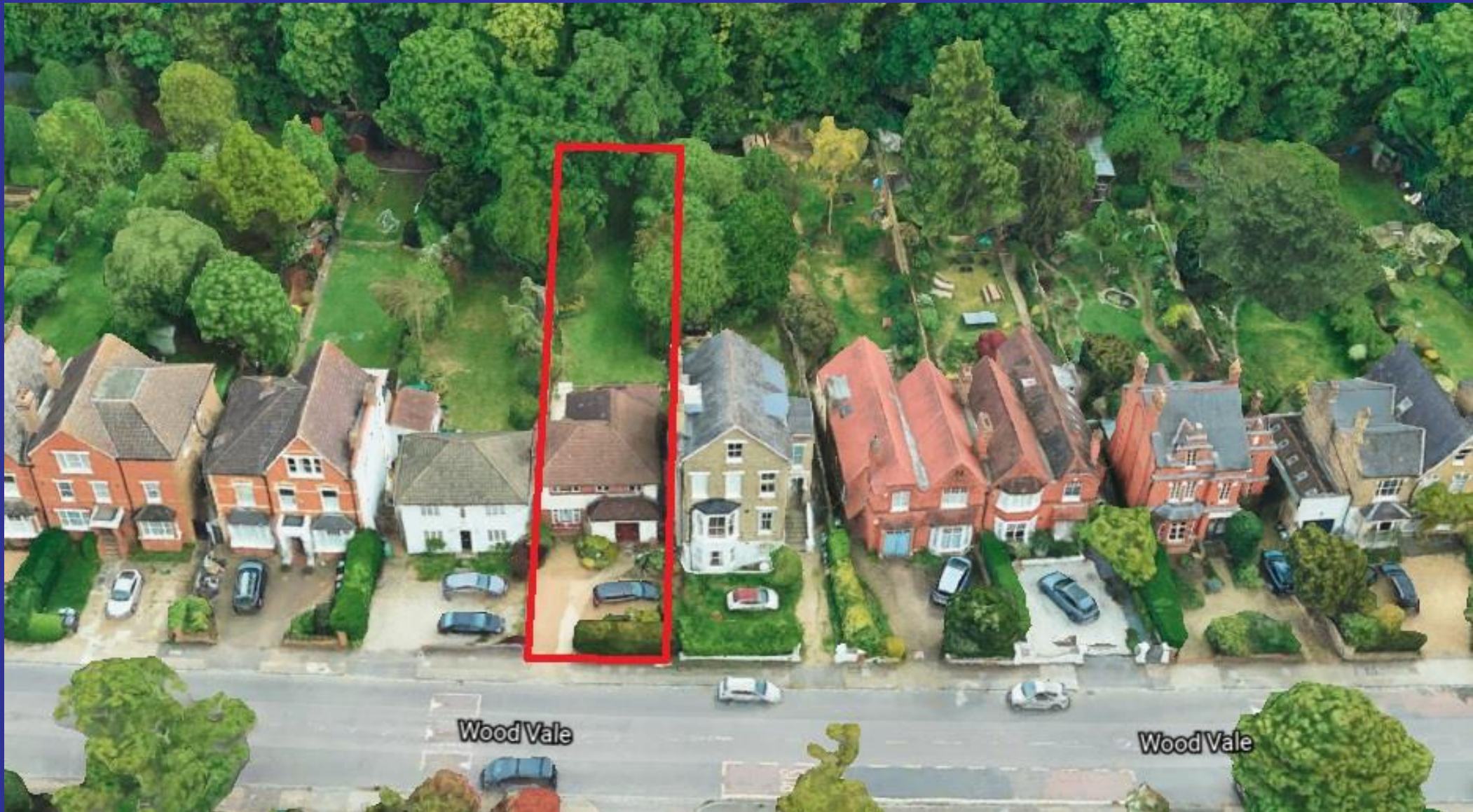
Application No. DC/21/123740

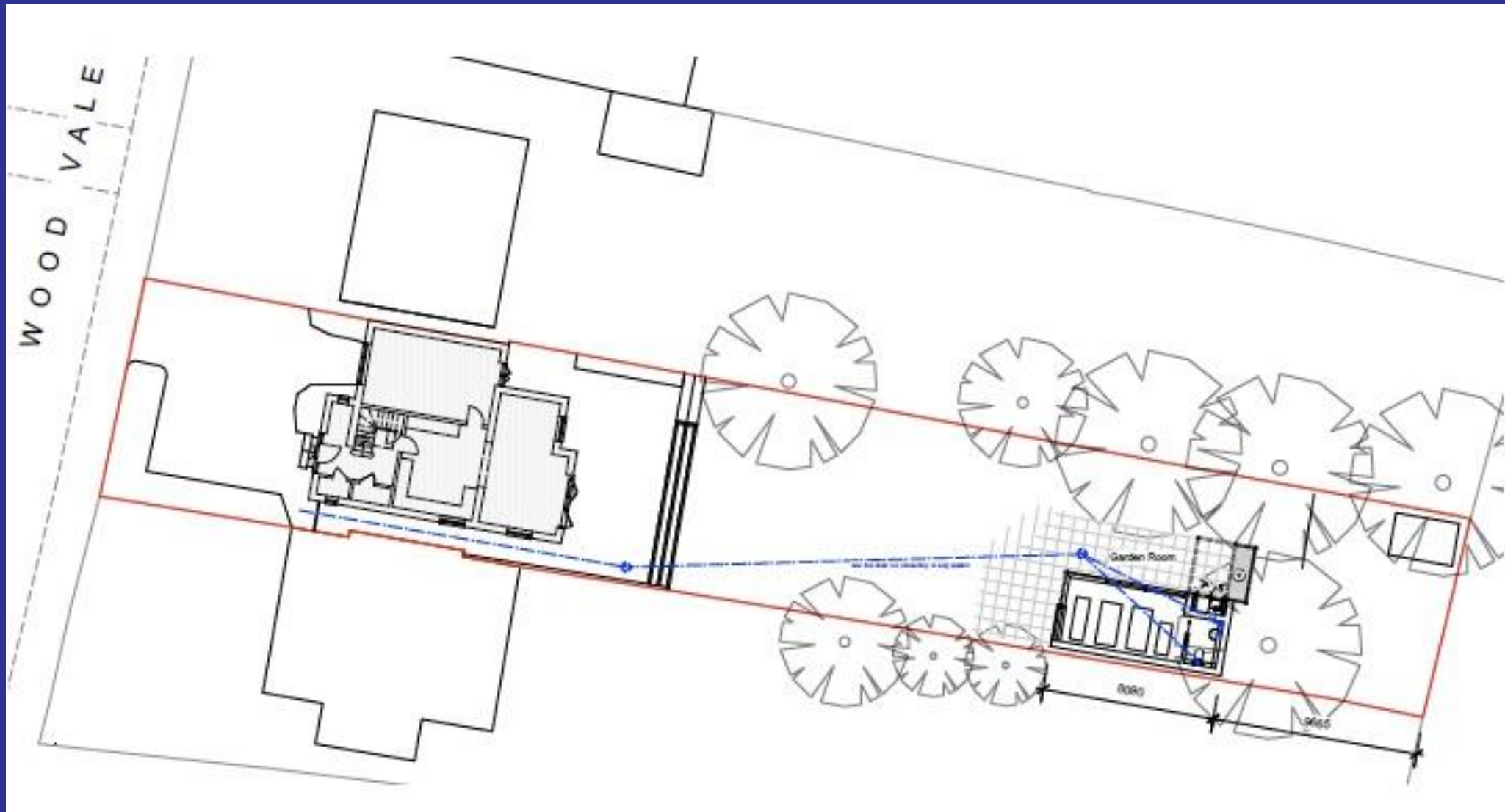
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and is for information only.

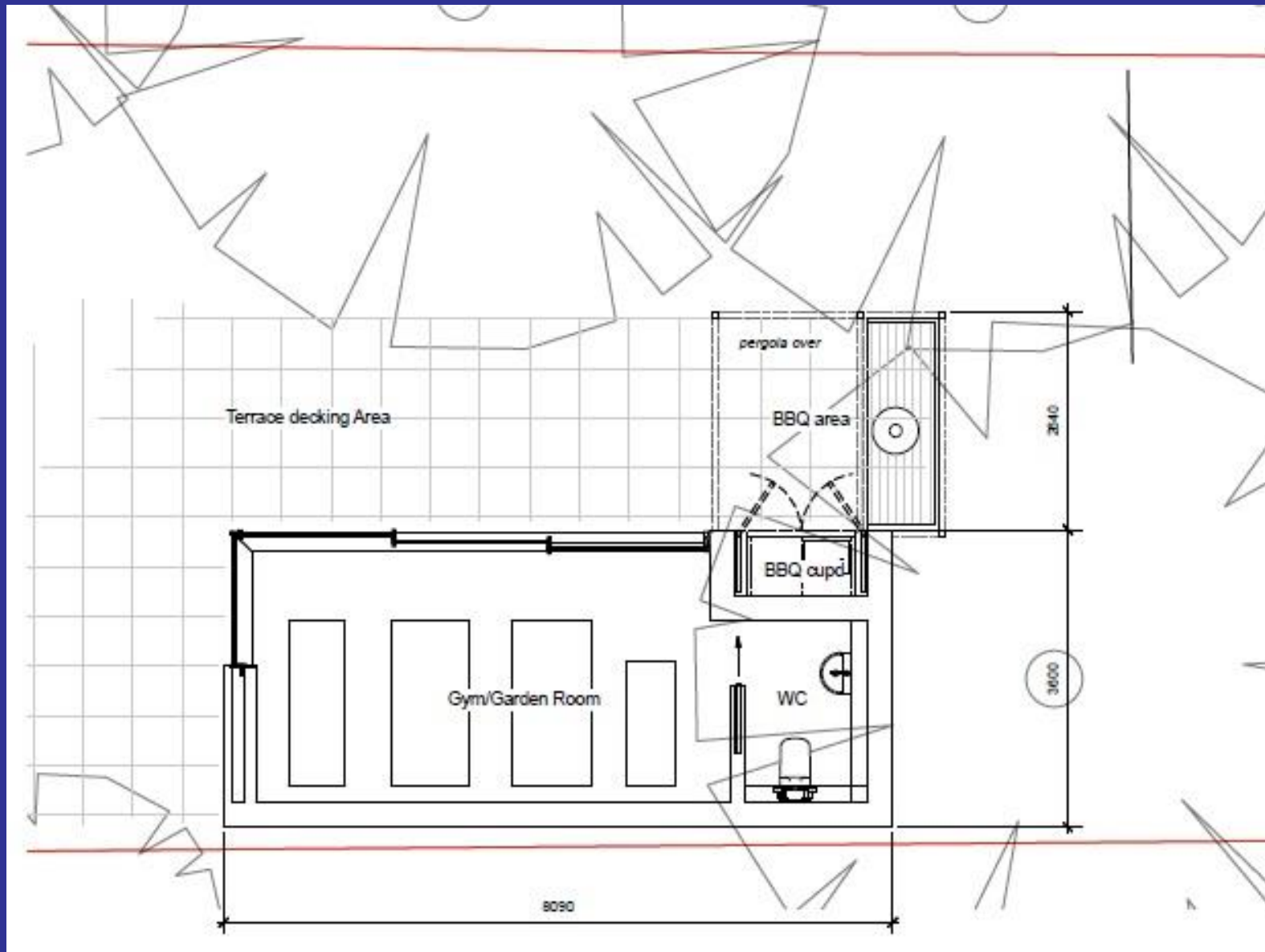
Construction of a garden room at 72 WOOD VALE, SE23.



