

PLANNING COMMITTEE C

Date of Meeting: **TUESDAY, 26 APRIL 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: Wednesday, 13 April 2022

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 26 April 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: 26 April 2022

MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 24 February 2022.

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**LEWISHAM COUNCIL
PLANNING COMMITTEE C
THURSDAY, 24 FEBRUARY 2022 AT 7.43 PM
MINUTES**

MEMBERS IN ATTENDANCE: Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernards, Louise Krupski

Apologies were received from: Councillors: Mark Ingleby, Silvana Kelleher, Hilary Moore and James Rathbone

MEMBER(S) UNDER STANDING ORDERS ALSO IN ATTENDANCE:
Councillor Stephen Penfold

MEMBER(S) OF THE COMMITTEE ALSO JOINING THE MEETING VIRTUALLY: Councillor John Paschoud

MEMBER(S) UNDER STANDING ORDERS ALSO JOINING THE MEETING VIRTUALLY: Councillor John Paschoud

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), Head of Committee (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

Note: Prior to meeting Councillor Penfold advised the Clerk he would recuse himself from Item 6, on the meeting's Agenda and that he would be speaking under Standing Orders in objection to Item 6.

2 Minutes

RESOLVED that the minutes of the Planning Committee C held on the 2 December 2021 be amended to record that:

- Councillor Peter Bernards was in attendance

Then agreed and signed as a correct record.

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

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 • Residential Quality • Urban Design • Impact on Adjoining Properties • Transport • Sustainable Development

Following the Officers presentation, questions put to the Officer, from Members, related to: unit size, waste management, development usage and parking.

The Officer acknowledged an error in the Officers' report and provided further clarification regarding calculations relating to unit size.

Members were advised by the Officer that residential waste management collection times could be secured, by condition agreed with the developer. The DMTL also advised the Committee that waste management would be allocated between a private contractor and the local authority.

The Officer informed the Committee, that parking limits would be managed by conditions agreed with the developer and the local authority. It was also stated that the Highways Authority would be responsible for the CPZ highways consultation, regarding the development. The DMTL advised Members that the CPZ consultation process was not a material consideration for the application under consideration.

The Committee was informed by the Officer that soundproofing would also be applied by the developer to the windows and room structures. The DMTL confirmed the use as a place of worship would continue, with the added housing provision.

The agent addressed the Committee and described the application site. The agent discussed: community, ill repair issues, proposed facilities, additional well-being therapies proposed and charity business plan.

The applicant addressed the Committee and described the application site. The applicant discussed: benefits of the development, outlook, privacy, overshadowing, height, design, daylight and sunlight report, accessible public space, viability, parking and financial contribution for CPZ.

Members' questions to the agent, related to: usage.

The agent provided clarification regarding usage of the rooms.

A resident addressed the Committee with objections. The resident alleged that the Church was taking the opportunity to make money. The resident questioned the Committee not questioning the motives behind the application. The DMTL advised the resident that only material considerations could be discussed by Members, with regard the application.

A member advised the resident to contact the Charity Commission. The Chair cautioned the resident to only consider material considerations.

Members' questions to the resident, related to: consultation.

The DMTL advised that the standard consultation provided was according the size and scale of 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

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the 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.

Subject to conditions and informatives outlined in the report.

4 29-35 Tranquil Vale, London, SE3 0BU

The Planning Officer gave an illustrative presentation, recommending the grant of planning permission for the proposal, as outlined in the Officer's report. The Planning Officer confirmed the application was returning to Planning Committee C following deferral from a previous meeting.

The Committee noted the report and that the main issues were: Principle of Development • Housing • Urban Design and Heritage • Transport Impact • Impact on Adjoining Properties • Sustainable Development • Natural Environment • Planning Obligations

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: application amendments, parking, heritage, and the consultation process, impact on listed buildings, design, scale, daylight, sunlight assessment, family housing, biodiversity, environment and waste management.

Following the agents address, no questions were asked by Members.

A resident addressed the Committee with objections. The resident discussed: Planning Inspectorate appeal decision, issues that it was felt would affect their home, such as guttering and extractor problems, if the application were approved, external wall, ecological concerns, access, parking and lack of Construction Management Plan (CMP).

A representative from the Blackheath Society addressed the Committee with objections. The representative discussed: the lack of a CMP and requested the development have a site visit and be used as a test case, also that a CMP be submitted to the Committee or the local authority for scrutiny and approval.

Following the resident and representative's address, questions asked by Members related to: parking and the development.

The DMTL advised Members the developer had complied the request for parking to be removed from the scheme. The DMTL advised that a CMP would be provided for the development.

The Officer explained the history of the application, using the presentation slides to provide further clarification in relation to the appropriateness of the development. The DMTL reiterated the reasons for the application's deferral related to parking concerns.

During Member discussion the removal of the parking from the current application was commended, as was the decision to include landscaping.

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 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.

Subject to conditions and informatives outlined in the report.

5 Blackheath Hospital 40-42 Lee Terrace SE3 9UD

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: Noise.

The Officer advised the Committee that the applicant had submitted a noise report and that the Environmental Health Team confirmed the mitigation measures proposed, were appropriate.

The applicant addressed the Committee and described the application site. The applicant discussed: population health, location, noise output, noise assessment conducted, noise mitigation measures, no objections from environmental officers, no harm to listed building or conservation area, ability for environmental protection services to intervene if noise mitigation measures fail. The applicant discussed the reasons why the previous application was refused. The applicant assured Members the applicant had been re-submitted with issues of concern addressed.

Members' did not put any questions to the applicant.

A representative with objections addressed the Committee. The representative discussed: The ambient, long-term noise of the existing MRI machine and cooling plant, hospitals failure to comply with a noise abatement order issued in 2007, request that a condition agreed to ensure the abatement order be enforced, noise measurements, the continued noise from the existing MRI scanner and associated cooling plant, lack of consultation regarding current application.

Members' questions put to the representative, related to: conditions, plant operation times.

The DMTL advised the Committee that environmental health officers had assessed the noise assessment report submitted and they concluded the proposal was acceptable.

The Officer confirmed to Members the time of plant operation would be between 7am to 7pm. Members were also advised the noise would be reduced by 5dB.

During Member discussion several Members raised concerns regarding the impact of noise from the existing plant, which had not been addressed, in conjunction with the current proposal if approved. The DMTL advised the Members that noise testing conveyed the noise was accumulatively acceptable.

The Members also felt there was an issue of trust amongst the residents. If the current noise level was not addressed, then they would not welcome the current proposal.

The Chair advised Members that noise arising from other areas of the site was not a material planning consideration given the noise assessment submitted. Members requested further clarification. The Chair advised that the noise of the existing plant was not material to the consideration of the current application. Noise issues relating to the existing plant, would require intervention from environmental protection officers.

Members were not satisfied that noise from the existing plant was not viewed as a material consideration to the current application.

A Member put forward a motion that in light of current noise levels and the cumulative effect, the application should be deferred.

The DMTL advised Members that in order for a deferral, the motion would need to be in relation to information not put before the Committee.

The DMTL reiterated previous advice that environmental officers were satisfied with the noise assessment report, which was professional.

Members felt that despite the findings of the noise assessment report, there existed a conflict with the fact an alleged noise abatement order issued in 2007 issued to the hospital, had never been complied with. Therefore the required information was before Members and a motion was put forward for a deferral on this basis. The motion was seconded.

Members voted on the motion for the deferral of the application, with a result of 2 in favour, 1 against and 1 abstention. It was

RESOLVED – unanimously

Application would be DEFERRED to allow investigation regarding noise issues and to further review the site history.

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

Prior to the consideration of this item, Councillor Penfold recused himself.

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 • Highways and Servicing

Following the Officers presentation, Members questions related to: proposal operation times and application history.

The DMTL advised Members the hours of operation would be from 9 to 6pm.

The DMTL advised the applicant would be able to provide a historical background to the application. The DMTL also provided clarification regarding the original recommendations set out, that governed decisions made by the Mayor and Cabinet, regarding the disposal of the application site.

Members' did not put any questions to the Officer or DMTL.

The applicant addressed the Committee and described the application site. The applicant discussed: business proposal, application, building history, community support, consultation process, target audience, noise mitigation measures, design, heritage, conservation area, viability.

Following the applicants address, Members questions related to: Community space and its operation.

The applicant advised Members a large community space would form part of the proposal. It would be available for public use, providing space for activities such as work meetings, within restricted hours.

The applicant advised the Committee that the community space would be managed by the employees of the proposal.

The DMTL informed Members the application under consideration did not require a community usage plan.

A representative from the Brockley Society, addressed the Committee with objections. The representative discussed: change of usage, cultural and musical history of the existing building, benefits of the existing development to the local community. A survey that conveyed the inability to find another organisation, that provided the same service/s locally as provided on the existing application site.

Councillor Stephen Penfold spoke under Standing Orders, against the application, representing his Ward: Brockley. The Councillor discussed: change of use, the cultural and musical history of the existing development.

The Councillor shared a visual map of the borough with the Committee, to provide further clarification of the inability to find another organisation that provided the same service/s locally, as provided on the premises of the existing application site. The Councillor recommended the proposal not be approved.

Following Councillor Penfold's address, Members questions related to: change of use, footfall of existing development, noise.

The DMTL advised Members that questions regarding change of use would need to have been submitted to the Mayor and Cabinet in 2015, when the current site was being disposed of. The DMTL advised the applicant signed a lease agreement for the current use and were now applying for Planning Permission.

The Committee were advised by the DMTL that footfall issues relating to the existing building, were not relevant to the current application under consideration.

The applicant described the proposed noise mitigation measures and advised in last 3 years, no noise related complaints had been received.

The DMTL confirmed there had been no noise complaints or noise abatement notices issued. Members were advised that a noise assessment was conducted, conditions were agreed with the applicant, with regard to noise mitigation. As a result objections to the proposals were withdrawn as the conditions were viewed as robust.

During Member discussion a Member raised a motion for the proposal to be refused on the grounds that no alternative premises were locally available, that provided the same services as the existing development.

The DMTL advised the Committee that the lack of community space locally available was not a viable grounds for refusal.

The DMTL advised Members that if a motion to refuse was granted, the applicant would have grounds for appeal, which would give rise to a risk of an appeal cost award.

The DMTL reiterated that the Mayor and Cabinet decision to dispose of the existing development in 2015, was part of the strategic plan, as set out by the local authority.

The Member withdrew their motion.

The Committee considered the submissions made at the meeting, and

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the 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.

Subject to conditions and informatives outlined in the report.

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

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: Noise and density.

The DMTL advised Members there were no conditions to be included regarding heat pump noise, as the noise assessment addressed that concern.

The DMTL provided further clarification regarding density, as set out in the officers' report.

The applicant addressed the Committee and described the application site. The applicant discussed: former usage, anti-social behaviour on site, consultation process, quality and range of dwellings, parking provision, proposal scale and design, overlooking and overshadowing mitigation measures and housing supply.

Members' put no questions to the applicant.

A resident, addressed the Committee with objections. The resident discussed: vehicle access, traffic, noise, consultation, waste management, parking, party wall, fire-safety and asbestos.

Following the residents address, Members questions related to: Fire safety and asbestos.

The applicant advised Members that traffic assessments and diagrams were supplied to, reviewed and approved by highway officers.

The DMTL informed the Committee, the asbestos on the application site, was not a material consideration for the current application. The asbestos would be a concern for building control.

The applicant assured Members that the asbestos would be removed from the application site professionally, in accordance with health and safety regulations.

The Chair suspended Standing Orders at 9.57 pm.

Councillor John Paschoud spoke under Standing Orders, against the application, representing his Ward: Perry Vale. The Councillor discussed: sustainability, his referral of the item under consideration to Planning Committee, density calculations, importance of a CMP, disruption, impacts on residents and commercial neighbours, planning policy to illustrate concerns regarding loss of privacy.

Following Councillor Paschoud's address, Members questions that related to: Recommendations, conditions and consultation.

Councillor Paschoud advised the Committee that he knew the application site and described access issues on the site. The Councillor felt the proposal would not work as planned and recommended deferral of the application, until a draft CMP was submitted to Councillors.

The DMTL read out Condition 3 that related to the CMP to the Committee. Members were advised that access was not an issue, but officers could add wording to the CMP, that addressed access, if the Committee were minded to grant planning permission.

During Members discussion concerns were raised regarding consultation, the CMP and deferral of the application.

The applicant assured the Committee that they were willing to consult with residents and the local authority, with regard to the CMP. The applicant noted that consultation was not a requirement, but they saw its value.

The DMTL assured Members the scheme was a good example of high quality design in applying the Small Sites SPD. The DMTL advised rather than defer the application, it would be better to grant planning permission, but include an informative that the CMP be returned to the Planning Committee C for decision.

The Committee considered the submissions made at the meeting, and

RESOLVED - unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of the existing 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.

Subject to conditions and informatives outlined in the report and a informative that Condition 3 (Construction Management Plan) return to Committee C for decision.

8 72 Wood Vale, London, SE23

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

The Committee noted the report and that the main issues were: Principle of Development • Urban Design • Impact on Adjoining Properties

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 present, with objections.

The Committee

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the construction of a garden room at 72 WOOD VALE, SE23.

Subject to conditions and informatives outlined in the report.

9 70 Thorpewood Avenue, London, SE26 4BY

ITEM REMOVED FROM AGENDA

10 2 Senlac Road, London, SE12

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 • Standard of Accommodation • Impact on Adjoining Properties • Highway and Transportation

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

The applicant addressed the Committee and described the application site. The applicant discussed: site history, enhancements, parking, benefits and housing need.

Following the applicants address, no questions were put to the Officer by the Committee.

A resident, addressed the Committee with objections. The resident discussed: the single dwelling proposal, site usage, character, density, design, privacy, overlooking, objections from residents and marketing materials.

Members questions that followed, related to: marketing materials and grounds for refusal.

The DMTL advised Members that the applicant had supplied an advertisement and details from an estate agent, showing rental

marketing details for the application site since August 2021. The Committee were advised that the applicant had also provided recent photos and a statement in an email, providing evidence of disuse of the site. The DMTL stated that officers felt although detailed marketing evidence was generally required, given the site was embedded in a residential area with environmental issues and evolving policy that supported residential development on small sites, change of use from Sui-generis use to residential was acceptable. The DMTL advised the Committee, if it were minded to refuse planning permission based on design, specific reasons would be required.

During the Members discussion a Member raised a motion to refuse planning permission on the basis of design, stating the development was not in line with neighbouring buildings, privacy mitigation measures resulted in poor interior lighting, it was not a family dwelling and the proposal would not satisfy the housing needs of the borough. The DMTL advised the Committee that the wording of the refusal would be allocated to officers and agreed with the Chair.

Members voted on the motion to refuse the proposal, with a result of 3 in favour and 1 against. It was

RESOLVED

That it be noted that the Committee agreed to:

REFUSE planning permission for 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, with the final wording of the Reason for Refusal delegated to officers with the agreement of the Chair:

The Reason for Refusal agreed with the Chair following the meeting was:

The proposed new dwelling by reason of its appearance, materials and poor quality of design would fail to respond appropriately to the character of the area and would appear as a cramped and contrived form of development with adverse impact on the character of the wider area. For this reason the proposal would be contrary to paragraph 130 of the NPPF (2021); Policies D1 'London's form,

character and capacity for growth', D3 'Optimising site capacity through the design-led approach' and D6 'Housing quality and standards' of London Plan, Policy 15 'High quality design for Lewisham' of the Lewisham Core Strategy (June 2011), Policies DM30 'Urban design and local character', DM31 'Alteration and extensions to existing building including residential extension', DM32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014) and Alterations and Extension Supplementary Planning Documents (April 2019).

The meeting closed at 11.03 pm

Chair

DRAFT

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Planning Committee C

Report title:

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

Date: 26 April 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. The report has been brought before Committee for a decision due to the agreement for deferral at the Planning Committee C held on 24 February 2022 in order to allow investigation regarding noise issues and to further review the site history.

Original report submitted at the Planning Committee C held on 24 February 2022 is included in Appendix 1.

This report outlines only changes to the relevant sections "Relevant Planning History" and "Impact on Adjoining Properties".

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

1.1 REASON FOR DEFERRAL

- 1 The proposal was initially presented at the Planning Committee C held on 24 February 2022. The main issue raised by members' was in relation to the potential increase in noise from the proposed development and the impact of previously approved MRI cooling system which may have been in breach of planning conditions in terms of noise. At the meeting, officers clarified that the noise impact assessment indicated an acceptable level of background noise and no concerns were raised by the Council's environmental health officers.
- 2 With regards to an alleged planning breach, Officers conveyed that it was not a material planning consideration and a decision can only be based upon the application before members. Nevertheless, members concluded that the application should be deferred so that an investigation regarding noise issues can be carried out and to further review the site history.

1.2 Relevant Planning History

- 3 This section is to be read in conjunction with paras 11 and 14 of the original report.
- 4 **DC/09/070870/X** – The re-siting of the existing CT Scanner condensing unit at 40-42 Lee Terrace SE3, together with the formation of a box enclosure to the MRI chiller unit. **Granted**
- 5 During Planning Committee C on 24th February 2022 it was brought to the Officer's attention that there may have been historic issues over non-compliance with a planning condition limiting noise from the cooling system to the MRI.
- 6 Officers have completed further investigation into this application and its history, and there are a number of important factors which are relevant.

7

Firstly, the location of the MRI cooling system is not in close proximity to the location of the proposed plant equipment for this application. The MRI cooling system is on the opposite site of the hospital it is therefore highly unlikely to have any meaningful impact on background noise levels if it is operating above its agreed noise level. **Appendix 2** is a letter from the applicant's noise consultants which confirms that the MRI cooling equipment is approximately 70m away from the location at which the measurements were taken for the submitted noise impact assessment.

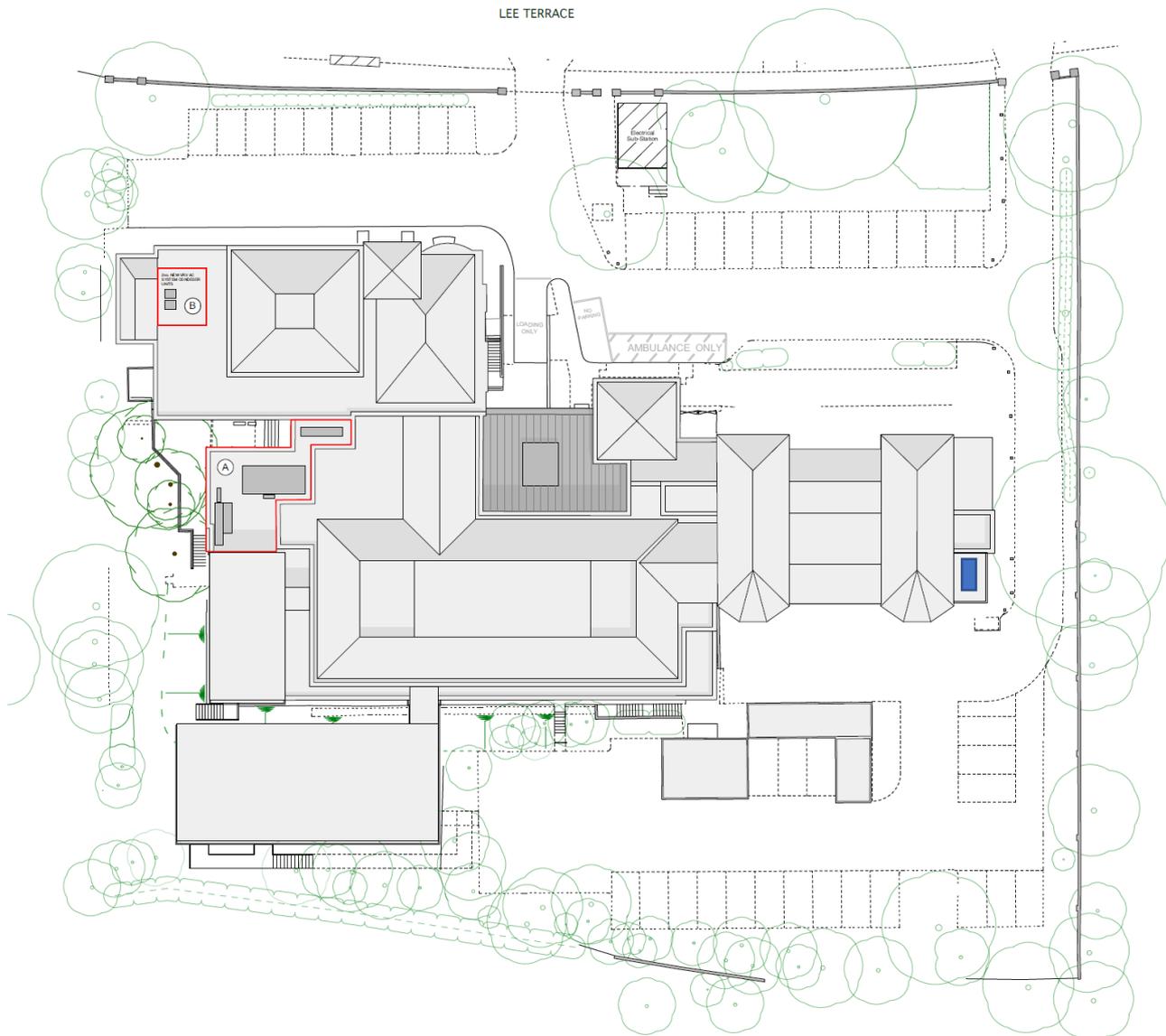


Figure 1 – Location plan showing the position of the proposed plant equipment in red and the location of the existing MRI cooling system in blue.

8

Secondly, Officers note that the planning condition which sought additional details on the noise measurements post-installation does not appear to have been complied with as there has been no corresponding approval of details application submitted and approved with relation to this condition. It should be noted however that this condition required the applicant to ensure the rating level of the noise emitted from the A/C unit serving the MRI Scanner to be 5dB below the existing background level at any time. While the applicant may have failed to submit the relevant details it cannot be confirmed whether the applicant did not comply with the noise level requirements of the condition.

9

In addition, having consulted with the Council's Planning Enforcement Manager if there was a breach with regards to the planning conditions attached to this planning

permission in terms of the noise emitted from the A/C unit, it would now be immune to any form of enforcement action given that the planning permission to which the condition is attached was decided 13 years ago.

- 10 Finally, it should be noted that according to the Council's records there has not been an enforcement case relating to the 2009 planning permission for the box enclosure to the MRI cooling equipment.
- 11 **DC/05/061356/FT** - The retention of the existing air conditioning plant and the cladding of the existing enclosure at The Blackheath Hospital, 40-42 Lee Terrace SE3, together with the removal of the existing quench pipe and installation of a new quench pipe to the roof of the bay at the side of building. **Granted**
- 12 Similarly to the above application during Planning Committee C on 24th February 2022 it was brought to our attention that there may have been historic issues over non-compliance with a planning condition limiting noise from the cooling system to the MRI.
- 13 Officers have completed further investigation into this application and its history, and there are a number of important factors which are relevant.
- 14 The above point made in paragraph 7 is relevant also to this application, given the MRI cooling equipment is in the same location.
- 15 While there was a planning enforcement case opened with relation to this application 06/00246, it was also confirmed by the Director of Planning that no enforcement notice was ever served on the hospital with relation to the breach of planning condition relating to noise. This is likely due to the fact that the applicant submitted a planning application DC/09/070870/X which included a box enclosure to limit the noise emitting from the AC units.
- 16 It should be noted as this case was decided over 16 years ago it is now immune from any enforcement action.

1.3 Impact on Adjoining Properties

General policy

- 17 Relevant policies are included within paras 70 to 72 of the original report.

1.3.1 Noise and disturbance

Policy

- 18 Relevant policies are included within para 75 to 77 of the original report.

Discussion

- 19 Officers enquired with the Council's Crime Enforcement and Regulation Team Manager whether there had been any noise complaints relating to this site in the preceding three years and if an abatement notice has ever been issued in the same timeframe. They confirmed that there had been the following noise complaints in the last three years:

- Air con 2022
- Drilling construction 8/2021
- Scaffolders 7/2021
- Waste truck 8/2019

- Rubbish compactor 8/2019
- Building works 8/2019

- 20 Officers are led to believe that the noise complaint relating to an air conditioning unit in 2022, is the same AC unit with a noisy/broken fan which was discussed by objectors on 24 February 2022 Planning Committee C. The agent has confirmed that this has now been resolved and is no longer causing any issues.
- 21 The Crime Enforcement and Regulation Team Manager has confirmed that there has never been a noise abatement notice served on the hospital in the last three years. Officers consider that this is an appropriate timeframe for investigation and are satisfied that there are no current noise issues which would warrant a noise abatement notice being issued.
- 22 With regards to the noise impact assessment this was completed by a professional company who specialises in these such reports, who have confirmed that the attenuation measures proposed are adequate and that the industry standards were followed when completing the background noise measurements.
- 23 With relation to DC/05/061356/FT and DC/09/070870/X and their respective Noise Impact Assessments the following information is of relevance:

1.3.2 DC/05/061356/FT

- Measurements were taken whilst the equipment is and is not operational;
- The lowest background noise level at the measurement position was found to be 39dB with the chiller off;
- The lowest background noise whilst the chiller was running was found to be 40dB;
- The chiller noise level is 4 to 6dB below the background level at the measurement position;
- The measurement position is 11m closer to the chiller than the nearest noise sensitive receptor point.

1.3.3 DC/09/070870/X

- The distance between the plant and the assessment position is taken at 18m;
- On 9th August 2006 the LPA measured a background noise level of 35dB in the garden of the neighbouring property;
- True background noise level has been established at 35dB;

- 24 Officers note that there will be some differences between the background noise levels due to different positions from which the measurements were taken.
- 25 To compare the two above background noise levels of 35dB and 39dB from 2009 and 2005 respectively with the levels given in the noise impact assessment submitted alongside this application, Officers note there has only been a marginal increase in background noise levels to 45dB in daytime operation and 44dB over 24hr operation.
- 26 The submitted noise impact assessment considers that with the proposed attenuation measures would have a maximum external plant noise levels of 40dB and 39dB. While Table of the report shows what the predicted noise levels would be from Nos. 10 and 11 Tristan Square.

Receptor	Predicted Maximum Plant Noise Level, dB	
	Daytime Operation (07:00 to 19:00) [LA90,1 hour]	24 Hour Operation (00:00 to 23:59) [LA90,15 min]
No. 10 Tristan Square	37	34
No. 11 Tristan Square	34	32
Plant Noise Limit	40	39

Table 1 – Table 5 from the submitted NIA demonstrating the predicted maximum plant noise levels at the nearest receptors.

27 Officers are satisfied that following further investigation of the submitted NIA and the NIA submitted with the two previous applications in relation to the MRI cooling system there has not been a significance increase in background noise levels. It should be noted that the NIA submitted for the 2009 permission described levels that are +10dB as being significant which could result in noise complaints.

28 Environmental Health Officers have reviewed this application once more and reviewed the proposed conditions put forward by one of the objectors and considered the submitted Noise Impact Assessment is sound and appropriate. They did not consider the imposition of further conditions to be necessary. Officers also note that the objectors' proposed conditions are not appropriate and are not enforceable.

1.3.4 Impact on adjoining properties conclusion

29 The revised development is considered to have an acceptable impact on adjoining properties subject to the imposition of the conditions recommended.

1.4 CONCLUSION

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

31 Having regard to the reason for deferral, Officers have clarified the site history further and investigated whether there are any noise issues relating to this application site. The proposed development is not considered to result in an unacceptable impact on neighbours in terms of noise or disturbance.

