

## PLANNING COMMITTEE B

Date of Meeting: **TUESDAY, 31 JANUARY 2023 TIME 7.00 PM**

PLACE: **Committee Rooms 1 & 2  
Civic Suite  
London SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Liz Johnston-Franklin  
Jack Lavery (Chair)  
Will Cooper  
Sian Eiles  
Billy Harding (Vice-Chair)  
Rachel Onikosi  
Aliya Sheikh  
Luke Sorba  
Carol Webley-Brown  
Suzannah Clarke**

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.



**Jeremy Chambers  
Monitoring Officer  
5<sup>th</sup> Floor Laurence House  
1 Catford Road  
London SE6 4RU  
Date: Thursday, 19 January 2023**

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Committee	PLANNING COMMITTEE (ABC)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 31 January 2023

MINUTES

To approve the minutes of the meeting of Planning Committee (ABC) held on the 10 November 2022.

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# MINUTES OF THE PLANNING COMMITTEE B MEETING

Thursday 10 November 2022 at 7pm

IN ATTENDANCE: Councillor Lavery (Chair), Councillor Clarke, Councillor Eiles, Councillor Cooper, Councillor Harding, Councillor Onikosi, Councillor Aliya Sheikh, Councillor Sorba and Councillor Johnston-Franklin.

In Attendance VIRTUALLY: no Councillors attended virtually.

Apologies: Councillor Webley-Brown

## 1. Minutes

The Minutes of the last meeting were agreed as an accurate record.

## 2. Declarations of Interest

Councillor Lavery declared that he had received some correspondence regarding one of the items as a Member of Sydenham Ward

## 3. 93 Longton Grove

- 3.1. The officer gave an illustrative presentation of the proposed application for the demolition of the existing garage at 93 Longton Grove SE26 and the construction of a three bedroom semi-detached dwelling house, together with car parking space, cycle storage and private outdoor amenity space.
- 3.2. The key considerations were; Principle of Development; Housing; Urban Design; Impact on Adjoining Properties; Transport; Sustainable Development; and Natural Environment. It was the officer recommendation to approve the application.
- 3.3. It was asked by Members if the view to the main road and junction would be impeded by the development. The officer responded that the development does not have any impact on this view.
- 3.4. It was also stated that daylight and sunlight assessments should always be provided and was asked why it was not. The officer responded that shadow report had been provided by the applicant. The front and rear elevation align with the neighbouring property also so it was not considered that it would have any negative impact on sunlight and daylight. There are also significant separation distances the application site and the neighbouring site. The side elevation would not have any windows so would have no impact on neighbouring amenities in terms of loss of sunlight and daylight. The Presiding Officer added that as the application was not a major development proposal, it was not a requirement for a daylight and sunlight assessment, although this would not prevent the officer from enquiring for further information if there were concerns of its impact.

- 3.5. It was asked if a biodiverse green roof could be submitted via an added condition should the Committee deem it necessary as well as permeable paving, as the details were not submitted in the report. The officer responded that the conditions were included in the report for both.
- 3.6. It was asked if the tree protection plans include a follow up for if trees die, are they replanted. The officer responded that any soft landscaping that fails within 5 years then it is to be replanted, replaced or retained, in accordance with the soft landscaping condition. It was also asked if mature trees were also protected if they were harmed by the proposed development. The officer responded that this would depend on wording of application and that this requirement could be added.
- 3.7. The applicants were invited to give his presentation. Their main points were; this was a positive pre-application process which has refined the proposal; they have provided amended floor plans, access layouts, ceilings and well landscaped garden after consultation which will include new trees and shrub planting; there are dedicated cycle storage and charging points which provide sustainable transport options. The footprint of new house will only be slightly larger and will make for a positive and sensible use of the space. It will be constructed in a “fabric first” approach using materials and construction techniques that are energy efficient; rainwater harvesting, and use of composite building will make for a sustainable construction. Lastly, he said that the applicants had met all officer requirements. He asked the Committee to endorse the report.
- 3.8. The objector was invited to speak. They emphasised that they were speaking as resident not as a Sydenham Society member. They stated that a similar application refused in 2012 by the Lewisham Planning Committee, because “the proposed dwelling house would have a harmful impact on the existing pattern of development resulting in cramped form of development”.
- 3.9. They stated that the officer’s report does not mention that applicants appealed Lewisham’s refusal- and that the grounds that the application was refused was that “sufficient greenery was in evidence to balance the effect of built environment”, and areas of trees and greenery were evident opposite the appeal site. They said the previous proposed development was said to sit unacceptably in area and the pleasantness of the street scene would have been materially and harmfully affected by the development.
- 3.10. The officer highlighted that the previous application from 2012, the policy and principles have revised since then, in 2014 in the Local Plan. It was also refused under substandard accommodation. The officer also said that the proposed development met all criteria of the policies. She also stated that this application provides greenery.
- 3.11. The objector also added that the estate may be redesigned as the property at number 95 is indicating to do the same building to their property. Members

observed the incline of the road. The officer demonstrated the distances and size of the incline to the Committee.

- 3.12. Members considered the application. It was **MOVED, SECONDED** and **RESOLVED** to approve the application

#### **4. Vale Lodge**

- 4.1. The Planning Officer gave a detailed and illustrative presentation of the proposed application. The proposal was for the construction of 3no. three storey, four-bedroom terraced houses on the former garage land at the rear of Vale Lodge, Perry Vale, SE23, together with one car parking space and associated landscaping, amenity space and provision of a refuse and recycling storage and cycle spaces.
- 4.2. The key considerations were Principle of Development; Housing; Urban Design; Impact on Adjoining Properties; Transport; Sustainable Development; Natural Environment; and Planning Obligations. Having considered these, it was the officer recommendation to approve the application.
- 4.3. The location of the bin store of the property was questioned. Members felt that the location would impact the residents that were already living there. The Presiding Officer stated that details of the location of the bin storage are reserved by condition, so the applicant would need to submit this for approval before being formally adopted. He stated that Members could make their points about the bin storage for officers to note in the informative.
- 4.4. Members raised that the application was previously refused due to lack of parking space for the number of cars proposed to the site, in 2020.
- 4.5. It was asked what the treatment for road access was for the path and park for pedestrians. The officer clarified that this was a part of the soft and hard landscaping conditions set out in the report, which required general improvements to the access road, including lighting, to make a safer environment.
- 4.6. The agent was unable to attend the meeting and their presentation was read out by the present planning Officer- the main points raised in the statement were:  
The revised application seeks for the same development but with the omission of car parking spaces to present a scheme in line with regional and local plan policy and therefore addressed the only grounds for refusal. The revision was now subject to no objection from the Highways Department. The scheme remained acceptable in terms of delivering housing as per the planning history and remained acceptable in design, layout and dwelling as well as daylight/sunlight.

- 4.7. The objector was invited to speak. They raised the following points: the documentation does not contain the extent of proposal; the refuse and recycling arrangements are unsatisfactory; a detailed plan should be provided for each bin store site; there is also concern over the potential loss of space, including car parking space, due to the location of the bin store; there are no parking provisions; there is a question of the safety on the sole access drive; overall the proposed plans are unclear.
- 4.8. The Officer clarified that bin store was twice considered acceptable in the previous application, by the Planning Inspectors, on previous applications.
- 4.9. There was a stipulation from the objector, firstly that a mixed English hedgerow is planted along the neighbouring gardens to delineate between the safety of their lawns and housing access drive; and secondly that any drive resurfacing includes the introduction of traffic calming measures; and lastly that cycle storage provided for Vale Lodge residents as the garages were demolished in 2016 by the applicant and by doing so, took away bike storage for many neighbours.
- 4.10. The Chair clarified that the previous application was refused by officers, not Committee, when it was asked if the application could be refused on different grounds than in the previous applications.
- 4.11. Some Members proposed to defer the application to a time where the applicant is present to attend- however it was decided that with conditions and clarification from officers, deferring the application would not necessarily mean that the applicant would address anything different to what was set out in the report and their statement, if they were present. The applicant had addressed the issues which resulted in the refusal of their previous application in their statement.
- 4.12. The Presiding officer also clarified that the refuse/bin storage details which were reserved by condition would not be approved if officers were not satisfied with the proposal.
- 4.13. Members asked if an informative to engage with Vale Lodge residents prior to submitting refuse storage and highways safety for traffic calming could be stipulated if approving the application. It was clarified that Condition 8 refers to refuse condition. Members concluded the condition was sufficient.
- 4.14. Condition 17 in the report included traffic calming. Members concluded the condition was sufficient but should include an informative that consideration given to resurfacing and noise generation from material and/or traffic calming measures, which officers will word.
- 4.15. In regards to cycle storage, members were informed that there was no such policy that would require cycle storage be provided for existing neighbours. It was noted that LBL encourage cycling and it would be in good will for the developer to consider the sacrifice of cycle and storage space lost from neighbours.

- 4.16. The above was considered and it was MOVED, SECONDED and RESOLVED to approve the application subject to conditions and informatives discussed.

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Committee	PLANNING COMMITTEE (ABC)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 31 January 2023

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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## Planning Committee B

### Report title:

### **GREEN BANK COTTAGE, TAYMOUNT RISE, LONDON SE23 3UL**

**Date:** 31 January 2023

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Forest Hill

**Contributors:** Sarah White

### **Outline and recommendations**

*This report sets out the Officer's recommendation of approval for the below proposal subject to the conditions and informatives.*

*This report has been brought before Committee for a decision due to the submission of more than three objections, including an objection from Forest Hill Society.*

## Application details

**Application reference number:** DC/22/127431

**Application Date:** 01 July 2022

**Applicant:** Hambridge Homes <sup>TM</sup> Ltd

**Proposal:** Demolition of the 2 existing dwellings and the construction of a 4-storey building with roof terrace above to provide 16 self-contained flats at (Greenbank Cottage and Taymount Lodge) Taymount Rise SE23, together with the provision of accessible parking spaces, cycle and bin storage and associated amenity space, play area and landscaping.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents  
(3) Consultee Responses  
(4) Local Meeting Minutes  
(5) Review of 'Affordable Housing Viability Assessment' (BNP Paribas Real Estate, August 2022)

**Designation:** PTAL 4  
Not a Conservation Area  
Not a Listed Building  
Area of Archaeological Priority

**Screening:** No

## 1 SITE AND CONTEXT

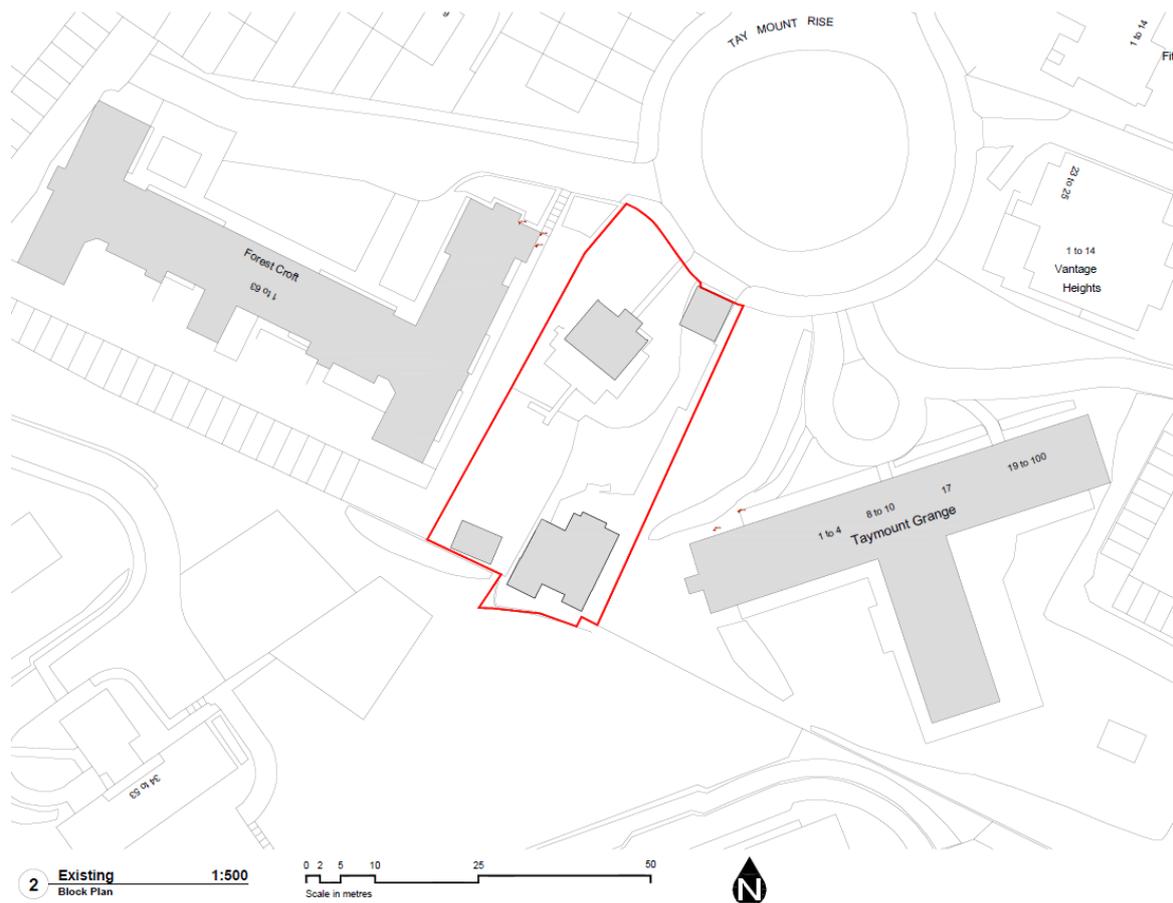
### *Site description and current use*

- 1 The application site is Green Bank Cottage, located at the southern end of Taymount Rise, in the Forest Hill area of Lewisham Borough. Taymount Rise is a residential street which culminates in a circus containing a private garden.
- 2 On site are two existing two storey dwellings and their private gardens. There are significant changes in levels across the site, with land levels generally falling from West to East. The land level also drops away behind the site to the south to Knapdale Close.
- 3 South of the site is a row of linear trees. Hedges, shrubs, and bushes are at the northern, western and eastern boundary to the site.
- 4 The site is approximately 0.14 hectares. The site location is shown in Figure 1 below.