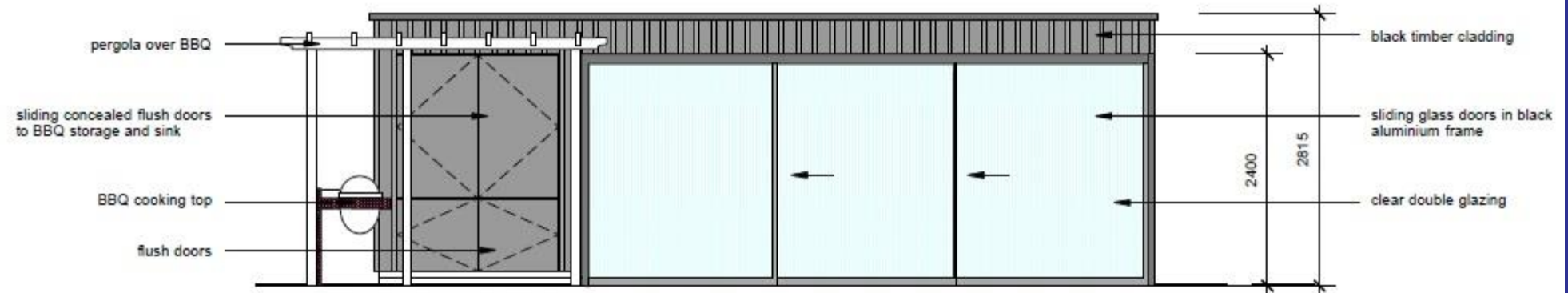




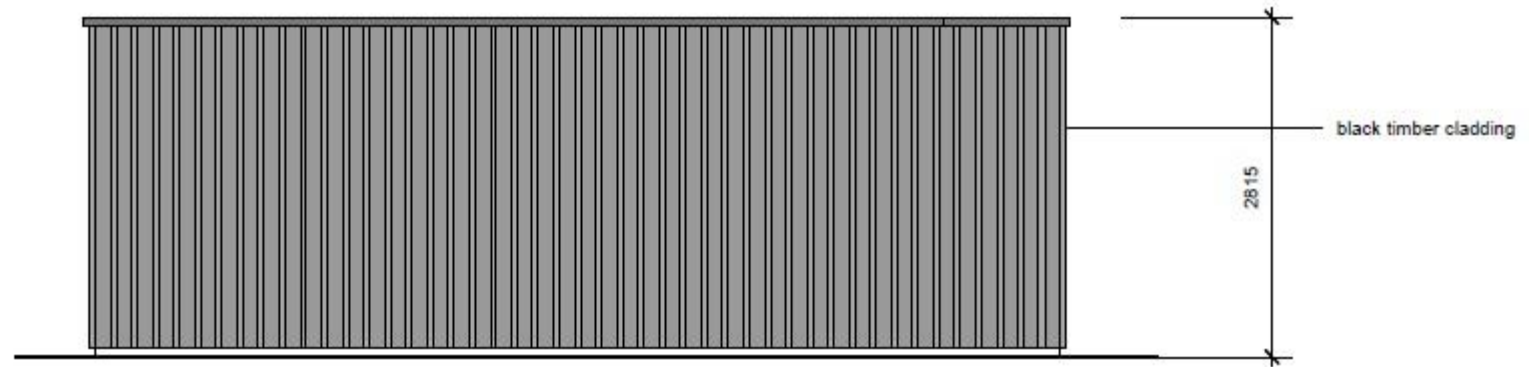




Proposed Block Plan



PROPOSED EAST FACING ELEVATION - 1:50 @ A3



PROPOSED WEST FACING ELEVATION - 1:50 @ A3



Key Planning Considerations

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Impact on Neighbouring Amenity

End of Presentation



Planning Committee C

Report title:

70 THORPEWOOD AVENUE, LONDON, SE26 4BY

Date: 28 February 2022

Key decision: No

Class: Part 1

Ward(s) affected: Forest Hill

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of two objections from neighbouring properties and one objection from the Sydenham Society

Application details

Application reference number: DC/21/124062

Application Date: 21 Dec 2021

Applicant: A0 Design Studio

Proposal: Construction of a single storey rear extension with alteration to the ground floor rear fenestration at 70 THORPEWOOD AVENUE, LONDON, SE26, together with a loft extension comprising a dormer and installation of a rooflight to the rear.

Background Papers: (1) Submitted drawings
(2) Submitted photos
(3) Statutory consultee responses

Designation: PTAL 3/4

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a two storey end of terrace single family dwelling/house on the Southern side of Thorpewood Avenue, at No 70. The property has a large back garden, and a small original rear projection.

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Map 1 Site Location Plan

Character of area

- 2 The area is predominantly residential in nature and comprises of a mix of terraced properties, and semi-detached dwellings.



Figure 1 Aerial View of the Application Site

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Heritage/Archaeology

- 3 The property is located within the Forest Hill Conservation Area, it is not a listed building or a non-designated heritage asset nor is it in the vicinity of one.

Transport

- 4 The site falls within PTAL of 3/4, which represents good access to public transport. Forest Hill train station is located 0.65km / 9 minutes' walk from the site.

2 RELEVANT PLANNING HISTORY

- 5 **DC/21/120366** - Construction of a single storey rear extension and a two dormers one to the side and one to the rear at 70 THORPEWOOD AVENUE, LONDON, SE26, together with alteration to the first floor rear fenestration and installation of 2 rooflights to the front. Refused 09 Apr 2021 for the following reasons:

- The side dormer and the rooflights would be visible from Thorpewood Road, and would harm the distinctive character of the host building and diminish its contribution to the special qualities of the conservation area and the streetscene. In addition, the proposed rear extension and the rear dormer due to its height and bulk would harm the character of the host building. Therefore, the proposed scheme is contrary to Policy 15 'High quality design for Lewisham' and Policy 16 'Conservation areas, heritage assets and the historic environment' of the Lewisham Core Strategy (2011); DM Policy 31 'Alterations and extensions to existing buildings including residential extensions', DM Policy 36 'New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the of the Development Management Local Plan (2014); and the Alterations and Extensions Supplementary Planning Document (2019).

3 CURRENT PLANNING APPLICATION

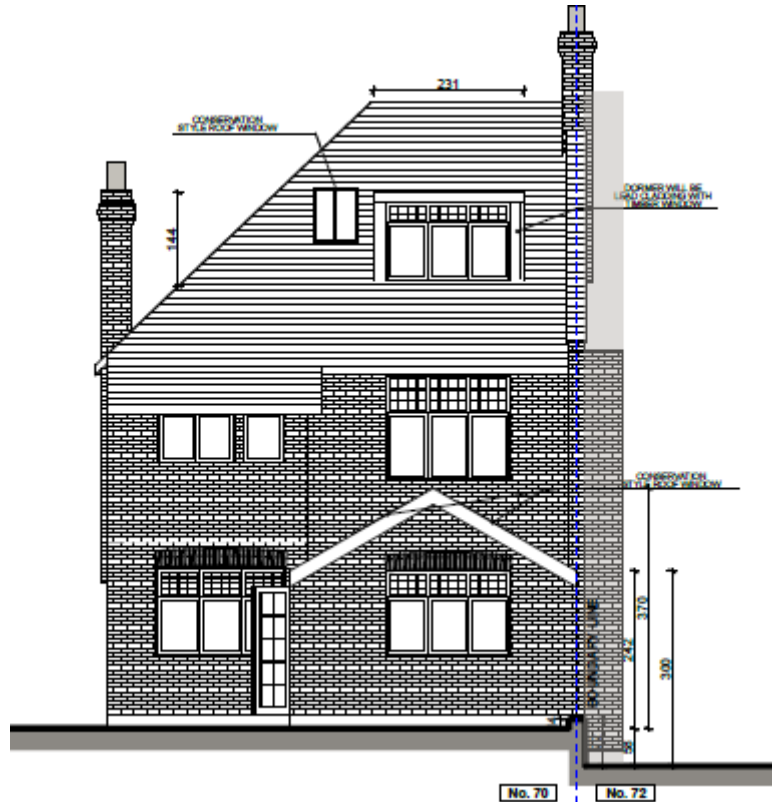
3.1 THE PROPOSALS

- 6 The Proposal is for construction of a single storey rear extension with alteration to the ground floor rear fenestration, plus a loft extension comprising a dormer and installation of a rooflight to the rear.
- 7 *Single Storey Rear Extension*; the single storey rear extension, would extend the main building to a depth of 3.9m and a width of 4m. The extension would be 3m from the rear elevation of the existing extension at No 72 with an eaves height of 2.4m. The proposed rear extension would have a window on its rear elevation and a 4 slat folding door on the side facing No 68. The proposed extension would have a double sloped roof with two rooflights on each side of the roof.

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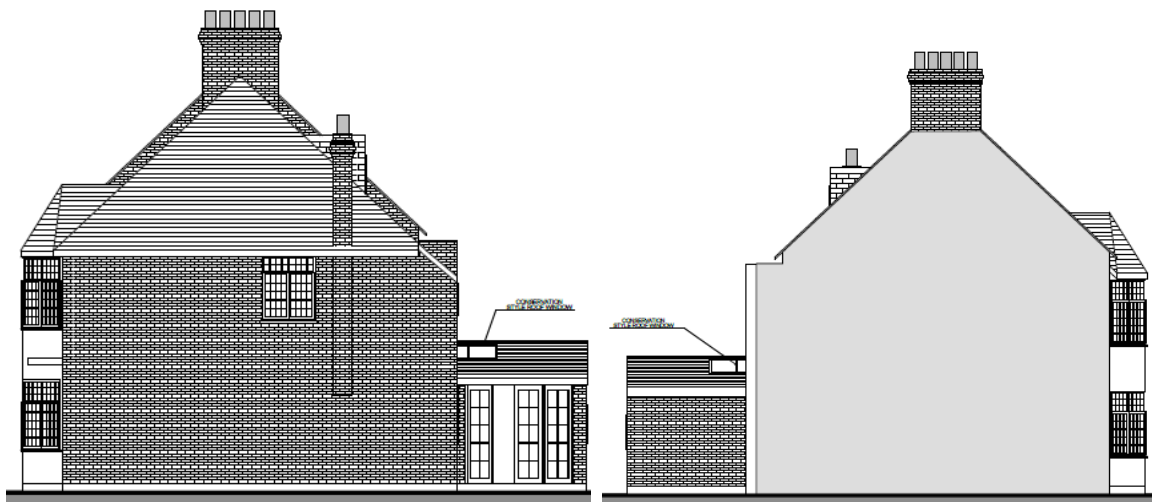
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Drawing 1 Proposed Rear Elevations

- 8 Loft Extension: The proposed loft extension would consist of a dormer projecting towards the back garden by a depth of 1.5m, a width of 2.6m and height of 1.4m with a flat roof. A conservation style rooflight would be installed to the rear of the sloped roof.



Drawing 2 Proposed Side Elevations

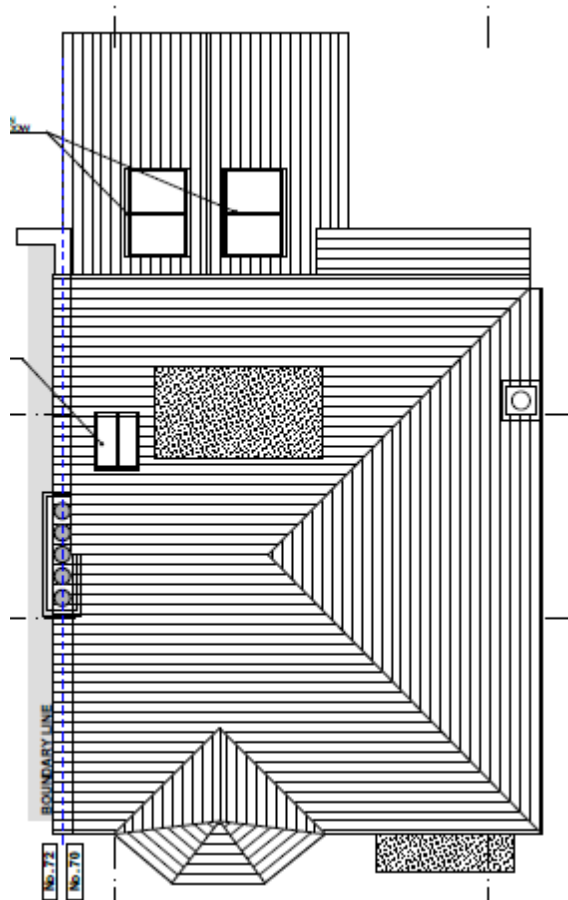
- 9 Materials: The facing walls would be yellow London stock brickwork to match existing with weathered coping stones to the parapet walls, dormer will be lead cladding with

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timber, doors would be dark grey aluminium framed, and the roof tiles would match the existing.