2 RECOMMENDATION

32 That the Committee resolve to **GRANT** planning permission subject to the conditions and informatives set out in Appendix 1.

3 BACKGROUND PAPERS

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

4 REPORT AUTHOR AND CONTACT

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

5 Appendix 1



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.



Figure 2 – 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 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
- 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

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.

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.

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:

- 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.

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.
- 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

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 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.

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>

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:

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:

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)

Appendix 2 – Letter from Applicants Noise Consultants



Armstrong House
3 Bassett Avenue
Southampton
SO16 7DP

T: 02381 555000

E: info@24acoustics.co.uk

BMI Healthcare c/o Kieren Stagg at Kendall Kingscott Ltd
Glentworth Court
Lime Kiln Close
Stoke Gifford
BS34 8SR

Date: 11th April 2022

Reference: R9080-2 Rev 0

Dear Kieren

RE: Blackheath Hospital – Response to Comments (Planning Reference DC/21/123944)

Further to recent correspondence, we have been asked to comment on noise from an existing MRI chiller in relation to planning application reference DC/21/123944 for new services plant at Blackheath BMI Hospital.

24 Acoustics is confident that noise from the existing MRI chiller on the east façade of the hospital did not affect the measured background noise levels during the survey described in 24 Acoustics' plant noise assessment (report reference R9080-1 Rev 1). The existing chiller is approximately 70 metres from the measurement location and acoustically screened by the central two storey hospital building and the original three storey hospital building.

I trust the above is in order.

Yours sincerely,

For 24 Acoustics Ltd

Neil McLeod BA(Hons) MIOA

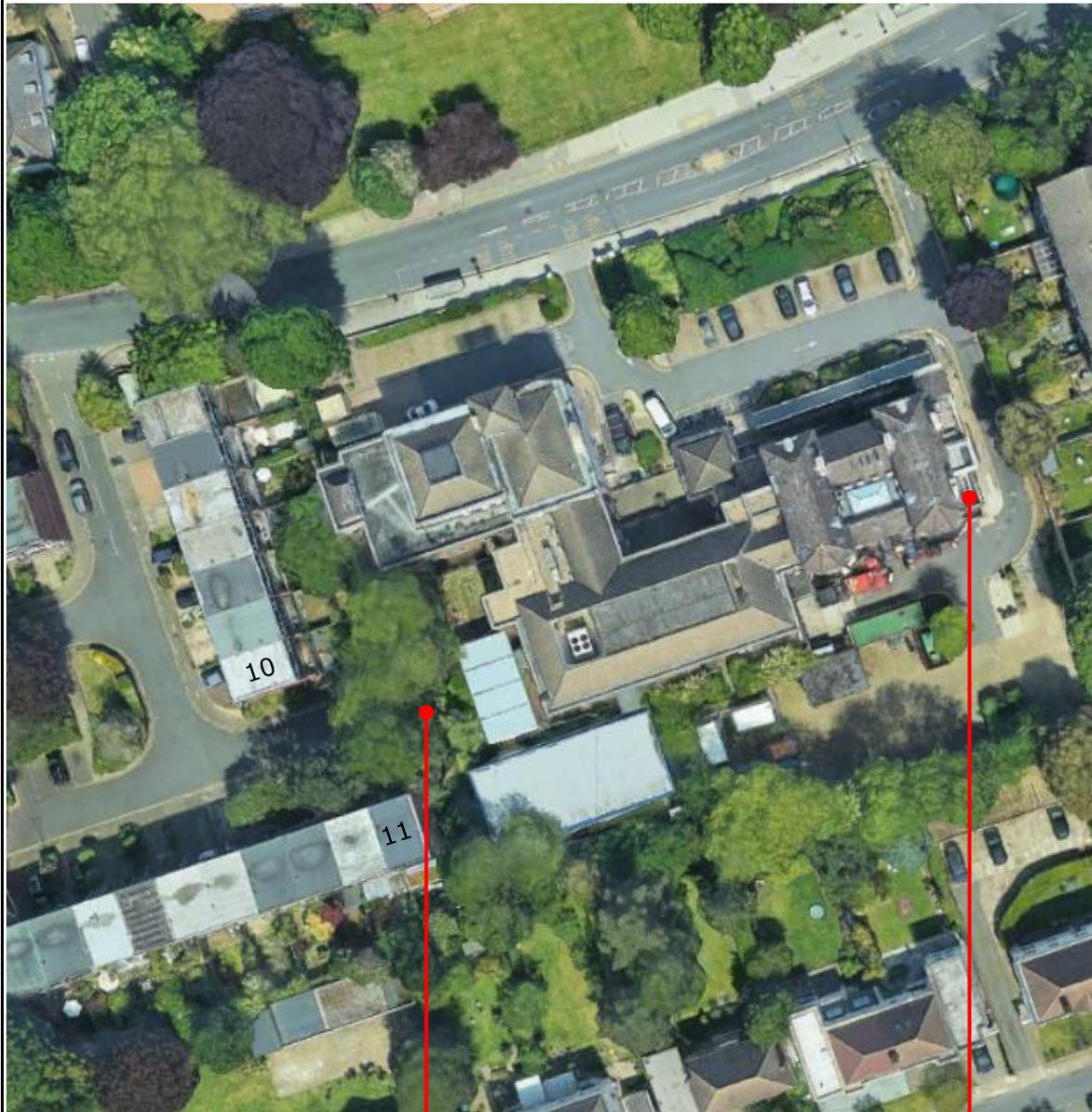
Senior Consultant

Registered

*Bassett Avenue
Registered Number
England & Wales*



*Office Armstrong House 3
Southampton SO16 7DP
5256773 Registered in*



Measurement Location

Existing MRI Chiller

Project: Blackheath Hospital Reception		Title: Aerial view and location of survey and existing chiller		 24Acoustics
DWG No: Figure 1	Scale: N.T.S.	Rev: -		
Date: April 2022	Drawn By: NM	Job No: 9080		

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BMI Healthcare
c/o Kieren Stagg at Kendall Kingscott Ltd
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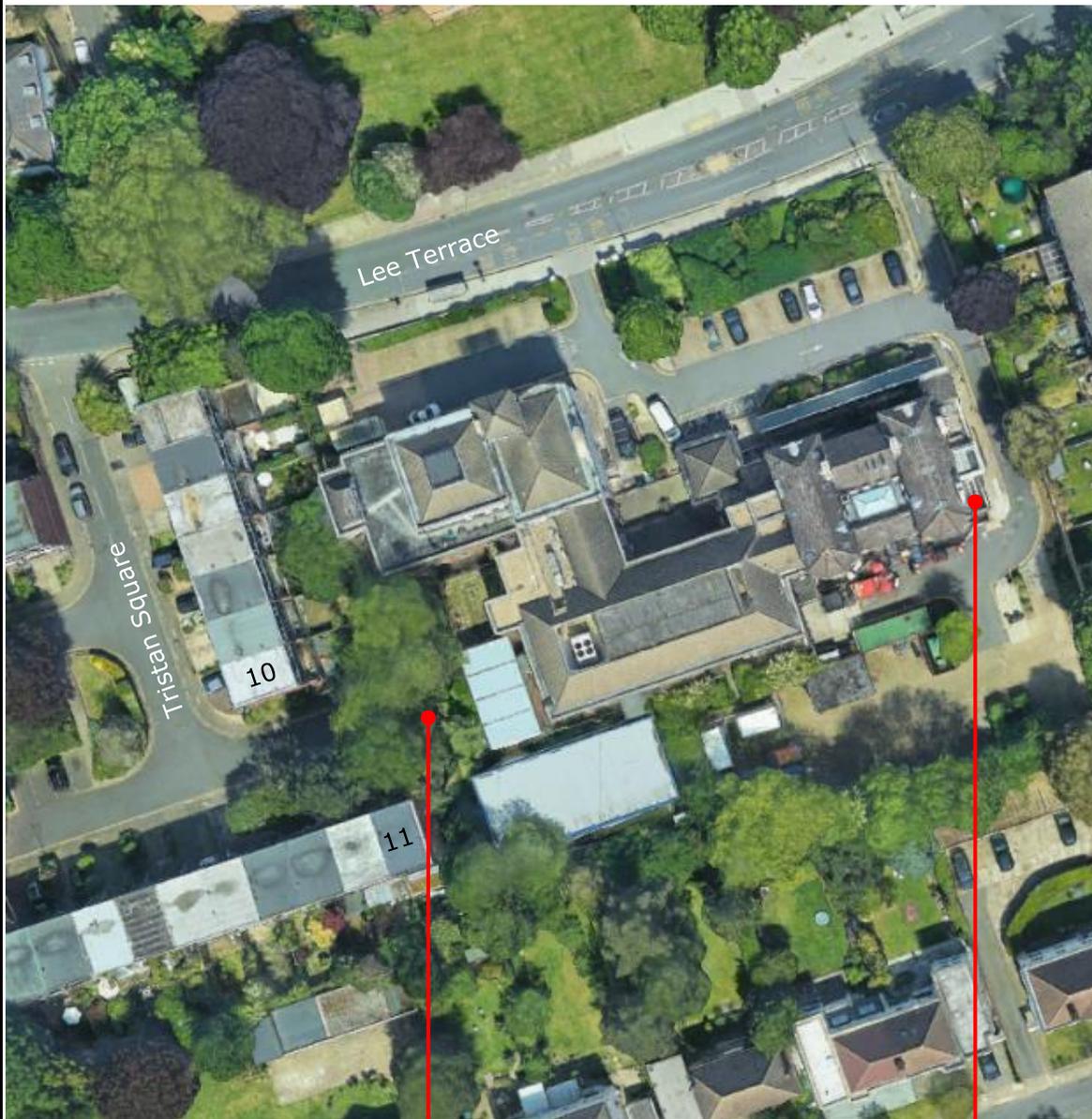
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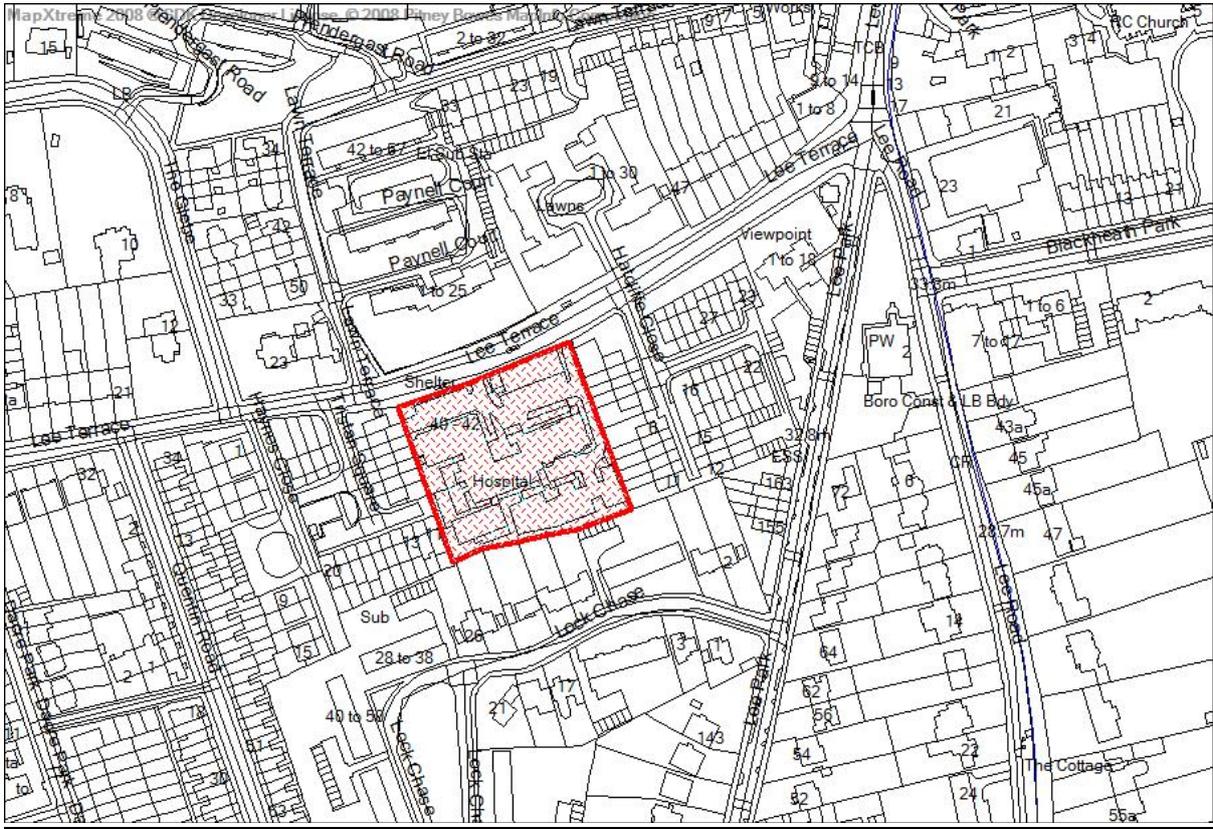


Measurement Location

Existing MRI Chiller

Project: Blackheath Hospital Reception		Title: Aerial view and location of survey and existing chiller		
DWG No: Figure 1	Scale: N.T.S.	Rev: -		
Date: April 2022	Drawn By: NM	Job No: 9080		

Blackheath Site Location Plan



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Blackheath Hospital

SE3 9UD

Application No. DC/21/123944

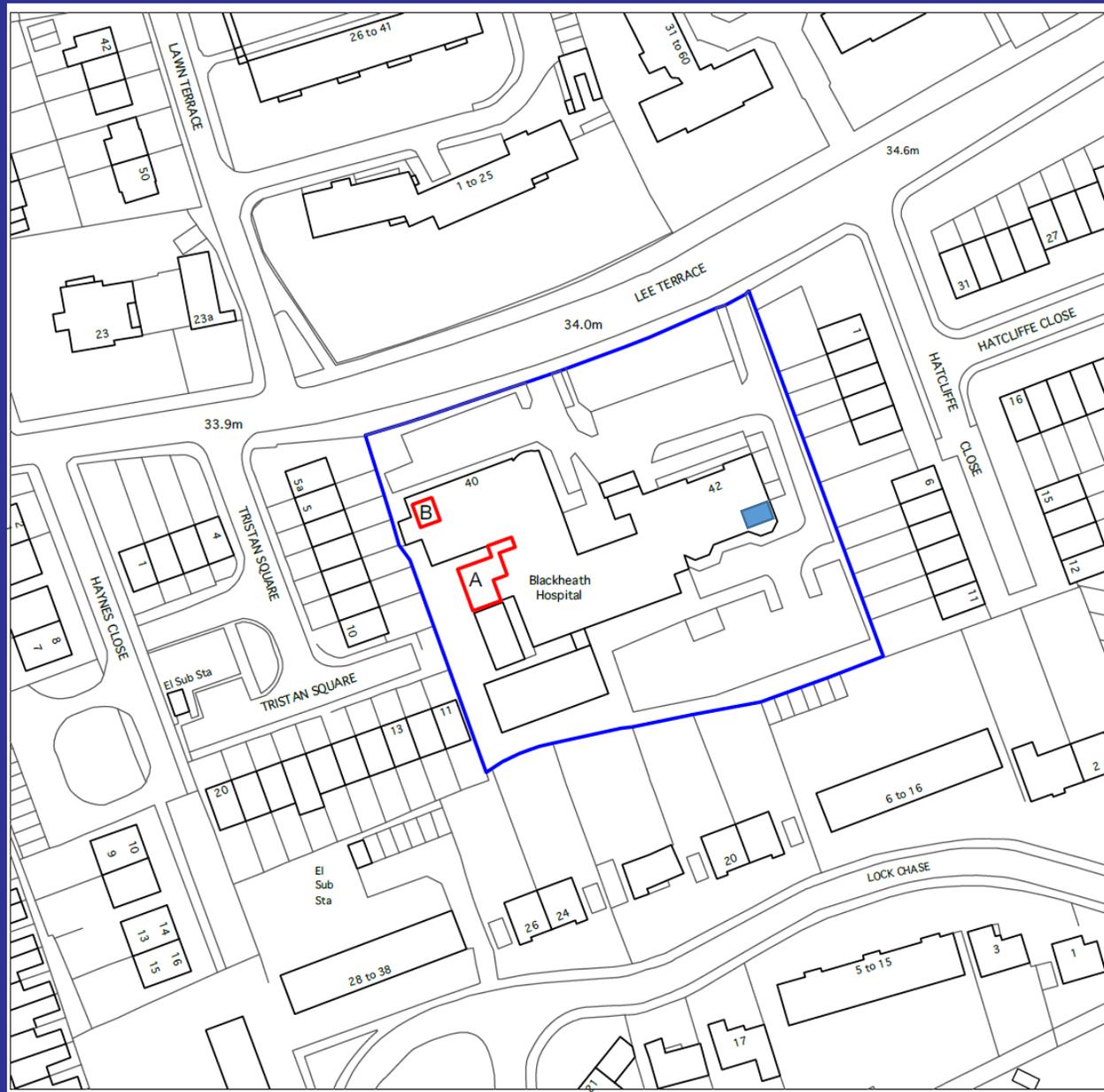
Page 55

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



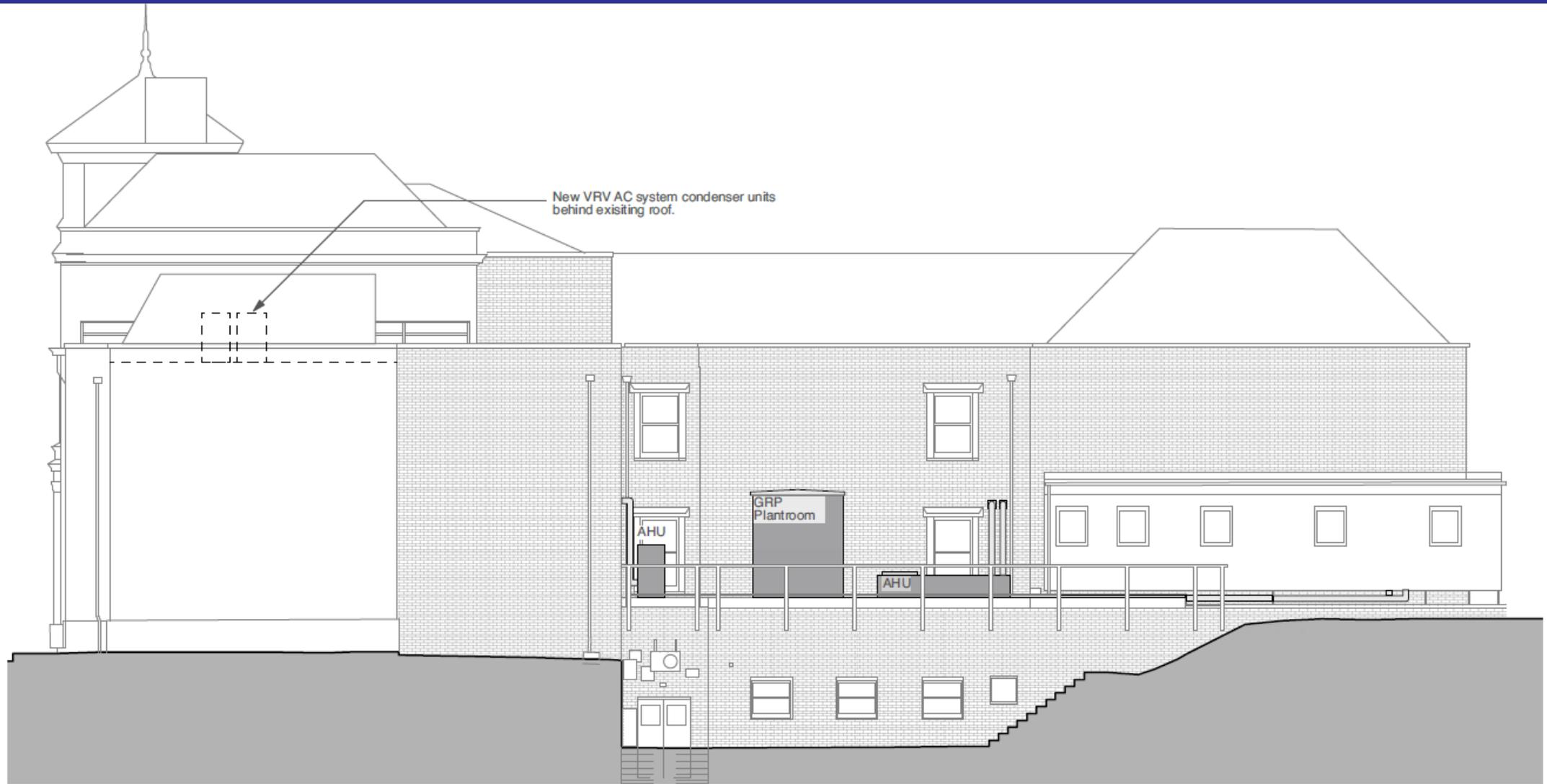
The installation of a rooftop plant and all associated works at Blackheath Hospital 40-42 Lee Terrace SE3.





Site Location Plan



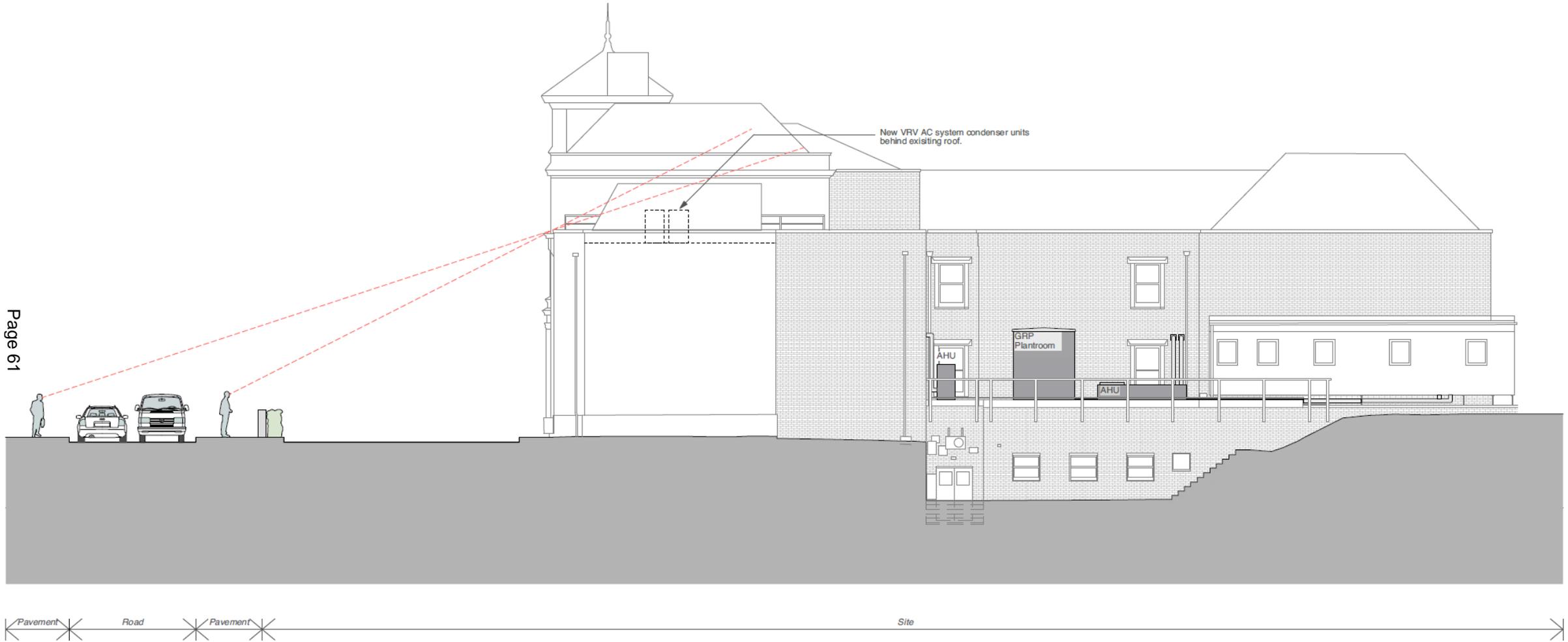


Proposed West Elevation



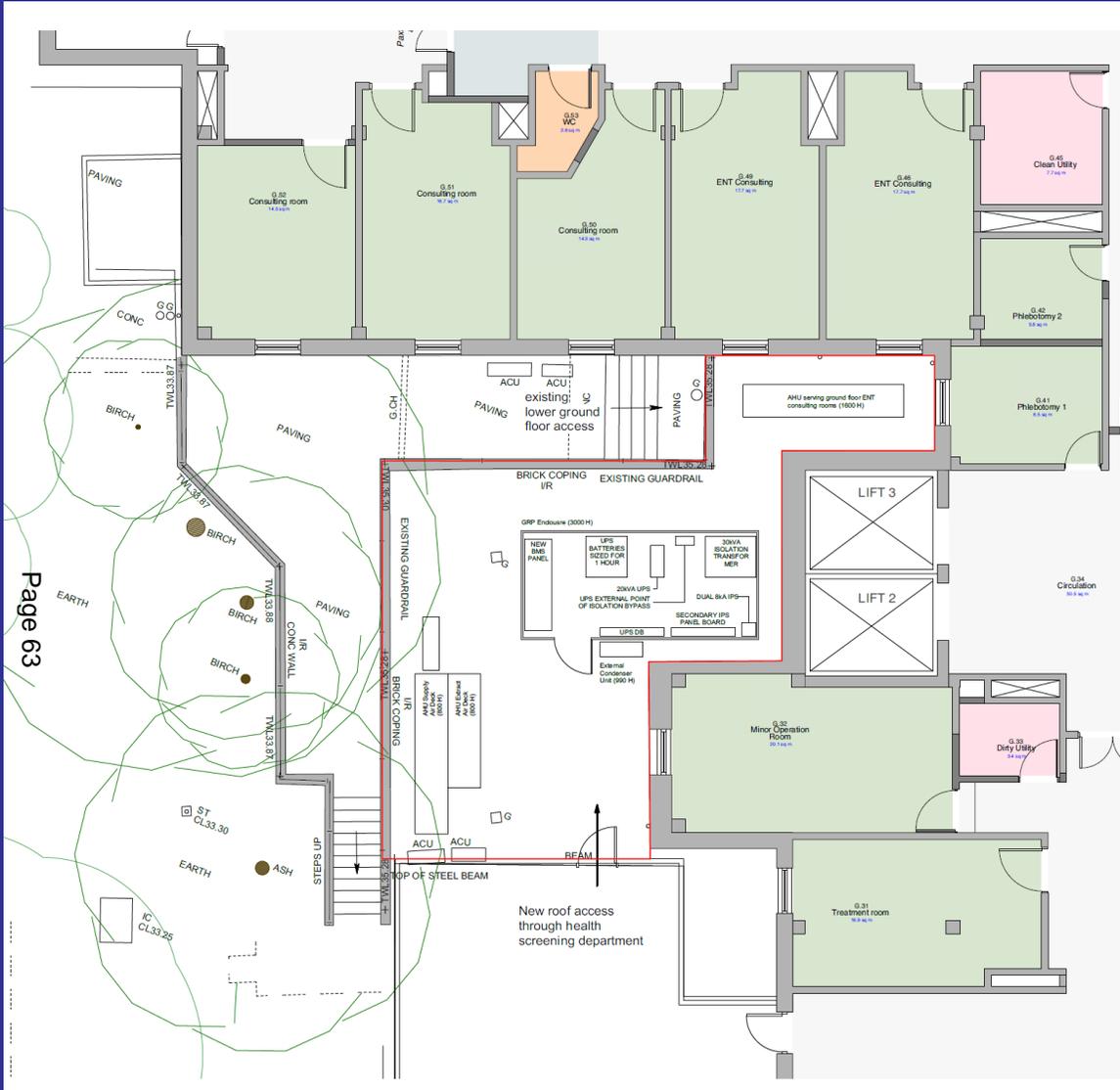
Page 60

Proposed North Elevation

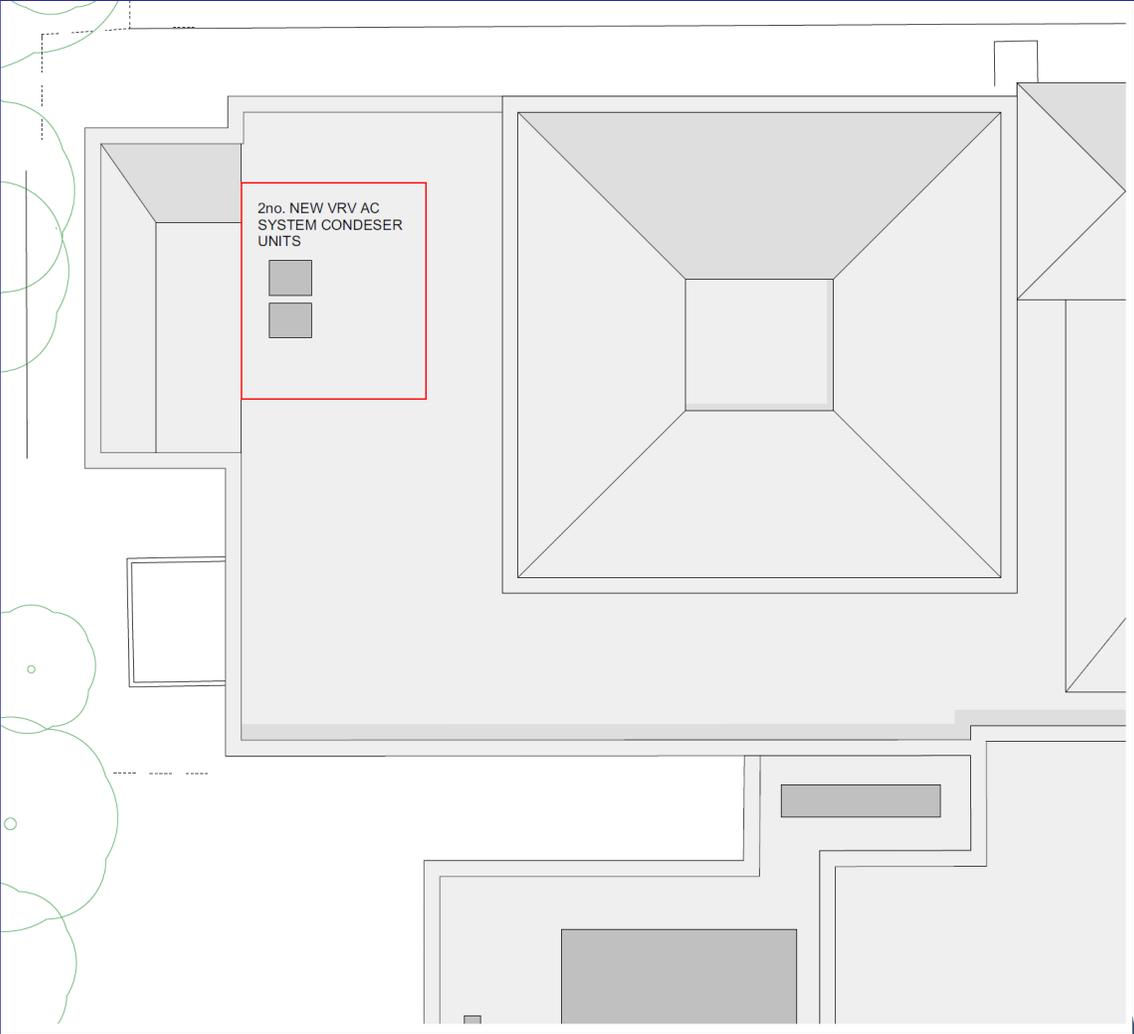


Key planning considerations

- **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:

27 BURGHILL ROAD, LONDON, SE26 4HJ

Date: 26 April 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Sydenham

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject, 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(s): DC/21/123594

Application Date: 02 Dec 2021

Applicant: Miss Higgitt

Proposal: The construction of an additional storey at roof level and a two storey rear extension at 27-29 Burghill Road, SE26, in connection with the redevelopment of the existing building to provide 2x one bedroom, 1x two bedroom and 5x three bedroom self-contained flats, together with elevational alterations including new front bay windows, the provision of 2x off-street car parking spaces, bicycle and refuse storage and associated landscaping.

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

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

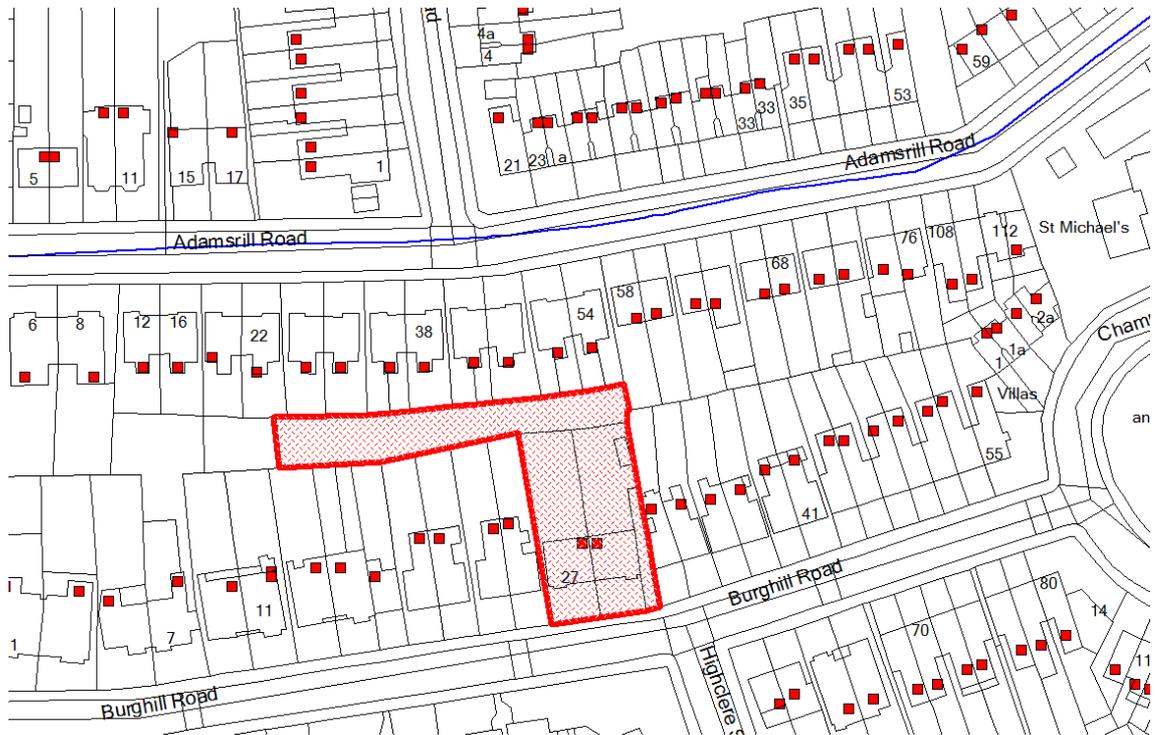
Site description and current use

- 1 The existing property is a detached 2-storey, plus roofspace residential building located on the north side of Burghill Road at No 27. The property accommodates 4 self-contained flats comprising of two- and three-bedroom units, and benefits from a large, L-shaped rear communal garden.

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Map 1 Site Location Plan

Character of area

- 2 The immediate area is residential in character, comprised mostly of 2-storey dwellings. A 3-storey blocks of flats lies opposite the site.

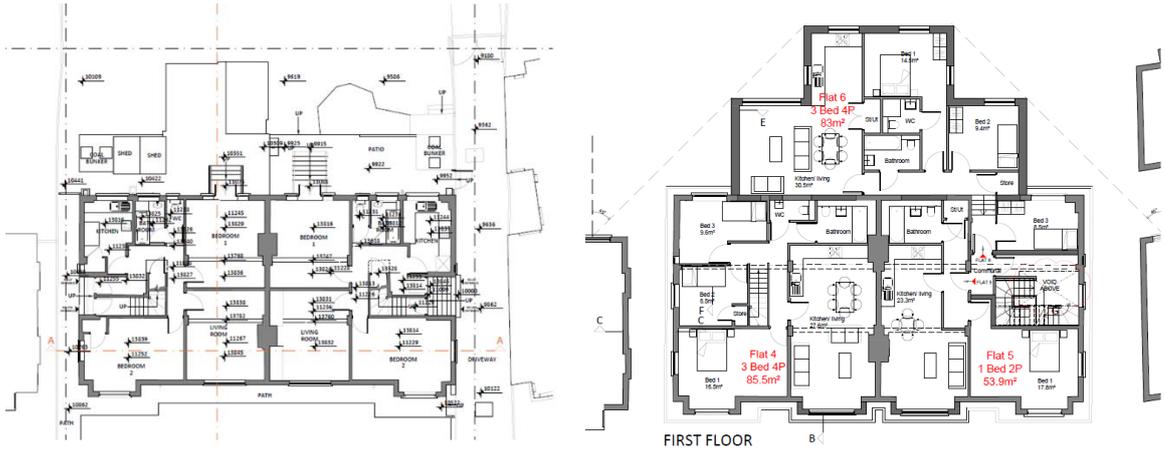


Figure 1 Aerial View of the Application Site

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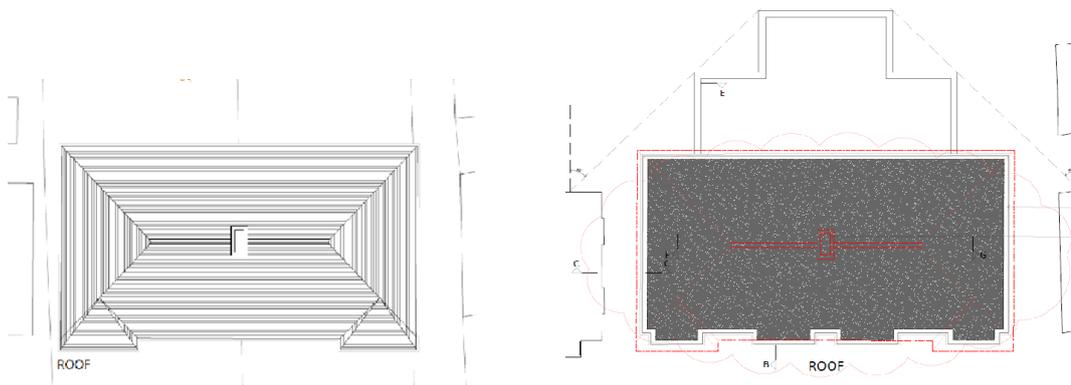
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Drawing 2: Existing (left) and Proposed (right) ground floor Plans



Drawing 3: Existing (left) and Proposed (right) Rear Elevation



Drawing 4: Existing (left) and Proposed (right) Roof Plans

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REVISIONS

- 10 The height of the boundary fence was reduced from 3.9m to 1.8m. The number of parking bays was reduced from 3 to 2 to the front courtyard.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 11 The first pre-application meeting Ref: PRE/21/121715 had advised (in response letter dated 10/06/2021) that the principle of development would be acceptable depending on quality design, its scale and appearance of the proposed extensions and the standard of accommodation. It advised that the scale and bulk should be reduced together with the number of units proposed.
- 12 A second pre-application meeting Ref: PRE/21/123117 (letter sent, 08/10/2021). indicated that the amendments to the original pre-application, were generally acceptable

4.2 APPLICATION PUBLICITY

- 13 Site notices were displayed on 02/11/2021.
- 14 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 02/11/2021.
- 15 6 responses were received, comprising 5 objections, and one letter of support.

4.2.1 Comments in objection

Comment	Para where addressed
Amenity impact	
The proposal will impact the privacy of neighbouring properties, overlooking gardens	108, 109, and 110
The proposal would reduce the sunlight to neighbouring properties, throughout the year, both in gardens and through windows	111
Noise and road obstruction and severely detrimental to our mental and physical wellbeing	74 and 114, 113
The local amenities in the area are already stretched and would get worse with this proposal	48
Design	
Not in keeping with the neighbouring houses and would have a negative impact on the character and appearance of the street	87, and 88
Increases 8 families cramped into such a small area, change the dynamic of the road	47 and 48
Transport	
Current traffic volume on the road is high and this development would will also increase the traffic congestion on Burghill road	121, 122

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Increase in off street parking, reduce the available on street parking, maybe resulting in an overall increase of 1, possibly 2 spaces	121, 122
The road has never been busier (There are also 4 new developments), with the many new developments around the area	121, 122
Non-material Planning Consideration	
Tenancy agreement issues	It is not a planning consideration.

4.2.2 Comments in support

Comment
Delivers on objectives for zero carbon', high BREEAM and housing standards, sufficient curtilage, neighbouring properties
It does not impinge on near neighbours. normal infrastructure such as emergency services, sympathetically sensitive to the location, setting bonfires contravening smoke prohibition in Lewisham, beneficial community development process

4.2.3 Neutral comments

16 None

4.3 INTERNAL CONSULTATION

17 The following internal consultees were notified; Highway

18 Highway: raised no objections.

4.4 EXTERNAL CONSULTATION

19 None

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.

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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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

- Small Site Design Guide (SPD) (Oct 2021)
- Planning Obligations Supplementary Planning Document (February 2015)

26 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)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

27 The main issues are:

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- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport Impact
- Sustainable Development
- 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 LPP GG2 (Parts A to C) that should be followed.
- 30 Chapter 11 of the NPPF (2021) 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 site could be used more effectively.
- 31 The London Plan (2021) at Table 4.1 sets a 10-year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham and Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.
- 32 Policy H2 of the London Plan requires boroughs to pro-actively support well-designed new homes on small sites to help achieve the housing targets set out on Table 4.2. Lewisham has a ten-year target to deliver 3,790 new homes on small sites. Policy H2 sets out that boroughs will need to recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

6.1.1 Principle of development conclusions

- 33 The site is embedded in a residential area and in light of the evolving policy context supporting residential development on small sites, the proposed scheme would provide much needed housing and it is consistent with the direction of the NPPF, policies in the adopted London Plan and the various documents in the Lewisham development plan and is therefore considered acceptable in principle. Planning Officers note the Central Government has introduced a Prior Approval process for upwards extensions to blocks of flats.
- 34 The acceptability of the scheme is subject to the standard of accommodation provided, the proposed extensions being of an appropriate scale and design, which would have an acceptable impact on the host property and surrounding area, including on the amenities of neighbours, as well as the impact to the local highways network. These matters are discussed in the following sections of this report.

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Summary

35 In light of the above, the proposed development would deliver additional homes by an additional storey to the top and extensions to the rear, that would provide much needed housing and it is consistent with the direction of the NPPF, policies in the adopted London Plan and the various documents in the Lewisham development plan and is therefore considered acceptable in principle.

6.2 HOUSING

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

6.2.1 Contribution to housing supply

Policy

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

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

39 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.

40 The London Plan sets a 10-year housing completion target of 16,670 new homes between 2019 and 2029.

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

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

43 The application site is within the immediate area which is largely residential in character. The application site is characterised as Urban.

Discussion

44 The proposal is for extensive alterations and extension in order to increase the number of flats from existing 4 to 8 flats comprising of 2x one bedroom, 1x two bedroom and 5x three-bedroom self-contained flats.

45 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.

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Table [1]: Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	0.13	n/a
Units	W 8	W/A 62 U/Ha
Habitable rooms	X 28	X/A 215 Hr/Ha
Bedrooms	Y 19	Y/A 146 Br/Ha
Bedspaces	Z 29	Z/A 223 Bs/Ha

Summary

- 46 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 surrounding areas on most sites.
- 47 The scale of development in the context of the site and surrounding area, and the impact of the proposed development on neighbouring occupiers, and its accessibility are all relevant factors when determining optimum density, which are considered in the following sections of this report.
- 48 Subject to the matters set out in the preceding sections of this report, the proposed density would not result in an over intensification of the site when providing four additional dwellings. The proposed development would increase housing supply in line with the London Plan (2021) and LBL priorities.

6.2.2 Residential Quality

General Policy

- 49 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 50 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) accessibility and inclusivity.

Standard of accommodation

General Policy

- 51 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 (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).

Is this report easy to understand?

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

Space standards

Policy

53 London Plan Policy D6 and DM Policy 32 seek to achieve housing developments with the highest quality internally and externally in relation to their context.

Discussion

54 The layout of existing 4 flats would be completely changed and as a result of the two added and therefore in total 8 new flats are assessed. The table below sets out proposed dwelling sizes.

Table [2]: Internal space and amenities – proposed

Layout	GIAM ²	Room sizes (Metres squared)	Built in storage (m. squared)	Amenity space (m. squared)	Compliance (m. squared)
Flat 1 3B4p	76 m ²	Bed 1 (double) – 12 Bed 2 (single) – 8.5 Bed 3 (single) -7.8	2.5/pass	26 (7)	26 m ²
Flat 2 2B4p	72 m ²	Bed 1 (double) – 11.5 Bed 2 (double) – 11.5	1/not pass	86 (7)	80.8 m ²
Flat 3 3B4p	76 m ²	Bed 1 (double) – 12 Bed 2 (single) – 8.5 Bed 3 (single) – 8.5	2.5/pass	17.5 (7)	18.3 m ²
Flat 4 3B4p	85.5 m ²	Bed 1 (double) – 16.5 Bed 2 (single) – 8.5 Bed 3 (single) – 9.6	1/not pass	Large Communal (7)	Communal Garden 760m ²
Flat 5 1B2p	53.9 m ²	Bed 1 (double) – 17.8	1/not pass	Large Communal (5)	Communal Garden 760m ²
Flat 6 3B4p	83 m ²	Bed 1 (double) – 14.5 Bed 2 (single) – 9.4 Bed 3 (single) – 8.5	1.2/not pass	Large Communal (7)	Communal Garden 760m ²
Flat 7 3B5p	91.4 m ²	Bed 1 (double) – 15.1 Bed 2 (double) – 11.9	2/not pass	Large Communal (8)	Communal Garden 760m ²

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		Bed 3 (single) – 11.4			
Flat 8 1B2p	58.6 m ²	Bed 1 (double) – 20	2/pass	Large Communal (5)	Communal Garden 760m ²

- 55 Table 3.1 of Policy D6 of the London Plan states that the minimum gross internal area floor area for 1B2P units is 51m², 2B4P units is 70m², 3B4P units is 74m², 3B5p units is 86m² and 2B3P over two storey is 70m². Table 3.1 also sets out the minimum size requirement of a single bedroom to be 7.5m² and 11.5m² for a double bedroom. The proposed flats would provide larger gross internal floor areas as required with LP policy as above.
- 56 Table 3.1 of Policy D6 of the London Plan sets out the built-in storage requirements for 1.5m² for 1B2P units, 2m² for 2B4P units and 2.5m² for 3B4P. All the flats provided internal storage and untidily space, but the measures demonstrate that only flats 1, 3 and 8 would have sufficient internal storage. As the flats are slightly oversized and would be provided with internal wardrobes in both bedrooms, on balance, it is considered that there would be sufficient space within the property to offset the lack of purpose built-in storage space.
- 57 In terms of floor to ceiling height, London Plan Policy D6 states that the floor to ceiling height should be 2.5m for 75% for the GIA of each dwelling. In this proposal the internal height is never below 2.5m and in flats 4 and 7 it would be 2.65m.
- 58 The proposed units would all exceed the minimum requirements in terms of overall floor areas, and in terms of individual bedroom size. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32 and the requirements of London Plan.

Outlook & Privacy

Policy

- 59 London Plan Policy D6 seeks high quality design of housing development and requires development to achieve ‘appropriate’ outlook, privacy and amenity. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.
- 60 London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e., with openable windows on different elevations).
- 61 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

- 62 Apart from Flat 2 at ground floor level which is single aspect, all other flats would be dual aspect. All habitable rooms would be provided with adequate outlook. The Windows on the first floor to the sides would be retained as existing, and at the second floor, two similar windows with the same size and style but obscured would be installed, which are considered to be acceptable.

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- 63 Flat No 2 has only north facing windows, however as in this case, the windows that would be provided are relatively large, and this unit also benefits from a very large rear garden, and the submitted daylight and sunlight assessment confirms that this dwelling would be provided with adequate levels of daylight internally. On balance officers consider the provision of a north facing, single aspect dwelling to be acceptable. It is noted that, the lack of side elevation windows is due to privacy issues, as this is a ground floor dwelling, and any side windows would overlook neighbouring amenity spaces. Finally, as this is a ground floor dwelling of a three-storey building, and is north facing, overheating / ventilation are not considered an issue.
- 64 The other proposed dwellings are all dual aspect, and would be provided with good levels of outlook from habitable rooms.
- 65 Due to the location of the property, there would be adequate distance (35m) between the application site and the neighbours at the back of the property. To the front, given the courtyard, and the width of the road, there would be sufficient distance (32m) with the properties on the other side of the road which would provide an acceptable outlook.
- 66 Given the above, Officer is of the view that the proposed dwelling would have a good level of outlook and would provide acceptable level of privacy.

Daylight and Sunlight

Policy

- 67 DM Policy 32 (1) (b) expects 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 spaces.
- 68 Daylights and sunlight is generally measures against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context.

Discussion

- 69 All habitual space and bedrooms would have openable windows. Given the size of the proposed development, and as the proposal would have windows in the front and rear elevation, officers are satisfied that the property would achieve acceptable levels of daylight internally.
- 70 A Daylight and sunlight study has been provided by the applicant which shows that the scheme is compliant with BRE guidance in relation to sunlight impacts, and the newly created units benefit from good levels of natural light, well in excess of the targets in the BRE guidance.
- 71 The proposed development is acceptable, in terms of daylight and sunlight.

Noise & Disturbance

Policy

- 72 The NPPF at paragraph 174 should among other things prevent new and existing development from contributing to, being put through an unacceptable risk, from, or being adversely affected by, unacceptable levels of noise pollution. Development should

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improve local environmental conditions. Paragraph 185 states decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life.

73 LP Policy D14 required residential development to manage noise

Discussion

74 The proposed development is located in a residential area. Considering the size of application site, and as the principle of residential development on upper floors in this location is acceptable, the noise level is considered compatible with the surrounding area. As such, officers are of the view that there would not be negative impact on the future amenity of future residential in terms of noise and disturbance.

Overheating

Policy

75 LP Policy D6, Part C, mentions that housing development should maximise the provision of dual aspect dwelling. Dual aspect dwellings with opening windows on at least two sides have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, and a greater capacity to address overheating, pollution mitigation, a choice of view, access to a quiet side of the building and greater flexibility in the use of the room.

Discussion

76 The proposed building would be dual aspect with openable windows being fitted in front and rear elevations. This would allow for natural cross-ventilation and prevention of overheating. The applicant has submitted Energy Statement for Planning, and demonstrate that 35.5% improvement is met for the converted units and a 36.8% for the new built flats.

External space standards

Policy

77 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'. This is also set out in London Plan Policy D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.

78 DM Policy 33 specifies Development on infill sites, backland sites, back gardens and amenity areas under section D (Amenity areas) will only be permitted where they retain adequate amenity space for the existing development according to the requirements of DM Policy 32 (Housing design, layout and space standards).

Discussion

79 The large back garden with an area of 760m² is currently used as a communal open amenity space for all existing flats, and the ground floor flats have direct access to the communal open space via doors and steps to the rear. The proposal including the rear extension would create three flats at the ground floor with enclosed amenity spaces

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including green area and terrace. The terrace would be in the same level as the ground floor with wooden, balustrade to the sides. The private area provided for these flats are shown on the Table 2 above. In addition, Flats 1 and 3 would have front courtyard as well. The first floor and second floor units would have access to communal green space, via the retained sidewalk. Considering the generous size of the back garden, sufficient open amenity space would be provided for all flats, and therefore, the proposed external space is considered acceptable.

6.2.3 Housing conclusion

80 Overall, the proposed development is considered to provide an acceptable standard of accommodation, layout, mass and appearance and to contribute to meeting the housing targets for small sites set out in the London Plan and is supported.

6.3 URBAN DESIGN

General Policy

81 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.

82 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'.

83 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design, the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.

84 DM Policy 30, 31 and 32 requires planning applications to demonstrate site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and the mass of the proposed development relates to the urban typology of the area.

Discussion

85 DM Policy 31 states that extensions to existing dwellings are required to be of a high quality, site specific, and sensitive design quality, and to respect and/or complement the setting, period, architectural characteristics and detailing of the original Building external features, such as chimneys and porches. It further states that high quality matching or complimentary materials should be used in relation to the context.

6.3.1 Appearance and character

86 The extension to the back is located in the middle of the rear elevation and sets in from the sides which would be set back from both side elevations of the host building by 2.5m and 4.5m, with an eaves similar the existing building and a flat roof. Therefore, would maintain integrity of the main building and would be subordinate. The additional storey on the top of the existing building would make the total height of the property lower than the existing pitched roof, which would reduce the prominence of the three-storey building within the streetscape in the context of the neighbouring properties. The existing front elevation has two identical small projections to the front, close to the side elevations, on

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the ground and first floors with windows. These two projections would be copied to the middle of the front elevation and extended to the second floor. The new entrance doors to the front would be similar to the existing at all other properties on this side of the road, and new windows would be in harmony with the other block of flats on the other side of the road, in terms of size and style.

- 87 The flat roofed block of flats opposite the proposal site also provides a kind of mirroring which makes the proposed development not obtrusive.
- 88 It is noted that properties on Burghill Road have a variety of character and inconsistent height, and as the additional storey would be lower than the existing building, and the materials to be used, as shown on CGI, would be in keeping with the existing materials, therefore the proposed intensification of the proposal site would not be harmful to local character and streetscape.



Figure 2 CGI Image

Layout

- 89 The relation of the host building and the surrounding will remain as existing. The proposed two storey extension to the rear of the main building would set in from the sides, and would be a subservient addition to the main building. The area of the back garden would be reduced by 10% as a result of the proposed two storey extensions to the rear.

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- 90 The existing entrance doors are to the sides and rear. The proposed entrance doors would be to the front, side and rear. The proposal includes new windows to the rear elevation on all three floors and new windows to the side of the proposed second floor.
- 91 Given that the detached property is double fronted, and given its extensive and irregular open and green space, the proposed layout is acceptable as its front elevation would not have any adverse impact on the street scene and the layout provides privacy for the occupiers and its neighbours.
- 92 According to the submitted plans the proposal includes green roof on the top of the two-storey element at the back. Green roof is supported by Lewisham Council. A condition would be added to secure, the type, and maintenance of the proposed green roof.

Detailing and Materials

- 93 Although not much detail is provided for the material to be used for this proposal, the application indicates that the proposed materials for the rear extension and alterations to the front elevation would match the existing. In order to ensure to the high quality of materials, a condition would be imposed.

6.3.2 Accessibility and inclusivity

- 94 Flats 1, 2 and 3 are accessed from the street level entrances. Flats 4 is accessed by a flight of stairs on the western flank and flats 5 and 6 are accessed by a shared flight of stairs on the eastern side. The same flight of stairs goes onto 2nd floor landing to provide access to Flats 7 and 8.
- 95 The existing access arrangement around the proposal site would remain as it is, and two walkways to the back garden would be retained with no gates. Due to the difference in levels, there would be steps to get access to the each of the entrances.
- 96 New landscaping would be introduced to the front, which would enhance the streetscene.
- 97 No access for wheelchair users had been proposed initially therefore amendments were carried out and as a result, Flat 1 would have wheel chair access.