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**Figure 1 – Site Location Plan**

***Surrounding area***

- 5 The site is located approximately 400m southwest of the centre of Forest Hill.
- 6 The site is situated between two, five storey residential buildings which are accessed from Taymount Rise. To the south-east of the site is Taymount Grange, a T-shaped, purpose-built five storey block of 76 residential flats, and its curtilage. This is a locally listed building.
- 7 To the north-west of the site is Forest Croft, a block of 62 residential flats and its curtilage.
- 8 To the south are the five storey flatted developments of Knapdale Close and Shackleton Close and their curtilage.
- 9 Beyond the immediate surrounds, the local area is predominantly residential in character and comprised of a mixture of houses and flats of various ages and construction.

***Heritage/archaeology***

- 10 The site is not within a conservation area, although it lies between 3 conservation areas (Forest Hill, Sydenham Hill and Sydenham Park) and the Council have

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identified the adjacent Taymount Grange as a locally listed building and therefore a non-designated heritage asset.

### **Local environment**

- 11 No known environmental issues on the site. Existing residential use.

### **Transport**

- 12 The site has a PTAL rating of 4 on a scale of 1-6b, 1 being lowest and 6b the highest. Therefore the site is considered to have a good level of accessibility to public transport.

## **2 RELEVANT PLANNING HISTORY**

- 13 DC/22/124859 - Demolition of the 2 existing dwellings and the construction of a 4 storey building with roof terrace above to provide 20 self-contained flats (8 x1 bed, 9 x 2 bed & 3 x 3 bed) at (Greenbank Cottage and Taymount Lodge) Taymount Rise SE23, together with the provision of 2 disabled and 1 car club parking space, bike stores for 36 cycles, bin storage and associated amenity space, play area and landscaping. Refused on 18 May 2022, with the following reasons for refusal:
- 1) *The proposed building, due to its excessive scale and siting close to the eastern boundary of the site, as well as the excessive levels of hardstanding proposed, would result in a loss of openness which would harm the character and appearance of the surrounding area, as well as the setting and significance of the adjacent Non-designated heritage asset known as Taymount Grange, contrary to Paragraphs 126 and 203 of the National Planning Policy Framework (July 2021); Policy D3 'Optimising site capacity through the design-led approach' and Policy D4 'Delivering good design' of the London Plan (March 2021); Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011); Policies 25 'Landscaping and trees', 30 'Urban design and local character', 32 'Housing design, layout and space standards' and Policy 37 'Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest'.*
  - 2) *The application has failed to demonstrate that the proposed servicing strategy would be effective, which would lead to issues with pedestrian and vehicle safety on the site, contrary to Paragraphs 111 and 112 of the National Planning Policy Framework (July 2021); Policy 14 'Sustainable movement and transport' of the Lewisham Core Strategy (June 2011) and Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014).*
- 14 It is noted that an appeal was lodged on 21 September 2022 in relation to this previous application and is pending a decision.

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 15 The proposed development involves the demolition of the two existing dwellings and the construction of a four-storey building with a roof terrace above to provide 16 self-

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contained flats at (Greenbank Cottage and Taymount Lodge) Taymount Rise SE23, together with the provision of accessible parking spaces, cycle and bin storage and associated amenity space, play area and landscaping.

- 16 The single apartment building will contain four one-bedroom, six two-bedroom and six three-bedroom dwellings.
- 17 At roof level a communal garden is formed along with the provision of a green roof area and space for solar PV.
- 18 Externally, landscaping is proposed for retention and enhancement on the Taymount Rise frontage and along the boundaries, including the creation of a communal amenity and play area.
- 19 Two accessible parking spaces and a delivery bay will be provided on site, along with a secure bike parking and detached bin store area.

## 3.2 COMPARISON WITH PREVIOUS SCHEME

- 20 The proposal has been amended in response to the reasons for refusal of planning application DC/21/124859 in May 2022 (as outlined in para 13 above). The main changes in comparison with the previously refused scheme include:
  - The reduction in the forward (north) extent of the building, reducing its overall footprint by approximately 4.5m;
  - The building's siting has been adjusted to move it away from the eastern boundary with Taymount Grange. The building was previously 2.5m from the eastern boundary at its closest point, which has been increased at a distance of 4.5m at its closest point (being the eastern corner of Unit 03);
  - The revised footprint and siting allows the required disabled parking spaces and delivery bay to be positioned on the building frontage and removes the need for an internal road, thus reducing the amount of hard standing area;
  - At roof-level, the lift-overruns have been made more 'solid' (rather than the previously proposed glazing); and
  - The proposed colour finish of balustrades has been changed to a darker 'racing green' as to not visually conflict or compete with Taymount Grange; and
  - Overall, the changes have resulted in a reduction in the overall floor area of the building, and the total number of apartments has been reduced from 20 no. to 16 no., with a greater proportion of family sized dwellings (3 beds).

## 4 CONSULTATION

### 4.1 PRE-APPLICATION CONSULTATION

- 21 The Statement of Community Engagement submitted with the application notes that due to limited time between the determination of the previous planning application (DC/21/124859) and the submission of the current application, a refreshed wider public consultation exercise was not possible.

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- 22 Community consultation for the revised scheme consisted of a consultation website inviting online comments and the distribution of leaflets to surrounding residents.
- 23 It is also noted that the applicant engaged in a pre-application meeting with Council in June 2022 to discuss the proposed changes to the scheme following the previous refusal.

## 4.2 APPLICATION PUBLICITY

- 24 Site notices were displayed on 3<sup>rd</sup> August 2022 and a press notice was published on 3<sup>rd</sup> August 2022.
- 25 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 25<sup>th</sup> July 2022.
- 26 119 number responses received, all of which were in objection to the proposed development.

### 4.2.1 Comments in objection

- 27 Table 1 below provides a summary of the issues/comments raised within the objections received.

**Table 1: Comments in objections**

<b>Comment</b>	<b>Para where addressed</b>
Lack of affordable and social housing proposed	89
One and two beds not needed in local area, more three beds are required	109
Design of proposed building appears too large for the site/ uncomfortable siting / loss of openness	173
Increased density of development compared to existing surrounding development, site is very narrow	189
Harmful impacts to setting of Taymount Grange, a locally listed building (NDHA). Design does not respect its character or original design intent and Modernist principles	200
Materials should complement Taymount Grange and other surrounding development	192
Massing would result in overbearing effects	188
Harm to the character of Taymount Rise, Taymount Grange and Forest Croft	207
Loss of existing open/ garden land/ green space	349
Proposed development would result in overdevelopment of the site	76
Loss of daylight/sunlight and overshadowing of neighbouring properties.	294
Overlooking from new windows and roof garden / loss of privacy to neighbours	288
Increased light pollution	369

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Additional noise disturbance, including from balconies and roof garden	300
Increased levels of parking stress and traffic on Taymount Rise - not enough on-site parking proposed	234
EV charging should be provided	274
Impacts of refuse collection and servicing proposed dwellings	249
Unsuitable and unsafe access for delivery, service and emergency vehicles	232
Dangerous loading bay	232
Highway and pedestrian safety issues	228
Steep hill up to the property means cycling would not be possible/practical for many people and cause accessibility issues for less able pedestrians	229
Insufficient sustainability measures proposed	304
Loss of existing mature trees	349
Impacts to ecology and wildlife	343
Impacts on mental well-being as a result of loss of wildlife and trees	373
Reduction in air quality	364
Construction impacts on surrounding residents	375
Impacts to local infrastructure (i.e. doctor surgeries, schools etc.)	386
More pressure on water services	386
Poor community engagement and consultation with the community by the development about the proposal	27
Increased crime in the area resulting from the development	378

- 28 A number of other comments relating to non-material planning considerations were also raised as follows:
- 29 Economy – we are entering a recession and therefore banks are reluctant to grant loans to first time buyers.
- 30 Building materials – the cost of building materials is increasing and materials of development might have to change due to cost.
- 31 Foundational damage – the construction works will detrimental effect on structural integrity of surrounding buildings.

### 4.3 INTERNAL CONSULTATION

- 32 The following internal consultees were notified on 25<sup>th</sup> July 2022:
- 33 Air Quality Officer: No response received.
- 34 Conservation Officer: No objection.

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- 35 Drainage – Highways Design and Maintenance Manager: No response.
- 36 Ecology Officer: No objections, subject to conditions as discussed in para 343.
- 37 Environmental Health: No objections, subject to conditions.
- 38 Environmental Sustainability: No response received.
- 39 Highways: No objections, subject to conditions as discussed in para 232.
- 40 Sustainable Energy and Construction: No response received.
- 41 Section 106/CIL Officer: No response received.
- 42 Strategic Housing: No response received.
- 43 Tree Officer: No response received.
- 44 Urban Design: No response received.

#### **4.4 EXTERNAL CONSULTATION**

- 45 The following External Consultees were notified on 25<sup>th</sup> July 2022:
- 46 Lewisham Primary Care Trust: No response received.
- 47 London Fire Brigade Safety Team: No objection.
- 48 Metropolitan Police Designing Out Crime Officer: No objections, subject to conditions as discussed in para 378.
- 49 Thames Water: No objections, subject to conditions.

### **5 POLICY CONTEXT**

#### **5.1 LEGISLATION**

- 50 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).
- 51 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**

- 52 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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- 53 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.
- 54 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**

- 55 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**

- 56 Lewisham SPG/SPD:
- Small Sites Supplementary Planning Document (October 2021)
  - Planning Obligations Supplementary Planning Document (February 2015)
- 57 London Plan SPG/SPD:
- Planning for Equality and Diversity in London (October 2007)
  - Character and Context (June 2014)
  - The control of dust and emissions during construction and demolition (July 2014)
  - Accessible London: Achieving an Inclusive Environment (October 2014)
  - Housing (March 2016)
  - Homes for Londoners: Affordable Housing & Viability (August 2017)
  - Energy Assessment Guidance (October 2018)

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## 6 PLANNING CONSIDERATIONS

- 58 The main issues are:
- Principle of Development
  - Housing
  - Urban Design
  - Impact on Adjoining Properties
  - Transport
  - Sustainable Development
  - Natural Environment
  - Planning Obligations

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

- 59 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.
- 60 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*

- 61 LPPH2 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes on these kinds of sites.
- 62 The National Planning Policy Framework (NPPF 2021) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.
- 63 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.
- 64 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.

#### *Discussion*

- 65 The proposal would include the demolition of the two existing dwellinghouses, and the provision of 16 new dwellinghouses. There would be an increase of 14 homes to the housing stock, six of which would be family housing with three bedrooms.

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- 66 The existing houses are not considered to be of any architectural merit, and therefore their demolition is acceptable, considering 16 new homes would be provided by the proposal.
- 67 The site would make a valuable contribution towards meeting housing needs as identified in the London Plan to increase housing supply and optimise housing potential. The proposal would make more efficient use of the land and officers therefore support the principle of development.
- 68 The acceptability of the proposed development is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided, as assessed below.

### **6.1.1 Principle of development conclusions**

- 69 The principle of intensified residential development of the site is supported, subject to assessment of the following matters.

## **6.2 HOUSING**

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

### **6.2.1 Contribution to housing supply**

#### *Policy*

- 71 National and regional policy promotes the most efficient use of land.
- 72 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).
- 73 LPP D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity.
- 74 London Plan Policies H1 and D6 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

#### *Discussion*

- 75 The proposal is for the construction of a new residential building consisting of sixteen self-contained dwellings.

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- 76 Table 2 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

**Table 2: Measures of Density**

<b>Criteria</b>	<b>Value</b>	<b>Criteria/area</b>
Site Area (ha)	A 0.14ha	n/a
Units	W 16	W/A <b>114</b>
Habitable rooms	X 50	X/A <b>357</b>
Bedrooms	Y 34	Y/A <b>242</b>
Bedspaces	Z 62	Z/A <b>442</b>

- 77 Table 3 below sets out the measures of height and scale of each building or major component in the development required by the supporting text to LPP D3 (para 3.3.23 of the LP) for all major proposals.