Drawing 3 Roof Plan

3.2 REVISIONS

- 10 The eaves height of the rear extension was reduced to 2.4m from 3.7m, along shared boundary with No 72.
- 11 The width of the dormer was reduced from 3.5m to 2.61m, and it's the depth from 2.3m to 2.14m and the height from 2.1m to 1.4m.
- 12 The proposed rooflight to the side was removed.

3.3 COMPARISON WITH PREVIOUS SCHEME

- 13 The refused proposal under planning application ref DC/21/120366 had rooflights to the front and large dormer and single storey extension to the rear. With the current scheme, the rooflights to the front are removed and the size of the dormer and the rooflight to the rear are reduced. The size and the roof profile of the single storey rear extension have also been reduced as well.

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4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 14 Site notices were published on 10 Nov 2021.
- 15 Letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Sydenham Society on 02 Nov 2021
- 16 Three responses were received, comprising two objections from adjacent neighbours and one from the Sydenham Society.

4.1.1 Objection

Objections	Para where addressed
<i>Urban Design</i>	
No-one else has added such a rear extension to their property. It would change the feel of these properties.	49
The proposed changes are not in line with Article 4 of the conservation area.	50
Bulky extension would detract from the character of the host building	40 and 44
<i>Impact on the conservation area</i>	
The set of houses Nos 60 to 92 are distinctive group that has no alteration and the extension would undermine the unity	49 and 52
Inadequate Heritage And Design & Access Statement	52
<i>Living conditions of neighbours</i>	
The dormer and rear extension would provide overlooking and loss of privacy to the immediate neighbours and the rear garden slopes upwards	62
Have concerns as to the degree of noise by the extension and bio-fold doors toward No 68	63
Changes in light levels and outlook	59 and 60
<i>Natural environment</i>	
Harm to the wild life and ecology of the area	71
<i>Other matters</i>	
The additional weight that would result from the construction, could increase the likelihood of subsidence in either the short- or long-term	65

4.1.2 Comments in support

- 17 None

4.2 INTERNAL CONSULTATION

- 18 Conservation Officer: Raised objections to the initial proposal, but after the submitted amendments raised no objections.

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4.3 EXTERNAL CONSULTATION

19 No external consultees

5 POLICY CONTEXT

5.1 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).

5.2 MATERIAL CONSIDERATIONS

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

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

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

24 The Development Plan comprises:

- London Plan (March 2021) (LP)
- 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)
- Site Allocations Local Plan (June 2013)

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5.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Forest Hill Conservation Area character appraisal

26 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6 PLANNING CONSIDERATIONS

27 The main issues are:

- Principle of Development
- Urban Design and Heritage Assets
- Impact on Adjoining Properties
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

28 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.

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

6.1.1 Principle of development conclusions

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

6.2 URBAN DESIGN and IMPACT on HERITAGE ASSETS

General Policy

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

32 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

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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.

- 33 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.
- 34 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.
- 35 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

- 36 DMP 30 requires planning applications to demonstrate a site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

Appearance and character

- 37 The proposed single storey rear extension, the dormer and the rooflights would not be visible from Thorpewood Avenue, or any public road. The scheme would not be visually obtrusive from the car parking area at the back of the properties on Round Hill due to the difference in levels and the size of the back garden at No 70. It is noted that the dormer would set down from the ridge of the host property by 1.4m, and given the brick wall at the bottom of the back garden, and the existing greenery, the proposed scheme it is unlikely to have any adverse visual impact on the character of the conservation area.
- 38 It should be noted that a similar loft extension including a dormer to the rear has been granted under planning application DC/21/120470 in 2021 at No 76, which is under construction.



Figure 2 View from the Garages at the back

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39 *Rear Extension:* the proposed scheme has been assessed regarding the general guidance of sub-paragraphs 4.2 'Single Storey Rear Extensions' of the Alterations and Extensions SPD which sets out the following guidance:

- *Alterations within conservation areas should be of the highest quality design using high quality materials. The rear building line, the size of the rear garden and the prevailing characteristics of adjoining properties should all be taken into account.*

Rear extensions should:

- *Remain clearly secondary to the host building in terms of location, form, and scale and detailing.*
- *Respect the original design and architectural features of the existing building.*
- *Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.*

40 The initial proposal was revised. The proposed single storey would extend from the rear elevation of the main building and is considered to be a half width extension. It would extend 3m beyond the rear projection at No 72 with a height of 2.4m along shared boundary. The pitched roof would set down from the window sill at the first floor by 0.25m (2 brick course). The proposed windows would be the same size and style of the one at the first floor which would retain the harmony of the fenestration at the rear. These are considered in line with SPD guidance and are acceptable.

41 The proposed bi-fold door to the side would be acceptable in terms of design and style as following the existing type of the windows to the rear elevation (for the amenity impact on No 68, please see below).

42 The existing door to the rear of the projection would be removed and the existing window would be widened, with similar size and style of the windows at the first floor. The alterations to the ground floor fenestration to the rear would not be visible from any road and is supported. It is noted that there are different alteration to the rear of these terraced houses, and therefore the proposed rear extension is considered acceptable.

43 *Loft Extension:* the proposed development has been assessed regarding the general guidance of sub-paragraphs 5.5 'Loft conversions and roof lights', and 5.8 'Rear roof extensions' of the Alterations and Extensions SPD which sets out the following guidance:

- Traditional dormer windows were smaller in size than the windows on the elevations below the dormer and thereby reflected the hierarchy between floors.
- Dormer windows should be modest in size and of simple, complementary design, remaining subordinate to the building and the windows below the roof.
- They must sit well clear of ridge, verges, eaves, chimneys and gables, and should be centrally placed on the roofslope, or aligned with the windows below the roof.
- Set down from the ridge line. This is to ensure that long views are not disrupted'.

44 The proposed dormer location would respect the guidance as it sets in from ridge and sides. The window would be in similar style as windows on the rear elevation, however

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the height of the window would be smaller than the windows at the rear elevation, thus respecting the hierarchy of the host building. The rooflight is considered as small which would set in from the side ridge by a minimum of 0.4m. This is considered to be in line with the SPD guidance.

- 45 Objections were raised regarding the impact of the proposal on the character of the host building. However, given the size and style of the proposed rear extension and the dormer, the proposed materials, and the fact that the scheme would not be visible from the main road, and it complies with the SPD guidance, on balance, the impact is not considered adverse and is acceptable.

Detailing and Materials

- 46 The material would match the existing, as shown on the plans and stated on the applications form. Details of proposed windows and doors have been provided. Although, the proposed materials are considered acceptable, should the council grant permission, a condition would be imposed to ensure the high quality of the material.



Figure 3 REAR VIEW OF THE PROPOSAL SITE

Impact on Heritage Assets

Policy

- 47 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance on conservation areas. This is also reflected in the NPPF (February 2019) and supporting NPPG (2014), and requires all development to conserve or enhance heritage assets and their setting and avoid causing harm. Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 48 The development plan policies that support those aims are HC1, CS Policy 16 and DMLP Policy DM36.

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Discussion

- 49 The application site does not include any listed buildings but it is located in Forest Hill Conservation Area. It is also considered that the application building is within a collection of terraced houses which have been addressed in the Forrest Hill Character Area Appraisal as 'A notable example (Nos. 60-92), which are fine houses set high above the street with steep, well-planted front gardens. They have survived nearly unaltered with the original doors, clay tile roofs and fine leaded windows still in place'. It should be noted that the emphasis is on the front elevations and the street scene. The proposed development would not alter any element of the front elevation.
- 50 The Sydenham Society raised objections to the proposed scheme including the dormer and rear extension with reference to the Forrest Hill Character Area Appraisal and the impact of the proposal on changing the character of the terrace by altering their Design.
- 51 Revisions has been carried out, including reducing the size of the dormer and the rear extension, and the rooflight was removed. The bulk and size of the dormer and the rear extension would be in line with SPD guidance, and Conservation Officers raised no objection to the proposal.
- 52 Planning Officers note that the historic pattern of development which is strongly repetitive is insensitive to this extension although it is acknowledged that it will obscure the pattern of recess and projection. However, no harm has been identified to the conservation area, as the rear's of these properties due to the location, has no contribution to the character and appearance of the conservation area, and there will be no views of the proposed development from the public realm. Therefore as Article 4 is essentially concerned with the visual characteristics of the conservation area and the visibility of properties in the CA, the proposed scheme is supported.

Conclusion

- 53 The NPPF and associated NPPG guide the local planning authorities to balance the harm (weight as indicated) against the benefit of the proposal. As identified in the above analysis, due to the nature of harm and given that it is no visible from any road, Officers are satisfied that the level of identified harm on non-designated heritage assets as a result of the proposed development is not adverse and is acceptable.

6.2.1 Urban design conclusion

- 54 In summary, the extension, due to its scale and design and use of high quality materials, would not harm the character and appearance of the host dwelling.
- 55 Officers, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not bring any harm to the character or appearance of Forest Hill Conservation Area.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 56 NPPF para 126 and 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing

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and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

- 57 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).
- 58 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.

Discussion

- 59 *Single Storey Rear Extension:* The proposed rear extension would extend the shared boundary with No 72 and would extend beyond the rear elevation of No 72 by 3m. Concerns were raised regarding the difference in levels between the back gardens at Nos 70 and 72 and the impact of the proposed development on the amenities of neighbours living at No 72 given the window at the ground floor of No 72. Given that, the height has been lowered to 2.4m, the eaves height would be 3m from the garden level of No 72, and as the subject site is located to the east of No 72, considering the existing fence, the size of the two properties and the size of the rear gardens, the proposed rear extension is not expected to have an adverse impact on the amenities of neighbours living at No 72.
- 60 The proposed rear extension on its western elevation, looking towards No 68 would have a 4 slats folding door. Objection were raised regarding the impact on the amenities of No 68. However given the distance of the extension and the shared boundary with No 68 (3.95m) and the distance of 5.8m away from the main building, the difference in levels between No 68 and the subject site, the existing fence and greenery, the proposed extension would not have any adverse impact on the amenities of neighbours living at No 68.
- 61 The proposed alterations to the first floor fenestration to the rear and installation of one conservation style rooflight to the rear slopes of the main roof are not expected to have any impact on the amenities of neighbours to the sides.
- 62 *Loft extension:* The proposed dormer to the rear would not have any adverse impact on the amenities of neighbours at Nos 68 and 72, to the sides of the proposal site, as it would be sufficiently away from the neighbouring properties.
- 63 An objection was raised regarding noise disturbance. As no new dwelling is proposed within this application, and the proposals present a modest rear extension to a single family house, therefore no material change in noise levels would be expected after construction. It is recognised that during implementation of the development there would be some noise and disturbance from construction related activity, however this is a relatively short-term impact, given the scale of the proposed development and is not a material planning consideration.
- 64 There were concern regarding the impact on the party wall agreement. The applicant would be advised on the need to comply with the Party Wall Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

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65 In addition, concerns were raised regarding the impact of the proposed development, causing subsistence of the neighbouring properties. Lewisham Council requires submission of Structural Survey where: retained structure is changing significantly; or where development includes a basement; where development is affecting the foundations; and where proposal includes demolition of heritage asset. The proposal does not fall in any of the above categories, and therefore the objection is not considered relevant.