Landscaping & Boundary Treatments

- 98 To the front the existing soft landscaping at the forecourt would be reduced to accommodate 2 parking bays, with wider walkway and steps to provide access to Flats 1 and 3. The front garden would be divided with a low fence between the two flats. The existing pathway to the side and back would be retained and would be improved.
- 99 Most of the brick front boundary wall would be retained. Majority of the landscaping at the back garden would be retained as the existing. The private terrace and amenity area would be enclosed by a boundary wall with a height of 1.1m.
- 100 Cycling and refuse storage would be to the east side, but would be removed from the neighbours' shared boundary. Cycle storage would be to the east and west side along shared boundaries. Officers raised no objection to the location of these storage.
- 101 Officers had concerns regarding the height of the fences all-round the rear of the house. Therefore, amendments were carried out to lower the fences to 1.8m height.

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102

Final details of planting, maintenance of the landscaping scheme and boundary wall will be secured by condition to ensure a high-quality landscape is maintained in perpetuity.

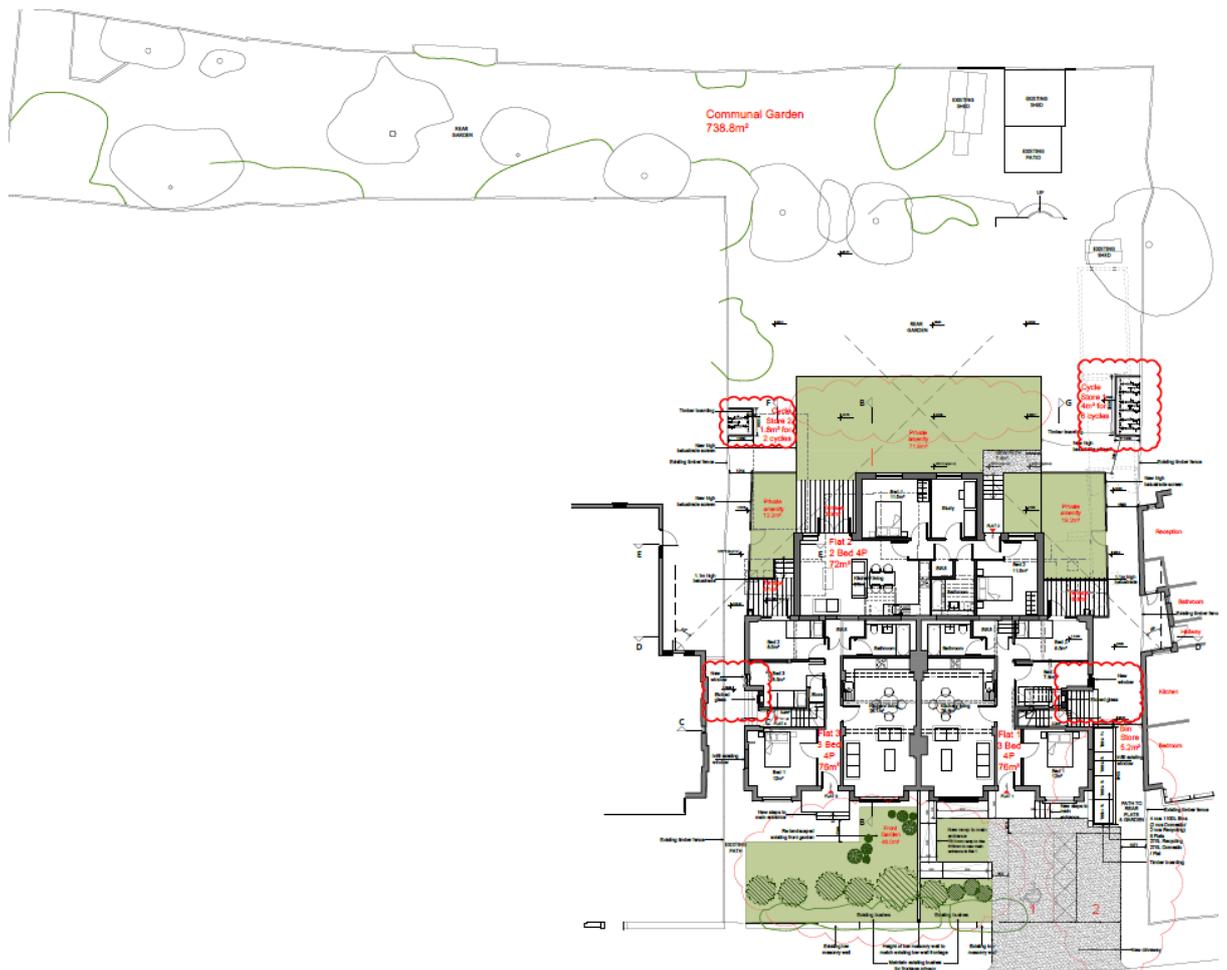


Figure 3 Landscaping and green roof

Summary of Urban Design

103

In summary, subject to the final details being secured by condition the proposed development is considered to improve the character and appearance of the proposal site and result in making a positive contribution to street scene.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

104

CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

105

The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; and (iii) loss of daylight within properties and loss of sunlight to amenity areas

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- 106 The proposal site is a double fronted detached property with extensive and irregularly shaped back garden, formed by amalgamation of Nos 27 and 29 on Burghill Road and additional green space which runs between the back of properties on Adamsrill Road and Berghill Road.
- 107 Separation distance between the rear elevation of the application building and rear elevation of properties on Adamsrill Road would be approximately 35m.
- 108 Bedroom 3 at flats 1 and 3 would have windows to the side, facing Nos 25 and 31. Separation distance with the properties to the west side is 2.1m, and to the other side is 2.6m. There is no opening to the side elevation of the main buildings at Nos 25 and 31 facing the application site. The proposed side windows at ground floor would be obscured as marked on the plans. In regards the impact of terrace, the 1.8m balustrade to the side of each terrace attached to Flats 1 to 3 would obscure any potential of overlooking. At the first floor and second floor there are no windows at the adjacent properties. Test 45 degree of windows at the first floor of Nos 25 and 31 have been carried out. This arrangement is acceptable.
- 109 The separation distance between the front elevation of the application building and the front elevation of the building on the other side of Burghill Road would be approximately 32m. At the back, the proposal site is a fair distance away (35m) from neighbours at Nos 44 – 56 Adamsrill Road due to the passageway between them which is now part of the proposal site. Therefore, the proposed development is not expected to have any adverse impact on the amenities of neighbours at the bottom of the back garden.
- 110 No changes to the impact of the existing side windows at the first floor. The proposed side windows at the second floor would be obscured same as the existing ground floor as shown on the plans, therefore would not have any adverse impact on the amenities of the neighbours. The rear two storey extension and the balustrade would set away from the shared boundary with No 31 and No 25 to the sides, and therefore, the proposed development is not expected to have any adverse impact on the amenities of neighbours living to the sides.
- 111 The submitted Daylight and sunlight study shows no potential of change to the current sunlight and daylight level at the neighbouring properties and their back gardens. The location of the two-storey element to the rear by setting in from the side elevations, and the distance with adjacent neighbours to the side and rear of the garden, would not have any adverse impact in terms of sunlight and daylight.
- 112 Concerns have been raised by neighbouring residents that the proposed development would result in an unacceptable noise disturbance. Although there is potential for additional noise from the site, the proposed development would be residential and any noise coming from the site will be residential in nature, the same as the surrounding properties. Based on this, Officers are satisfied that the proposed development would not result in any unusual levels of noise that would require mitigation, and that any residential noise that may come from the site would be wholly appropriate for a residential area.
- 113 Officers recognise that during implementation of the development there would be a significant amount of noise and disturbance from construction related activity. This is a relatively short-term impact and given the scale of the proposed development, It is not considered to be too adverse.

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6.4.1 Impact on neighbours conclusion

- 114 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.

TRANSPORT IMPACT

Policy

- 115 The NPPF 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 rate of 2. There are several bus stops within walking distance approximately 200m which is served by five bus routes. Sydenham Train station is in walking distance of 12 minutes. The proposal would provide two parking bays (see assessment below). The provision of proposed additional 4 residential units and alteration of the existing 4 units, are therefore not considered to have any significant impact on the local transport network in terms of capacity of the road network or public transport.

Car parking

Policy

- 117 LP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport.
- 118 CSP 14 supports this stance. The policy states that the Council will take a restrained approach to parking provision in line with car parking standards contained within the London Plan.

Discussion

- 119 The application site is located within an area of no restriction for parking to both sides of the road. The proposed development would provide two parking bays to the front, by reducing the soft landscaping. One of which would be for wheelchair users. A Transport Statement has been submitted with the scheme, with sufficient details of the new parking, and crossover arrangements. Objections were raised regarding the loss of on-street parking and adverse impact on traffic flow.
- 120 Table 10.3 of the London Plan Policy T6.1 'Residential parking' set out the number of parking for residential purposes within different PTAL rating zones. For an area with outer London PTAL 2, for a 1 to 2 bedroom up to 0.75 space per dwelling and for dwelling with 3 bedroom or more, up to 1.5 space per dwelling is proposed.
- 121 In this instance, although, the current block of flats has no off-street car parking, and Highway Team raised no objection for introduction of two parking bays in the fore court. Given the gain of two off-street car parking spaces and the loss of two on-street car parking spaces (due to the proposed cross over). The proposal would be in line with the guidance by LP T6.1. and the arrangement would be secured by a condition.

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- 122 Highway raised no objection to the width and depth of the proposed crossover and size of the parking bays. No drainage has been shown on the plans neither the materials for hard covering of the driveway has been provided, therefore details for drainage, and materials would be secured by a landscaping condition.

Impact on vehicle traffic and pedestrian safety

Discussion

- 123 The property is situated on the part of the road which would allow for a longer view of approaching vehicles from the west. The speed limit along Burghill Road is 20mph, and there are bumpers to slow the speed, given the width of the road, the height of the brick boundary wall (0.7m) and as the pavement is of sufficient width to allow for the exiting vehicle to wait until traffic has passed the proposed arrangement is acceptable. Swept Path Analysis has been provided within the transport report showing the vehicle getting in and out of the proposed driveway would be safe and acceptable.
- 124 Officers are satisfied that there would not be any potential additional impact on the safety of the pedestrians using pavement along this section of Burghill Road.

Cycle parking

Policy

- 125 LP T5 states that development proposal should help remove barriers to cycling and create health environment in which people choose to cycle. This will be achieved through supporting the delivery of a London-wide network of cycle routes; and securing the provision of appropriate level of cycle parking which should be fit of purpose, secure and well-located. Cycle parking is expected to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities would cater for large cycles including adapted cycle for disabled people.

Discussion

- 126 Calculation has been provided demonstrates the number of cycle storage based on table 10.2 of London Plan (2021). A total of 8 cycle storage has been proposed. The storage would be approximately 13m away from the road and would be enclosure and locked storage. Highway Team raised no objection to the number, location and design of the proposed cycle storage. The details of this would be secured by condition.
- 127 Details of the external lighting on the building will be secured by condition as to ensure safe pedestrian access.

Servicing and refuse

Policy

- 128 CSP 13, Part 4, requires that recycling facilities are well-designed and incorporated in the new development.
- 129 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

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Discussion

- 130 The existing 4 X 360L rubbish wheelie bins would be replaced with 4 waste bins of 1100L capacity each, for refuse and recycling. The storage would be removed from along the shared boundary wall with No 31 and would be relocated to the side elevation of the main building which would be within 10m of the road and in line with Lewisham Council guidance. No changes to the frequency of collections from the site would be required as there would only be an additional 4 dwellings constructed.
- 131 The arrangement of collection of waste would be as per existing arrangements of Lewisham Council. In light of this, officers are satisfied that the applicant has sufficiently demonstrated that the area on the ground floor can accommodate the required number of bins. These details would be secured by condition.

Construction management Plan

- 132 The applicant has provided a Construction Management and Logistics Plan. Highway Team raised no objections to the principle of the proposed construction and management, and these details would be secured by condition.

Summary

- 133 The proposal would not have an adverse impact on transport in terms of parking, and accommodating the site's servicing needs, subject to conditions.

SUSTAINABLE DEVELOPMENT

General Policy

- 134 Para 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.
- 135 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. Small Sites SPD section 11 and 21 provides guidance on sustainability.

6.4.2 Energy and carbon emissions reduction

Policy

- 136 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

- 137 The application is not a major development (as only 8 units are proposed) and as such the provision of LP SI2 does not apply, and although the applicant has not provided adequate details for example on water usage, due to the size of the scheme it is not objectionable.

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Flood Risk

Policy

138 LPP SI12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

139 The application site lies outside of Flood zones 2 and 3 and is therefore at low risk of flooding. Flood Risk Team raised no objection to the proposal.

6.5 NATURAL ENVIRONMENT

General Policy

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

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

142 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.

143 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

144 No trees would be affected by the development. The proposed scheme would cover 10% of the back garden. It is 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 scheme, it is considered that the proposal would have no adverse impact on ecology in this instance.

Conclusion

145 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.

7 LOCAL FINANCE CONSIDERATIONS

146 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).

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

148 The CIL is therefore a material consideration.

149 £29,251.89 Lewisham CIL and £19,327.14 MCIL is estimated to be payable on this application with a total of £48,579.03, 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

150 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.

151 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.

152 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.

153 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>

154 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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- 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

155 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>

156 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

157 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

158 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.

159 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.

160 This application has the legitimate aim of providing 8 flats (4 new and 4 refurbished existing) with residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

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10 CONCLUSION

161 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.

162 In urban design terms, the proposed development is considered to be high quality proposal. It is of an appropriate height and scale, and would use suitable materials; and therefore, it is considered that the proposed scheme would not result in adverse impact on the character and appearance of the area and the streetscape.

163 In terms of standard of accommodation, the development would fulfil the requirement and is considered acceptable.

164 In terms of transportation, the scheme is not expected to have any adverse impact on the current traffic arrangement on the road.

165 Overall, given the contribution to housing supply, efficient use of land, the high-quality design of the proposed dwellinghouses with no adverse impact on natural environment, highways and residential neighbouring amenities, the application is recommended for approval subject to the conditions set out in section below.

11 RECOMMENDATION

166 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) APPROVED PLANS

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

2021/6019/TS01 Transport Statement; Daylight And Sunlight Assessment; Town Planning Statement; Statement Of Community Involvement; Flood Risk Assessment (received 27 Sep 2021)

CGI 1; CGI 2; Construction Management Plan & Method Statement Version A.1; Design And Access Statement; Energy Statement for Planning; Sustainability Statement for Planning (received 07 Oct 2021)

20.1251/001; 20.1251/002; 20.1251/003; 20.1251/004; 20.1251/005;
20.1251/006; 20.1251/007; 20.1251/008; 20.1251/009; 20.1251/010 Rev D;

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20.1251/101 Rev I; 20.1251/102 Rev I; 20.1251/103 Rev C; 20.1251/104 Rev C;
20.1251/105 Rev E; 20.1251/106 Rev G; 20.1251/107 Rev F; 20.1251/108 Rev E;
20.1251/109 Rev G; 20.1251/110 Rev A; 20.1251/111 Rev B; 20.1251/112 Rev A;
20.1251/113 Rev B; 20.1251/114 (received 07 April 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) SCHEDULE OF 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 including the balustrading for the terraces and the gates to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4) BOUNDARY TREATMENTS

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

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

5) CONSTRUCTION LOGISTICS 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

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

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

6) REFUSE AND RECYCLING

- (a) No development (above ground level) shall commence until details of proposals for the storage of refuse and recycling facilities for residential and commercial units hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

7) CYCLE PARKING

- (a) No development above ground 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.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development 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).

- 8) 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).

9) EXTERNAL LIGHTING

(a) Prior to occupation of the residential units 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).

10) SOFT LANDSCAPING

(a) A scheme of soft landscaping and planetary at the first and second floor (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space

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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).

11) GREEN ROOF

(a) The development shall be constructed with a biodiversity Green Roof laid out in accordance with plan nos. 20.1251/010 Rev D; 20.1251/104 Rev C 15 Mar 2022, hereby approved and maintained thereafter.

(b) Evidence that the roof and wall with Maintenance plans 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).

12) 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) and drainage system (particularly to the front of the crossover), and water surface at the rear courtyard 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.

13) FLAT ROOFED

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension and flat roof on the building(s) should be restricted to what has been marked on the plans on plans 20.1251/010 Rev D; 20.1251/104 Rev C, 20.1251/108 Rev D; 20.1251/109 Rev G 15 Mar 2022 , and other than that are, hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be

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carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

14) OBSCURED WINDOWS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed to side elevations at the ground and second floors of the building hereby approved shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and/or 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 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, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

11.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

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- 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.

12 BACKGROUND PAPERS

167 Submission Drawings, CGI and Photos

168 Submission Technical Reports and Documents

13 REPORT AUTHOR AND CONTACT

169 Zahra Rad (Planning Officer)

170 Email: Zahra.Rad@lewisham.gov.uk

171 Telephone: 020 831 49153

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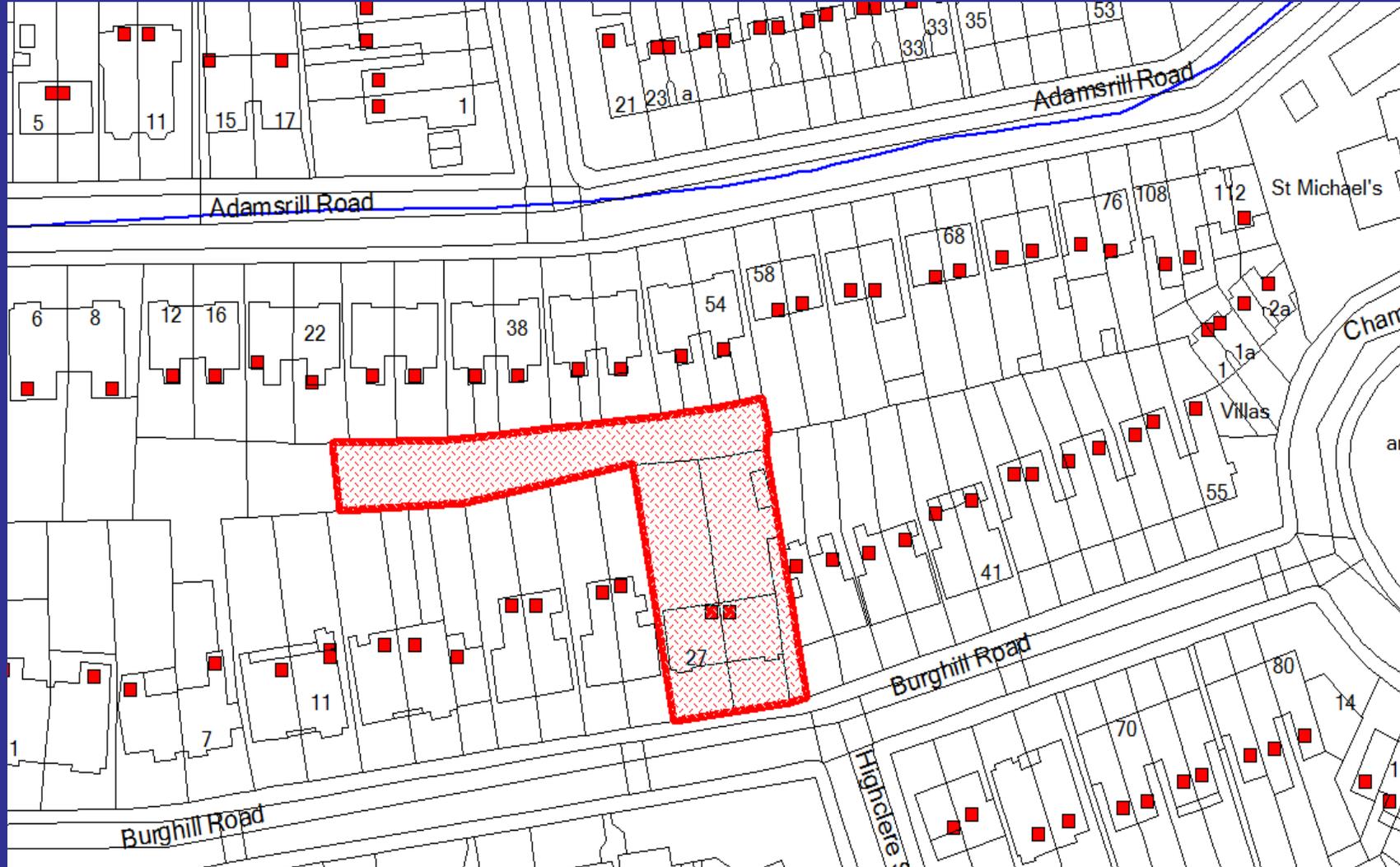
27 BURGHILL ROAD, SE26 4HJ

The construction of an additional storey at roof level and a two storey rear extension at 27-29 Burghill Road, SE26, in connection with the redevelopment of the existing building to provide 2x one bedroom, 1x two bedroom and 5x three bedroom self-contained flats, together with elevational alterations including new front bay windows, the provision of 2x off-street car parking spaces, bicycle and refuse storage and associated landscaping.

Application No. DC/21/123594

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

SITE LOCATION PLAN



SITE LOCATION AERIAL



EXISTING TWO STOREY PROPERTY – VIEW FROM BURGHILL ROAD



REAR OF EXISTING PROPERTY



FRONT ELEVATION

EXISTING

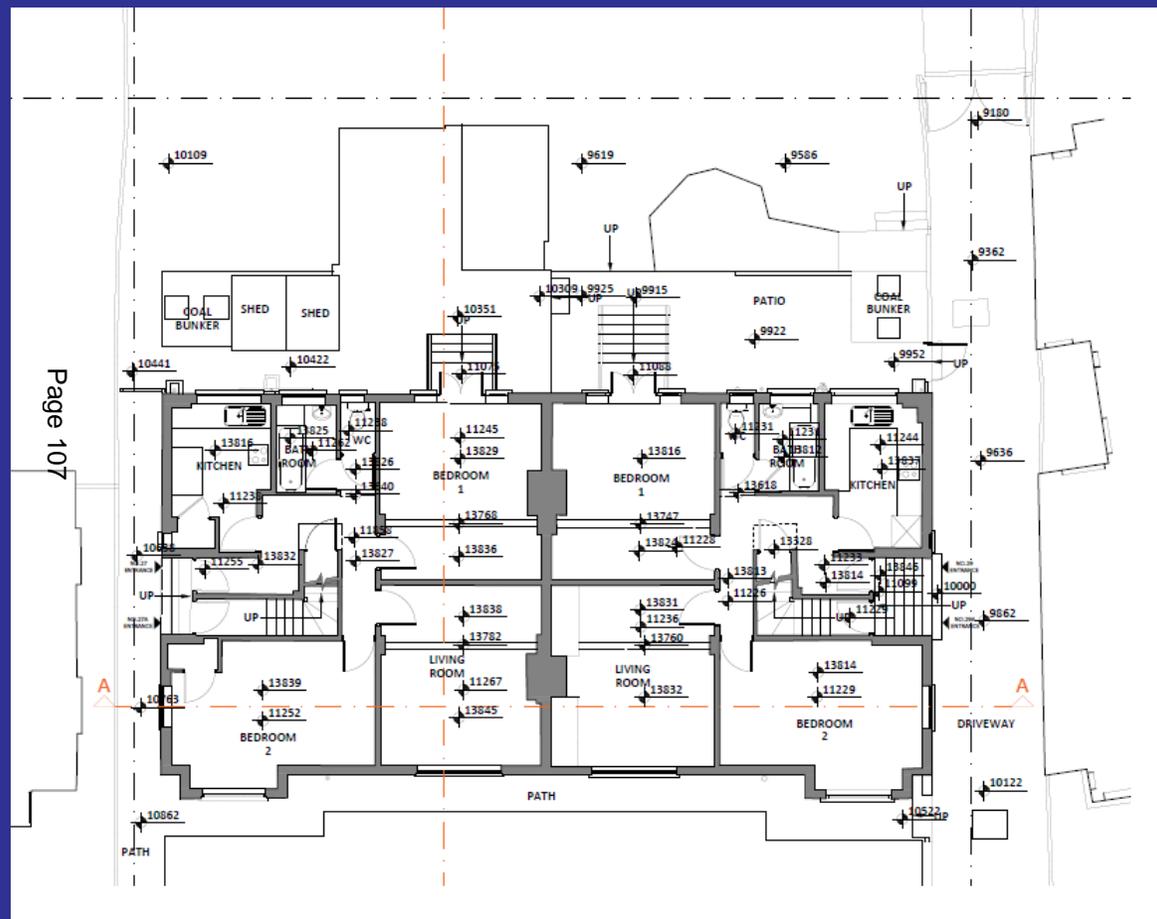


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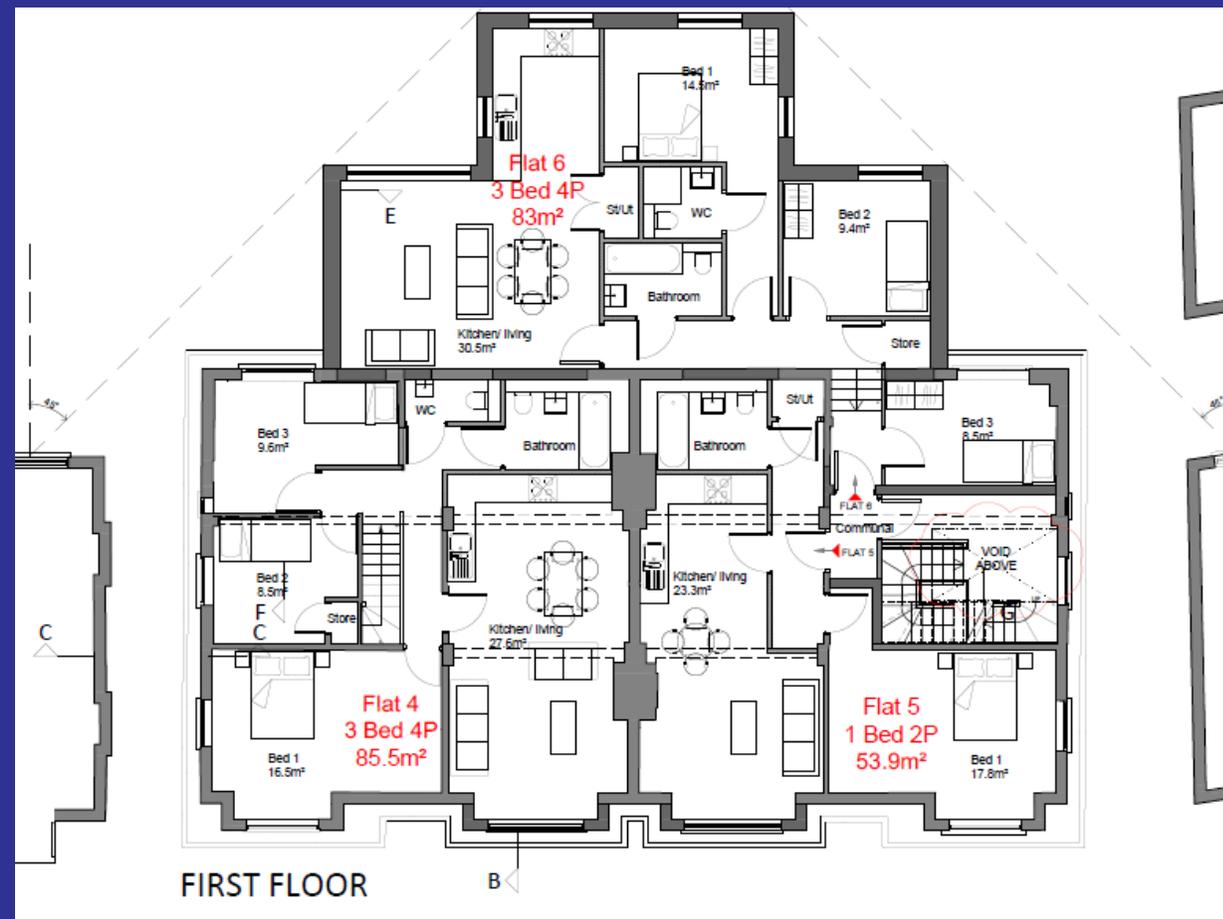
GROUND FLOOR PLAN