**Table 3: Additional Major criteria**

<b>Criteria</b>	<b>Value</b>
Site Area	A 0.14
Floor Area Ratio (GEA of all floors/site area)	W/A <b>1.10</b>
Site Coverage Ratio (GEA of ground floors/site area)	X/A <b>0.29</b>
Maximum height (15m above ground level)*	Y/A <b>0.01</b>

### *Summary*

- 78 Policy D6 of the London Plan states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites. The design of the development must optimise density.
- 79 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report.
- 80 As such, Officers conclude this proposal would optimise the site capacity in a way compliant with the London Plan, subject to assessment of the following matters.

## **6.2.2 Affordable housing**

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

#### *Policy*

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- 81 The NPPF expects LPAs to specify the type of affordable housing required (para 63).
- 82 The Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance 2017, Core Strategy Policy 1 and DM Policy 7 - Affordable rented housing require that new residential development provide on-site affordable housing. Core Strategy Policy 1 requires that that a maximum provision of affordable with a strategic target of 50% affordable housing be secured unless it can be demonstrated through viability that a lower provision is appropriate.
- 83 LPP H4 Delivering affordable housing sets a strategic target of 50% genuinely affordable housing for all new homes delivered across London and states that this should be provided on site. Major developments which trigger affordable housing requirements should provide affordable housing through the threshold approach in line with Policy H5 Threshold approach to applications.
- 84 Policy H5 states that, unless a development is qualified for the Mayor's Fast Track Route it must follow the viability tested route.
- 85 Where an application does not meet the requirements set out in Part C it must follow the Viability Tested Route.
- 86 CSP1 and DMP7 requires sites capable of providing 10 or more dwellings to provide contribution of affordable housing with a strategic target of 50% affordable housing from all sources. This contribution (50% affordable housing) is the starting point for negotiations, and it is subject to financial viability assessment. The affordable housing component is to be proposed at 70% social rented and 30% intermediate housing.
- 87 LPPH4 states affordable housing should be provided on site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances where it can be robustly demonstrated that affordable housing cannot be delivered on-site or where an off-site contribution would better deliver mixed and inclusive communities than an on-site contribution. Cash in lieu contributions should be used in even more limited circumstances, and only where there is detailed evidence to demonstrate that on-site affordable housing delivery is not practical, off-site options have been explored but are not acceptable and that accepting a cash in lieu contribution will not be detrimental to the delivery of mixed and inclusive communities.
- 88 The Council expects contributions towards affordable housing to be made on-site within new developments. Only in special circumstances, and where justified on planning grounds, would off-site contributions be sought and this should be robustly justified if proposed.

#### *Discussion*

- 89 No affordable housing is proposed as part of this development. This is supported by a Financial Viability Assessment (FVA), which has been interrogated by an independent consultant (BNP) on behalf of the Planning Service.
- 90 The FVA submitted by the applicant (DHA, July 2022) concludes that the proposed development appraisal generates a viability deficit of £1.10m with a 17.5% profit and a deficit of £1.28m with a 20% profit.

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- 91 The planning service instructed BNP to undertake a review of the applicants FVA.
- 92 BNP interrogated the applicant's FVA, and concluded in their initial draft review, dated August 2022, that the proposed scheme appraisal generates a deficit of c. £0.75m when benchmarked against a site value of £2.30m. Consequently, the proposed scheme cannot viably support any affordable housing.
- 93 Given that affordable housing cannot viably be supported by the proposed scheme, and a deficit would be generated, an affordable housing offer either through provision on site or a cash in lieu payment is not appropriate.

### **Review mechanisms**

#### *Policy*

- 94 Taking account of London Plan Policy H5 and the guidance in the Mayor's Affordable Housing and Viability SPG, s106 obligations are required to ensure the proposed level of affordable housing is subject to review.

#### *Discussion*

- 95 Review mechanisms for affordable housing will be included within the s106 Agreement.
- 96 An early stage (delayed implementation) and late stage (when 75% of the units are sold) review mechanism will be secured in accordance with Policy H5 of the London Plan and the Mayor's SPG.
- 97 The early stage review means that if the ground floor slab has not been completed within 2 years of the permission being granted a review of the viability of the scheme would be triggered.
- 98 The late stage review means that once 75% of the proposed dwellings have been sold, but prior to the sale of the whole of the development the viability of the scheme would be reappraised.
- 99 This reappraisal would be based on the sale values and costs incurred throughout the development, therefore addressing the economic uncertainty over the lifetime of the development.
- 100 There would be a clause in the review mechanism, to ensure transparency in the developer's future submissions relating to this matter.
- 101 If the early or late-stage review found that the scheme could provide a contribution to affordable housing while remaining financially viable then an affordable housing offer on site would be considered initially, if not possible an in-lieu contribution would be secured to deliver affordable housing more efficiently elsewhere in the borough. Officers would assess this as part of the early and late-stage reviews.

### **Dwelling Size**

#### *Policy*

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

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- 103 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.
- 104 London Plan Policy H10 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 105 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.
- 106 Core Strategy Policy 1 seeks 42% family housing tenure for affordable units.
- 107 Development Management DM Policy 32 sets out how to achieve high quality design and internal layout of new development.

*Discussion*

- 108 The proposal includes four one-bedroom, six two-bedroom and six three-bedroom dwellings as outlined in Table 4.

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

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed +</b>	<b>Total</b>
<b>No.</b>	4	6 (*3)	6	0	16 units
<b>%</b>	25	37.5 (18.75*)	37.5	0	100%

\*Wheelchair accessible units shown in (\*)

- 109 The South East London Strategic Housing Market Assessment identifies a local need for family sized dwellings within Lewisham. Family sized dwellings are defined as 3+ bedrooms. Therefore the provision of six family sized dwellings as part of the proposed is supported.
- 110 In addition to the number of family units, LLP D7 and CSP1 states that 10% of new build residential development should be wheelchair accessible housing. The scheme would achieve this by providing three wheelchair accessible dwellings.
- 111 As such, Officers consider that the proposal provides an appropriate mix of units consistent with the London Plan and Local Plan Policies.

**Summary of Affordable housing**

- 112 The parties have agreed there is a viability deficit and consequently, the proposed scheme cannot viably support any affordable housing.
- 113 An early stage and late stage review mechanism will be secured by legal agreement.

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## 6.2.3 Residential Quality

### General Policy

- 114 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).
- 115 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

### Internal space standards

#### Policy

- 116 The ‘Technical housing standards – nationally described space standards’ sets out the minimum floorspace requirements for dwellings.
- 117 DMP 32 ‘Housing design, layout and space standards’ and LPD6 of the London Plan require housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

#### Discussion

- 118 Table 5 below sets out proposed dwelling sizes.

**Table 5: Internal space standards – proposed v target**

Unit no.	No of bedrooms	No. of persons	1 storey dwelling (proposed (target))	Built-in storage (proposed (target))	Private Amenity space
1	3b	5p	93.5 (86)	Exceeds (2.5)	45sqm
2	3b	5p	84.8 (86)	Exceeds (2.5)	28sqm
3	1b	2p	56.9 (50)	Exceeds (1.5)	26sqm
4	3b	5p	89.7 (86)	Exceeds (2.5)	101sqm
5	3b	5p	90.1 (86)	Exceeds (2.5)	10sqm
6	2b	4p	76.8 (70)	Exceeds (2.0)	0sqm
7	1b	2p	56.9 (50)	Exceeds (1.5)	0sqm
8	2b	4p	77.5 (70)	Exceeds (2.0)	13.5sqm
9	3b	5p	90.1 (86)	Exceeds (2.5)	10sqm
10	2b	4p	76.8 (70)	Exceeds (2.0)	0sqm
11	1b	2p	56.9 (50)	Exceeds (1.5)	0sqm

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12	2b	4p	77.5 (70)	Exceeds (2.0)	13.5sqm
13	3b	5p	90.1 (86)	Exceeds (2.5)	10sqm
14	2b	4p	76.8 (70)	Exceeds (2.0)	0sqm
15	1b	2p	56.9 (50)	Exceeds (1.5)	0sqm
16	2b	4p	77.5 (70)	Exceeds (2.0)	13.5sqm

119 All of the proposed dwellings, with the exception of Unit 2, would meet the relevant minimum space standards in terms of the overall GIA, size of individual bedrooms and storage. Unit 2 would fall short of the required internal GIA for a 3b 5p dwelling by approximately 1.2sqm. Given the minor shortfall and the substantial provision of outdoor amenity space for this unit, this is considered acceptable.

120 Overall, Officers consider that the future occupiers would be provided with a high standard of residential amenity, in line with DMP32.

### **Outlook & Privacy**

#### *Policy*

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

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

#### *Discussion*

123 Given the at least dual aspect dwellings, and the good amount of glazing proposed to all habitable rooms, the dwellings would all be provided with good levels of outlook. All habitable rooms would be provided with windows, and officers consider the levels of outlook to be provided would be acceptable.

124 None of the proposed flats would be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.

125 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

### **Overheating**

#### *Policy*

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

#### *Discussion*

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- 127 All of the proposed dwellings would be dual or triple aspect, with all of the one bedroom dwellings now being provided with a small window on the western elevation.
- 128 Measures to reduce overheating risk are outlined in the submitted energy statement, and full details of these will be secured by condition to ensure compliance with the relevant policies.

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

#### *Policy*

- 129 The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces. LPP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

#### *Discussion*

- 130 The proposed flats would all be provided with good levels of glazing and they would all have windows on at least 2 elevations.
- 131 A daylight and sunlight report for the proposed dwellings has been submitted in support of the application. This report concludes, in line with the assessment criteria prescribed by the BRE Guidelines, that for all rooms, the provision of natural daylight will meet or exceed the minimum require thresholds set out in the BRE Guidelines.
- 132 Therefore officers consider the proposed dwellings to be provided with adequate provision of daylight and sunlight.

### ***Noise & Disturbance***

#### *Policy*

- 133 DMP26 requires new noise sensitive developments to be located away from existing or planned sources of noise pollution, except if it can be demonstrated through design or mitigation that internal and external noise levels can be satisfactorily controlled and managed by the noise sensitive development and there will be no adverse impact on the continued operation of any existing or proposed business or operation.

#### *Discussion*

- 134 The proposal is for residential development in a residential area, and therefore the level of noise and disturbance felt by future occupants would be acceptable.
- 135 There are no commercial properties close by to consider.

### ***Accessibility and inclusivity***

#### *Policy*

- 136 LPP D7 requires 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. designed to be wheelchair

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accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.

- 137 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users.

#### *Discussion*

- 138 Units 8, 12 and 16, which are proposed as 2 bedroom, 4 person dwellings, are designed as M4(3) wheelchair user dwellings, and all other dwellings are designed as M4(2) wheelchair accessible and adaptable dwellings. The policy requirement of 10% wheelchair user dwellings would therefore be exceeded.
- 139 The provision of accessible units, as above, can be secured by way of a planning condition.
- 140 Officers note the provision of two accessible parking spaces on the site. It will be secured through legal agreement that these two spaces may only be utilised by those with a Blue Badge.
- 141 Officers consider the proposal would provide a policy compliant level of accessible housing, in line with the above policies.

#### **External space standards**

##### *Policy*

- 142 LPPD6H requires all new one bedroom dwellings to be provided with at least 5m<sup>2</sup> private external amenity space, and another 1m<sup>2</sup> for each additional occupant.

##### *Discussion*

- 143 Ten of the proposed dwellings, including all of the family sized dwellings, would be provided with private external amenity space in the form of private gardens or balconies, and these would meet or exceed the minimum policy requirements. The provision of private external amenity space set out in Table 3 above.
- 144 Six of the proposed dwellings would not be provided with private space, however, a communal roof terrace is proposed for the benefit of all residents.
- 145 Officers note that where dwellings are not provided with balconies, removal of these balconies was one of the suggested amendments at Pre-Application stage, in order to improve the appearance of the building, and its relationship to the setting of the adjacent Taymount Grange, which is locally listed.
- 146 On balance of design and heritage, and amenity considerations, it is considered the provision of communal external amenity space, in place of private amenity space for six of the dwellings is acceptable in this case.

#### **Children's play space**

##### *Policy*

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

*Discussion*

- 148 Using the GLA's Population yield calculator, an estimated 47.2m<sup>2</sup> of children's play space is required.
- 149 An area of approximately 160m<sup>2</sup> is indicated as a communal shared amenity area on the rooftop, providing space for children's play.
- 150 Furthermore, the six proposed, three-bedroom dwellings would all be provided with private external amenity spaces of 10m<sup>2</sup> or more, which would be suitable for children's play.
- 151 Officers consider the provision of communal space, as well as private gardens for the three bedroom, family sized dwellings would provide good opportunities for future children residents to play, in excess of the requirement of LPPS4, and officers consider this to be an acceptable provision.

***Summary of Residential Quality***

- 152 The proposed units would be of an acceptable standard of accommodation and generally meet the quality considerations of the London Plan and local policy guidance. Notably, whilst six of the proposed dwellings will not be provided with private external amenity space, given the substantial area of communal external amenity space proposed, on balance this is considered acceptable.