6.3.1 Impact on amenities of neighbours; Conclusion

66 The proposed development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/ sun light and impact on privacy and is therefore acceptable.

6.4 NATURAL ENVIRONMENT

General Policy

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

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

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

70 PLPP G6 and G7 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

Discussion

71 No trees would be affected by the development. The proposed scheme would cover 7% of the back garden. An objection highlighted that the development would have an impact on the nature conservation and ecology. It is however noted that the application site is not within a Site of Importance to Nature Conservation, nor are any trees or habitats affected by the proposals. Therefore as the proposals are for a modest householder extension, it is considered that the proposal would have no adverse impact on ecology in this instance.

Conclusion

72 Officers consider that the proposed development would not adversely impact the green spaces, trees, and natural diversity and the proposed scheme is considered to be acceptable.

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7 LOCAL FINANCE CONSIDERATIONS

73 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).

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

75 The CIL is therefore a material consideration.

76 CIL is chargeable on the net additional floor space of all new development. Since the proposal is not providing additional floor space CIL is not payable on this development.

8 EQUALITIES CONSIDERATIONS

77 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.

78 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.

79 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.

80 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

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guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 81 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
- 82 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>
- 83 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 84 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
- 85 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.
- 86 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.

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

10 CONCLUSION

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

89 The proposed alterations to the rear elevation and rear roof are acceptable in terms of scale, form, and design.

90 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance.

91 In light of the above, it is recommended that planning permission is approved

11 RECOMMENDATION

92 The proposal scheme is acceptable and it would not harm the living conditions of neighbours, and therefore, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not bring any harm to the character or appearance of Forest Hill Conservation Area.

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

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

20074_PLN_01 rev 0; 20074_PLN_02 rev 0; 20074_PLN_03 rev 0;
20074_PLN_04 rev 0; 20074_PLN_05 rev 0; 20074_PLN_06 rev 0; DESIGN AND
ACCESS & HERITAGE STATEMENT (received 27 Oct 2021)

Further Information (received 16 Dec 2021)

20074_PLN_07 Rev B; 20074_PLN_08 Rev B; 20074_PLN_09 Rev B;
20074_PLN_10 Rev B; 20074_PLN_11 Rev B (received 27 Jan 2022)

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

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

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

11.2 INFORMATIVES

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

12 BACKGROUND PAPERS

93 Submission Drawings and Photos

94 Submission Technical Reports and Documents

13 REPORT AUTHOR AND CONTACT

95 Zahra Rad (Planning Officer)

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Telephone: 020 831 49153

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70 THORPEWOOD AVENUE, LONDON, SE26 4BY

Construction of a single storey rear extension with alteration to the ground floor rear fenestration at 70 THORPEWOOD AVENUE, LONDON, SE26, together with a loft extension comprising a dormer and installation of a roof light to the rear.

Application Ref No. DC/21/124062

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

Site Location Plan



Site Location Arial- Context



Views from Thorpewood Avenue



Arial Views Showing the Rear Elevation And Back Garden



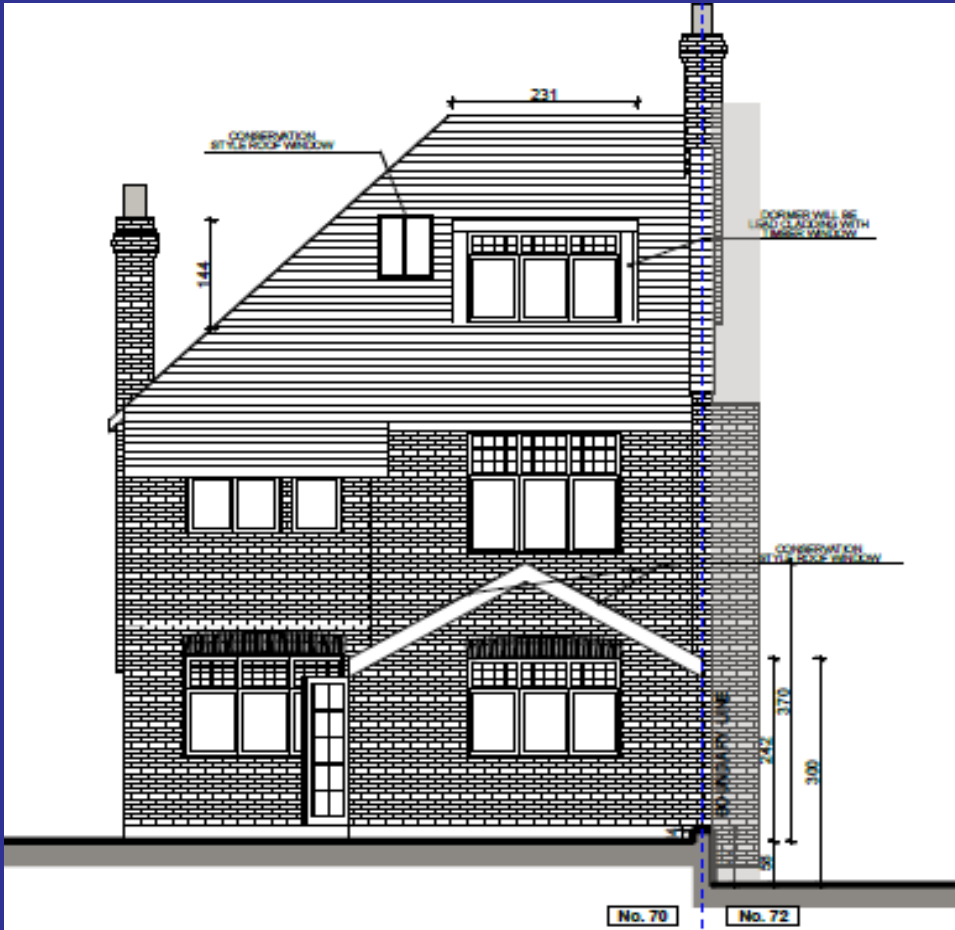
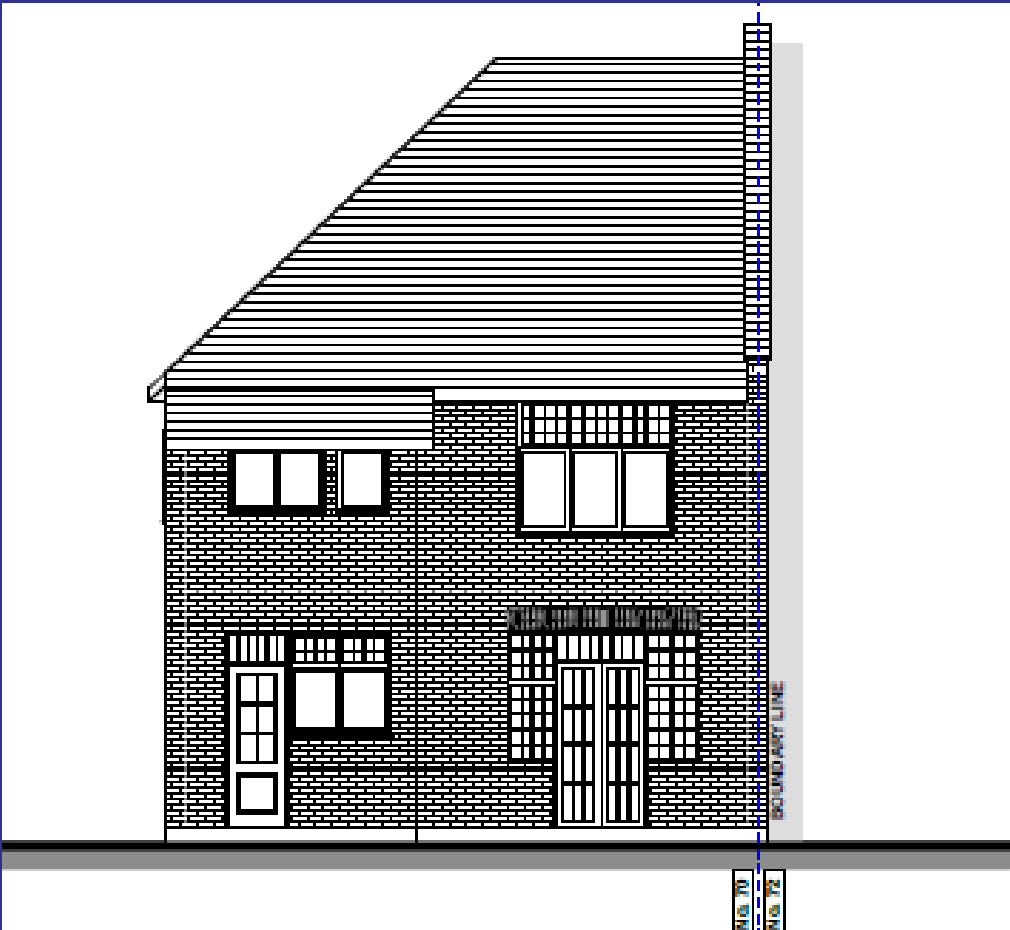
Arial Views Showing the Rear Elevation And Back Garden



Rear Elevation

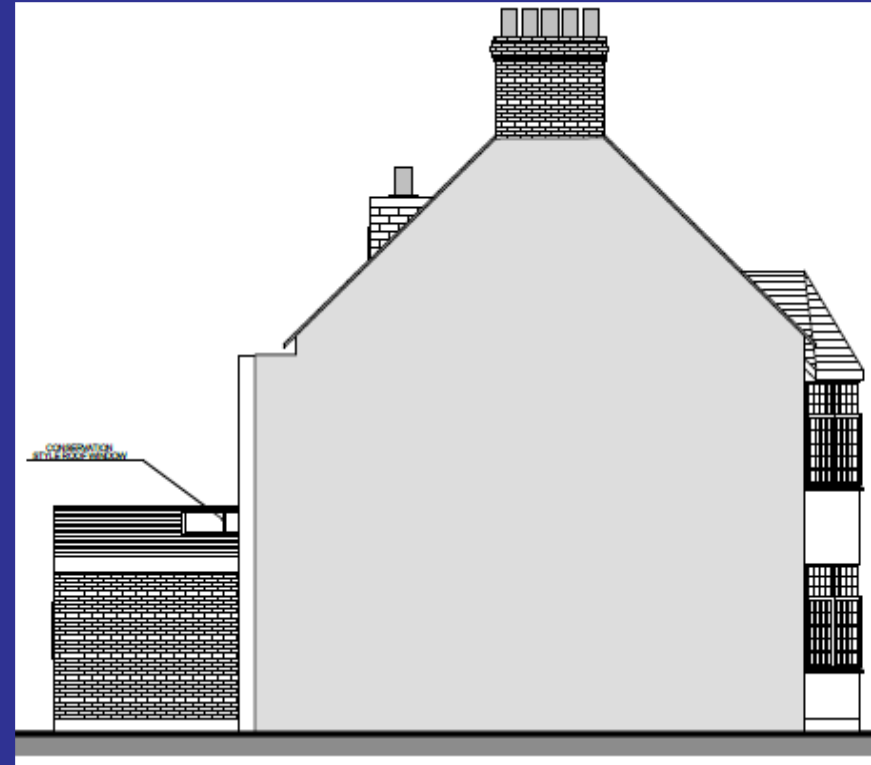
Existing

Proposed



Proposed Side Elevations

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Key Planning Considerations

- Principle of Development
- Urban Design and Heritage Asset
- Impact on Adjoining Properties
- Natural Environment

View from the Garages at the back





Planning Committee C

Report title:

2 SENLAC ROAD, LONDON, SE12

Date: 28 February 2022

Key decision: No

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of five objections from neighbouring properties

Application details

Application reference number:	DC/21/124504
Application Date:	25 Nov 2021
Applicant:	Studio 47 Architects limited
Proposal:	The construction of a two storey one bedroom dwelling house at 2 Senlac Road SE12, together with the provision of a car parking space and bin store.
Background Papers:	(1) Submitted drawings (2) Submitted photos (3) Statutory consultee responses
Designation:	PTAL 1b
Screening:	N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is an existing small builder's yard located on the southern side of Senlac Road close to the junction with Burnt Ash Hill. The site is approx. 140sqm being 14.7m long and 9.5m wide. It was formerly within the curtilage of 197-199 Burnt Ash Hill and was used as a builder's storage yard since the 1930's. The land was formally separated in 2004. The site contains a portacabin used as an office and storage shed and may be used by a plumbing firm.