EXISTING



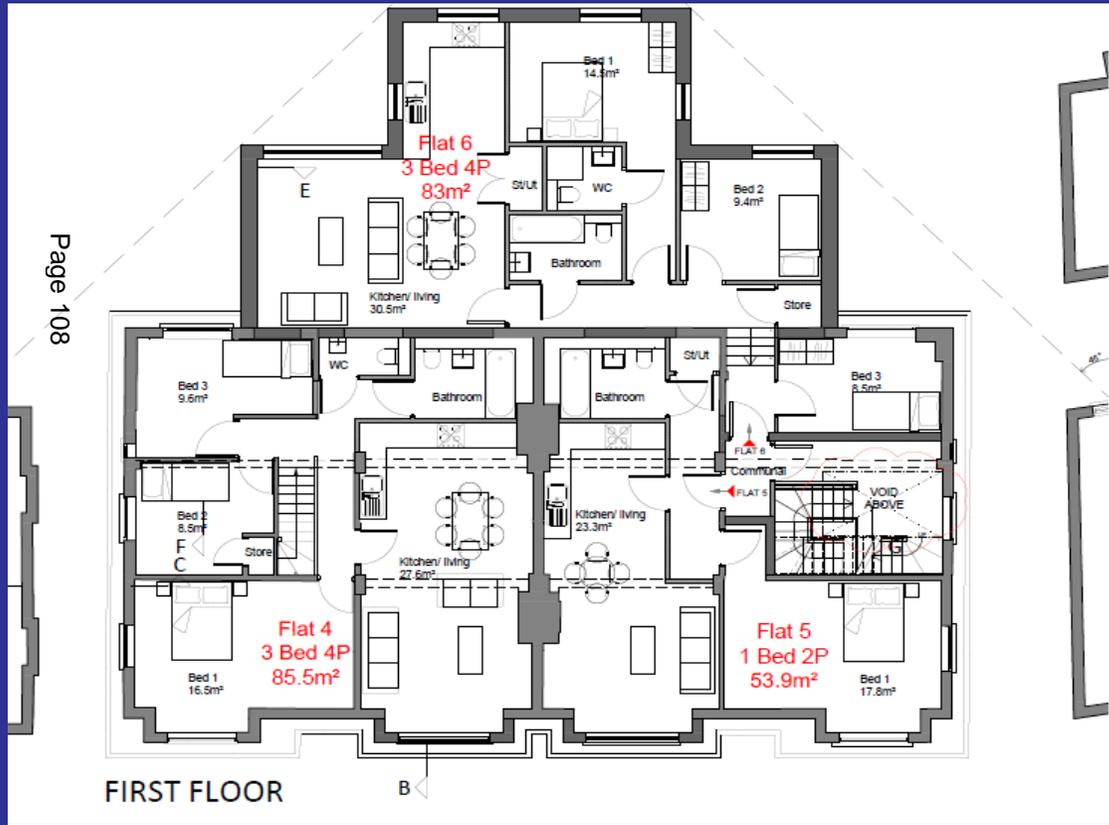
Page 107

PROPOSED



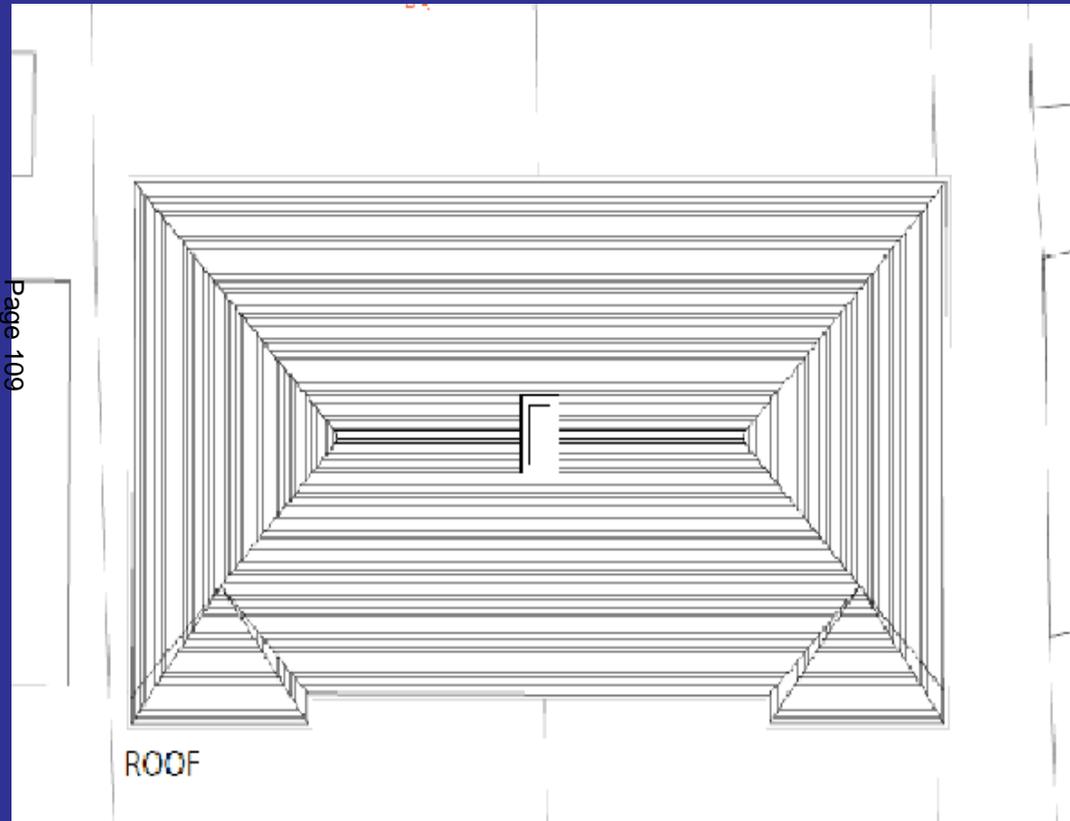
PROPOSED FIRST AND SECOND FLOORS

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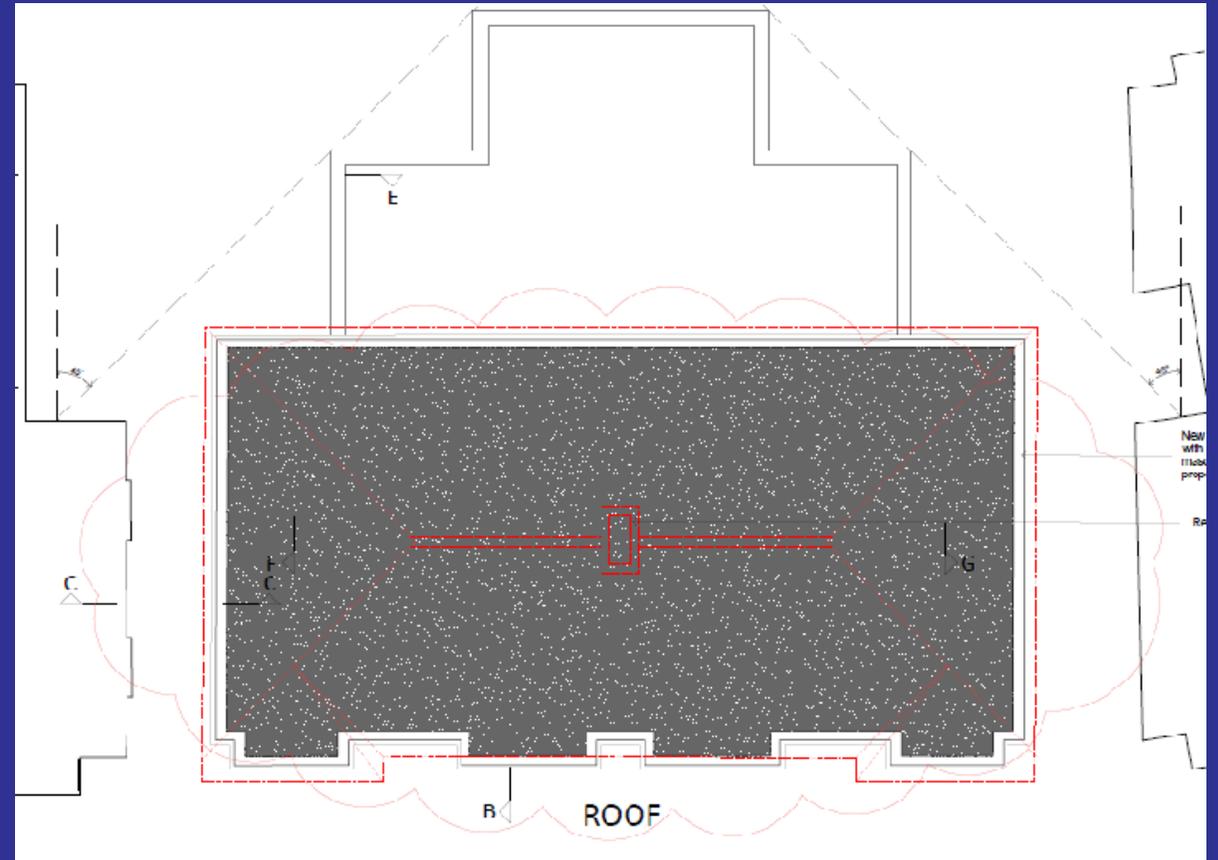
ROOF PLAN

EXISTING



Page 109

PROPOSED

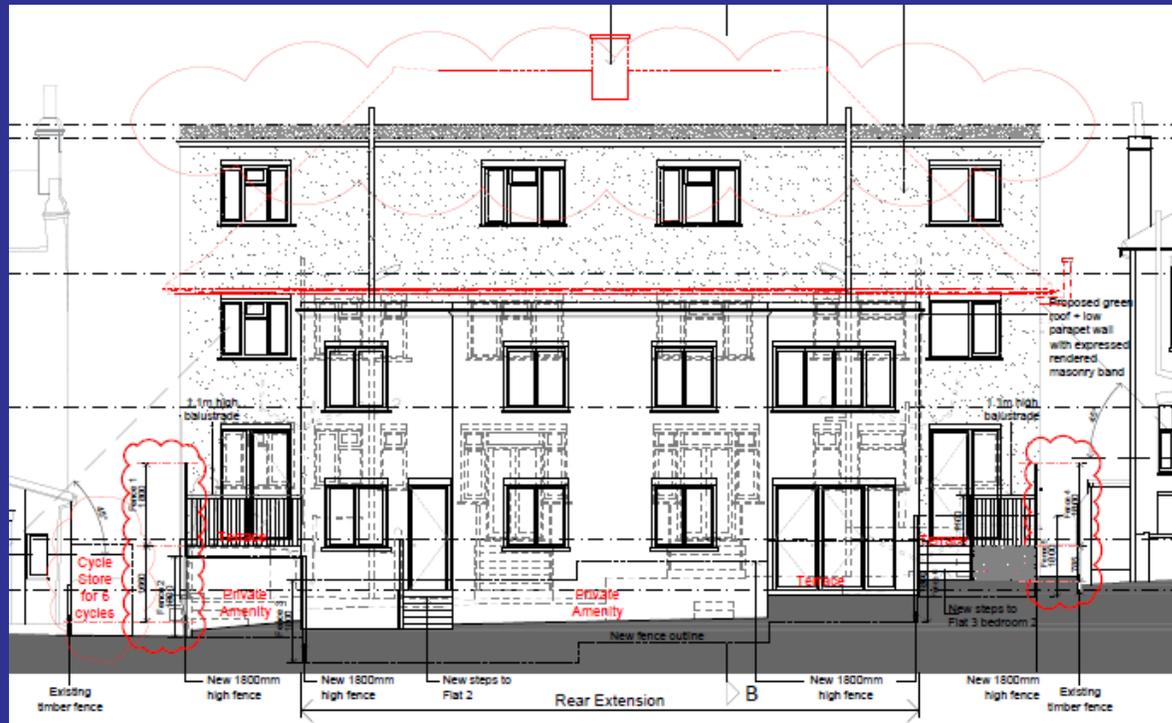


REAR ELEVATION

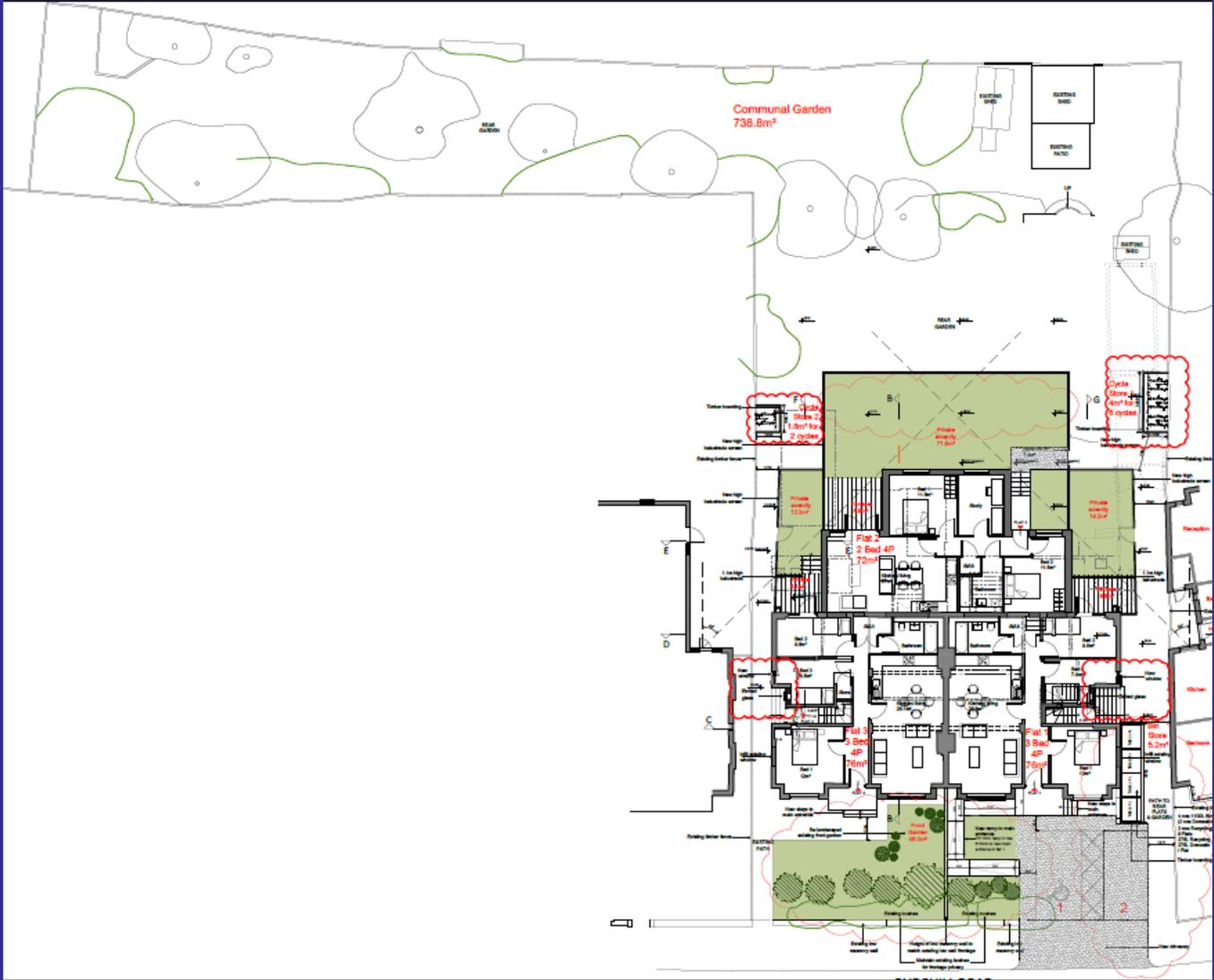
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PROPOSED



PROPOSED SITE AND LANDSCAPING



Key planning considerations

- Principle of Development
- Housing Provision
- Standard of Residential Accommodation
- Urban Design
- Impact on Living Conditions of Neighbours
- Transport Impact
- Sustainable Development
- Natural environment

CGI OF THE PROPOSAL







Planning Committee C

92 Guibal Road, SE12 9LZ.

Date: 26 April 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Amanda Ghani

Outline and Recommendations

The report has been brought before committee for a decision due to the submission of 4 objections from neighbouring properties, with a recommendation that the Committee resolve to grant planning permission subject to the attached conditions and informatives.

Application details

Application reference number(s): DC/22/125126

Application Date: 17/01/22

Applicant: Mr D Barrett

Proposal: Demolition of the existing double garage at No. 92 Guibal Road, SE12 and subdivision of the plot and the construction of 1 x 4 bedroom dwelling with separate access, landscaping, car parking, cycle and bin storage.

Background Papers: (1) Submission drawings and documents

Designation: PTAL 1b, local open space deficiency.

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 On the subject site there is a two-storey, semi-detached single family dwelling with a separate garage to the side. The property is on the western side of Guibal Road.
- 2 The site is not within a conservation area, but it is subject to the small HMO Article 4 Direction that has removed permitted development rights for change of use from C3 to C4 use. The site is within a PTAL 1b area and as such, has very poor access to public transport and amenities. It is also within an area with a deficiency of local open space.

Character of area

- 3 The area is residential in character and consists of detached and semi-detached large dwellings built during the first half of the 20th Century. Whilst building designs and configurations vary, there is an overarching approach to the style and fashion of the period which has established a reasonably cohesive feel and building line within the road. All of the properties benefit from good sized front gardens and generous back gardens. The majority of dwellings have garages and/or off street parking.

Surrounding area

- 4 Horn Park is approximately 400m to the north of the site and is within walking distance.

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2 RELEVANT PLANNING HISTORY

5 None

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 6 The application is for the construction of a two-storey (with roof space) 4b7p dwelling house. The dwelling house would be sited to the side of 92 Guibal Road on its existing garage site. Refuse and recycle storage would be situated to the front of the site. One off street parking space is proposed as part of the development.
- 7 The proposed dwelling would in total measure 12.25m deep, including the single storey rear element at 2.8m deep. The dwelling would have pitched roof with a maximum height of 8.4m and an eaves height of 5.6m. The width of the dwelling on the front and rear elevations is 6.45m. The dwelling would feature front and rear gables.
- 8 The dwelling would follow the front building line of Nos.92-94, being set back 8.1m from the pavement and would be built up to the boundary with No.88 and set back 2m from the side elevation of No.92.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

9 (PRE/21/122027) The applicant sought a pre-application meeting in November 2021 with officers regarding sub-division of the existing plot and the construction of a detached four-bedroom dwelling. This was a concept meeting with only the principle of a new dwelling being considered.

4.2 APPLICATION PUBLICITY

10 A site notice was displayed on 26th January 2022.

11 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 21st January 2022.

12 4 number responses received, comprising 4 objections

4.2.1 Comments in objection

Comment	Para where addressed
House appears contrived and harmful to the character of the road.	Para.62
Plot width is less than half the width of any other house in the road.	Para.63
Overdevelopment of site.	Para.61
Traffic on Guibal Road is dangerous as there are no traffic controls.	Para.86
Poor design quality	Para.63-69
The proposal would be better if both garages at Nos.88 & 90 were being demolished and built on as it would centre the new dwelling.	Officers are only able to assess the proposal as submitted.

13 One other comment was also raised as follows:

14 Proposal will devalue existing neighbouring properties

4.3 INTERNAL CONSULTATION

15 The following internal consultees were notified on 21st January 2022.

16 Highways: No comments received.

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4.4 EXTERNAL CONSULTATION

17 The following External Consultees were notified on 21st January 2022.

18 Grove Park Neighbourhood Forum: No comments received.

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

20 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.

21 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.

22 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

23 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)
- Grove Park Neighbourhood Plan (August 2021)

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5.5 SUPPLEMENTARY PLANNING GUIDANCE

24 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Small Sites SPD (October 2021)

25 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

26 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

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

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

29 Lewisham is defined as an Inner London borough in the London Plan, which 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.

30 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean

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that proposals secure development that improves the economic, social and environmental conditions of the borough.

- 31 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.
- 32 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), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).
- 33 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.
- 34 The site is also considered 'street extension infill development' in the Small Sites SPD.

Discussion

- 35 As an area of land with a street frontage, the application site represents an infill site and as such would need to adhere to the criteria as set out in the policy.
- 36 Furthermore, the Small Sites SPD in chapter 26 states that gaps between existing houses provide an ideal opportunity for new homes whilst also enabling the streetscape to be repaired. These often occur on plots of land which are partially occupied by an existing property.
- 37 The principle of residential development which would also achieve the wider benefit of providing an additional home within the Borough is considered a planning merit. As such, the principle of development is acceptable.

6.1.1 Principle of development conclusions

- 38 In summary, officers raise no objection to the principle of development, subject to matters including design, standard of accommodation, neighbour impact and highways.

6.2 HOUSING

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

6.2.1 Residential Quality

General Policy

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- 40 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 41 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.
- 42 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

- 43 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’

Discussion

- 44 The table below sets out proposed dwelling sizes.

Table [a]: Internal space standards – proposed v (target)

No of bedrooms	No. of persons	3 storey dwelling (proposed (target))	Built-in storage (proposed (target))
4b	7p	135 (121)	3 (3.0)

- 45 Officers note the gross internal floor area of 135sqm exceeds minimum space standards for a 4b7p unit. The proposal also meets the requirements of LP Policy D6 in terms of individual bedroom sizes.
- 46 The floor to ceiling heights of the dwelling would meet or exceed the 2.5m minimum requirement for new dwellings.
- 47 The proposal includes vertically dividing the existing rear garden, which would provide 267sqm of private rear outdoor space for the new dwelling and the retention of 395sqm of the garden for the occupiers of No.92. The proposed private amenity space for the dwelling exceeds the minimum requirement in accordance with LP Policy D6 and both properties would have access to sufficient useable outdoor areas.

Outlook & Privacy & Overheating

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Policy

- 48 LPP D1(8) requires development to achieve appropriate outlook, privacy and amenity
- 49 DMLP Policy 32 expects all new units to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units.
- 50 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

Discussion

- 51 The main habitable rooms are orientated to the front (north-eastern) and rear (south-western) facades with fenestration to allow daylight and sunlight into the rooms.
- 52 The dwelling would benefit from a good level of privacy, being suitably set back from the public realm. The dwelling would be dual aspect which is considered sufficient to avoid unacceptable overheating.

Daylight and Sunlight

Policy

- 53 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers
- 54 Daylight and sunlight are 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.
- 55 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

- 56 No daylight/sunlight assessment has been provided; but it is not considered necessary for this scheme given its modest scale and the benefits already identified, namely the unit being double aspect. As such, officers consider the daylight and sunlight levels to be acceptable.

6.2.2 Housing conclusion

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

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6.3 URBAN DESIGN

General Policy

- 58 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.
- 59 LPP D3, CS Policy 15 and DMLP DM30 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity. The Small Sites SPD is relevant to the current application and is considered 'street extension infill development'.

6.3.1 Appearance, character, form and scale

Policy

- 60 LP Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate for of development that responds to a site's context and capacity for growth.

Discussion

- 61 The proposed dwelling would occupy the space where the existing garage belonging to 92 Guibal Road is sited. The siting of the dwelling between Nos. 88 and 92 would diminish the open spatial quality that exists at present above the garages, however some space between the existing and new dwelling would be retained. The perceived visual harm to the existing sense of openness is not considered so harmful to warrant reason for refusal. Furthermore, the proposal is considered to make good use of the land and follows the design-led approach for optimising site capacity as set out in LP Policy D3.
- 62 The proposed dwelling would adhere to the established front building line and would be the same height as the adjacent properties. Whilst the width of the proposed dwelling would be narrower than many of the properties in this part of Guibal Road; the proposal does achieve a well-proportioned and generously sized family home. The proposed dwelling would not replicate any of the existing dwellings, however, design cues have been taken from buildings in the immediate vicinity in terms of the inclusion of a front roof gable, double height front window bay and porch.
- 63 The proposed dwelling is set back 2m from the side elevation of No.92 and set back 5m from the side elevation of No.88. The dwelling would abut the side elevation of this neighbour's garage; however, there would be visible spaces between the proposed dwelling and its adjacent neighbours when viewed from the public realm. The height, form and scale of the proposal would create a positive relationship to the existing urban typology of the area and the existing street scene and would adhere to LP Policy D3, DMP 30 and the Small Sites SPD.

Detailing and Materials

Policy

- 64 DMLP Policy 30 requires the use of high quality materials that either match or complement existing development.

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Discussion

- 65 The proposed dwelling would be built in red/mixed London Stock brick and have a slate tile roof. Render is proposed around the side and top of the porch canopy. Red brick and render are materials that have been prevalently used on other properties in the road. The proposed grey aluminium windows and doors are considered acceptable with regards to placement, size and materiality; as are the three roof lights in the rear roof slope. Aluminium is considered a high quality material and an appropriate response for the site, since replacement aluminium and uPVC windows have been installed in the majority of properties in Guibal Road.
- 66 The proposed materials are considered high quality and acceptable. A condition would be added to ensure these materials are used and that design quality is maintained throughout the development process.
- 67 With regards to proposed boundary treatments, the front boundary wall would measure 1m high and be built of red mixed stock brick with coping and a built planter behind. The front side boundary treatments would be 1m high timber slated fence panels. Similar panels at 1.8m high would be used at the rear of the site. The proposed boundary treatments are considered acceptable.

6.3.2 Urban design conclusion

- 68 Officers are satisfied that the proposal would enhance the character and appearance of the street scene. The provision of an additional family sized dwelling is considered a significant planning merit.

6.4 TRANSPORT IMPACT

General policy

- 69 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes
- 70 Para.109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 71 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.
- 72 Policy T1 of the London Plan (2021) sets out the Mayor’s strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more

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sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

- 73 Core Strategy Policy 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

6.4.1 Servicing and refuse

Policy

- 74 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road
- 75 CSP 13 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.
- 76 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing
- 77 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

- 78 A refuse store would be provided at the front of the site. The storage facility would measure 2.15m long, 0.8m wide and 1.2m high. The storage facility would be constructed in timber with openings in the side and roof to facilitate ease of use, as shown in drawing 016. The proposed storage is considered acceptable and officers consider it reasonable to secure the bin store by condition.

6.4.2 Transport modes

Walking and cycling

Policy

- 79 Development should give priority first to pedestrian and cycle movements, both within the scheme and within the neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.
- 80 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

Discussion

- 81 The property would be provided with cycle storage for two bicycles to the front of the site. As such, the proposal is considered to be acceptable in terms of cycle parking provision, adhering to London Plan standards.