**6.2.4 Housing conclusion**

- 153 The proposal would contribute to the Borough's housing targets in a residential location, making the most efficient use of land and optimising density. The scheme would provide an appropriate mix of good quality dwellings, including six family sized for which there is an identified need.
- 154 The parties have agreed there is a viability deficit and consequently, the proposed scheme cannot viably support any affordable housing. An early stage and late stage review mechanism will be secured by legal agreement.

**6.3 URBAN DESIGN AND HERITAGE**

*General Policy*

- 155 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.
- 156 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

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- 157 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 158 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 159 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Section 28 is of particular relevance.

### 6.3.1 Appearance and character

#### *Policy*

- 160 In terms of architectural style, the NPPF encourages development that achieves well designed places, specifically development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 130).
- 161 Policies D1 and D2 of the London Plan (2021), require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.
- 162 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 163 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 164 DM Policy 32 expects new residential development to be attractive and neighbourly.

#### *Discussion*

- 165 Taymount Rise is a tree lined, steeply sloping street, with a small circular pocket park at its highest point, opposite the application site. The top of Taymount Rise, where the site is situated is defined by mature trees to both sides of the road which partially obscure the scale and form of the surrounding apartment blocks.
- 166 The site, consisting of two existing two storey dwellings, as well as a small shed and garage, and associated private gardens, currently appears as a break between the larger developments either side, and officers consider this a useful townscape feature which contributes positively to the character of the surrounding area, the existing mature trees enhance this.

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- 167 The character and appearance of surrounding development is varied in style and ages. It includes flatted development, as well as terraced and semi-detached dwellings, but the immediate adjacent properties consist of flatted development. The two adjoining apartment blocks on Taymount Rise both date from the 1930s and are 5 stories in height.
- 168 Taymount Grange, is an elegant mid-1930s apartment building in modern movement style, which is a locally listed Non Designated Heritage Asset that has a prominent and impressive appearance in views from the street, sitting within generous landscaped grounds, which form the setting of the building.
- 169 Forest Croft to the West is a similarly large 1930s apartment building however retains little of its original character due to the replacement of original windows and lack of detailing to the rendered elevations. It is not considered to be of architectural or historic interest.
- 170 To the south of the site are the flatted developments of Shackleton Close, as well as a new flatted development on Knapdale Close.
- 171 The proposal is for the removal of the two existing houses on the site, and the construction of a four storey, brick building with integrated balconies. A communal roof garden is proposed, which would be accessed via stairwell run-offs.
- 172 No issues are raised to the loss of existing buildings as they are of no historic or architectural merit.
- 173 The character and appearance of the proposed building generally, in terms of the architectural response, is considered to be appropriate for the site and surrounding area.
- 174 The revised scheme has pulled the building back from the northern/street edge, omitting four units at this end of the site, and has also pulled back from the eastern boundary and therefore away from the locally listed building, Taymount Rise. This results in the building appearing less imposing from the street, responding more closely to the established relationship of buildings to the street, and creates more of a vegetated gap between the street and the building (albeit incorporating parking places).

### ***Layout***

#### *Policy*

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

#### *Discussion*

- 177 There are significant level changes across the site as a result of its natural topography, sloping up from north to south, and down from west to east.

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- 178 The proposed building would have a North to South orientation, with two cores. The entrances and stairwells would be on the western side of the building, and the building built towards the middle of the site, slightly more towards the eastern part of the site. Two accessible parking spaces would be located on the northern side of the site in front of the building. The bicycle store and communal garden, including play equipment would be located on the western side of the building.
- 179 Due to the topography, the western elevation would be partially subterranean.
- 180 The previous scheme would have resulted in a distance of just 2.6m between the eastern site boundary and eastern elevation, which would result in an uncomfortable relationship to the neighbouring site of Taymount Grange, and appearing too close to the western elevation. The revised scheme shows the building located approximately 5m from the eastern boundary, sitting more centrally on site.
- 181 This separation improves the sense of openness along this side of the site and allows for additional large canopy tree planting along the boundary which is important to create a site specific contextual relationship with Taymount Grange and respond more effectively to the Sylvan and verdant character of the surrounding area.
- 182 It is also noted that a strip of dense planting is proposed along the boundary to create a buffer between the site and Taymount Grange.
- 183 With regard to the northern boundary of the site, the size of the building has been reduced in length by 4.5m, and the building has been positioned more centrally on site, reducing the forward extent of the building. This allows for more open space and landscaping at the front of the site (albeit parking is now provided here) in keeping with the surrounding area where buildings are largely set back from the street and open spaces, front gardens and mature trees are characteristic.
- 184 The reduction in the forward extent of the building also opens up views of Taymount Grange from the north.

### *Landscaping*

- 185 Regarding the proposed landscaping, there has been a reduction in handstand area from the previously refused scheme. The reduction in the size of the proposed building as well as the repositioning of the building on site has allowed for the accessible parking to be located in front of the building, abutting the road, thus only requiring pedestrian access to the entrance cores and removing hardstand areas. Additionally, more significant landscaping and tree planting is proposed between the building and Taymount Rise which is supported.

### ***Form and Scale***

#### *Policy*

- 186 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape.
- 187 The Small Sites SPD (2021) at para.12.3.2 states where streets are of varied character, applications with a height relating to the tallest existing building in relative close proximity will generally be supported. In some locations, depending on the

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site, size and context, it may be appropriate to build more than one storey taller than the context, subject to the scheme being of exceptional design quality.

#### *Discussion*

- 188 The overall form of the building is considered to be an appropriate response to the character of the site and surrounding area. The height of the building is also considered to be appropriate, mediating between the two buildings on either side working with the gradient across the sites.
- 189 The footprint of the building has been reduced from the previously refused scheme allowing further setback from the eastern and northern boundaries. The building would sit approximately 12.4m from the nearest corner of Taymount Grange and 13m from Forest Croft. Additionally, changes to the proposed landscaping maintain a green buffer between the building and Forest Croft and open up the front of the site.

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

##### *Policy*

- 190 Policy D3 of the London Plan requires development proposals to be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

##### *Discussion*

- 191 The detailed design of the building itself is largely in keeping with its two neighbours, being of simple rectilinear forms with a strong horizontal emphasis. The eastern elevation will read as a principal frontage across the lawns of Taymount Grange, and the design is considered satisfactory, with nods to the devices of modern movement architecture in the streamlined balconies at either end.
- 192 The use of white brickwork is an appropriate response. The darker green colour palette responds well to the vegetated setting without replicating the colours of Taymount Grange.
- 193 The lift/stair cores have been redesigned to reduce the amount of glazing at each level, and lighting will be on motion sensors, thus reducing the impact of these areas on surrounding neighbours at night.
- 194 A lighting scheme, along with a full schedule of materials, as well as details at 1:20 scale of important joints and features, such as doors and windows, will be secured by conditions.

### **6.3.2 Impact on Heritage Assets**

#### *Policy*

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

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- 196 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.
- 197 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.
- 198 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.
- 199 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets. The Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets; and will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate.

#### *Discussion*

- 200 The Site is on the northern spur slope of Sydenham Hill and is approached from the north via Taymount Rise, a mid-Victorian suburban avenue development terminating in a 'circus' at the top end. This Circus is protected under the London Square's Preservation Act 1931 under the name of Queen's Road Circle Garden (the former name of Taymount Rise).
- 201 The site is not in a Conservation Area but is close to the boundaries of Forest Hill, Sydenham Hill and Sydenham Park Conservation Areas. The proposals will not impact on the setting or significance of these designated heritage assets. Forest Hill Conservation Area wraps around the Site to north-west, north, east and south but does not include Taymount Rise, or any of the other immediately surrounding streets and properties.
- 202 The site provides a well tree-ed gap between the bulk of the two larger buildings either side, contributing to the sylvan character of the top of Taymount Rise, and providing an open setting to the Non Designated Heritage Asset, the locally listed Taymount Grange, to the east. It contains three buildings:
- 203 Green Bank Cottage to the south (rear) end of the application site incorporates part of the former coach house of Green Bank House, the property first developed at the top end of Queens Road (now Taymount Rise) during the mid-C19th. This house was demolished in the 1930s to make way for Forest Croft, a large L-shaped block of flats to the west of the Site. Apart from its historic connection to the former dwelling, the cottage is of negligible significance.
- 204 The house to the front part of the site and the double garage at the back edge of pavement are of modern construction and are of no historic or architectural significance.

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- 205 Taymount Grange, adjoining to the east is an elegant mid-1930s apartment building in modern movement style, a locally listed Non-designated heritage asset that has a prominent and impressive appearance in views from the roadway, sitting within generous landscaped grounds, to the east. The local listing description states the following:
- Taymount Grange is an excellent example of a moderne movement building within the borough. It was designed by George Bertram Carter and built in 1935 for the developer Sir Malerham Perks. The site had formerly been occupied by a mansion known as Taymount, latterly the clubhouse of the Queen's Tennis Club. The new flats were intended as serviced accommodation for single professional people or young couples commuting into central London; a number of service staff lived on site, and there was originally a dining room on the ground floor and a swimming pool, tennis courts and a putting green (features inherited from the sports club) in the grounds. These facilities were gradually phased out from the 1950s onwards, with the restaurant giving way to additional flats and the tennis courts to car parking. George Bertram Carter (1896-1986) trained at the Blackheath School of Art and the Royal College of Art before entering Edwin Lutyens' office as a pupil in 1919. He set up his own practice in 1929, and went on to design factories in Tottenham and Whitechapel and a block of flats known as Lichfield Court on Sheen Road, Richmond (the latter listed Grade II). His post-war work includes the former Dunn's store at Bromley.*
- 206 The Conservation Officer has provided the following comments in relation to the revised scheme:
- 207 In comparison to the previously refused scheme, the revised scheme has pulled the building back from the northern/street edge, omitting four units at this end of the site, and has also pulled back from the eastern boundary and therefore away from the locally listed building, Taymount Rise. This results in the building appearing less imposing from the street, responding more closely to the established relationship of buildings to the street, and creates more of a vegetated gap between the street and the building (albeit incorporating parking places).
- 208 The requested CGIs have been provided which indicate that it will sit more comfortably in its context, and whilst it will result in a densification of the edges of Taymount Rise, addition of sufficient planting to the front and sides will help to mitigate that.
- 209 The impact on the locally listed building will be less enclosing than previously. It will still change the setting of that building by bringing built form closer than currently, but the creation of a vegetated strip, planted with large canopy trees will help to minimise and mitigate that impact. I consider that on balance the building would not harm the setting of the locally listed building.
- 210 With regard to the colour palette a darker green has been proposed, to respond to the vegetated setting without replicating the colour on Taymount Grange.
- 211 On balance I consider that the proposal is now sensitive to its setting and, subject to adequate planting being established on the eastern boundary, will not harm the setting of the Locally Listed Taymount Grange.

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- 212 In consideration of the revised scheme and comments from the Conservation Officer, Officers consider that the current proposal would not lead to harm to the locally listed building or surrounding conservation areas.

### 6.3.3 Accessibility and inclusivity

#### *Policy*

- 213 LPPD5 requires proposals to achieve the highest standards of accessible and inclusive design.
- 214 LPPD7 requires development to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children. Residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'.
- 215 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible.
- 216 DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users.

#### *Discussion*

- 217 The proposal includes three wheelchair user dwellings, which would comply with Part M4(3) and LPPD7. The other dwellings are proposed to meet Part M4(2). Officers consider this would be an acceptable provision of accessible housing in line with the above policies. This will be secured through the relevant legal agreement.

### 6.3.4 Urban design conclusion

- 218 The revised proposal has been reduced in scale following the previous refusal to address officers concerns. The forward extent of the building has been reduced and the building has been moved away from the eastern boundary towards the middle of the site, thus providing more appropriate site in the context of the surrounding area.
- 219 The revised footprint and siting allows the required disabled parking spaces and delivery bay to be positioned on the building frontage and removes the need for an internal road, thus reducing the amount of hard standing area and opening up the front of the site.
- 220 The proposed colour finish of balustrades has been changed to a darker 'racing green' as to not visually conflict or compete with Taymount Grange and the revised siting of the building has reduced the impacts on the locally listed building.
- 221 Officer consider the urban design impacts of the proposal to be acceptable with the inclusion of appropriate conditions.

## 6.4 TRANSPORT IMPACT

#### *General policy*

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- 222 NPPF Paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 223 Para 111 of the NPPF states ‘Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe’.
- 224 CSP 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 225 The site has a PTAL rating of 4, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is has good accessibility to public transport.

#### 6.4.1 Access

##### *Policy*

- 226 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing application for development it should be ensured that appropriate opportunities to promote suitable transport modes can – or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 227 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is be supported.

##### *Discussion*

- 228 Pedestrian accessibility to the site is considered to be good, as Taymount Rise is paved on both sides of the street. The pedestrian access would be on the northern side of the site.
- 229 Pedestrian access to the site is via a ramped path with a gradient of 1:21, compliant with the Inclusive Mobility guidance.
- 230 Officers consider, although they would lead to additional use of existing pedestrian infrastructure, the additional dwellings would have no significant harmful impact on them, and therefore no contributions would be sought in this respect.
- 231 Officers note that several objections have been received relating to pedestrian accessibility to the site, including safety concerns. The site is at the top of a steep hill (Taymount Rise) and objectors believe the site is not accessible to all pedestrians for this reason. They also note existing issues with cars parking on pavements. Officers consider that, as the site is an existing residential property, on an existing residential street, with many other properties also accessed from Taymount Rise the site is suitably accessible.