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Map 1 Site Location Plan

Character of area

- 2 Senlac Road is a residential road characterised by two-storey semi-detached properties set within large plots with fairly large front amenity areas and long rear gardens. The majority of the surrounding properties on the same side of the road have vehicle crossovers and driveways within the front gardens. The site is to the rear of properties fronting Burnt Ash Hill which is characterised by semi-detached and terraced dwellings.



Figure 1 Aerial View of the Application Site

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Heritage/Archaeology

- 3 The property is not within a conservation area, it is not a listed building or a non-designated heritage asset nor is it in the vicinity of one.

Transport

- 4 The site has a PTAL rating of 1b, and on-street car parking is not restricted within the surrounding area. The property has a crossover which provides access to the site from Senlac Road.

2 RELEVANT PLANNING HISTORY

- 5 In 1973, planning permission was refused for an outline application in respect of the construction of a one-bedroom bungalow fronting Senlac Road on land at the rear of 197 and 199 Burnt Ash Hill. Refused for the following reasons:
- The proposed development, by reason of its cramped siting, is considered to be over-development of the site.
 - There is insufficient amenity open space associated with the proposed development, and this would be detrimental to the enjoyment of the dwelling house as such.
- 6 **DC/04/057382/FT** - The construction of a two storey, one bedroom detached house on the site of 2 Senlac Road SE12, together with associated landscaping. Refused and appeal dismissed. 24/04/2006. For the following reasons:
- The proposed development would represent an overdevelopment of this infill site, providing insufficient private amenity space and failing to respect the layout and character neighbouring properties and the area generally (in terms of plot size, layout, design and general appearance) and would result in the loss of outlook, increased enclosure and loss of privacy for occupiers of 197 and 199 Burnt Ash Hill, contrary to policies URB 2 Urban Design, HSG 3 Residential Amenity, HSG 4 Layout and Design of New Residential Development, HSG 5 Gardens and HSG 6 Backland and In-fill Development as contained within the adopted Unitary Development Plan (July 2004).
- 7 The application was subsequently dismissed on appeal (APP/C5690/A/04/1169057) 24th January 2006. The inspector noted that the proposed two storey dwelling would have private amenity space to the side of the house. The narrow width of the property would be out of scale and incongruous in the streetscene and in the context of the spacious streetscene would appear cramped on the plot and squeezed in between the larger existing dwellings.
- 8 Since the appeal decision there has been changes to planning policy in particular with regards to the National Planning Policy Framework, amendments to the London Plan (2021) and in addition, adopting the Council Alterations and Extensions SPD (April 2019). Consequently, all applications will be determined in accordance with the current plans and policies unless material considerations determine otherwise. Therefore, the old decision now carries limited weight.

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- 9 **DC/08/069329/X** - Retention of the existing portable cabin, metal shed store, portable toilet, decking and means of enclosure, serving the industrial site at 2 Senlac Road SE12. Granted 09/06/2011.
- 10 **DC/11/076792/FT** - The retention of a non-illuminated signage on the boundary fence at 2 Senlac Road SE12. Withdrawn 20/07/2011.
- 11 **DC/21/121713** - The construction of a two storey one bedroom dwelling house at 2 Senlac Road SE12, together with the provision of a car parking space and bin store. Refused 23/07/2021 for the following reasons:
- The applicant has failed to provide evidence that the site is incapable of continued use for a purpose within an employment use or Use Class B and would thereby fail to comply with Policy 5 of the Core Strategy (June 2011) and DM Policy 11 of the Development Management Local Plan (November 2014)
 - The proposal would result in a poor standard of accommodation by reason of the less than 75% of the floor to ceiling height meeting minimum ceiling height standards contrary to Policy D6 of the London Plan (March 2021), 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 Lewisham Development Management Local Plan (November 2014).
- 12 **EC/ 08/00031** - Alleged change of use - porta cabin/ container storing builders/roofing materials without planning permission. Closed 12/012/2008.
- 13 **PRE/20/116715** - Pre-application advice was sought () in June 2020 with regards construction of a two-storey end of terrace dwelling house.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 14 Construction of a two storey 1B/2P detached dwelling to the side of 4 Senlac Road together with the provision of one off street car parking space, cycle and waste storage and hard and soft landscaping.
- 15 The proposed dwelling would continue the front building line of Senlac Road.

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Figure 2 Proposed Front Elevation

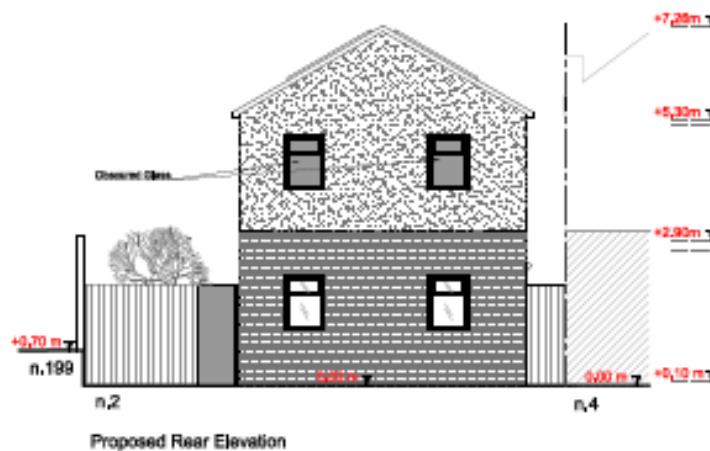


Figure 3 Proposed Rear Elevation

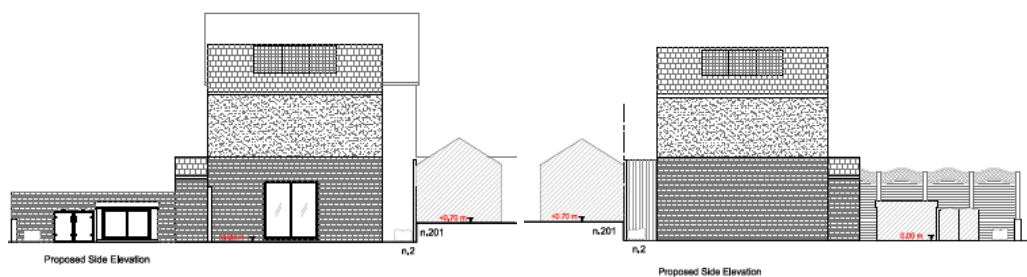


Figure 4 Proposed Sid Elevations

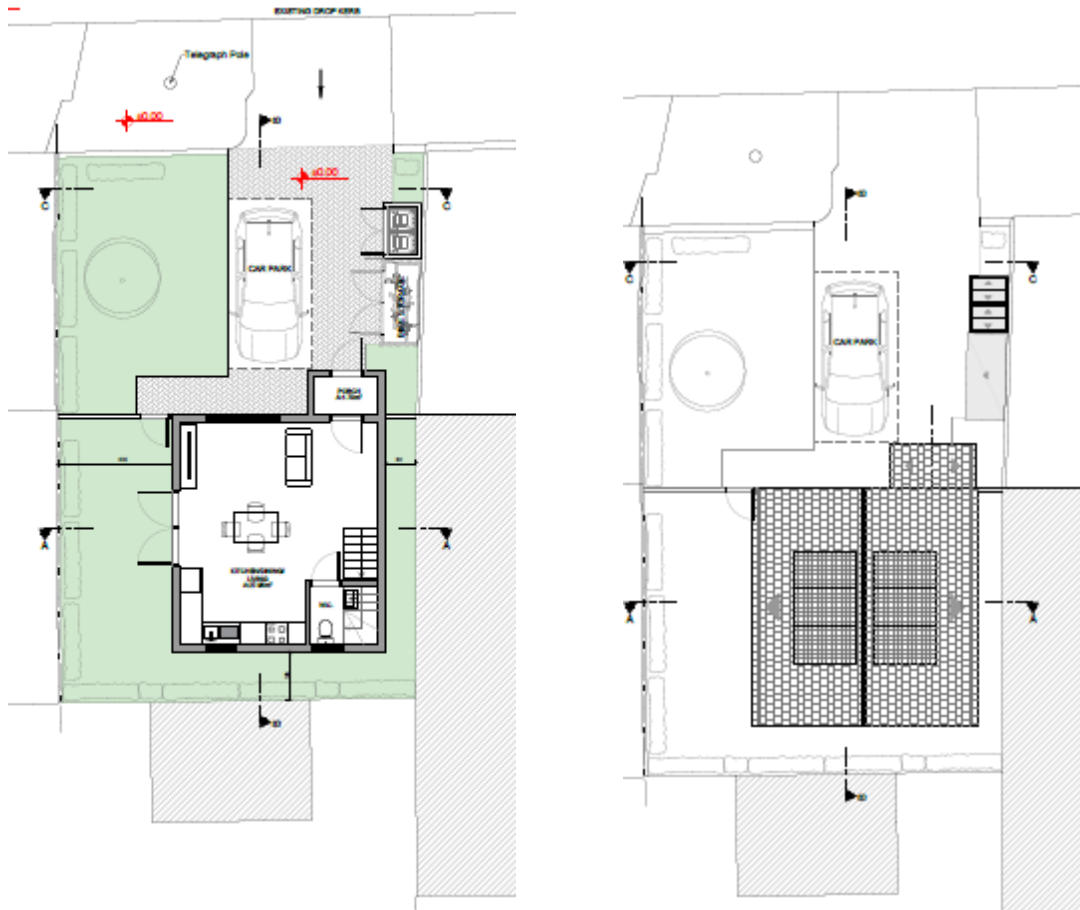
- 16 The proposed property would be a detached dwelling, measuring 7.16m in height with a pitched roof and an eaves height of 5.4m. The front elevation would measure 5.95m in width. The dwelling would have a pitched roof porch 2.1m wide, 1.2m deep and 3m high

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- 17 The proposed dwelling would have a gross internal area of 64.3sqm. One double bedroom will be provided with a separate bathroom and walk in wardrobe at first floor, and an open plan kitchen/living/dining room and WC at ground floor.



Drawing 1 Proposed Ground floor and Roof Plans

- 18 Materials: The facing walls would be brick at the ground floor and rendered in finish at the first floor to match existing. Roof would be tiles plus solar panels to both side of the pitched roof, and doors and windows would be double glazed.

REVISED PLANS

- 19 Revised plans demonstrate the difference in levels with the surrounding area. Also, the soft landscaping proportion has been increased from 43% to 66%.