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Private cars

Policy

- 82 LPP T6 supported by CSP 14 and DMLP 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. Paragraph G of LPP T6 states that where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments. The site has a PTAL 1b rating and under LPP T6 the maximum allowance for off street parking is 0.75 spaces per household.

Discussion

- 83 Off street parking for one car is proposed as part of this development. Whilst this would result in a slight overprovision of off street parking space according to Table 10.3 of the London Plan; the proposal would include an electric car charging point.
- 84 Moreover, Officers note that every property in Guibal Road has off street parking in the form of a garage and/or hardstanding. Considering the area's low PTAL the provision of one off street parking space is considered acceptable in this instance. Officers note that there is an existing dropped kerb and crossover in front of the development site. As a consequence, there is no need for the applicant to apply for a crossover to facilitate off street parking on site.
- 85 One objection has been made regarding highway safety on Guibal Road. The road is not within a controlled parking zone and as such there are no parking restrictions regarding on street parking. Since the majority of properties within the road benefit from off street parking provision, on-street parking in the road is light. The proposed dwelling would have one off street parking space and would use the existing crossover; as such the proposal would have no impact on the highway in terms of on-street parking or highway safety.
- 86 Officers note that separate off street parking in the form of existing hardstanding would be retained for the occupiers of No.92.

6.4.3 Transport impact conclusion

- 87 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 88 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. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

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- 89 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels.
- 90 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours
- 91 Further guidance is given in Housing SPD 2017, GLA. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly. The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

6.5.1 Enclosure, Outlook & Privacy

Policy

- 92 Overbearing impact arising from the scale and position of development 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.
- 93 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise
- 94 DMLP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMLP 32 at paragraph 2.250 advises that there should be a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations.

Discussion

- 95 The rear elevation of the proposed house would not extend beyond the rear elevations of Nos.88 or 92. Whilst the presence of the building would be noticeable, due to its depth and siting, it would not give rise to a significant overbearing impact or result in any significant overshadowing. In terms of loss of day/sunlight; Drawing 012 Rev.A clearly shows that the proposed dwelling would not exceed the lines taken at 45 degrees from the centre of the nearest windows in the rear elevations of both Nos.88 and 92. Consequently there will be no significant loss of day/sunlight to these neighbours.
- 96 The only side facing windows in the new development would be in the southern elevation and these would service the internal staircase. These windows would look onto the blank side wall of No.92. All other window openings would be to the front and rear elevations of the proposed dwelling. As such, there would be no issues regarding overlooking or loss of privacy to Nos.88 and 92 Guibal Road.
- 97 No.179 Burnt Ash Hill is a large property in substantially sized grounds to the rear of the subject site. The rear of this property would be approximately 65m from the rear elevation of the proposed development. Consequently, there would be no significant impact on this adjoining neighbour in terms of amenity.

6.5.2 Noise and disturbance

Policy

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98 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 noise pollution. Development should help to improve local environmental conditions. Para 185 states 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.

Discussion

99 The introduction of a new residential property within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of noisy work are controlled by other legislation, and an informative is proposed in order to draw the Applicant's attention to Lewisham's Good Practice guide

6.5.3 Impact on neighbours conclusion

100 Officers consider that the proposal would be acceptable and would have no significant harm upon the amenities of surrounding properties.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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

6.6.1 Urban Greening

Policy

102 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

103 The proposal would increase the footprint of built form from 48sqm (existing garage) to 77.5sqm (new dwelling). A small strip of soft landscaping would be retained behind the front boundary wall. The current lawn area would be removed and replaced with hard landscaping providing off-street parking, cycle and bin storage. However, the rear garden would be retained.

Living roofs

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A small green roof measuring 3sqm is proposed above the single storey rear element of the proposal. No details of the green roof have been submitted, however, these can be secured via a suitable condition.

6.6.2 Sustainable Urban Drainage

Policy

- 104 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.
- 105 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 106 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 107 LPP GG6 requires developments to make efficient use of water and reduce impacts from natural hazards like flooding.

Discussion

- 108 The application site is not located in a flood risk zone and the scale of development does not require a detailed SuDS scheme. However, permeable paving is proposed to the front of the site. No details of the permeable paving have been submitted, however, details can be secured by a suitable hard landscaping condition.
- 109 The introduction of a small green roof to the rear of the dwelling would likely reduce run-off rates and therefore has the potential to deliver some drainage benefits. This has not been substantiated by a detailed report and therefore does not carry weight as a planning merit

6.6.3 Sustainable Infrastructure conclusion

- 110 The proposal is considered acceptable in sustainable development terms. In light of this officers consider it reasonable to secure hard landscaping details by condition.

6.7 NATURAL ENVIRONMENT

General Policy

- 111 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning
- 112 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 113 The NPPF at paragraph 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

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6.7.1 Green spaces and trees

Policy

114 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process

Discussion

115 The existing site makes little additional contribution to the natural environment and given the size of the site there is limited opportunity to secure improvements. The proposal does however include retention of the rear garden and soft planting to the frontage and a small green living roof.

6.7.2 Natural Environment conclusion

116 The proposal is acceptable in terms of natural environment, subject to conditions.

7 LOCAL FINANCE CONSIDERATIONS

117 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).

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

119 The CIL is therefore a material consideration.

120 £8,344.86 Lewisham CIL and £5,513.57 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

121 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.

122 In summary, the Council must, in the exercise of its function, have due regard to the need to:

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- 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.

123 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.

124 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>

125 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

126 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>

127 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

128 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

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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

129 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.

130 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.

131 This application has the legitimate aim of providing a new building with residential use. 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

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

133 The principle of an additional dwelling at this site is supported as it is situated in a sustainable urban location. The proposed development is acceptable in terms of scale, form, design and materials. Significant weight is given to the planning merit of additional housing.

134 The proposal would have no unacceptable impact on neighbouring properties in terms of enclosure, outlook and privacy, noise or disturbance. There would be no significant negative impact on the local transport network or parking.

135 Harm has been identified by officers in terms of the siting of the dwelling which would diminish the open spatial quality that exists at present. However, this harm is not considered so critical as to outweigh the planning merit of an additional dwelling.

11 RECOMMENDATION

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

11.1 CONDITIONS

- 1) FULL PLANNING PERMISSION TIME LIMIT

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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:

001; 002; 003; 004; 005; 011; 012 Rev.A; 014; 015; 016; 017; 018; 019; BP1; P01; SP1 (Received 19th January 2022)

013 Rev.B; 020 (Received 6th April 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) MATERIALS

The scheme shall be carried out in accordance with the approved details set out in drawing 019 hereby approved.

Reason: To ensure that the 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, DM Policy 31 Alterations and extensions to existing buildings including residential extensions

4) HARD LANDSCAPING

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

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character

5) LIVING ROOF

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with approved plan and maintained thereafter.

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

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

6) ELECTRIC VEHICLE CHARGING POINT

The electric vehicle charging point as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved

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).

7) CYCLE STORAGE

The cycle parking storage as detailed in Drawing 017 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).

8) BIN STORAGE

The facilities as approved in drawing 016 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) CAR PARKING SPACE

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The car parking space shown on drawing nos. 011 and 017, hereby approved shall be provided prior to the occupation of the dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021)

10) CONSTRUCTION DELIVERIES

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

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

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

11) CONSTRUCTION LOGISTICS MANAGEMENT PLAN

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

- (a) Rationalise travel and traffic routes to and from the site.
- (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).

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12) BOUNDARY TREATMENT

The boundary treatments as approved in Drawing 018 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).

11.2 INFORMATIVES

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

12 BACKGROUND PAPERS

- (1) Submission drawings
- (2) Submission technical reports

13 REPORT AUTHOR AND CONTACT

137 Amanda Ghani amanda.ghani@lewisham.gov.uk 0208 314 9417

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92 GUIBAL ROAD, SE12 9LZ

The demolition of the existing garage and the subdivision of the plot and the construction of 1 x 4 bedroom detached dwelling with off street parking, landscaping, cycle and bin storage.

Application No. DC/22/125126

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

SITE LOCATION PLAN



Site Location Arial- Context



View of the Front elevation from Guibal Road



View of the rear elevation



Views toward the subject site From the South

From the North

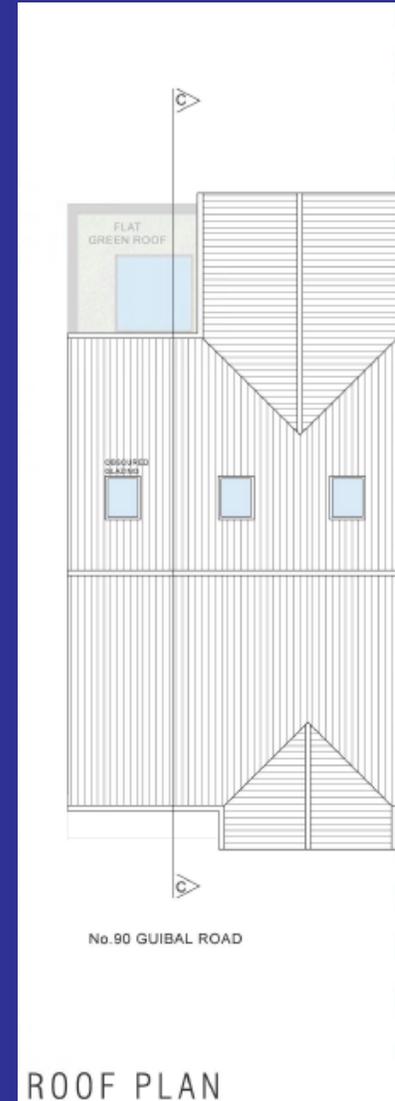
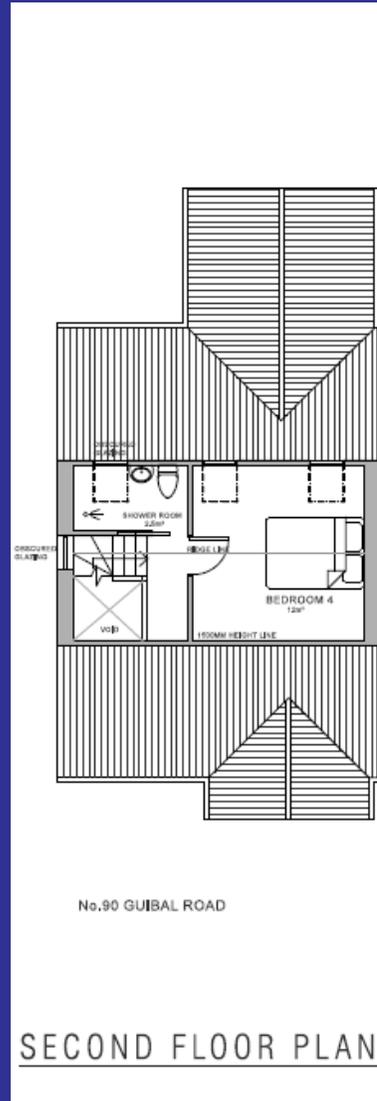


Proposed Footprint in Relation to Adjacent Properties.

Page 146



Proposed Floor Plans



Proposed Front and Southern Elevations



PROPOSED FRONT ELEVATION

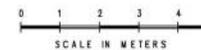


PROPOSED SIDE ELEVATION

PROJECT:
92 GUIBAL ROAD
LONDON
SE12 9LZ

DRG No: 014
DRG TITLE: PROPOSED ELEVATIONS

SCALE: 1:100 @ A3
ISSUED: 29/04/2021



Proposed Rear and Northern (side) Elevations



PROPOSED REAR ELEVATION



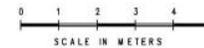
PROPOSED SIDE ELEVATION

PROJECT:
92 GUIBAL ROAD
LONDON
SE12 9LZ

DRG No: 015
DRG TITLE:
PROPOSED ELEVATIONS

SCALE:
1:100 @ A3

ISSUED:
29/04/2021



Key Planning Considerations

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



Planning Committee C

19 SOUTHVALE ROAD, LONDON, SE3 0TP

Date: 26 April 2022

Key decision: No.

Class: Part 1

Ward affected: Blackheath

Contributors: Barnaby Garcia, 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 objections from 4 local residents.

Application details

Application reference number(s): DC/21/124403

Application Date: 19th November 2021

Applicant: Mr. Payne

Proposal: The construction of first floor side extension featuring a roof terrace above at 19 Southvale Road, London, SE3, together with the excavation of the rear garden to create a patio area and the installation of replacement windows and doors in the front and rear elevations.

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

Designation: PTAL 4
Air Quality
Blackheath Conservation Area
Not a Listed Building

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is at the end of a terrace of three storey Victorian dwellinghouses. It is located at the western most end of Southvale Road. The property is constructed from London stock bricks and has a white rendered ground floor level. To the side of the property there is a single storey projection. The topography of the site slopes significantly from the rear towards the front.

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Figure 1: Block plan of 19 Southvale Road at 1:500 scale

Character of area

- 2 The immediately surrounding area is predominantly residential and is characterised by terraces of a similar appearance to the application site. It is located 200m to the south of Blackheath Common, and close-by to shops, pubs, cafes, and other commercial activities. The site is located directly north of the John Ball School.

Heritage/archaeology

- 3 The application site is located in the Blackheath Conservation Area, but is not subject to an Article 4 Direction. The property is not listed, nor a non-designated heritage asset, but is identified as making a positive contribution to the character of the conservation area. It adjoins the grounds of the Grade II Listed Lindsay House to the west, which includes Lindsay Cottage.

Lindsey House, No. 4 LLOYD'S PLACE (Grade II Listed)

- 4 Historic England’s Listing Description states: “Late C18 house. Main block of 3 storeys, 3 windows. 2-storey, 2 window east wing; 1-storey, 2 window West wing. Yellow stock bricks later colour washed red. Parapet conceals roof. Gauged flat brick arches to sash windows with glazing bars in wood lined reveals. 1st floor centre window has moulded stone architrave, frieze, cornice and bracketed cill.”

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13

The existing ground level to the rear of the side extension would be retained and a glazed roof and high level windows installed in the rear elevation. The area of the garden to the rear of the host property would be excavated to allow timber French doors and a sash windows to be inserted at ground floor level. A white timber door would be inserted in the side elevation at second floor level to provide access to the roof terrace. Screening would be erected to rear to prevent overlooking.



Figure 3: Proposed North and South elevations

4 CONSULTATION

4.1 APPLICATION PUBLICITY

14 Site notices were displayed and a press notice was published on 19 January 2022.

15 Letters were sent on 13/01/22 to residents in the surrounding area, and on 11/01/22 to the relevant Ward Councillors and the Blackheath Society.

16 5no responses received, comprising 4 objections and 1 comment.

4.1.1 Comments in objection

Comment	Para where addressed
Impacts to privacy, outlook and noise arising from the installation of the roof terrace.	Section 6.3
Unacceptable impact on the uniformity of the rear façades of Southvale Road.	Para 54
Proposed loss of part of the existing ash tree	Para 75

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- 17 A number of other comments were also raised as follows:
- 18 Concerns over the structural impact of the development. However, this is not considered to be a material planning consideration as structural matters are subject to Building Regulations.

4.1.2 Neutral comments

- 19 The John Ball Primary School identified that the access to their service road should not be disrupted by the application.

4.2 INTERNAL CONSULTATION

- 20 The following internal consultees were notified on 11/01/22.

Conservation Officer

- 21 Raised no objections subject to an amendment to the windows in the front elevation, details of brickwork for the extension and confirmation that the ground floor structure would be retained. Discussions with the applicant resulted in the submission of amendments reducing the number of windows in the first floor of the front elevation and confirmation that the ground floor structure would be retained.

Trees Officer

- 22 Raised no objection subject to securing the Tree Protection Plan.

4.3 EXTERNAL CONSULTATION

- 23 The following External Consultees were notified on 11/01/22:

Blackheath Society

- 24 Did not object to the scheme but requested that replacement trees be planted as compensation for the loss of trees. (Officers note that no trees are to be removed). The Society stated that details of construction logistics should be secured due to the shared site access with Lindsay Cottage and the proximity to the school.

- 25 This is addressed in Para 76, where it is stated that no trees are to be removed as part of this proposal.

Ward Councillors

No response received.

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5 POLICY CONTEXT

5.1 LEGISLATION

26 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).

27 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

28 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.

29 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.

30 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

31 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

32 Lewisham SPG/SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Blackheath Character Appraisal (March 2007)

6 PLANNING CONSIDERATIONS

33 The main issues are:

- Principle of Development
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- [Other site specific considerations]
- 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 Development Plan is generally supportive of people extending or altering their homes.

6.1.1 Principle of development conclusions

1 The principle of development is supported.

6.2 URBAN DESIGN

General Policy

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

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- 38 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 39 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.
- 40 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

- 41 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.
- 42 CSP 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.
- 43 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.
- 44 DMP 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 seeks to protect and enhance the Borough's character and street frontages through appropriate and high quality design.
- 45 DMP 31 states that extension 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.
- 46 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.
- 47 Further guidance is given in the Blackheath Character Appraisal
- 48 Paragraph 4.4.5 “Additional guidance for side extensions in conservation areas” of the Alterations and Extensions SPD states:

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Many of the conservation areas within the borough contain semidetached dwellings and groups of terraces with visual breaks between them which allow views into rear gardens and beyond. These views add interest to the built form and create a softer sense of enclosure to the street.

Where a building is part of a symmetrical pair or a stylistically cohesive group, a side addition is unlikely to be acceptable. It unbalances the appearance of the host building and [is] considered to have a negative impact on the distinct visual qualities of the conservation areas.

49 Paragraph 4.7.3 of the Alterations and Extensions SPD states:

Some residential properties in conservation areas have balconies at first floor level and where these are a characteristic of a conservation area, their addition on other buildings may be acceptable, subject to design and overlooking issues.

Creation of balconies on roofs that were not originally intended for this use may not be acceptable due to the impacts of the required ancillary structures such as doors and railings.

Discussion

Side Extension

50 The Alterations and Extensions SPD warns that side extensions of more than one storey can significantly harm the openness that can form part of the character of an area and within Conservation Areas can result in the loss of important views and/or unbalance cohesive groups. For these reasons the SPD advises that first floor extensions should generally be set in 1m from the side boundary and 1m back from the front façade or in cases where it is appropriate to be built up to the side boundary be set back 2m from the front façade.

51 The Alterations and Extensions SPD outlines guidance for side extensions to with respect to their siting relative to boundaries and the front elevation. However, the unusual site characteristics of this site means that the usual guidance for side extensions would not apply at the application site. This is due to the location of the property at the end of a terrace without a traditional street frontage due to the bend of the road. Consequently, the property does not have a prominent street presence, particularly on the western side on the site of the proposed extension. Therefore, a side extension on the footprint of the ground floor structure would not result in the unbalancing of the terrace or the loss of any significant views or break in the townscape.

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Figure 4: A photograph of the existing front elevation, demonstrating that the dwelling is set away from the road as it curves southwards.

- 52 The extension would feature matching brickwork, which would be an appropriate approach, as would be the timber sash windows. The replacement of the existing uPVC windows at ground floor level would enhance the appearance of the building, with the white render in keeping with the ground floor level of the original building and the adjoining terrace. The replacement of the front door with a timber door to match the design of the doors typical of the road is supported.

Roof Terrace

- 53 The roof terrace would not be obvious from public viewpoints given its siting to the side of the property, and it would be set back from the front elevation. The screening is proposed to be confined to the rear, which would assist in this regard. The screening would be constructed from powder-coated aluminium slats coloured anthracite.
- 54 While the proposed extension would be contrary to the uniformity of the rear elevation of the terraces, it is noted that the existing rear extension also disrupts the uniformity of the rear façade. The proposed two storey extension would therefore not present a new harm in terms of disrupting the uniformity of the rear elevation, given that it is not uniform at this location presently.
- 55 The proposed windows and door to the rear elevation would be of a suitably high quality and are therefore supported. A condition will be imposed securing details of all of the windows and doors prior to installation.

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Impact on Lindsay House

- 56 The side elevation of the property would have a negligible impact on the setting of the Grade II Listed Lindsay House to the west. The proposed matching brickwork would ensure that this impact would be acceptable. A condition will be imposed requiring that the brickwork would match that of the host building exactly in terms of the type of bricks, pointing and mortar. The amendments requested by the Conservation Officer have been secured and she raises no objection to the proposal.
- 57 Officers consider that the current proposal would lead to no harm to the Blackheath Conservation Area nor the setting of the adjacent Listed Building.

Summary

- 58 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 preserve the character and appearance of Blackheath Conservation Area. As no harm arises, no balancing exercise is required.

6.2.1 Urban design conclusion

- 59 The site's unusual context allows for flexibility in the application of the provisions of the Alterations and Extensions SPD. In light of this, the proposal would be acceptable with regards to its design.
- 60 The proposed materials, subject to relevant conditions, would be acceptable and are therefore supported. The proposed materials mitigate any impact generated on the setting of the Grade II Listed Lindsey House.
- 61 The roof terrace would not be clearly visible from the public realm. The screening is acceptably discreet, and would not generate any additional harm to the rear façade compared to existing.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 62 The NPPF at 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 paragraph 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

Policy

- 63 Core Strategy Policy 15 states that household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 64 DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

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65 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although these standards should be applied in the context of the site.

No. 20 Southvale

66 The proposed extension would be confined to the side elevation of the property so would not introduce any additional impacts to the living conditions of No.20 Southvale Road.

Lindsey Cottage

67 The extension would be constructed close to the boundary with Lindsay Cottage but would be a significant distance from the property. The garden area adjacent to the boundary is not used as amenity space and therefore the extension would not introduce an overbearing impact or result in a harmful loss of light or outlook at Lindsay Cottage.



Figure 5: Photograph showing area adjacent to the western boundary as large hedges and a path

No. 16 Camden Row

68 The extension and roof terrace would have an impact on outlook to the adjoining rear garden of No.16 Camden Row, located to the rear of the site. However, the 3m distance between the extension and the rear boundary combined with the elevated position of the garden at No.16 along with comparatively dense tree cover would ensure that this impact would not be unacceptable.

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Roof Terrace

- 69 Views from the roof terrace would be screened to the rear preventing overlooking towards the rear gardens of the adjoining properties on Camden Row. Overlooking towards Lindsay Cottage would be possible. However, the garden area adjacent to the boundary is used as a path so the overlooking is not assessed to be harmful to privacy. The views to the front across the flat roofs of the school buildings is not considered sensitive.
- 70 The roof terrace is not likely to result in any significant increase in noise and disturbance given its relatively modest scale. Furthermore, external amenity spaces are a feature of urban environments such as this, and despite the raised position, the noise impacts of the roof terrace are likely to be similar.

Windows and Doors

- 71 The proposed windows and doors would provide similar views to the existing windows and therefore any additional impacts to privacy would be negligible.

6.3.1 Impact on neighbours conclusion

- 72 The proposed development would not result in any harm to the living conditions of neighbours subject to a condition ensuring that screening is installed to the rear of the roof terrace. Therefore, the application is deemed to be acceptable in terms of impacts to residential amenity.

6.4 NATURAL ENVIRONMENT

General Policy

- 73 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.

6.4.1 Green spaces and trees

Policy

- 74 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

- 75 The extension would be constructed above the existing side structure so there would be no works within the Root Protection Area of the mature ash tree in the rear garden ensuring that any impacts to the tree would negligible. The applicant has confirmed that all of the trees at the site would be retained contrary to the recommendations of the Arboricultural Implications Assessment. Therefore, no replacement planting or landscaping is required.

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6.4.2 Natural Environment conclusion

76 All existing trees are proposed to be retained, and works would not take place within the Root Protection Area of the mature ash tree. The proposal is therefore compliant with paragraph 131 of the NPPF and DMP 25, since the character of the area would remain unchanged with respect to the natural environment.

7 LOCAL FINANCE CONSIDERATIONS

77 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).

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

79 The CIL is not payable for developments such as this scheme, therefore the CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

80 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.

81 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.

82 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.

83 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>

84 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

85 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>

86 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

87 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

88 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.

89 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.

- 90 This application has the legitimate aim of making an alteration to a residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

- 92 The proposed development is assessed to preserve the character and appearance of the Blackheath Conservation Area and would not introduce any adverse impacts to the living conditions of the neighbouring properties or the viability of the trees at the property. Therefore, the development would be compliant with CSPs 15 and 16 and DMPs 25, 30, 31 and 36.

11 RECOMMENDATION

- 93 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 APPROVED PLAN**

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

1150-000 Rev P00; 1150-011 Rev P00; 1150-012 Rev P00; 1150-013 Rev P00;
1150-014 Rev P00; 1150-020 Rev P00; 1150-021 Rev P00; 1150-111 Rev P00;
1150-112 Rev P00; 1150-113 Rev P00; Received 19 November 2021

1150-114 Rev P01; 1150-120 Rev P01; 1150-121 Rev P01; Received 7 February 2021

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

3) **MATERIALS/DESIGN QUALITY**

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(a) Prior to the relevant part of the works a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) bricks, mortar mix, bond and joint profile (sample panel on site and retained through the duration of the build);
- ii) external doors (including sections at scale 1:10);
- iii) windows, cills and reveals (including sections at scale 1:5);
- iv) roof terrace screening;
- v) corncicing (between ground and first floor) and coping (atop the parapet);
- vi) render;

shall be submitted to and approved in writing by the Local Planning Authority.

(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 local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

4) **PROTECTION OF TREES DURING CONSTRUCTION**

The construction of the side extension and excavation of the rear garden shall be carried out in full accordance with Tree Protection Plan BH/210628/dTPP.

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).

5) **REMOVAL OF TREES**

None of the trees identified for removal on Tree Protection BH/210628/dTPP shall be removed without the written consent of the Local Planning Authority.

Reason: To safeguard biodiversity 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).

6) **ROOF TERRACE**

The roof terrace hereby approved shall not be occupied until the screening shown on drawings 1150-114 Rev P01 and 1150-120 Rev P01 has been installed. The screening shall be installed in full accordance with the approved details and retained thereafter.

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).

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7) ARCHITECTURAL DETAILS

(a) Notwithstanding the plans hereby approved, the window header at first floor level of the front elevation of the extension shall be arched to match the host building.