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- 232 It is also noted that the Highways Officer has reviewed the swept path analysis of the turning manoeuvres of a medium sized family car and a 7.5t Panel Van for the proposed parking and loading bay in terms of access to the site and has deemed these details to be acceptable.

## 6.4.2 Local Transport Network

### *Policy*

- 233 Policy T4 of the London Plan states consideration of the cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

### *Discussion*

- 234 The proposal for sixteen additional dwellings would have some impact upon the local public transport and road network.
- 235 The submission indicates space for two accessible, disabled person's parking bays on the site, in addition to a loading bay to be used for deliveries. This complies with Lewisham Core Strategy Policy 14 requiring a managed and restrained approach to car parking provision, and Policy T6 (Car Parking) of the London Plan requiring the restrictions on parking in line with levels of existing and future public transport accessibility and connectivity.
- 236 The Transport Statement includes a parking survey conducted on the 30<sup>th</sup> and 31<sup>st</sup> March 2022 by KLM Traffic Surveys.
- 237 To summarise, the results show a high demand for parking on Taymount Road, and Taymount Rise exceeding the 85% indicative level at which parking stress becomes a cause for concern. ForestHolme Court exhibits parking stresses ranging from 33% to 50%, with the exception of Zone 3 where parking stresses of 100% were recorded on both days.
- 238 The Transport Statement concludes, of the 84 spaces available on Taymount Rise and ForestHolme Close, 21 are vacant parking spaces. However, the Parking Beat Survey (PBS) recorded parking stress levels on Taymount Rise of 75% and 100% on 30<sup>th</sup> and 31<sup>st</sup> March 2022, respectively.
- 239 Based on the Parking Beat Survey (PBS), it is concluded that the majority of any displaced parking arising from the development is likely to occur on ForestHolme Court, especially in Zone 9 which is located marginally beyond the 200-metre walking distance from the site. As reported in paragraph 4.6.8 of the Transport Statement, the 16 apartments could attract a demand for 9 car parking spaces, and if these spaces are distributed among the neighbouring roads where spaces are available, this will lead to parking stresses ranging from 80% to 100%.
- 240 The Highways Officer has noted that whilst the provision of a Car Club space is welcomed, this is located on the public highway where there exists a high demand for on-street parking. Therefore, given the high level of parking stress, Officers would consider it necessary for consultation to study the feasibility of implementation of a Controlled Parking Zone (CPZ) in the local area to be carried out, in order to

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mitigate the harm that is likely to result from the proposed sixteen (fourteen net gain) dwellings.

241 Contributions towards consultation for a CPZ will be sought as part of a legal agreement, in addition to a planning obligation prohibiting future occupants of the site from procuring a residential parking permit. Furthermore, Car Club membership for residents, as well as the on-site car club space will also be included as part of a legal agreement.

242 The Transport Statement was reviewed by a Highways Officer who concluded that subject to the above contributions, which will be secured through a S106 legal agreements, the impact to the local transport network could be suitably mitigated by conditions, and is considered acceptable.

### 6.4.3 Healthy Streets

#### *Policy*

243 Policy T2 states development proposals and Development Plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. Development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance; reduce the dominance of vehicles on London's streets whether stationary or moving; and be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

#### *Discussion*

244 An audit of several local routes to and from the site has been included in the submitted transport statement. Officers consider the site to be suitable with regard to healthy street considerations, and no additional contributions would be sought in this respect.

245 It is again noted that as an existing residential property, on a residential street, the property is considered to be suitably accessible.

### 6.4.4 Servicing and refuse

#### *Policy*

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

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

248 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*

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- 249 Space for refuse storage is indicated on the proposed plans, and this would be of suitable capacity for the proposed number of dwellings. However, the bin store entrance is located approximately 18m from Taymount Rise.
- 250 The previous scheme was refused due to inadequate refuse storage and collection arrangements. Concern was raised about the proximity of the bin storage area to the highway, being more than 10m, and how refuse would be collected on collection days, and to ensure bins were not left on the highway.
- 251 In response to this, the revised scheme proposes that refuse collection would be undertaken by a private contractor and the collection vehicle would wait on Taymount Raise during the collection process. The waste containers would be wheeled to the collection vehicle by operatives.
- 252 A Waste Management Plan has been submitted by the private contractor (NRC) which details how refuse would be collected on collection days, and how bins would be manoeuvred from the on-site storage location to the highway. The Waste Management Plan has been reviewed by a Highways Officer and is considered acceptable and will be secured by a condition.
- 253 16 new residential dwellings would also result in significant levels of deliveries and servicing.
- 254 The previous scheme was refused due to issues with the proposed servicing and delivery strategy. It was proposed that deliveries would take place on the street, however this was deemed to be impractical and potentially result in issues with pedestrian and vehicle safety.
- 255 As part of the current application, a revised Delivery and Servicing Plan (Odyssey, July 2022) has been submitted which states that deliveries will take place on site in the designated loading bay area. Tracking has been provided to show the proposed delivery strategy; vehicles would reverse into the proposed loading bay from the Taymount Rise carriageway to allow the vehicle to leave the site safely in a forward gear. This is considered acceptable by the Highways Officer and is considered acceptable and will be secured by a condition.

#### **6.4.5 Transport modes**

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

###### *Policy*

- 256 Policy T5 of the Publication London Plan states development proposals should create a healthy environment in which people choose to cycle, and should provide cycle parking in accordance with the minimum standards set out in table 10.2.
- 257 Development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

###### *Discussion*

- 258 Pedestrian accessibility to the site is considered acceptable, and the development is car limited.

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- 259 Cycle parking is proposed within a communal bike store on site for 30 bicycles. Policy T5 of the London Plan requires 1.5 spaces per 1 bed, 2 person dwelling, and 2 spaces for all larger dwellings, as well as 2 short stay spaces for development of between 5 and 40 new dwellings.
- 260 The development would therefore require 30 long stay spaces, and 2 additional short stay spaces. The proposed cycle storage would accommodate 30 spaces and four additional short-stay spaces are also provided onsite, therefore meeting the requirements of the London Plan.
- 261 In addition to complying with current guidance, the bike store should facilitate the use of non-standard cycles such as tricycles, cargo bicycles and bicycles with trailers, and this secured by a condition.
- 262 Further details of the proposed cycle parking will be secured by a condition to ensure that the storage meets the London Cycling Design Standards.

### **Public transport**

#### *Policy*

- 263 LPP T4 states development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

#### *Discussion*

- 264 Officers consider the public transport network could absorb the addition of 16 new dwellings in this location, the PTAL is 4, which is above average.

### **Car clubs**

#### *Policy*

- 265 Policy T6.1 Residential Parking states outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.
- 266 Car clubs count towards the maximum parking permitted because they share many of the negative impacts of privately-owned cars. However, in some areas, car club spaces can help support lower parking provision and car-lite lifestyles by enabling multiple households to make infrequent trips by car.

#### *Discussion*

- 267 Space for one car club vehicle to park has been indicated on Taymount Rise in front of the site.
- 268 The proposal has been reviewed by a Highways Officer who noted that whilst the provision of a Car Club space is welcomed, this is located on the public highway where there exists a high demand for on-street parking.

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- 269 Therefore, given the high level of parking stress contributions to consultation for a CPZ will be sought as part of a legal agreement, in addition to a planning obligation prohibiting future occupants of the site from procuring a residential parking permit. Furthermore, Car Club membership for residents, as well as the off-site car club space will also be included as part of a legal agreement.

#### ***Private cars (include disabled and electric charging points)***

##### *Policy*

- 270 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are well-connected by public transport with developments elsewhere designed to provide the minimum necessary parking ('car-lite').
- 271 Disabled persons parking provision for Blue Badge holders, car club spaces and provision for electric or other Ultra-Low Emission vehicles should be included within the maximum provision and not in addition to it.

##### *Discussion*

- 272 Two disabled car parking spaces are proposed on the site.
- 273 Officers consider the provision of two disabled space to be acceptable, considering 3 wheelchair user dwellings are proposed. It would be a condition of development that these spaces only be made available to those holding a Blue Badge, and would be included in the legal agreement.
- 274 The two disabled spaces are proposed to be provided with EV charging points. This will be secured by condition.

#### **6.4.6 Transport impact conclusion**

- 275 Officers consider there to be high levels of existing parking stress in the surrounding area, and this would be exacerbated by the proposed development if not suitably mitigated against. Therefore contributions are through a relevant legal agreement for study of the feasibility of implementation of a Controlled Parking Zone in the local area, and if deemed appropriate, prohibiting future residents of the site from obtaining residential parking permits. Furthermore the proposed car club space and membership for residents would form part of this agreement.
- 276 The proposed cycle parking scheme, delivery and servicing plans are considered acceptable and will be secured via conditions.
- 277 Officer consider the potential impacts of the proposal on the surrounding highway network to be acceptable, subject to conditions.

### **6.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

- 278 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

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existing and future users. This is reflected in relevant policies of the Publication London Plan PLPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

- 279 2The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

### 6.5.1 Enclosure and Outlook

#### *Policy*

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

#### *Discussion*

- 281 Officers consider that due to the off-set angle of the proposed building compared to the closest elevation of Taymount Grange, it would not be expected to cause a significant loss of outlook, or an increased sense of enclosure to the residents of the building.
- 282 The proposed building would also be approximately 17m from the closest facing windows at Forest Croft, and Forest Croft is uphill from the proposal site. This is a sufficient distance to ensure there would be no significant harm resulting from loss of outlook nor increased sense of enclosure to Forest Croft residents' amenity.

### 6.5.2 Privacy

#### *Policy*

- 283 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 284 The Small Sites SPD (2021) states that in general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.
- 285 It also states there should be no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way.

#### *Discussion*

- 286 There would be at least 18m between directly facing habitable windows of the proposed building and Forest Croft, which is in line with the guidance set out in the small sites SPD and officers consider this to be acceptable, as it would not result in a significant loss of privacy to these dwellings. It is noted that that secondary windows for all of the north-western corner bedrooms will be located approximately 15m from Forest Croft and therefore these windows will be obscured glazed on all levels and this will be secured by a condition.

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- 287 The closest window to window distance between the proposal and Taymount Grange would be approximately 12m, however this would be at an oblique angle, and officers do not consider this would result in a significant loss of privacy to the residents of the affected dwelling.
- 288 The proposed balconies to the eastern elevation for Units 8, 12 and 16 sit behind the footprint of Taymount Grange and therefore would not impact on neighbouring privacy. All other balconies along the eastern elevation have been replaced with juliet balconies thus reducing the potential for loss of privacy or overlooking.

### 6.5.3 Daylight and Sunlight

#### *Policy*

- 289 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree 'rules'.
- 290 The methods for calculating impact on daylight and sunlight within the report are as follows: (i) Vertical Sky Component (VSC); (ii) Annual Probable Sunlight Hours (APSH); and (iii) No Sky Line (NSL).
- 291 The VSC is the amount of skylight received at the centre of a window from an overcast sky. VSC assessments are influenced by the size of obstruction, and NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 292 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants.
- 293 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.' (GLA, 2017, Housing SPG, para 1.3.45).

#### *Discussion*

- 294 The submitted Daylight and Sunlight Impact Assessment (Herrington June 2022) assesses the impact on adjoining properties. It found that as a result of the proposal, properties within Taymount Grange and Forest Croft would be impacted. Within Taymount Grange, 99% of properties would meet the BRE guidelines, and within Forest Croft it would be 90%.
- 295 Within Taymount Grange one window will experience minor VSC transgression. Within Forest Croft five windows would experience minor adverse VSC transgressions, three moderate transgressions.
- 296 The report notes that the windows receiving transgressional results within Forest Croft were situated beneath an overhanging balcony, or set back from the façade of

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the building in an internal balcony, and the BRE guidance acknowledges that these windows typically already receive less daylight as the balcony cuts out light from the upper portion of the sky. VSC tests excluding the existing balconies show that the reductions in daylighting to the eight impacted windows are principally governed by the design features of the Forest Croft building itself rather than the obstruction created by the proposed development and therefore would be considered acceptable.

- 297 The one window within Taymount Grange receiving transgressional results is located on the ground floor in the southwest corner of the building and appears to serve a kitchen/lounge room. With the proposed development in place, the affected window will retain a value of 24.4% which is slightly below the BRE target of 27% but indicates that the window would continue to receive a good level of light.
- 298 Although there would be a small amount of harm to some windows within Taymount Grange, on balance officers consider these impacts would be acceptable, as only a small number of windows would be affected and where affected, the BRE recommendations are only transgressed by minor and moderate margins.

#### **6.5.4 Noise and disturbance**

##### *Policy*

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

##### *Discussion*

- 300 16 new residential dwellings would generate a higher level of comings and goings and general residential activity than the 2 existing single family dwellinghouses, and the additional noise and disturbance that would come with this. However, as this would be a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

#### **6.5.5 Impact on neighbours conclusion**

- 301 Overall officers consider the impacts of the proposal on neighbouring amenity to would be acceptable.