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Figure 5 3D Image of the Proposal from the Front

3.2 COMPARISON WITH PREVIOUS SCHEME

20 The refused proposal under planning application ref DC/21/121713 had 75% ceiling height less than 2.5m. The internal height has been increased within this application to 2.5 at the first floor.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

21 Site notices were published on 15 Dec 2021.

22 Letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 09 Dec 2021

23 Seven responses were received, comprising five objections and two comments of support from adjacent neighbours. permeable

4.1.1 Objection

Objections	Para where addressed
<i>Urban Design</i>	
Development would be dominant and overbearing	59
Does not respect the character and density of the area	64
The ratio of the plot will end with small dwelling, not appropriate to the area	51
Design is poor quality and would not enhance area	59 and 64
No level measure has been provided	19 and 80

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Change of Use	
The site has been being in use for commercial and business purposes on frequent basis.	42
The dwelling would be only house one or two people and so will not be helping to resolve the housing crisis	51
Site should return to a garden or open community space use.	49
<i>Living conditions of neighbours</i>	
Create a greater sense of enclosure	82
Loss of daylight and privacy due to the windows at the kitchen	89
Overshadow and overlooking neighbouring gardens at the back	85 and 89
Replacing a fence with a 6 feet wall would have impact on amenity of the property at the back	87
Subject site is elevated and building would look imposing from neighbouring property	80
Increase in noise levels	88
<i>Other matters</i>	
It will negatively affect business and property value	90

4.1.2 Comments in support

24 The proposal would provide one more dwelling, and would improve the use of the land.

4.2 INTERNAL CONSULTATION

25 Environmental Health comments: Raised no objections, however, recommended to impose a condition in the case of identified contamination on the site during construction. Also, a standard heating boiler should present no problem as long as the outlet flue does not interfere with neighbouring properties amenity.

26 Highway Team: Raised no objections

4.3 EXTERNAL CONSULTATION

27 Grove Park Neighbourhood Forum: No response

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5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

29 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.

30 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.

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

32 The Development Plan comprises:

- London Plan (March 2021) (LP)
- 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)
- Site Allocations Local Plan (June 2013)
- Grove Park Neighbourhood Development Plan (June 2021)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPG/SPD:

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- Small Sites Design Guide Supplementary Planning Document (October 2021)

34 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6 PLANNING CONSIDERATIONS

35 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Highway and Transportation

6.1 PRINCIPLE OF DEVELOPMENT

Policy

36 The NPPF at para 130 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. London Plan Policy GG4, H1, H2, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

37 LP Policy GG4 and H1 of the London Plan acknowledges there is a pressing need for more homes in London and that genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential development should enhance the quality of local places and take account of the built context, character and density of the neighbouring environment.

38 Policy H10 of the London Plan requires an appropriate mix of unit sizes having regard to the nature and location of the site, with one- and two-bedroom units generally more appropriate in locations which are closer to a town centre or station or with a higher PTAL rating. This is expanded upon in Policies H1 and H2 which states that boroughs should support well designed new homes on small sites; small sites are a component of overall housing targets. Incremental intensification of existing residential areas is expected to play an important role in contributing towards housing targets; for sites within PTAL areas of 3-6 or within 800m distance of a station or town centre; however, the application site does not fit these criteria. Development can take a number of forms such as, new build, infill, residential conversions and redevelopment of existing buildings including non-residential and residential garages where this results in net additional housing provision.

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- 39 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).
- 40 DM Policy 33 States that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings. Development on these sites must meet the policy requirements of DM Policy 30 (Urban design and local character), and DM Policy 32 (Housing design, layout and space standards)
- 41 DM Policy 33 sets out that infill sites are defined as sites within street frontages such as former builder's yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design problems in harmonising the development with the existing built form.

Discussion

- 42 The site has been used as builder's office and storage site for many years, therefore it has been assessed as a builder's and storage site. This has been confirmed with legal advice.
- 43 The use class of builder's yards is considered as Sui Generis (according to appeal - APP/L263/X/16/3155461) and the portable office within the site would have a Class Use E (g) (i) (formerly B1 use). Therefore, the main planning issue is whether change of use from existing Sui Generis and E (g) (i) to C3 residential use would be acceptable.
- 44 Considering the site has established commercial use, the requirements of DM Policy 11 in sub-paragraph 4 need to be addressed, which 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.
- 45 Paragraph 2.77 of the supporting text to DM Policy 11 sets out that "other business sites [outside of Town Centres and Local Hubs] not identified in the policy may have site specific environmental problems, particularly backland sites embedded in residential areas", and in line with the Core Strategy Spatial Policy which supports the provision of quality living environments, residential uses would be supported.
- 46 The applicant has confirmed to Officers in an email that it has been vacant for two years and the owner has been trying to rent the property as a business premises but he has not been able to let it.

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- 47 An objector has mentioned its continuing use to date and indicated the continuity of the commercial use on the site. The applicant has supplied an advertisement and details from Acorn Estate Agents showing rental marketing details for the site since August 2021. The applicant has also provided recent photos and a statement in an email providing evidence of disuse of the site.
- 48 On balance, while detailed marketing evidence is generally required, given the site is embedded in a residential area with environmental issues and in light of the evolving policy context supporting residential development on small sites, and considering the provided marketing evidence generally addresses points 'a' and 'b' of paragraph 4 of DM Policy 11 the change of use from Sui-generis use to residential is acceptable.

6.1.1 Principle of development conclusions

- 49 The site will make a contribution towards meeting housing needs in a sustainable urban location, it is considered suitable for development in principle but whether or not the proposal is acceptable will depend upon other criteria for infill development set out in DM33 and the other policies stated above.

6.2 HOUSING

NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

LP GG4, H2 and H3 seeks to increase the housing supply and to optimise housing output.

Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan states that the Council will require all developments to attain a high standard of design.

Discussion

- 50 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation.
- 51 The proposed density is considered to be optimal for this site, as it is well connected to the main roads, and public transport whilst being in a sustainable urban location where the density values are within the guidelines set out (70–260 u/ha) in the adopted London Plan. The proposed dwelling would provide a one-bedroom dwelling for 2 persons, which would provide accommodation for a small family, and would contribute to the borough's housing supply and significant weight is given to this in assessment of the proposal.

Summary

- 52 Should the Committee be minded to support the proposed development in principle, it should be noted that the proposed density is considered to be acceptable as it is within the guidelines set out in the London Plan 2021.

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6.3 URBAN DESIGN

General Policy

53 Policy

54 The NPPF at para 130 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

55 Lewisham is defined as an Inner London borough in the London Plan. LP 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

56 London Plan D1, D3, CSP 15, DMLP 30, 31, and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

57 The surrounding properties are mainly two-storey semi-detached dwelling in three or four different styles, but all built around the 1920's-30. A number of properties have been extended over the years. Number 4, adjacent to the subject site, is a detached dwelling and a new detached two storey building has recently been built to the side of No.54.

58 *Appearance and character.* The proposed dwelling would be of a fairly simple, traditional style, taking its design cues from the surrounding properties in terms of its use of materials. The roof profile would be similar to the pitch roof at this side of the road. It would be lower than the adjacent property at No 4 Senlac Road and properties at Burnt Ash Hill, therefore would not appear as bulky in the surrounding area.

59 The new dwelling would set back from the main road and its frontage would align with established front elevation line at this side of Senlac Road. The existing wooden fence and gate which are in a poor situation would be removed and a front garden with a brick boundary wall and green space, similar to the existing properties at the southern side of Senlac Road would be provided. The proposal includes landscaping to the front and rear of the property to enhance the street scene and improve the biodiversity of the site. No details have been submitted regarding the hard and soft landscaping being proposed, or if new boundary treatments are being proposed. Should the Council grant permission a condition would be imposed for the details of the landscaping including soft and hard surface.

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Figure 6 Proposed Streetscene from Senlac Road

- 60 Within the proposed scheme, the current hard surface would change and soft landscaping forming 66% of the land which would be open amenity space would be provided, which is welcomed.
- 61 The proposed front elevation would introduce a porch. It is noted that although existing properties on this side of Senlac Road do not have similar porches, Nos 10 to 20 have front projections which incorporate a porch like entrance. Therefore, the proposed front porch would not be an intrusive addition to the street scene, and is considered acceptable.
- 62 The proposed fenestration to the front, side and rear are considered acceptable, and their amenities impact is assessed below.
- 63 *Materials:* The material would match the existing, as shown on the plans and stated on the design and access statement. The dwelling would be built in brick with the first floor rendered to match the prevailing architectural detail of most properties in the road. The roof would be a tiled pitched roof with solar panels on both slopes. No details of Materials have been provided, therefore should the Committee be minded to grant permission, a condition would be imposed in order to secure council's policy to use high quality materials.
- 64 In respect of impact of the proposed scheme on the character of the wider area, and the street scene, the new dwelling is considered to improve the current poor condition and as this area does not benefit from any special architectural character designation and is not within a conservation area, the proposal is acceptable.

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Figure 7 Rear View of the Proposal Site

6.3.1 Urban design conclusion

65 In summary, the proposed dwelling, due to its scale, design and setting, is considered acceptable and would preserve the character and appearance of the streetscene and the wider area.

66 Subject to the above, the proposed dwelling is judged to be acceptable in terms of its design, responding appropriately and sensitively to the site. As such, it is considered that the design of the proposed new dwelling complies with the provisions of Policy 15 of the Core Strategy (2011) and DM Policy 30 'Urban Design and local character' of the Development Management Local Plan (2014).

STANDARD OF ACCOMMODATION

General Policy

67 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the Publication London Plan (LP D6, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

68 LP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in the London Plan 2021.

69 DM Policy 32 'Housing design, layout and space standards and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These

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policies set out the requirements with regards to housing design, seeking to ensure the long-term sustainability of the new housing provision. In particular DM Policy 32 states that it will assess whether new housing development including conversions provide an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight and daylight, adequate privacy and storage facilities to ensure the long-term sustainability and usability of the homes. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan.

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

71 The table below sets out acceptable dwelling sizes.

Type	Criteria	Size	Required		Compliance
			Minimum Internal Area	Gross	
Two storey (including basement), one bedroom dwelling	Dwelling Size (1b2p)	64.3m ²	58m ²		Pass
	Bedroom 1	12.86m ²	11.5m ²		Pass
	Floor to ceiling height	First floor: 2.6m Ground floor: 2.5m	Min height 2.5m 2.m for at least 75%		Pass
	Built in storage	6.15 m ²	3.5m ²		Pass

72 The proposed development would be a 1b2p dwelling with an internal area of approximately 64.3m² which is acceptable. A double bedroom would be at the first floor with a window to the front. The minimum floor to ceiling height would be over 2.5m at the first floor, which meets the London Plan requirements.

73 The ground floor would accommodate, living room and WC with access from the front and side with an internal ceiling height of 2.6m which are in line with the recommended standard and are acceptable.

74 The new dwelling would be a dual aspect dwelling, by having window to the front and rear.

75 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant', therefore the outdoor amenity space proposed would meet the minimum required standard.

6.3.2 Standard of Accommodation conclusion

76 The proposal would deliver a one-bedroom dwellinghouse, with an acceptable standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making the most efficient use of land and optimising density.

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6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 77 NPPF para 126 and 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 78 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).
- 79 The Small Sites SPD provides guidance on the acceptable offset distances between existing and new dwellings in the context of small sites.

Discussion

- 80 Objections raised the issue of difference in ground levels, stating that the subject site is 0.8m higher than surrounding ground levels. The applicant has provided details of levels demonstrating that the grounds at No 4 Senlac Road, No 2 Senlac Road and No 197 Burnt Ash Hill are on the same level (Section C-C) and Nos 199 and 201 Burnt Ash Hill are 0.7m higher than the level of 2 Senlac Road (section A-A and B-B) which would be retained as such.
- 81 A daylight and sunlight report is attached, which demonstrates a horizontal 25-degree test in accordance with BRE (2011). The diagrams show the proposed development has no adverse impact on the sunlight/daylight amenities of its neighbours to the sides.
- 82 The front elevation of the proposed dwelling would be largely sited in line with the side boundary shared between 197 and 199 Burnt Ash Hill. As such the front garden, off street parking and bin storage would be sited directly behind No.197 whilst the new dwelling would be sited directly behind No.199. The new dwelling would be set back 3m from the shared boundary. As such, the side elevation of the new dwelling would be approx.17m from the nearest rear windows of No.199. The nearest rear windows in the rear elevation of No.197 are in the single storey rear extension which is approx. 8.5m from the rear boundary. DM Policy 32 requires adequate privacy between new and existing dwellings. As a general rule, unless it can be demonstrated through design, there should be a minimum of 21m between directly facing habitable room windows on main rear elevations. As shown on the plans the site No 199 Burnt Ash Hill are 0.70c higher than the proposed level of 2 Senlac Road. In addition, the side elevation of the proposed dwelling is sufficiently set away from the rear windows of these neighbouring properties and set back within the subject site to mitigate any significant overbearing or creating a sense of enclosure impact and loss of outlook.
- 83 The proposed first floor bedroom windows to the rear elevation would set back 4m from the shared boundary with No.197 and would be sited 90 degrees to this boundary with a view out toward the front of the subject site. As such, there would be no direct overlooking of the rear garden of No.197.
- 84 There are no first-floor windows in the side elevation, so there would be no loss of privacy or overlooking into the garden of No.199. There would be no loss of privacy or

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overlooking to or from the French doors sited in the ground floor side elevation, due to the boundary treatment between the subject site and No.199.