(b) No works above ground floor level shall commence until detailed drawing of the window header at a scale 1:10 have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

11.2 INFORMATIVES

- 1) The applicant is advised to include a planted strip within the new external patio area in order to assist drainage and reduce the risk of flooding.
- 2) 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

94 None

13 REPORT AUTHOR AND CONTACT

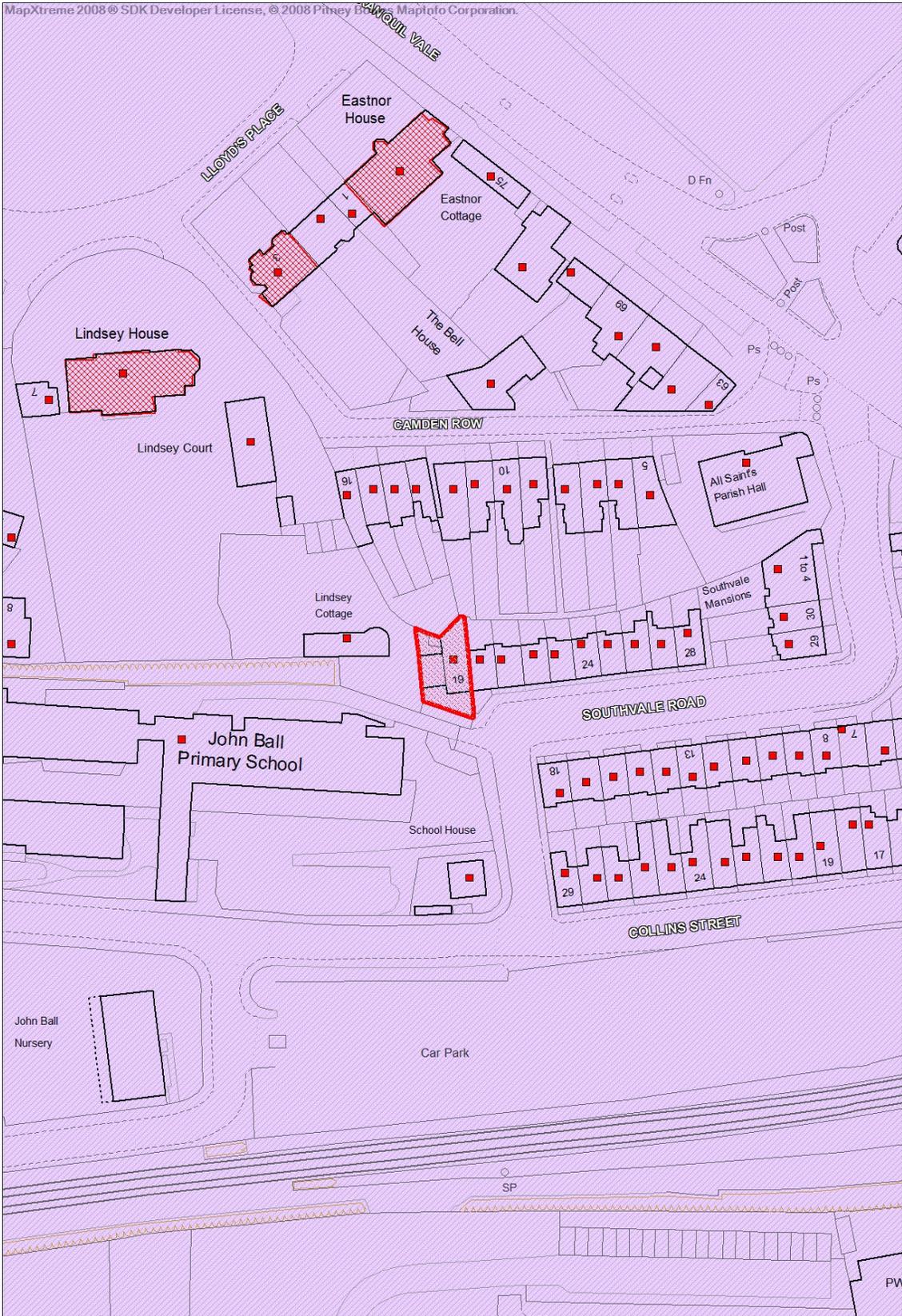
95 Barnaby Garcia: barnaby.garcia@lewisham.gov.uk / 020 8314 9465 (ext. 49465)

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19 Southvale Road, London, SE3 0TP

Application No. DC/21/124403

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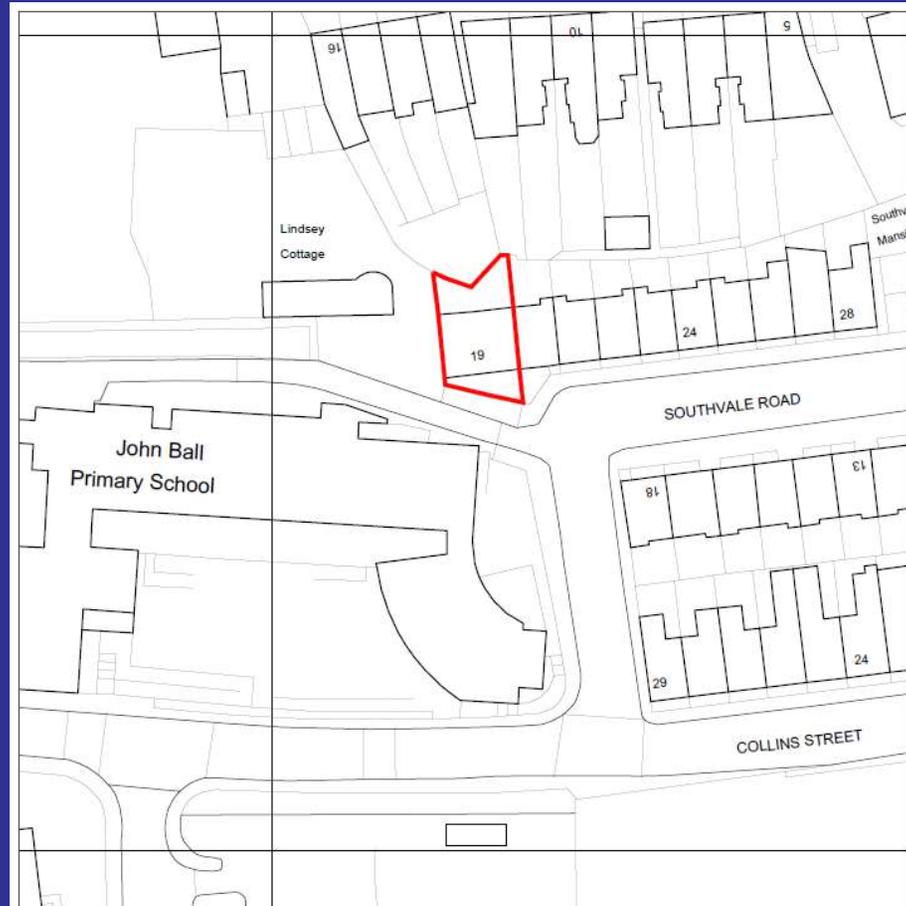
This presentation forms no part of a planning application
and is for information only.



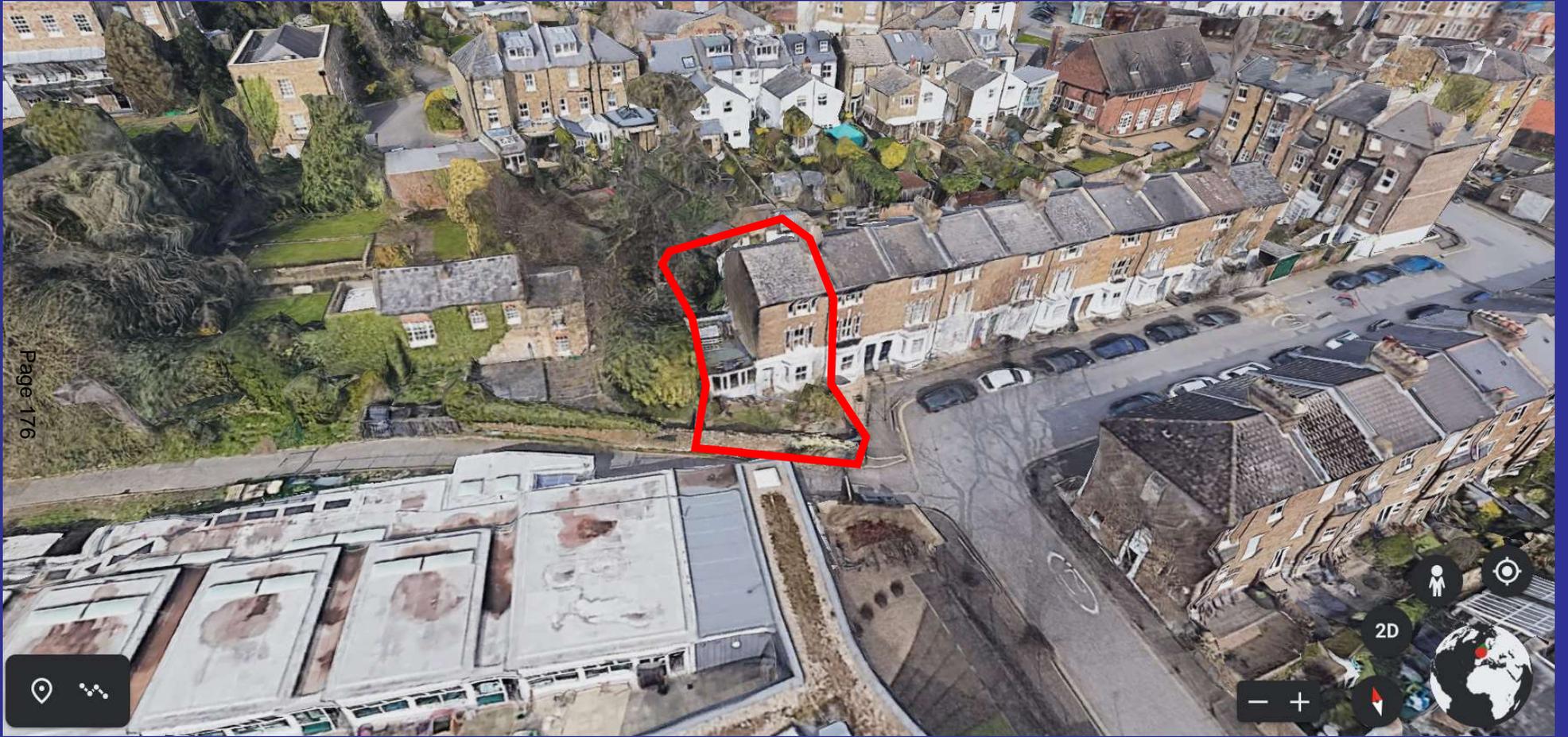
Lewisham

This is an application for:

The construction of first floor side extension featuring a roof terrace above at 19 Southvale Road, London, SE3, together with the excavation of the rear garden to create a patio area and the installation of replacement windows and doors in the front and rear elevations.



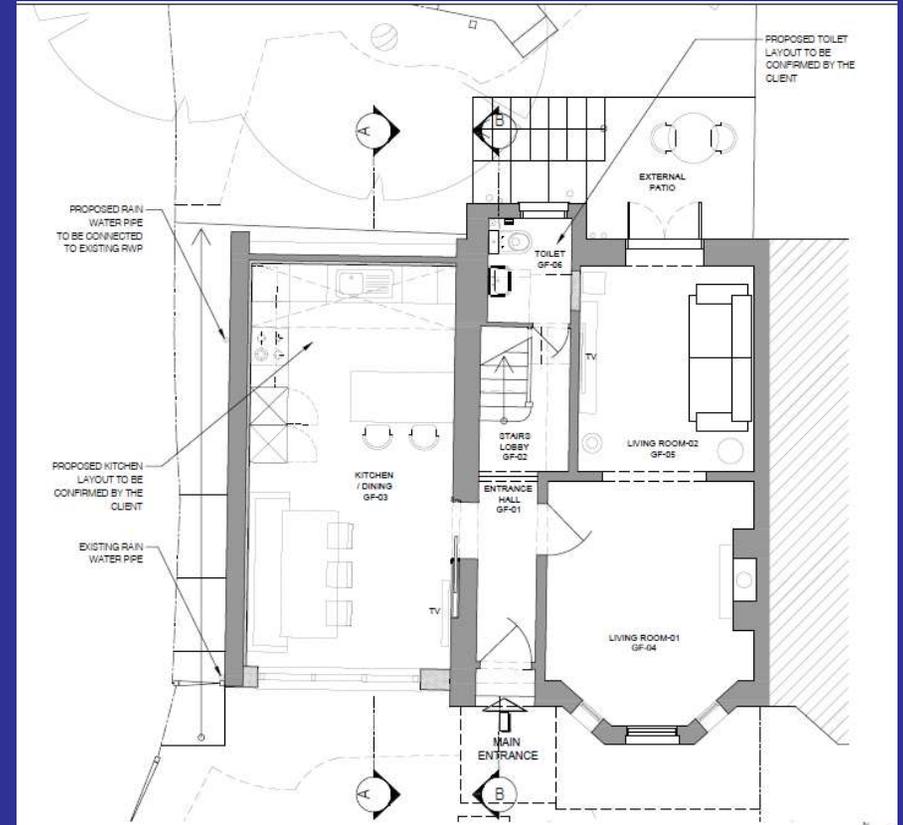
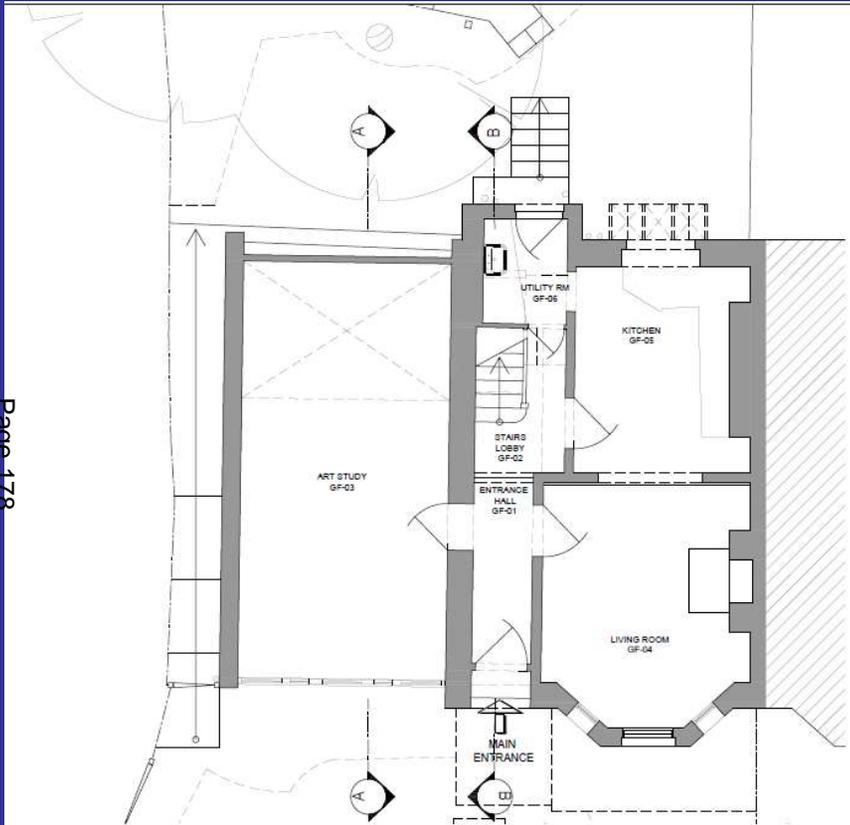
Site Location



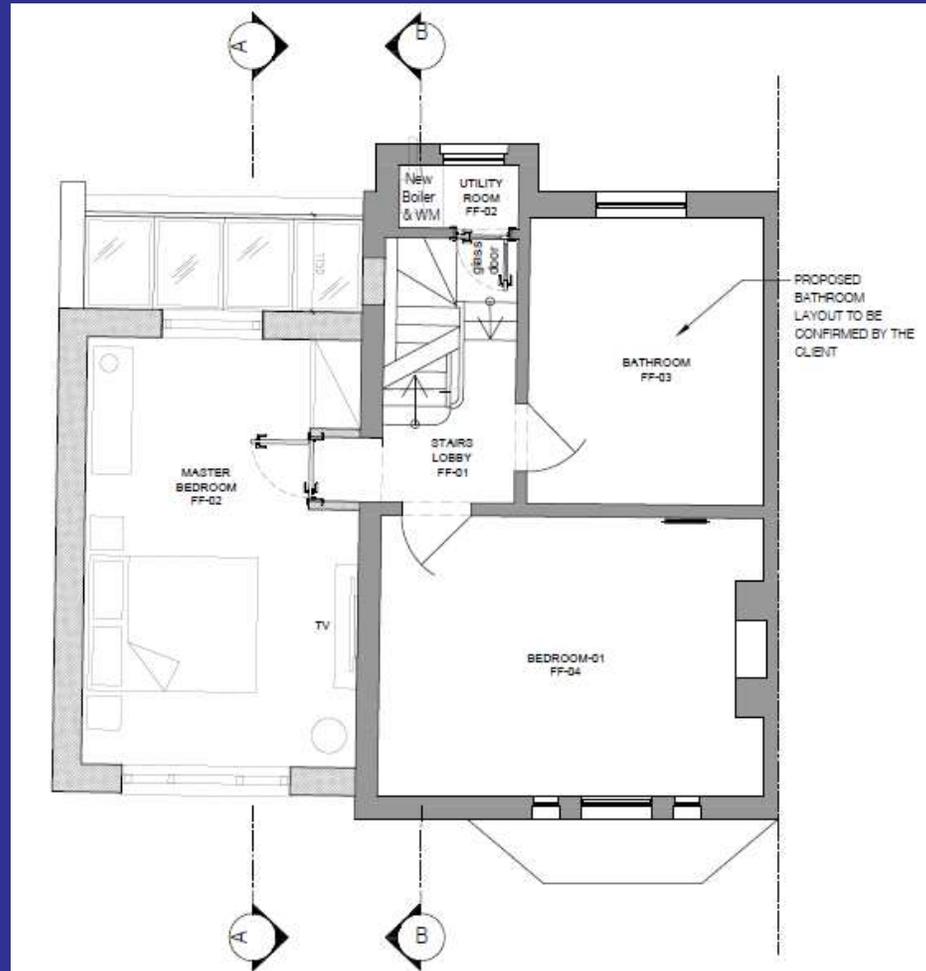
Page 176



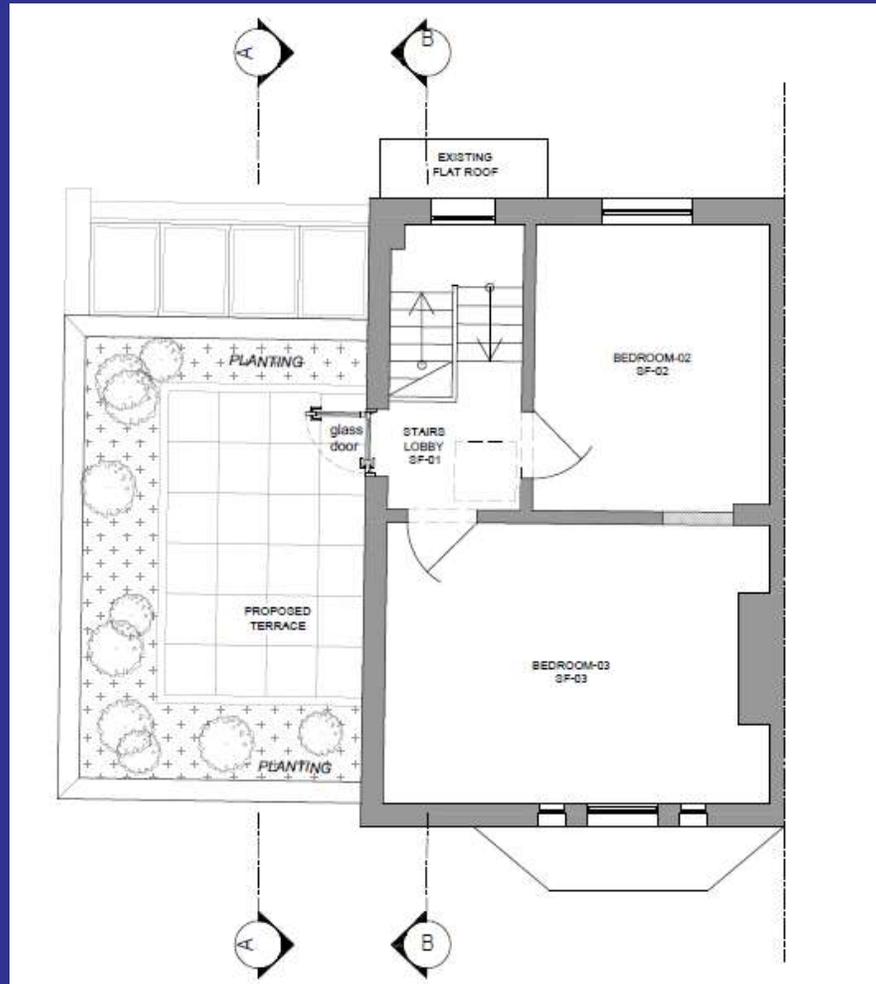
View of the Site



Existing vs. Proposed Ground Floor Plan

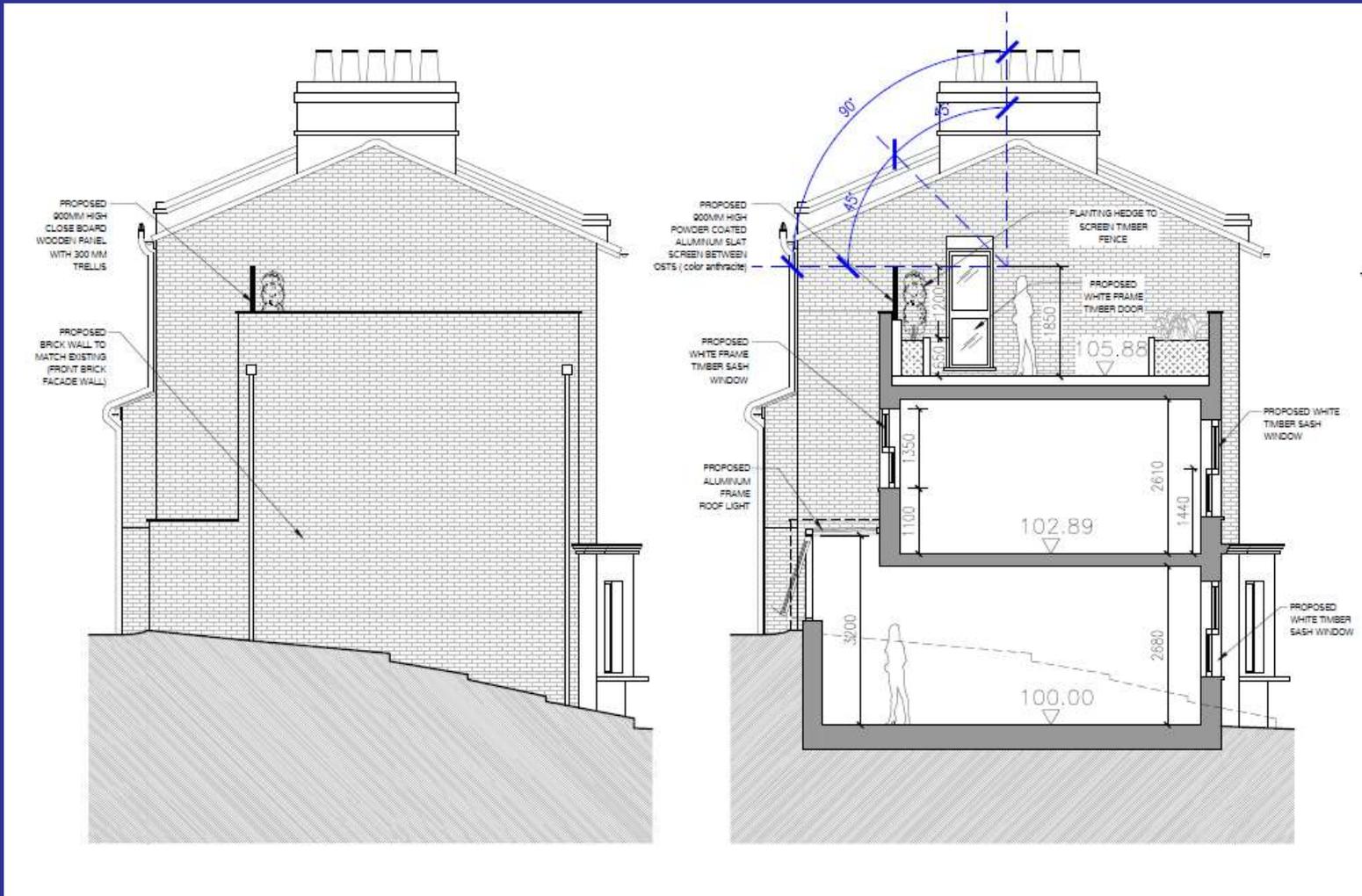


Proposed First Floor Plan



Proposed Terrace Floor Plan





Proposed Side Elevation and Section

Key material planning considerations:

- **Principle of development**
- **Urban Design and Impact on Heritage Assets**
- **Impact on neighbouring amenity**
- **Natural environment**

THE END



Planning Committee C

1A Southbrook Road, SE12 8LH

Date: 26 April 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Lee Green

Contributors: Jesenka Ozdalga

Outline and recommendations

The report has been brought before committee for a decision due to the submission of 3 objections from local residents, with a recommendation that the Committee resolve to grant planning permission subject to the attached conditions and informatives.

Application details

Application reference number(s): DC/21/124134

Application Date: 2 November 2021

Applicant: Neel Dakshy Architecture

Proposal: Construction of a single storey building with basement for use as a single dwelling house (Use Class C3) at 1A Southbrook Road SE12 (Formerly Land to r/o 118 Burnt Ash Road).

Background Papers: (1) Submission drawings and documents
(2) Internal consultee responses

Designation: Lee Manor Conservation Area, PTAL 3

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is located on south side of Southbrook Road, close to the intersection with Burnt Ash Road and behind No 118 Burnt Ash Road. The site is currently used for the parking and storage.



Fig.1. Site Location Map

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Character of area

- 2 The area surrounding the site is mixed in its uses. The part of Burnt Ash Road that is the closest to the site has commercial units at the ground floor with residential uses on the upper floor. Southbrook Road is predominantly residential in character.

Heritage/archaeology

- 3 The site is within the Lee Manor Conservation Area and is subject to the Lee Manor Article 4(2) Direction. There is a locally listed Northbrook Public House on the opposite side of the road.
- 4 The site is located within the designated Lee Neighbourhood Forum area.

Transport

- 5 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest. Several bus routes operate along Burnt Ash Road and the site is in close proximity to Lee railway station.

Local Environment

- 6 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

2 RELEVANT PLANNING HISTORY

- 7 **DC/21/120110** – Redevelopment of the site including excavation works to provide single storey with basement office building (Use Class E) together with all necessary associated works at 1a Southbrook Road, SE12 (former address rear of 118a Burnt Ash Road, SE12). **Granted.**
- 8 **DC/20/115411** - The construction of a single-storey building for use as office (Use Class B1a) at the rear of 118a Burnt Ash Road, SE12 together with bin and cycle facilities. **Granted.**
- 9 **DC/19/110879** - The construction of a single storey building for office use (Class B1(a)) to the rear of 118 Burnt Ash Road, SE12. **Granted.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSAL

- 10 The application is for the construction of a two-storey 2b3p dwelling house. The dwelling house would be sited behind no 118 Burnt Ash Road and accessed from Southbrook

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Road. Refuse and cycle storage would be situated to the front of the site. No off street car parking is proposed as part of the development.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

11 No pre-application advice was sought for this proposal.

4.2 APPLICATION PUBLICITY

12 Site notices were displayed on 17th November 2021 and a press notice was published on 17th November 2021.

13 Letters were sent to residents and business in the surrounding area, Lee Neighbourhood Forum, Lee Manor Society and the relevant ward Councillors on 9th November 2021.

14 3 responses were received from local residents, comprising 3 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Impact on daylight of neighbouring amenities	Para. 102-107
Construction noise	Para.109
Limited amenity space for new dwelling	Para.51
Poor standard of accommodation	Para.46-62
Not in keeping with the streetscene and character of the conservation area	Para.72-76
Poor outlook from the rooms	Para.57

15 A number of other comments were also raised as follows:

- Impact on physical and mental wellbeing from construction works
- Harm to structural stability of surrounding buildings
- Harm to sewage system

4.3 INTERNAL CONSULTATION

16 The following internal consultees were notified on 9th November 2021.

17 Conservation: raised no objection.

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18 Highways: did not provide comment.

5 POLICY CONTEXT

5.1 LEGISLATION

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

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

5.2 MATERIAL CONSIDERATIONS

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

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

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

24 The Development Plan comprises:

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

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5.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

- Small Sites Design Guide (October 2021)

26 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

27 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

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 LPP GG2 (Parts A to C) that should be followed.