### **6.6 SUSTAINABLE DEVELOPMENT**

##### *General Policy*

- 302 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.
- 303 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

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## 6.6.1 Energy and carbon emissions reduction

### *Policy*

- 304 CSP8 seeks to minimise the carbon dioxide (CO<sub>2</sub>) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 305 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.
- 306 LPPSI 2 requires new development to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- 1) be lean: use less energy and manage demand during operation
  - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
  - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
  - 4) be seen: monitor, verify and report on energy performance.

### *Discussion*

- 307 The application is accompanied by a Sustainability, and an Energy Statement prepared by AJ Energy Consultants (June 2022).
- 308 The energy report sets out that air source heat pumps are proposed for each dwelling, with photovoltaic panels at roof level to generate electricity for the site. It has been estimated that the proposed heat pump and photovoltaic systems would reduce the annual carbon dioxide emissions of the site by 7,312 kgCO<sub>2</sub>, which equates to a further reduction of 25.6% against the TER 2013.
- 309 The proposed energy efficiency measures would reduce the annual carbon dioxide emissions of the site by 14%, against the baseline TER 2013, which meets the minimum 10% target within the London Plan.
- 310 The incorporation of the energy efficiency measures and renewable energy in total would equate to a reduction of 39.6% against the TER 2013 for the scheme.

### ***Be Lean***

- 311 The proposed energy efficiency measures for the scheme would achieve a 10% annual carbon reduction of the scheme. This therefore meets the minimum 10% target within the London Plan 2021.

### ***Be Clean***

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- 312 The proposed scheme proposes the use of air source heat pumps and photovoltaic panels which is considered an acceptable low carbon solution.

### ***Be Green***

- 313 The proposal includes provision photovoltaic panels as well as air source heat pumps, and this is acceptable in principle. The final details of the PV panels will be secured by condition.

### ***Carbon Offset***

- 314 A contribution towards Carbon Offset Fund of £31,741 has been calculated for the remaining 11.1 tonnes annual shortfall (334 cumulatively) of Carbon emissions to meet net zero carbon. This will be secured through a legal agreement.

## **6.6.2 Overheating**

### *Policy*

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

### *Discussion*

- 316 The energy statement sets out that the scheme would be designed to avoid overheating. The measures set out in the energy strategy to minimise overheating will be secured by condition to ensure compliance with the relevant policies.

## **6.6.3 Urban Greening**

### *Policy*

- 317 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls. The Mayor recommends a target score of 0.4 for residential developments. For example, semi-natural vegetation has a score of 1, extensive green roofs of 0.7, hedges and trees of 0.6, amenity grassland / lawn of 0.4. The Urban Greening Factor for a proposed development is calculated in the following way:

(Factor A x Area) + (Factor B x Area) + (Factor C x Area) etc. *divided by* Total Site Area.

- 318 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

### *Discussion*

- 319 The proposal includes several features which would contribute to urban greening, including green roofs, hedges, trees and semi natural vegetation.

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- 320 Officers note that the level of hardstanding proposed on the site has been reduced from the previously refused scheme, allowing additional space for landscaping and urban greening.
- 321 The submission is supported by a Landscape Strategy (Studio Bosk, June 2022) which includes an urban greening factor calculation of 0.69 which exceeds the minimum target value of 0.4 set out in LPP G5.
- 322 Officers consider the level of urban greening provided to be acceptable, noting it exceeds minimum requirements.

### **Living roofs**

- 323 The proposal includes provision of green roofs on the main building, as well as on the bin and bicycle stores. It is noted that the Sustainability Report states, “*sedum roof areas are proposed at roof level for both cores, with plugs to be selected to enhance the ecological value of the site.*” The landscape strategy and drawing propose wildflower living roofs which contradicts the statement in the Sustainability report. Sedum roofs are not supported, and a full biodiverse roof should be provided which will be secured via conditions.
- 324 Further details regarding the design of the green roofs will be secured by condition, as well as evidence of the roofs’ installation post completion. Table 6 sets out the proposed quantum of living roofs.

**Table 6: Living Roof Provision**

<b>Type of Living Roof/Wall</b>	<b>Size of Living Roof/Wall (m2)</b>
Intensive green roof with 150mm substrate depth	52
Extensive green roof minimum 80mm	135
<b>Total</b>	<b>310</b>

## **6.6.4 Flood Risk**

### *Policy*

- 325 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 326 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

### *Discussion*

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

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## 6.6.5 Sustainable Urban Drainage

### *Policy*

- 328 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 329 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.
- 330 The NPPF at paragraph 168 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

### *Discussion*

- 331 The application supported by a Surface Water Drainage Assessment report (Michael Ward, December 2021, revised June 2022).
- 332 The Council's Drainage Manager has been consulted on the submission, however no response was received. It is noted that the Drainage Manager had no objections to the previous application, subject to the condition that the measures and recommendations of the report are followed.

## 6.6.6 Sustainable Infrastructure conclusion

- 333 The submitted energy strategy sets out measures to reduce carbon emissions through an enhanced fabric and the use of PV panels.
- 334 The proposal includes measures to achieve the minimum urban greening factor target value of 0.69, and the proposed green roofs would be welcomed.
- 335 A carbon offset contribution of £31,741 would be secured through the relevant legal agreement.

## 6.7 NATURAL ENVIRONMENT

### *General Policy*

- 336 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 337 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 338 NPPF para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

### 6.7.1 Ecology and biodiversity

#### *Policy*

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- 339 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 340 The NPPF at para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 341 CSP 12 seeks to preserve or enhance local biodiversity.
- 342 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on the natural environment.

### *Discussion*

- 343 The application is supported by a Preliminary Ecological Appraisal (PJC Consultancy, 24 June 2022). The report has been interrogated by the Council's ecology officer, who has confirmed the relevant surveys have been carried out in accordance with best practice and agrees with the recommendations as set out in the document.
- 344 It is noted that the bat surveys are on the cusp of validity as the original report was dated 22 September 2021 with surveys conducted in July 2021 and an updated survey was undertaken in October 2022. The October 2022 report states "*Given the age of the initial PBRA and subsequent bat emergence/re-entry surveys, it was therefore considered necessary to undertake a comprehensive desk-based review of recently captured photographs to assess the condition of buildings B1, B4, B5 and B6 for any changes. Upon completion of the review, it was clear that the condition of buildings B1, B4, B5 and B6 had remained unchanged since the initial PBRA and subsequent bat emergence/re-entry surveys were initially undertaken in 2021. On this basis and given that the bat emergence/re-entry survey data is only just out of date, the findings and recommendations presented in the original PEA report and subsequent bat survey report remain valid and unchanged*". No updated bat emergence/re-entry surveys are therefore considered necessary providing that a planning decision has been made prior to 1st May 2023. Should the application process extend beyond 1st May 2023, it is recommended that updated bat emergence/re-entry surveys be undertaken during the 2023 bat survey season (i.e. 1st May to 31st August). "
- 345 Therefore, a condition requiring the bat surveys to be updated before the demolition of buildings will be included, should works not commence before 1<sup>st</sup> May 2023.
- 346 In addition to a condition regarding the updated bat surveys, conditions regarding a Construction Environmental Management Plan (CEMP), Biodiversity Enhancement and Management Plan (BEMP), biodiverse living roofs, external lighting strategy, soft landscaping and urban greening factor will also be imposed to ensure compliance with the recommendations set out in the PEA.

## **6.7.2 Green spaces and trees**

### *Policy*

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

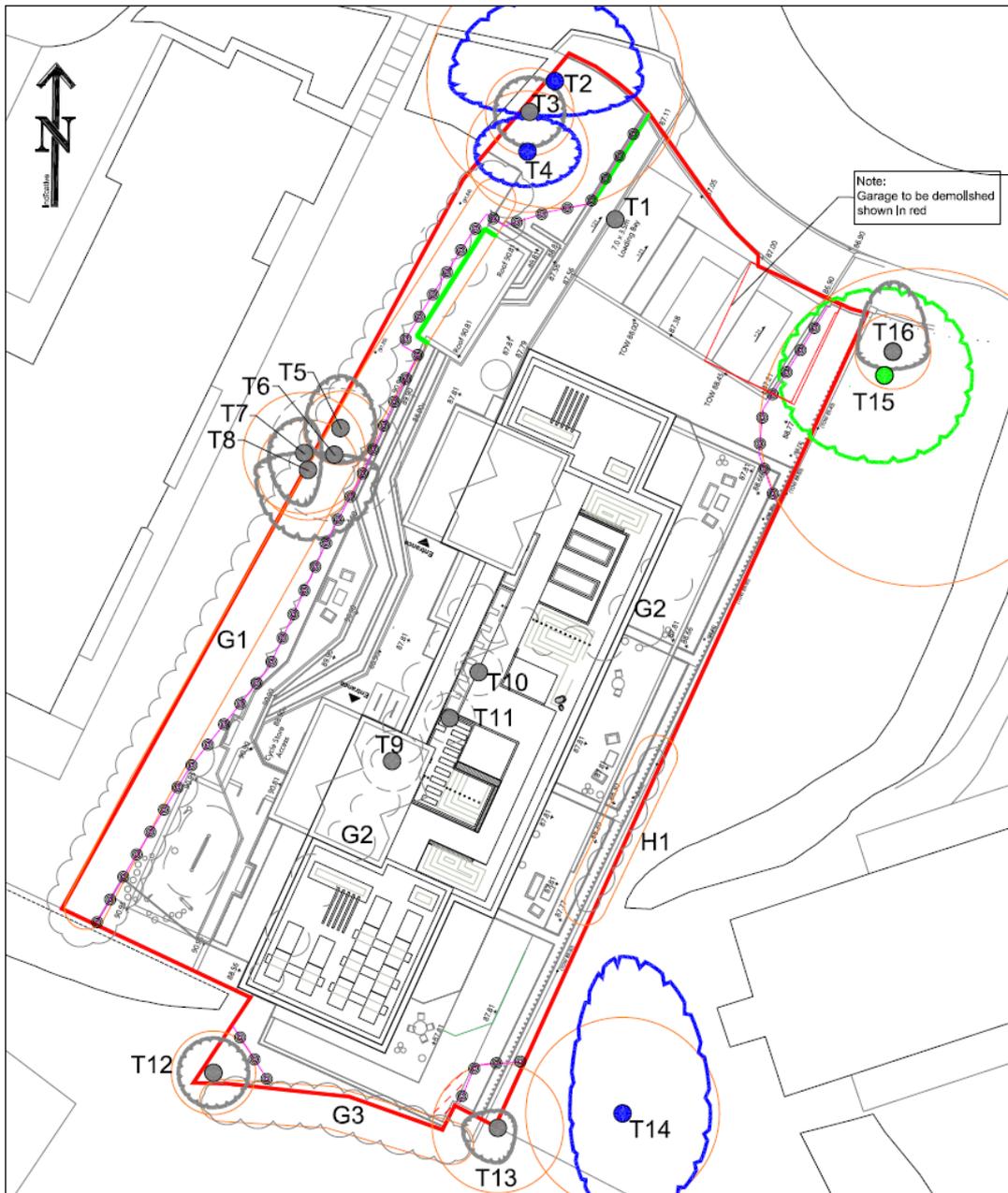
*Discussion*

- 350 Several objections raised concerns about the removal of trees on site in terms of ecological impacts and impacts on the character of the site and surrounding area.
- 351 The Arboricultural Impact Assessment Report (Canopy Consultancy, June 2022) sets out that five individual trees and one group of trees and part of on further group would be removed to enable the construction works to be carried out, all of these trees fall within the C category according to the report because they have a limited life expectancy or are young and are easily replaced. Figure 1 below shows the trees that are proposed to be removed in grey.