- 85 The rear elevation of the proposed dwelling would be sited 1.2m from the shared boundary with No 201 Burnt Ash Hill. At the ground floor of the proposed development two windows would serve the kitchen and WC, considering the height of fence and the difference level of back gardens with No 201 and the application site, the fenestration on the ground floor is not considered to have any amenity impact on No 201. The first-floor rear windows would serve a bathroom and landing area. These two windows would be obscured as shown on the plans. Should the Committee be minded to grant permission, the rear window at the first floor which serves bathroom would be conditioned to be obscure glazed and non-opening below 1.7m when measured from the internal floor level and the window at the landing area, should be half obscure and non-openable. Consequently, there would be no overlooking or loss of privacy from these windows. It is noted that whilst there would be a level of loss of outlook from the rear windows of No 201, the impact would not be so detrimental to warrant a reason for refusal.
- 86 The proposed dwelling would not protrude beyond the front or rear elevation of this neighbouring property at No 4 Senlac Road, with no windows to the side. The proposal would have no detrimental amenity impact on No.4 in terms of appearing overbearing, loss of outlook, overshadowing, loss of daylight or loss of privacy.
- 87 One objection was raised regarding the height of the boundary fence/wall along the shared boundary with Nos 197 to 201. The fence would replace a 2.6m height existing port a cabin with a 2.2m wooden fence measured from the garden level of No 201 behind the existing shed at No 201. The fence along boundary with No 197 and No 199 would be the same as existing. Along shared boundary with No 4 Senlac Road there is a brick wall where the existing height would be retained. Therefore, the proposed boundary would not have any adverse impact on the amenities on the adjacent neighbouring properties.
- 88 An objection was raised regarding increase in noise levels due to the new building proposal. No long-term adverse noise impacts are likely to arise from the provision of a residential development within a residential area. Officers also note the established is as a builder's yard. However, there is potential for short-term impacts during the construction phase of the proposed development. Therefore, a condition is recommended to secure a Construction Management Plan in order to minimise the impacts of the development which includes the time of works and deliveries relating to the construction phase, mitigating for any adverse impact with regards to noise, dust and other forms of pollution.
- 89 In light of the above, the proposed development is considered not significantly impact neighbours in terms of being overbearing, loss of outlook, loss of privacy and overlooking. The submitted Daylight and Sunlight study demonstrates a daylight/sunlight test in accordance with BRE (2011). The diagrams show that the potential impact of overshadowing is compliant with BRE standards.
- 90 In addition, concerns were raised regarding the impact of the proposed development, causing change of the value of neighbouring properties. This is not a planning consideration.

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6.4.1 Impact on amenities of neighbours; Conclusion

- 91 The proposed development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/ sun light and impact on privacy and is therefore acceptable.

Highway

General policy

- 92 LP T1 sets out the Mayor's strategic integration of land use and transport. LPT4 requires transport assessments to be submitted with development proposals when required in accordance with national or local guidance, to ensure any impacts are fully assessed. No transport assessment is required for this application due to the scale of the proposed development.
- 93 LP T6 states that car-free developments should be the starting point for all development proposals in places that are well-connected to public transport.
- 94 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

Discussion

- 95 Under the Policy T6 of the London Plan the maximum allowance is 0.75 spaces per household for a new dwelling in Inner London with a PTAL of 1b. The proposal includes one off street parking space to the front of the dwelling. Whilst this is technically an over provision of off-street parking, the scheme proposes a single unit and the parking arrangement would mirror all other dwellings in the road which have off street parking provision. Highway Officer raised no objections to retaining the existing crossover, and bay parking to the front garden.

Cycle storage

- 96 Under the Policy T5 of the London Plan, secure covered cycle parking should be provided at a minimum rate of 1.5 spaces per 2-person 1 bedroom dwelling. As such, a dwelling of the proposed scale must provide 2 secure, covered and step free cycle parking spaces. The proposal includes secure and covered cycle parking spaces, however should the Committee be minded to grant permission, details of cycle parking arrangements would be secured by a condition.

Refuse

- 97 Two bins would be provided to the front of the site. One for waste and one for recycling. The provision and siting of bins storage is considered acceptable.

Summary

- 98 The proposal would have an acceptable impact on transport and accommodating the sites servicing needs, subject to conditions.

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7 LOCAL FINANCE CONSIDERATIONS

99 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).

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

101 The CIL is therefore a material consideration. The applicant has completed the relevant form.

8 £12,000 Lewisham CIL is estimated to be payable on this application, subject to any valid applications for relief or exemption. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

102 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.

103 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.

104 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.

105 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

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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>

- 106 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
- 107 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>
- 108 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

- 109 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
- 110 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.
- 111 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.

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112 This application has the legitimate aim of providing a single dwelling. 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

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

114 The proposed scheme would be supported in principle, its design, bulk and setting, and it would not have any unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance. In addition, the proposed scheme would have an acceptable impact on transport and accommodating the sites servicing needs.

115 In light of the above, it is recommended that planning permission is approved

12 RECOMMENDATION

116 That the Committee resolves to GRANT planning permission subject to the following conditions and informative:

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

Daylight And Sunlight; Design & Access Statement Planning Statement (received 25 Nov 2021)

20200416-PL01 Rev R02; 20200416-PL02 Rev R01; 20200416-PL03 Rev R02; 20200416-PL04 Rev R02; 20200416-PL05 Rev R02; 20200416-PL06 Rev R02; 20200416-PL07 Rev R02; 20200416-PL08 Rev R00; Site Location Plan (received 28 Jan 2022)

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) No development above ground shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and

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external doors, roof coverings, other site-specific features to be used on the building have been submitted to and following a site visit, approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

- 5) (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

(b) No development shall commence on site until the full details of the cycle parking facilities have been 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).

- 6) No extensions or alterations to the new and the existing buildings hereby approved, whether or not permitted under Classes A-F of Article 3 to Schedule 2, Part 1 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).

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- 7) (a) No development (above ground level / beyond the superstructure) shall commence until details of proposals for the storage of refuse and recycling facilities at the new dwelling have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

- 8) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 first floor bathroom window to the rear hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and non-opening below 1.7m when measured from the internal floor level, and the first-floor window at landing area should be half obscure and openable and so retained in perpetuity.

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

- 9) (a) No demolition or development, 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.

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

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

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

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

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.

13 BACKGROUND PAPERS

- 117 Submission Drawings and Photos
118 Submission Technical Reports and Documents

14 REPORT AUTHOR AND CONTACT

- 119 Zahra Rad (Planning Officer)

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2 SENLAC ROAD, LONDON, SE12

The construction of a two storey one bedroom dwelling house at 2 Senlac Road SE12, together with the provision of a car parking space and bin store.