30 LPP H1 looks to increase housing supply by optimising the potential for housing delivery on all suitable and available sites especially those within areas of PTAL 3-6 or which are located within 800m distance of a station or town centre boundary. The current application meets this criteria.

31 Lewisham is defined as an Inner London borough in the London Plan, which 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.

32 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals, the Council will take a positive approach that reflects the

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presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough.

- 33 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.
- 34 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), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).
- 35 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.
- 36 Small Sites SPD under section 29 - Side Street Development, paragraph 29.1.1. identifies this type of site to occur where existing garages or other outbuildings, or rear amenity space face directly onto a secondary street, and the distance from the rear of a house on the primary street is sufficient to allow new dwellings to be developed in place of existing structures.
- Discussion*
- 37 As an area of land with a street frontage, the application site represents an infill site and as such would need to adhere to the criteria as set out in the policy.
- 38 The site is also considered 'Side Street Development' in the Small Sites SPD.
- 39 Paragraph 195 of the NPPF sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal and take into account the impact of the proposal on a heritage asset, avoiding or minimising any conflict between the heritage asset's conservation and any aspect of the proposal.
- 40 The principle of development on this site was established by previously granted applications DC/20/115411 dated 1 April 2020 and DC/21/120110 dated 9 March 2021. The principle of residential development which would also achieve the wider benefit of providing an additional home within the Borough is considered a planning merit. As such, the principle of development is acceptable.

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6.1.1 Principle of development conclusions

41 In summary, officers raise no objection to the principle of development, subject to matters including design, standard of accommodation, neighbour impact and highways, whilst ensuring a successful approach to respecting the conservation area.

6.2 HOUSING

General Policy

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

6.2.1 Residential Quality

General Policy

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

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

45 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

46 LPP 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 Table 3.1 of the London Plan.

47 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

Discussion

48 The minimum standards table for a 2b3p dwelling on two floors is shown in the table below.

Table [a]: Internal space standards target

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No of bedrooms	No. of persons	1 storey dwelling (proposed (target))	2 storey dwelling (proposed (target))	Built-in storage (proposed (target))
2b	3p	(61)	(70)	(1.5)

49 The gross internal floor area is 85.4sqm which is considered acceptable. The proposal also meets the requirements of LP Policy D6 in terms of the size of the double and single bedroom and storage space.

50 The floor to ceiling height of the dwelling would meet the 2.5m minimum requirement for new dwellings, with the ground floor having a height of 2.5m and basement floor having a floor to ceiling height of 2.5m.

51 The proposal would provide 13.5sqm of private outdoor space for the new dwelling in form of lightwell terrace at the lower ground floor level and gallery/balcony at ground floor level. The proposed private amenity space for the dwelling exceeds the minimum requirement in accordance with LP Policy D6 and is acceptable.

Outlook & Privacy

Policy

52 LPP D1(8) requires development to achieve appropriate outlook, privacy and amenity

53 DMLP Policy 32 expects all new units to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units.

54 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

Discussion

55 The main habitable rooms are orientated to the west and south with fenestration to allow daylight and sunlight into the rooms.

56 The dwelling would benefit from a good level of privacy, as it is designed to overlook internal lightwell. The dwelling would be dual aspect which is considered sufficient to avoid unacceptable overheating.

57 The Small Sites SPD, under paragraph 12.22.3. states that two-storey dwellings (such as maisonettes), where the main entrance and habitable rooms are at ground floor level, with further living accommodation within a basement level, may be acceptable provided habitable rooms receive sufficient natural daylight and outlook. In this instance, even though habitable rooms would overlook the lightwell, it is considered that the lightwell is sufficiently large and with the partial removal of the existing side wall, would allow the new dwelling to receive sufficient levels of natural daylight and outlook.

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Daylight and Sunlight

Policy

- 58 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers.
- 59 Daylight and sunlight are 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.
- 60 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2% for kitchens

Discussion

- 61 No daylight/sunlight assessment has been provided; but it is not considered necessary for this scheme given its modest scale and the benefits already identified, namely the unit being double aspect. As such, officers consider the daylight and sunlight levels to be acceptable.

6.2.2 Housing conclusion

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

6.3 URBAN DESIGN & HERITAGE IMPACT

General Policy

- 63 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.
- 64 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated
- 65 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
- 66 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.
- 67 LPP HC1 states that where development would affect heritage assets, it should be sympathetic to their form, scale, materials and architectural details.

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- 68 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
- 69 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.
- 70 LPP D3, CS Policy 15 and DMLP DM30 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity. The Small Sites SPD is relevant to the current application and is considered 'side street development'

6.3.1 Appearance, character, form and scale.

Policy

- 71 LP Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate for of development that responds to a site's context and capacity for growth.

Discussion

- 72 The subject site is considered a side street development site as set out in the Small Sites SPD. Side street development should generally be subservient to those fronting the primary street; the highest point of the new house should be below that of the property on the corner.
- 73 The proposed building will maintain the height of the existing boundary fence. Given that there would not be a major change to the appearance of the site when viewed from public areas, the proposal would not significantly alter the appearance of the site in the surrounding area. The proposed dwelling has been designed not to replicate the existing dwellings in the terrace, but rather create a subservient addition of modest scale with layout around the internal lightwell. This is considered to be an appropriate response given the plot size. The dwelling would appear sufficiently subservient within the streetscene.
- 74 Regarding the design of the building, it would have an appearance of a single-story structure which is similar to others found in the local area. The building would be constructed using stock bricks and a ply membrane roof with sedum blanket finish. Windows would be aluminium framed double glazed and floors and doors either composite timber or PPC aluminium framed glazed entrance to ground floor and emergency exit to basement. The proposed materials are considered acceptable. A condition would be added to ensure these materials are used and that design quality is maintained throughout the development process.
- 75 Paragraph 199 of the NPPF requires great weight to be given to the asset's conservation while para 202 requires harm to be weighed against any public benefits of the proposal. As no harm has been identified, no balancing act is deemed necessary.

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6.3.2 Urban design and heritage impacts conclusion

76 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 Lee Manor Conservation Area.

6.4 TRANSPORT IMPACT

General policy

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

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

79 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

80 Policy T1 of the London Plan (2021) sets out the Mayor’s strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

81 Core Strategy Policy 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

6.4.1 Servicing and refuse

Policy

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

83 CSP 13 sets out the Council’s waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

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84 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing

85 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

86 A refuse store would be provided at the front of the site. The proposed provision of refuse storage appears sufficient and well located. Officers welcome the proposed green roof to the refuse and bike storage.

6.4.2 Transport modes

Walking and cycling

Policy

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

88 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

Discussion

89 The property would be provided with cycle storage for two bicycles to the front of the site. As such, the proposal is considered to be acceptable in terms of cycle parking provision, adhering to London Plan standards.

Private cars

Policy

90 LPP T6 supported by CSP 14 and DMLP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments. The site has a PTAL 3 rating and under LPP T6 the maximum allowance for off street parking is 0.5 spaces per household.

Discussion

91 No off-street parking is proposed as part of this development. The site is in Lee Green Controlled Parking Zone. Potential impact from loss of parking on this site was assessed in previously approved applications (DC/19/110879 and DC/20/116511). The site is located in an area which has a relatively high PTAL score and is well served by public transport and there is good access to services and facilities in the local area.

92 No parking survey data was provided by the applicant. However, officers note there are on street parking opportunities in the immediate vicinity which is likely to safely

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accommodate the small amount of parking that could be generated by the proposal. The restricted approach to off-street parking is consistent with the parking standards in the London Plan and would not give rise to an unacceptable level of harm in terms of parking, given the size of the development.

Other

93 A condition requiring the closure of the of the redundant access would be added.

6.4.3 Transport impact conclusion

94 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

95 NPPF para.130 sets 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. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

96 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels.

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

98 Further guidance is given in Housing SPD 2017, GLA. The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance

6.5.1 Enclosure, Outlook, access to Daylight and Privacy

Policy

99 Overbearing impact arising from the scale and position of development 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.

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

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101 DMLP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMLP 32 at paragraph 2.250 advises that there should be a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations.

Discussion

102 By virtue of the site layout, impacts of the proposal are limited to the existing basement flat located within frontage building at No 118 Burnt Ash Road. It is noted that the basement flat window at 118 Burnt Ash Road sits predominately below ground level and has restricted and limited outlook due to the wall of the existing access staircase and privacy screening.

103 The footprint and height of the proposed building and boundary wall would be the same as under approved applications DC/20/115411 dated 1 April 2020 and DC/21/120110 dated 9 March 2021. The proposed changes introduced to this application would not be visible or have impact on the enclosure, outlook of the affected neighbouring properties.

104 In terms of privacy, there would be no windows on the east elevation. Therefore, the proposal would not have any impact on privacy and overlooking.

105 The previous approved application DC/20/115411 dated 1 April 2020 was supported by a Daylight, Sunlight & Overshadowing report prepared by XCO2 and dated January 2020. All five (5) windows at the rear of 118 Burnt Ash Road have been tested. As the development submitted under this application have not altered the footprint, scale and height. The findings of the report and still relevant and valid.

106 Relating to daylight and sunlight, the report found that the daylight levels for potentially affected windows would be acceptable. In terms of sunlight, the analysis indicated that 4 of the 5 windows passed the 25-degree line test. The remaining window located in the basement would have less than 4% reduction in annual sunlight.

107 Relating to overshadowing, the report found that given the proximity of the proposed building to the rear elevation there would be an impact on overshadowing of the flat at times. However this would not be considered to be unreasonably adverse to warrant a reason for refusal.

6.5.2 Noise and disturbance

Policy

108 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 noise pollution. Development should help to improve local environmental conditions. Para 185 states 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

Discussion

109 The introduction of a new residential property within a mixed use commercial and residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to

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introduce short-term disturbances to the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of noisy work are controlled by other legislation, and an informative is proposed in order to draw the Applicant's attention to Lewisham's Good Practice guide

6.5.3 Impact on neighbours conclusion

110 Officers consider that the proposal would be acceptable and would have no significant harm upon the amenities of surrounding properties.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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

112 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 9 and DMLP 22 support this.

6.6.1 Sustainable Urban Drainage and water efficiency.

Policy

113 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.

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

115 LPP GG6 requires developments to make efficient use of water and reduce impacts from natural hazards like flooding.

116 The proposed development is located within Flood Zone 1. The works shall be constructed to exceed current Building Regulations by 25% with particular reference to Part L. It is anticipated that this property will be heated using underfloor heating throughout served by an air-source heat-pump.

6.6.2 Sustainable Infrastructure conclusion

117 Given the scale of the development, the proposed measures in terms of sustainability are considered acceptable.

6.7 NATURAL ENVIRONMENT

General Policy

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

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- 119 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 120 The NPPF at paragraph 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 Green spaces and trees

Policy

- 121 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process

Discussion

- 122 The existing site makes little contribution to the natural environment and given the size of the site there is limited opportunity to secure improvements. The proposal does however include provision of green roofs and planting within the lightwell at the lower ground floor level.

6.7.2 Natural Environment conclusion

- 123 The proposal is acceptable in terms of natural environment, subject to conditions.

7 LOCAL FINANCE CONSIDERATIONS

- 124 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).

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

- 126 The CIL is therefore a material consideration.

- 127 **£7,662.92** Lewisham CIL and **£5,063.00** 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.

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8 EQUALITIES CONSIDERATIONS

- 128 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.
- 129 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.
- 130 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.
- 131 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>
- 132 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
- 133 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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134 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

135 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

136 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.

137 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.

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

10 CONCLUSION

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

140 The principle of an additional dwelling at this site is supported as it is situated in a sustainable urban location. The proposed development is acceptable in terms of scale, form, design and materials. Weight is given to the planning merit of additional housing.

141 The proposal would have no unacceptable impact on neighbouring properties in terms of enclosure, outlook and privacy, noise or disturbance. There would be no significant negative impact on the local transport network or parking.

11 RECOMMENDATION

142 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:

EX01; EX02; EX03; EX04; EX05; PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; PL09; PL10; PL11.

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

3) MATERIALS

(a) The development shall be constructed in those materials as submitted namely: stock bricks, ply membrane roof with sedum blanket finish, aluminium framed double glazed windows and in full accordance with PL04; PL05; PL06; PL07; PL08; PL09 and PL10.

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

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

4) REFUSE STORAGE

Prior to first occupation of the development all refuse and recycling bins and associated facilities shall be provided and made available for use and maintained thereafter in accordance with approved plan PL02.

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 Policy 13 'Addressing Lewisham waste management' of the Core Strategy (June 2011) and DM Policy '30 Urban design and local character' of the Development Management Local Plan (November 2014).

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5) **CYCLE PARKING**

Prior to first occupation, two (2) cycle parking spaces as shown on drawing number PL 02 shall be provided and made available for use 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) **CLOSURE OF EXISTING ACCESS**

The development hereby approved shall not be occupied until the existing access as shown on approved plan PL01 has been closed, the highway reinstated and the new access has been constructed in accordance with the permitted plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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.
- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page
- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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12 BACKGROUND PAPERS

(1) Submission drawings

(2) Internal consultee responses.

13 REPORT AUTHOR AND CONTACT

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

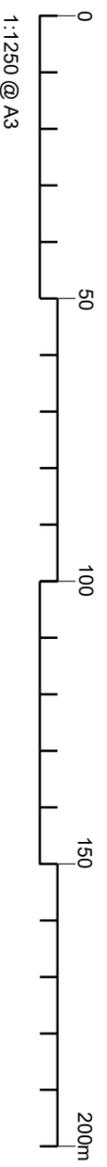
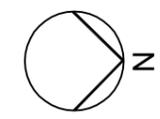
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SITE LOCATION PLAN



Rev	Description	Date	Notes
			ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE ANY WORK COMMENCES
Job Title New Dwelling House Drawing Title Site Location Plan Project Address 1a Southbrook Rd, London SE12 8LH (Formerly Land to r/o 118 Burnt Ash Road)			Purpose of Issue Site Location Plan Scale @ A3 1:1,250 Date 28.10.21 Revision
Job Number 2107C Drawing Number EX01			NDA Commercial Ltd 14 Grove Park Road, London SE9 4QA +44 (0)7949 304 431 mail@ndacommercial.co.uk www.ndacommercial.co.uk

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1A Southbrook Road, London, SE12 8LH

Application No. DC/21/124134

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



Lewisham

This is an application for:

Construction of a single storey building with basement for use as a single dwelling house (Use Class C3) at 1A Southbrook Road SE12 (Formerly Land to r/o 118 Burnt Ash Road).



Site location





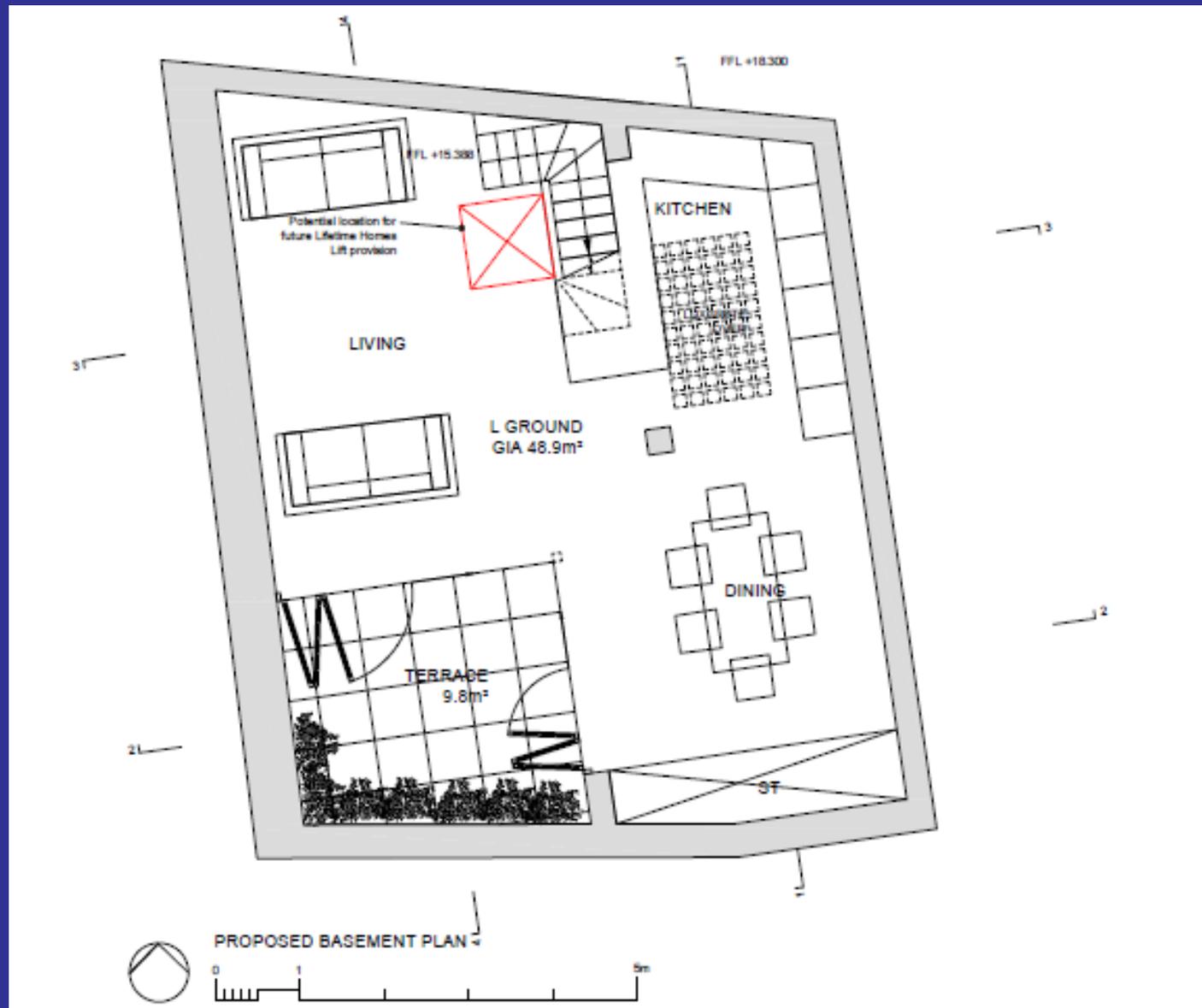
Page 213



Street view of the site



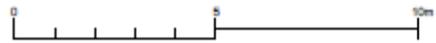
Proposed ground floor plan



Proposed lower ground floor plan

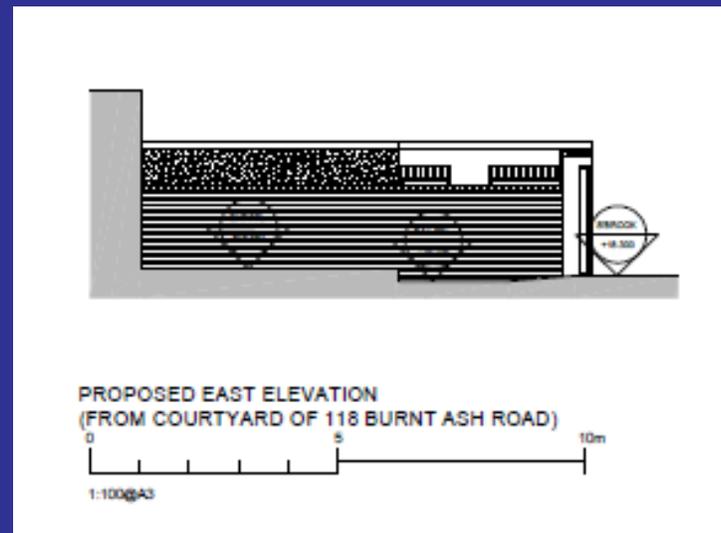


PROPOSED NORTH ELEVATION (SOUTHBROOK RD (NO CHANGE FROM CONSENTED))



PROPOSED WEST ELEVATION (FROM ALLEYWAY)

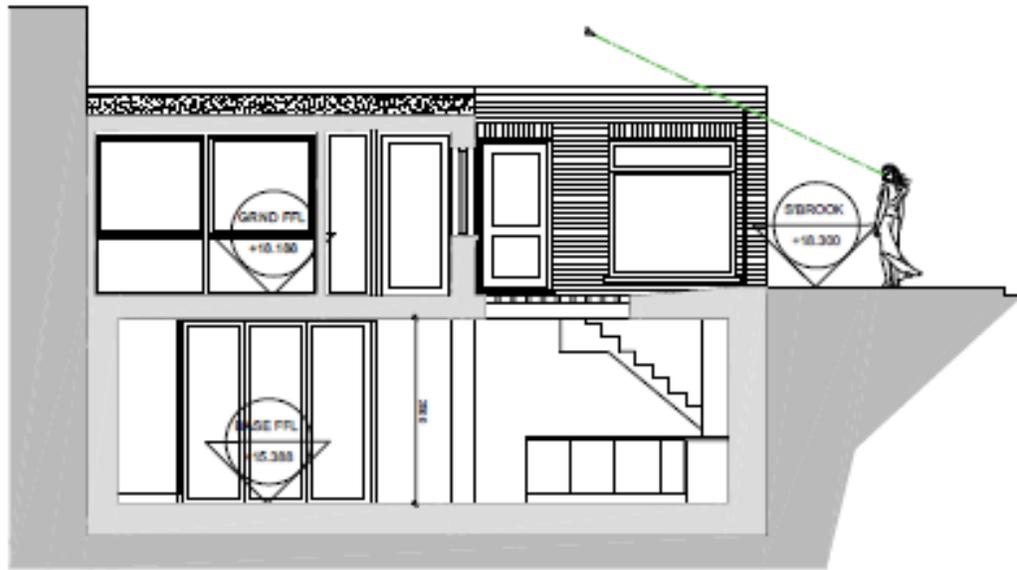
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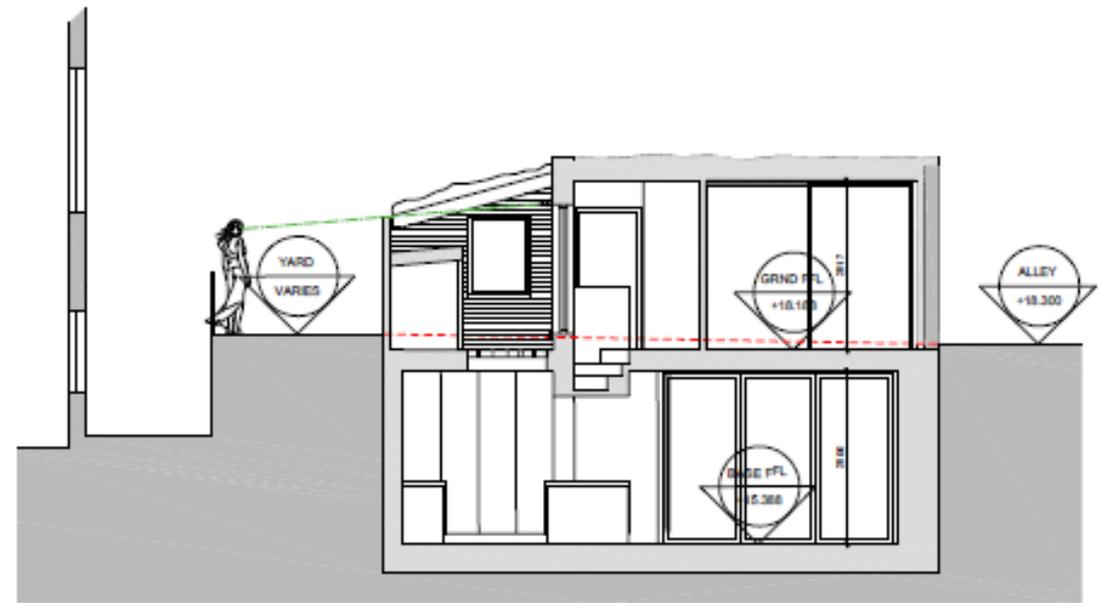
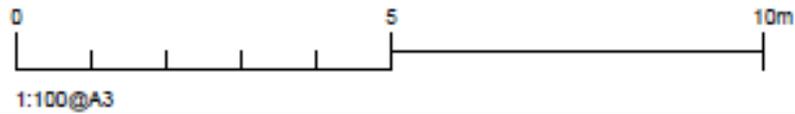
PROPOSED EAST ELEVATION
(FROM COURTYARD OF 118 BURNT ASH ROAD)

1:100@A3

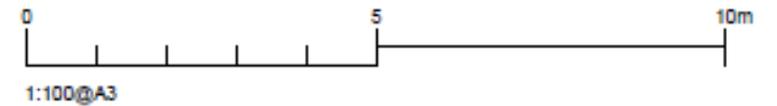
Proposed elevations

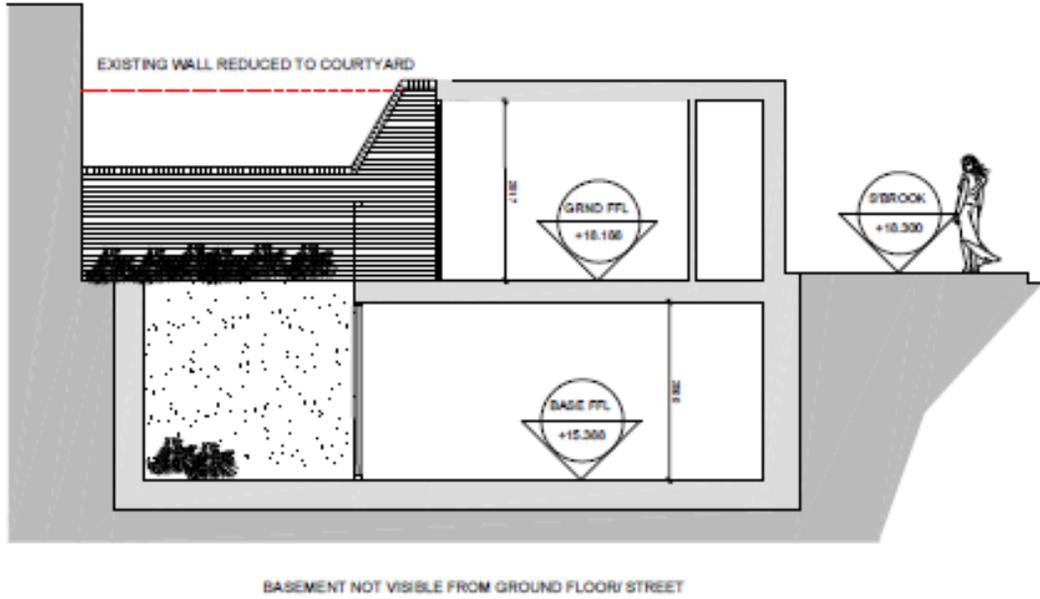


PROPOSED SECTION 1-1

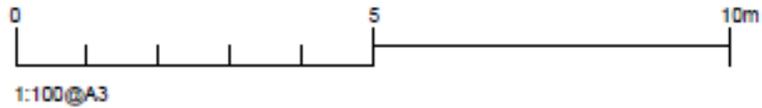


PROPOSED SECTION 3-3

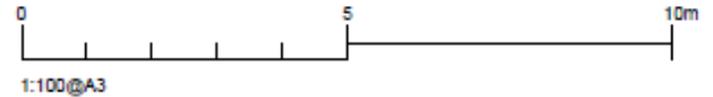




PROPOSED SECTION 4-4



PROPOSED SECTION 2-2



Key material planning consideration:

- **Principle of development**
- **Housing**
- **Urban Design and impact on heritage assets**
- **Impact on neighbouring amenity**
- **Transport and Highways** (highway, car parking, refuse, construction)
- **Natural environment**

THE END