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**Figure 1: Proposed tree removal plan**

- 352 The Councils Tree and Landscape Officer has been consulted on the submission; however, no response was received.
- 353 The removal of category C trees is required to make way for the development and new planting at a greater ratio than 1:2 is proposed.
- 354 The proposal involves the planting of 38 new trees, introducing a variety of native species to the site. This replanting will be secured by conditions.
- 355 Within the Landscaping Strategy it states that the frontage will consist of Wild Cherry, Birch and Sorbus to create the structure. This will be interplanted with the smaller Judus tree and Snowy mespilus to provide a punch of colour. The rear communal garden will consist of similar species but with more emphasis on the

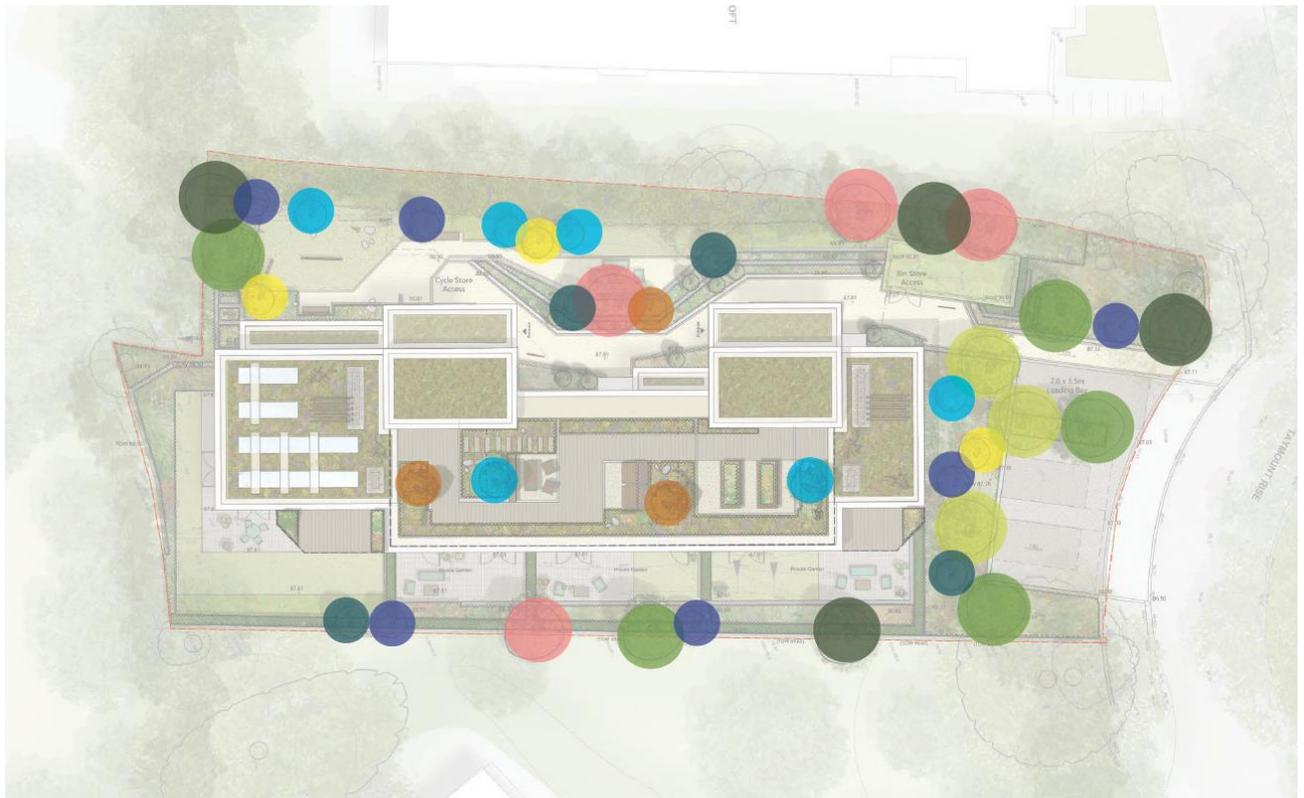
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Judas tree and Snowy Mespilus. On the eastern boundary, within the private terraces, Paper bark maples will be provided.

356 The location of the proposed trees is shown by the coloured circles in Figure 2 below.



**Figure 2: Location of proposed new trees**

357 Other trees on and surrounding the site are also likely to be affected by the works and would require tree protection measures during demolition and construction. A Tree Protection Plan has been submitted, in addition to the tree protection measures as set out in the Arboricultural report, and these will be secured by conditions.

358 Considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making more efficient use of land, the loss of trees on site would be considered acceptable on balance given the substantial replanting proposed, subject to conditions as noted above.

### **6.7.3 Ground pollution**

#### *Policy*

359 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

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

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### *Discussion*

- 361 An Environmental Desk Study report (Alpha Environmental, May 2021) has been submitted in support of the proposal. The report concludes the potential for pollution is very low and the sensitivity of the proposal as residential is high.
- 362 The report concludes that it is considered no further assessment is required before development can continue and recommends an asbestos survey is undertaken prior to demolition works. It also recommends that a Consultancy maintains a 'watching brief' during development, in the event of any potential contamination being encountered. These recommendations will be ensured via conditions.
- 363 A condition will also be included to specify that if any contamination were encountered, works would need to stop until further investigations had been carried out and the results submitted to the Council for review.

## **6.7.4 Air pollution**

### *Policy*

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

### *Discussion*

- 365 No air quality assessment has been submitted.
- 366 The proposal has been reviewed by Councils Environmental Health Officer who had no objections, subject to a condition requiring an Air Quality Neutral Statement to be submitted prior to commencement of the development.

## **6.7.5 Noise pollution**

### *Policy*

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

### *Discussion*

- 368 A scheme of residential sound insulation will be secured by condition, and it is also noted this is a residential area, and there are no known sources of noise pollution in the vicinity.

## **6.7.6 Light pollution**

### *Policy*

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

### *Discussion*

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

### **6.7.7 Natural environment conclusion**

- 371 The impact on ecology and biodiversity on the site would not be harmful, subject to the final details of the proposed on-site ecological enhancements as mitigation.
- 372 On a balance, whilst a number of lower quality trees on site would be lost, this would be mitigated by proposed replanting and considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making more efficient use of land and optimising density, the losses are considered acceptable.

## **6.8 PUBLIC HEALTH, WELL-BEING, AND SAFETY**

### **6.8.1 Public health and well-being**

#### *Policy*

- 373 LLP GG3 requires that the potential impacts of development proposals on the mental and physical health and wellbeing of communities is assessed.

#### *Discussion*

- 374 The proposal seeks to provide high quality and accessible outdoor space in the form of private amenity areas and communal outdoor areas at the ground floor and on the roof top. These areas will contribute positively to the mental and physical well-being of future residents of the development by providing opportunities for exercise, play and relaxation.
- 375 Extensive tree planting and landscaping is proposed across the site to help embed the new building into the surrounding landscape. Greenspace and planting contribute positively to mental health and wellbeing.
- 376 Conditions will be implemented to control and manage construction activities on site to minimise disturbance to surrounding properties and protect the wellbeing of neighbours.

### **6.8.2 Public safety**

#### *Policy*

- 377 CSP 15 seeks high quality design developments that ensure design acts to reduce crime and fear of crime.
- 378 DMP32 required that new-build housing development is design to be safe and secure and reduce crime and the fear of crime.

#### *Discussion*

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- 379 The Metropolitan Police – Designing Out Crime Office (DOCO) was consulted on this application.
- 380 Having reviewed the proposal, the DOCO note that the overall design is well thought out with clear, designated areas for refuse, bike storage and residential parking. There appears to be good levels of natural surveillance across the site which can assist in naturally lowering instances of crime. The bike store’s position is perfect, being at the deepest point of the development. This means that criminals have to walk past the two entrances to the buildings to approach the bike stores, making it very hard for them to justify why they are at the bike store if spoken to by a resident or police. There appears to be good levels of defensible space for the ground floor properties.
- 381 DOCO highlighted areas where the design could be improved by including additional security measures such as secondary security rated doors at the communal accesses, audio and visual control systems, a fire/emergency door release system, and restrictions on the use of the roof garden to manage noise and disturbance.
- 382 Overall, DOCO is satisfied with the proposal, provided that a secured by design condition imposed. Officers consider a condition appropriate.

### **6.8.3 Public health, well-being and safety conclusion**

- 383 The proposal includes appropriate measures to support the health, well-being and safety of future residents and communities. Planting, landscaping and secured by design requirements will be secured by conditions.

## **7 LOCAL FINANCE CONSIDERATIONS**

- 384 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).
- 385 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 386 The CIL is therefore a material consideration.
- 387 £79,884 Lewisham CIL (£70 pm<sup>2</sup>) and £68,472 MCIL (£60 pm<sup>2</sup>) 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**

- 388 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,

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disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

389 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.

390 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.

391 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>

392 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

393 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>

394 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.

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## 9 HUMAN RIGHTS IMPLICATIONS

- 395 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
- 396 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.
- 397 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.
- 398 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 LEGAL AGREEMENT

- 399 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development
- 400 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

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- 401 Officers seek a legal agreement containing the following heads of terms for contributions and obligations:
- Review mechanism – Early-Stage Review if the ground floor slab has not been completed within 2 years of the permission granted; and a Late-Stage Review once 75% of the units are solid;
  - Car Club membership contributions and provision of a car club space on Taymount Rise;
  - Contributions towards consultation for implementation of a Controlled Parking Zone and removal of rights for future residents of the site to obtain residential parking permits.
  - Carbon Offset Payment
  - Monitoring and Costs.
- 402 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## 11 CONCLUSION

- 403 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 404 The previous reasons for refusal related to the excessive scale of the building, siting close to the eastern boundary and excessive levels of hardstand, resulting in loss of openness and harm to the character and appearance of the surrounding area and adjacent locally listed building, as well as inadequate servicing.
- 405 The revised proposal has reduced the scale of the building and sited it more centrally, moving away from the eastern boundary. The front of the site has also been opened up and the overall level of hardstand reduced.
- 406 An acceptable servicing strategy has been proposed and will be secured via conditions.
- 407 Officers consider that the previous reasons for refusal have been adequately addressed and therefore the proposal can be approved subject to conditions and a legal agreement.

## 12 RECOMMENDATION

### RECOMMENDATION A

- 408 To authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters outlined in Section 10 above including such other amendments as considered appropriate to ensure the acceptable implementation of the development.

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## **RECOMMENDATION B**

- 409 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PERMISSION** subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

### **12.1 CONDITIONS**

#### **1. Full Planning Permission Time Limit**

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

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

#### **2. Develop in Accordance with Approved Plans**

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

21-1208-TPP-A ; 2258(40)001 C; 21.080-BOSK-ZZ-00-DR-L-1000 P09; 21.080-BOSK-ZZ-00-DR-L-1100 P07; 2258(10)000 REV B; 2258(10)100 A; 2258(11)000 D; 2258(20)000 B; 2258(21)000 H; 2258(21)001 H ; 2258(21)002 G; 2258(21)003 G ; 2258(21)004 G ; 2258(21)005 B ; 2258(30)001 B ; 2258(31)001 H; 2258(31)002 H ; 2258(31)003 D; 2258(41)001 C; 2258(41)002 C; P1; P2 ; P3 2258(40)001 C ; 21-1208-TPP-A ; 2258(10)000 B; Archaeological Desk Based Assessment (Achaecology Collective, August 2021); Bat Emergence/Re-Entry Survey Report (PJC, 24 June 2022); CONSTRUCTION LOGISTICS & TRAFFIC MANAGEMENT PLAN (Hambridge, 3 June 2022); Design and Access Statement (Morton Scarr, June 2022); ENVIRONMENTAL DESK STUDY REPORT (Alpha Environmental, May 2021); Daylight and Sunlight Assessment (Herrington, June 2022); Energy Strategy (AJ Energy Consultants, June 2022); Fire Statement (Jan Monvid BSc, 23 June 2022); Heritage Statement (HCUK Group, June 2022); Landscape Strategy (Studio Bosk , June 2022); Planning Statement (DHA, June 2022); Preliminary Ecological Appraisal (PJC, 24 June 2022); Surface Water Drainage Assessment (Michael Ward, December 2021); Sustainability Statement (AJ Energy Consultants, June 2022); Transport Statement (Odyssey, July 2022); Travel Plan (Odyssey, July 2022) FINANCIAL VIABILITY ASSESSMENT (July 2022) Refuse Management Plan (Odyssey July 2022)Arboricultural Impact Assessment and Method Statement (June 2022); Delivery & Servicing Plan (Odyssey July 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. Wheelchair Accessible Homes**

The three wheelchair dwellings hereby approved and identified as Units 8, 12 and 16 as shown on drawing nos. 2258(21)002 G; 2258(21)003 G; and 2258(21)004 G shall be constructed to comply with Requirement M4(3), prior to their first occupation. All other

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residential units shall be constructed to meet Requirement M4(2), prior to first occupation.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy D7 Accessible housing of the London Plan (March 2021), Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

#### 4. **Construction Management Plan**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

#### 5. **Dust Management Plan:**

Prior to the commencement of development, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), shall be submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will need to detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan.

**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 T7 Deliveries, servicing and construction of the London Plan (March 2021).

#### 6. **Site Contamination**

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

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

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

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

## 7. **Sound Insulation**

- a) The building shall be designed and constructed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided.
- b) No development beyond ground level shall commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety.

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Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

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

## 8. Design Details

- a) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:50 showing: windows/ doors/balconies/ terraces and entrances have been submitted to and approved in writing by the local planning authority.
- b) The development shall be carried out in accordance with the approved details.

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

## 9. Obscured Window Glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new secondary bedroom windows to be installed on the western elevation of Units 5, 9 and 13 of the building hereby approved shall be fitted as obscure glazed 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 [~~delete irrelevant policy~~] of the Development Management Local Plan (November 2014).

## 10. Surface Water Drainage

- a) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021)

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and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

11. **External Materials**

No development above ground level shall commence on site until a detailed schedule of all external materials and finishes, windows, external doors, roof coverings and balcony treatments to be used on the building hereby granted have been submitted to and approved in writing by the local planning authority, and samples of external materials presented to officers on-site, prior to commencement of the relevant part of the development. The development shall thereafter be carried out and maintained in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the buildings in order 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 and DM 32 Housing Design, layout and space standards.