Application Ref No. DC/21/124504

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

Site Location Arial- Context

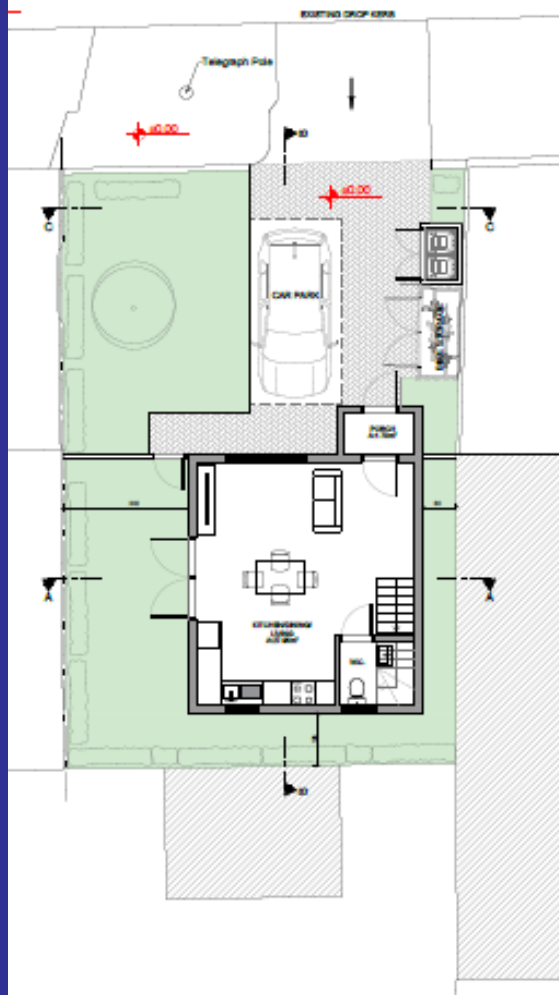


Views from Senlac Road

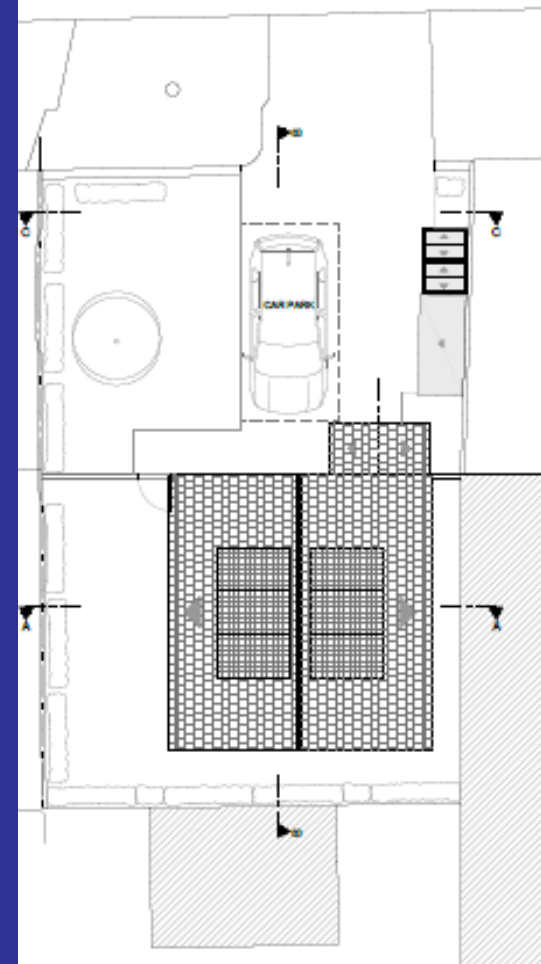


Proposed Floor Plans

Ground Floor



Roof Plan

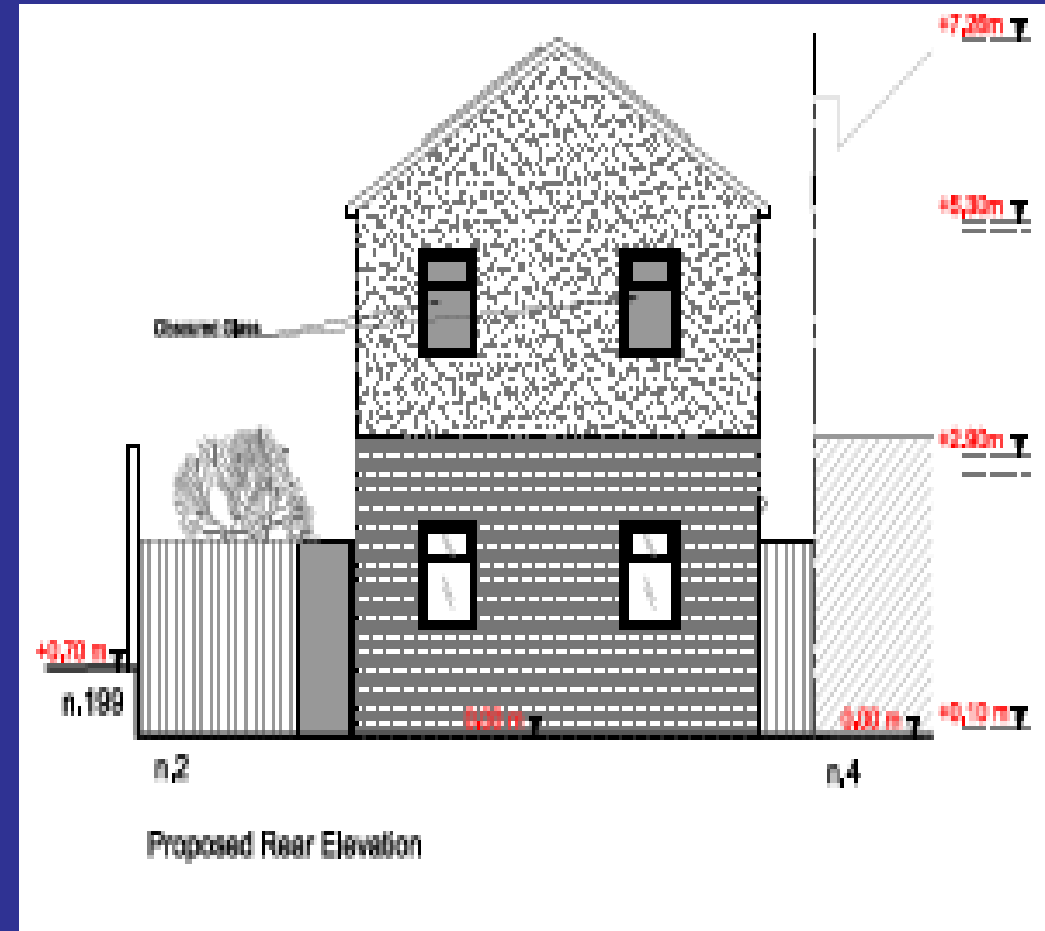
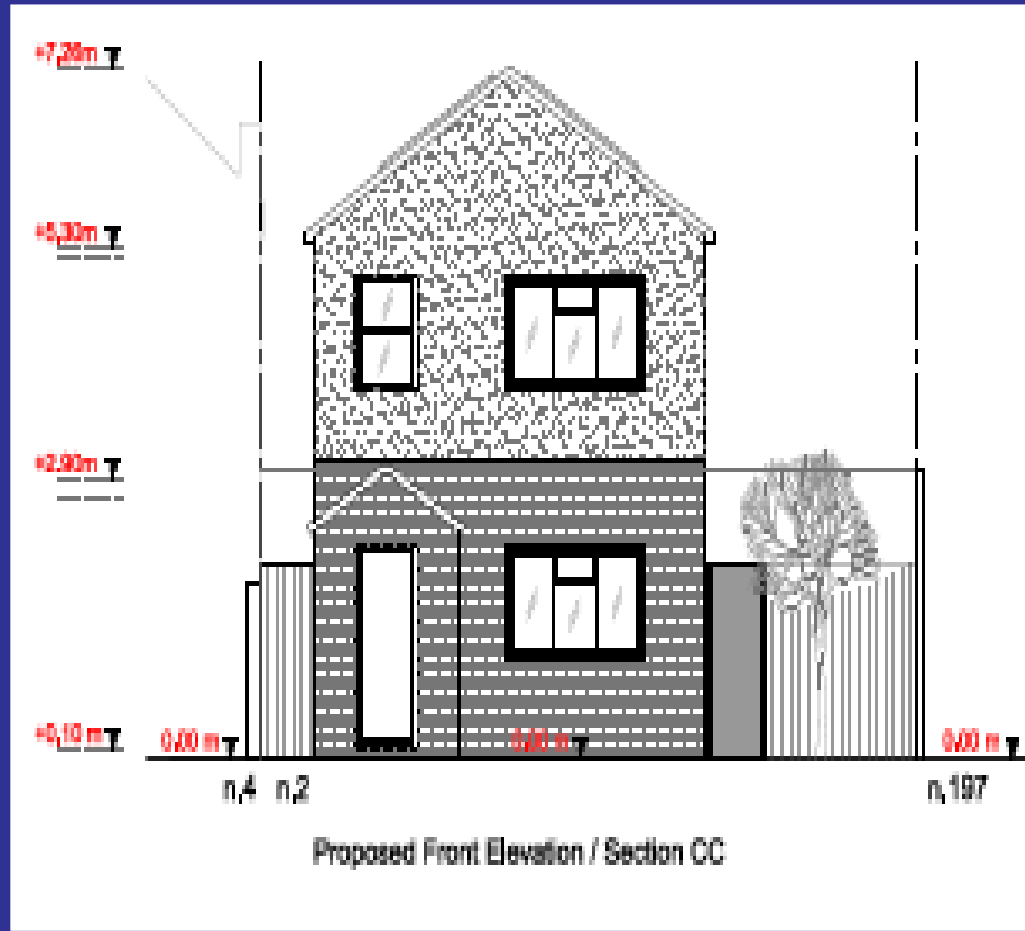


Proposed Elevation

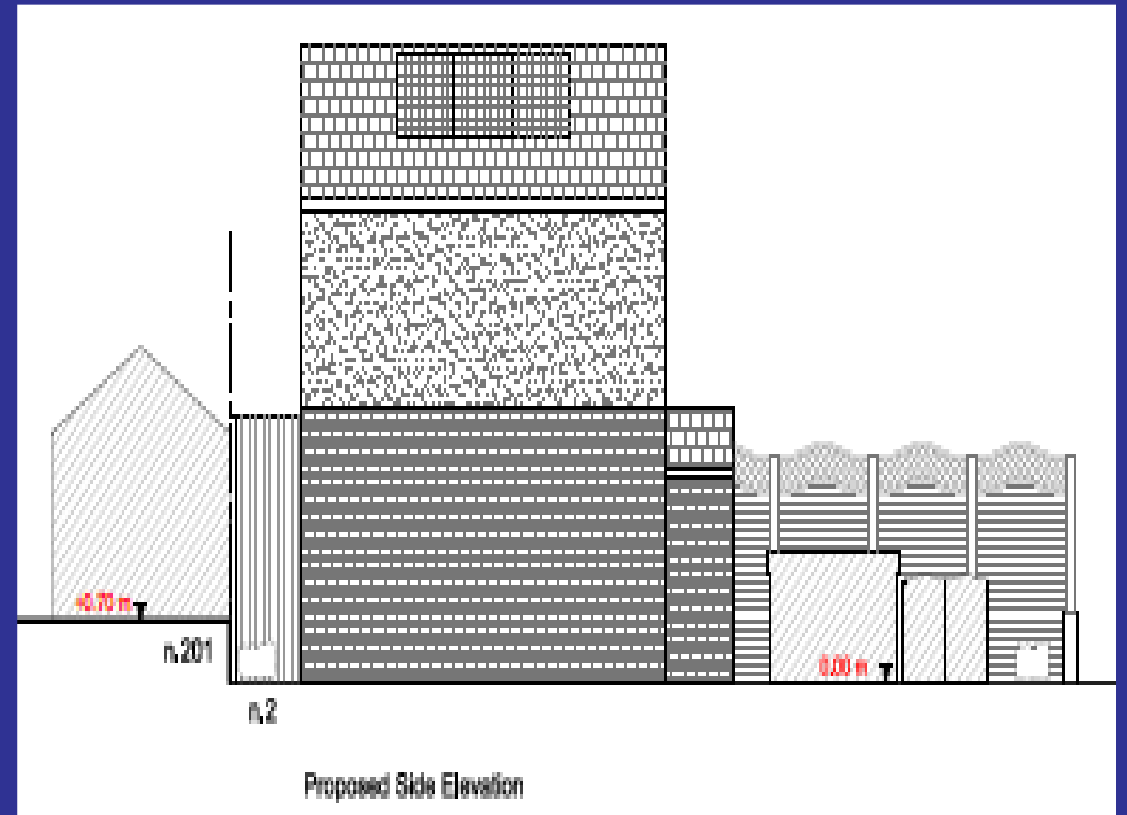
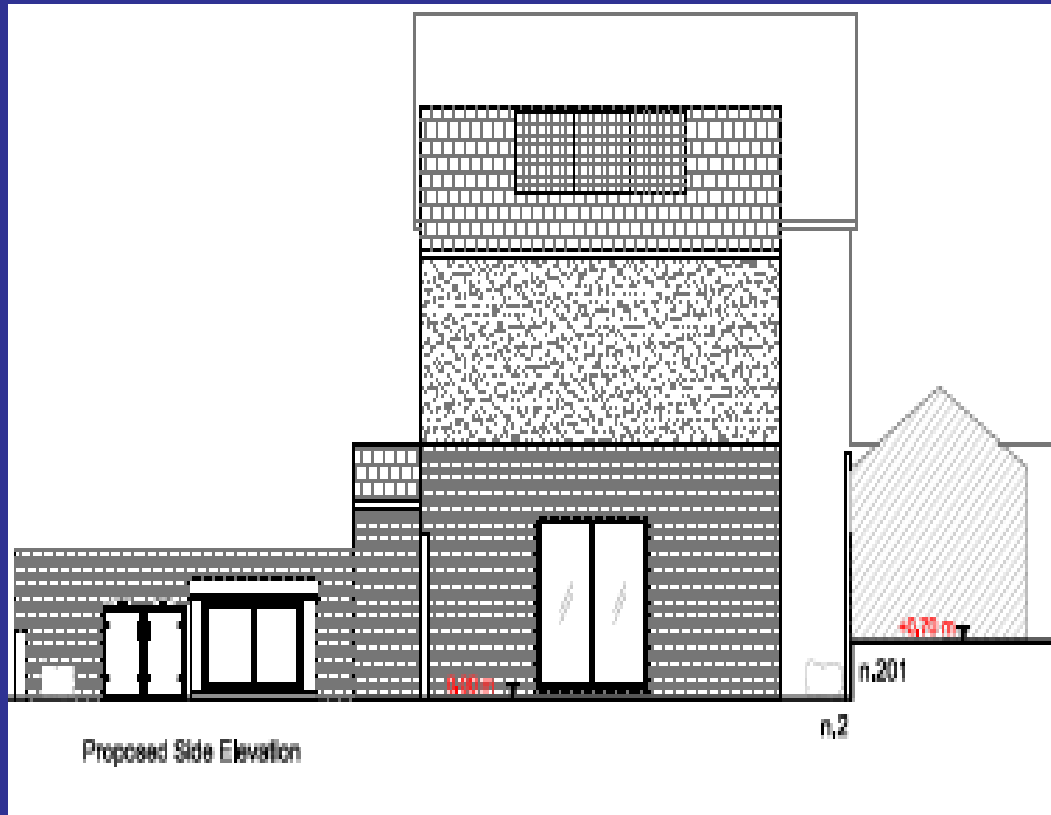
Front

Rear

Page 364



Proposed Side Elevations



Key Planning Considerations

- Principle of Development
- Housing
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Highway and Transportation

Streetscene



Impact on Adjoining Properties