12. **Plumbing or Pipes**

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

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

13. **Refuse Facilities**

All refuse facilities shall be provided in full prior to occupation of the residential units 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 disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

14. **Air Quality**

Prior to commencement of above ground works (excluding demolition), Air Quality information must be provided to and approved in writing by the Local Planning Authority, which must include the following:

- i) Evidence that any plant and equipment will meet NRMM standards in relation to emissions;
- ii) Confirmation of the number of boilers proposed;

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- iii) Evidence (including calculations) that demonstrate the site's NO<sub>2</sub> and PM<sub>10</sub> emissions from any proposed plant and building have been assessed against the relevant benchmarks.

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

#### 15. **Air Source Heat Pumps**

No development shall take place until a scheme including the details of the location, type and specification and enclosure of the proposed Air source heat pump shall be submitted to and approved in writing by the local planning authority. The approved plant shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and shall be retained as such thereafter.

**Reason:** To ensure that the amenities of occupiers are protected from the poor air quality in accordance with policy London Plan policy 5.3 and 7.14, and NPPF 181.

#### 16. **Energy Strategy**

The proposed development shall be carried out in accordance with the recommendations of the Energy Strategy Report prepared by AJ Energy Consultants Limited, dated June 2022.

**Reason:** To promote sustainable forms of energy and to minimise carbon emissions in accordance with Core Strategy Policy 8 and Policy SI 2 Minimising greenhouse gas emissions and Policy SI 3 Energy infrastructure of the London Plan (March 2021).

#### 17. **Cycle Storage**

No development shall commence until full details (including manufacturers' specifications) of secure covered cycle parking facilities (for not less than 30 bicycles) for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall conform to current guidance such as the TfL London Cycling Design Standards in design and layout and be fully implemented and be made available for use before the first occupation of the development and thereafter retained for use at all times without obstruction.

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

#### 18. **Hard Landscaping**

- a) No development beyond piling shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.

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- 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.

## 19. **Soft Landscaping**

- a) A scheme of soft landscaping (including details of proposed plant numbers, species, location, and details of tree planting on a minimum of a 2:1 ratio) 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 above ground floorworks.
- b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

## 20. **Boundary Treatment**

- 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 building 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).

## 21. **External Lighting**

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

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- 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 impacts to wildlife, as well as light pollution to the night sky and neighbouring properties and to comply with Policy 12 Open space and environmental assets of the Core Strategy, DM Policy 24 Biodiversity, living roofs and artificial playing pitches, and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

## 22. External lighting strategy – Biodiversity

- a) Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall: show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their territory or having access to their breeding sites and resting places; and not uplighting trees.
- b) All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**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 impacts to wildlife, as well as light pollution to the night sky and neighbouring properties and to comply with Policy 12 Open space and environmental assets of the Core Strategy, DM Policy 24 Biodiversity, living roofs and artificial playing pitches, and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

## 23. Private Amenity Space

The proposed private and communal amenity spaces shall be provided in full prior to first residential occupation, and retained thereafter permanently for the benefit of the occupiers of the residential units hereby permitted.

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

## 24. Secured by Design

- a) Prior to the commencement of any above ground work, details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with

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the approved details which shall be in line with the standards set out by 'Secured by Design'.

- b) No part of the development hereby approved shall be first occupied until certification that the development has achieved Secured by Design in accordance with Part Q of the relevant building regulations has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the local planning authority may be satisfied that the proposal reduces opportunities for criminal behaviour and makes a positive contribution to a sense of security and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

25. **Water Efficiency – New Dwellings**

The sanitary fittings within each residential dwelling shall include low water use WCs, shower taps, baths and (where installed by the developer) white goods designed to comply with an average household water consumption of less than 110litres/person/day.

**Reason:** To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

26. **Non-Road Mobile Machinery (NRMM)**

An inventory of all Non-Road Mobile Machinery (NRMM) shall be kept on-site and registered on <http://nrmm.London/> showing the emission limits for all equipment and shall be made available to Local Planning Authority offices if requested. All NRMM of net power between 37kW and 560kW will be required to meet Stage IIIA of EU Directive 97/68/EC.'

**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 SI 1 Improving air quality of the London Plan (2021).

27. **Loading Bay**

Prior to occupation of the development, the loading bay shown on the approved drawings shall be provided. The bay shall be clearly marked on the surface as a loading bay only, using lettering of sufficient size so as to warn drivers approaching it that this is its purpose and by the means of coloured cross-hatching. The loading bay shall be kept clear of other vehicles at all times.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June2011).

28. **Delivery and Servicing Plan**

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The Delivery and Servicing Plan (Odyssey, July 2022) hereby approved shall be implemented in full accordance with the approved details from the first occupation of the residential units and shall be adhered to in perpetuity.

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

## 29. **Construction Deliveries and Hours**

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

**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).

## 30. **Travel Plan**

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

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

## 31. **Refuse Management Plan**

The Refuse Management Plan (Odyssey, July 2022) hereby approved shall be implemented in full accordance with the approved details from the first occupation of the residential units and shall be adhered to in perpetuity.

**Reason:** In order that the LPA may be satisfied with the provision of a suitable recycling and refuse collection area in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with DM Policy

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30 Urban Design and local character of the Development Management Local Plan (2014), and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

### 32. **Construction Logistics 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).

### 33. **PV Panels**

- a) Details of the proposed PV panels shall be submitted to and approved in writing by the LPA prior to first installation.
- b) The PV panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved, and retained in perpetuity.

**Reason:** To promote sustainable forms of energy and to minimise carbon emissions in accordance with Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011).

### 34. **Living Roof**

- a) Notwithstanding references to sedum roof, details of the biodiverse living roofs shall be submitted to and approved in writing by the LPA prior to any works beyond piling. A 1:20 scale plan of the living roofs that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The living roofs shall be:
  - i) Biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm);
  - ii) Plug planted and seeded with an agreed mix of species within the first planting season following the practical completion of the building works.
- b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

35. **Bat and Bird Boxes**

Details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity – minimum 5no.bird (including 3no.universal swift bricks) and 5no.bat bricks.

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

36. **Updated bat survey**

If development has not commenced by 1<sup>st</sup> May 2023, no demolition or construction shall be undertaken until an updated bat survey has been submitted and approved in writing by the Local Planning Authority.

**Reason:** To comply with the Habitat and Species Regulations 2010 and Wildlife & Countryside Act 1981 (as amended).

37. **Biodiversity Enhancement & Management Plan (BEMP)**

Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall include the following:

- a) Description and evaluation of features to be enhanced, created and managed (including but not limited to 3 integrated swift bricks, 2 other type of integrated bird bricks, 5 integrated bat bricks and 2 bee/bug habitat features, hedgehog highways in fences)
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5 year period)
- g) Ongoing monitoring and remedial measures.
- h) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

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The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

**Reason:** To ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

### 38. **Construction Environmental Management Plan (CEMP)**

Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of “biodiversity protection zones”
- c) Measures to avoid or reduce impacts during construction
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including but not limited to trees, nesting birds, bats and small mammals
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
- g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

**Reason:** To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013

### 39. **Vehicular Access**

Full details of the proposed vehicle access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No other part of the development shall begin until the new means of access has been sited, laid out and constructed in accordance with the approved details.

**Reason:** In order to minimise danger, obstruction and inconvenience to users of the highway and of the access and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

### 40. **Provision of Parking Spaces**

The whole of the car parking accommodation shown on drawing nos. 2258(21)000 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter, exclusively for the use of the Part M4(3) units.

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**Reason:** To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with 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).

#### 41. **Electric Vehicle Charging Points**

- a) Details of the location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with DM Policy 29 Car parking of the Development Management Local Plan (November 2014), and Policies SI 1 Improving air quality T6 Car parking and T6.1 Residential parking and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

#### 42. **Tree Protection**

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

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

#### 43. **Piling**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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**Reason:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, in line with the National Planning Policy Framework (NPPF) (Paragraph 170).

## 12.1 INFORMATIVES

### A. Positive and Proactive Statement

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

### B. Community Infrastructure Levy

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>

### C. Construction – Pollution and Noise

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.

### D. S106 Agreement

You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on [CIL@lewisham.gov.uk](mailto:CIL@lewisham.gov.uk).

### E. Street Naming and Numbering

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

### F. Air Quality

The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 30 mg/kWh (at 0% O2) if absolutely necessary.

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The Committee on Climate Change recently advised the Government that there is now an urgent need to eliminate the use of gas in new buildings. In response, the Government outlined that the Future Homes Standard will mean by 2025 new homes will not be built with fossil fuel heating, such as gas boilers. Alternative heating systems are therefore encouraged, which could include (but are not limited to) electric boilers, solar thermal panels, heat pumps or other energy efficient systems.

Heat pumps are generally more energy efficient than standard panel heating, particularly if used on a communal scale (small number of dwellings or a block of flats). The siting of air source heat pumps on buildings should be carefully considered to take account of potential noise impacts. Useful information about the efficiency of different heat pumps is available online: <http://www.bregroup.com/heatpumpefficiency/index.jsp>.

## G. Contaminated Land

- All wastes should be managed in accordance with duty of care regulations.
- All health and safety procedures should be adhered to at all time.
- A copy of an asbestos survey carried out by an appropriate qualified person prior to any demolition/conversion/refurbishment/redevelopment occurring. This is recommended in order to ensure site works do not cause future contamination of the site and risk to human health.

## H. Dust Management Plan

An Air Quality and Dust Risk Assessment (AQDRA) is required as part of the assessment of air quality impacts. A DMP:

- May be integrated within a wider Construction Environmental Management Plan;
- Must mitigate against negative impact on air quality and receptors in the vicinity of the development;
- Must detail the measures that will be taken to reduce the impacts on air quality during all construction phases (Demolition, Construction, Earthworks, Track out)
- Include a maintenance schedule of the dust mitigation measures;
- Undertake to carry out air quality monitoring before and during demolition and construction works (usually three months prior to commencement of any works on site). Parameters to be monitored, duration, locations and monitoring techniques must be approved in writing by Lewisham Council prior to commencement of monitoring.

Shall be in accordance with “The Control of Dust and Emissions during Construction and Demolition”, Mayor of London SPG 2014

## I. Noise

The air source heat pump should be located to minimise its effect on the amenity of the area. A key matter is dealing with the noise created by air source heat pumps.

The rating level of the noise emitted from air source heat pump 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 BS4142:1997.

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Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.

The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

#### **J. Thames Water (Piling)**

Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/ https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes \\_!!CVb4j\\_0G!SevgCTWGsAcHfBHcfn\\_Xu-tivSyfgh-QUPf2w8\\_J0WWxKFYgXrF1LAEPx0QAfvcQ09vglYwgh8b6lpZIEbKcKng9\\_7RPrw\\$.](https://urldefense.com/v3/https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes_!!CVb4j_0G!SevgCTWGsAcHfBHcfn_Xu-tivSyfgh-QUPf2w8_J0WWxKFYgXrF1LAEPx0QAfvcQ09vglYwgh8b6lpZIEbKcKng9_7RPrw$.)

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### **K. Thames Water (Wastewater)**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via

[https://urldefense.com/v3/ http://www.thameswater.co.uk \\_!!CVb4j\\_0G!SevgCTWGsAcHfBHcfn\\_Xu-tivSyfgh-QUPf2w8\\_J0WWxKFYgXrF1LAEPx0QAfvcQ09vglYwgh8b6lpZIEbKcKnoo6YSZHA\\$.](https://urldefense.com/v3/http://www.thameswater.co.uk_!!CVb4j_0G!SevgCTWGsAcHfBHcfn_Xu-tivSyfgh-QUPf2w8_J0WWxKFYgXrF1LAEPx0QAfvcQ09vglYwgh8b6lpZIEbKcKnoo6YSZHA$.)

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

## **13 BACKGROUND PAPERS**

- 410 Submission Drawings
- 411 Submission technical reports and supporting documents
- 412 Consultee Responses
- 413 Local Meeting Minutes
- 414 Review of 'Affordable Housing Viability Assessment' (BNP Paribas Real Estate, August 2022)

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## **Review of 'Affordable Housing Viability Assessment'**

**Taymount Lodge & Greenbank Cottage,  
Taymount Rise, Forest Hill, SE23 3UL**

**DRAFT REPORT**

Prepared for  
London Borough of Lewisham

August 2022

## Contents

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## Appendices

- Appendix 1 - Savile Brown Construction Cost Review
- Appendix 2 - Proposed Scheme Appraisal

# 1 Introduction and Terms of Reference

The London Borough of Lewisham (“the Council”) has commissioned BNP Paribas Real Estate to advise on a ‘Financial Viability Assessment’ dated July 2021 submitted by DHA on behalf of Hambridge Homes (“the Applicant”) in relation to development proposals at Taymount Lodge and Greenbank Cottage, Taymount Rise, Forest Hill, SE23 3UL (“the Site”).

The development comprises the redevelopment of the Site to provide 16 apartments.

This report provides an objective review of the Applicant’s viability assessment in order to advise the Council whether the Applicant’s contention that the scheme cannot support any affordable housing is correct.

## 1.1 BNP Paribas Real Estate

BNP Paribas Real Estate is a leading firm of chartered surveyors, town planning and international property consultants. The practice offers an integrated service from nine offices in eight cities within the United Kingdom and over 180 offices, across 37 countries in Europe, Middle East, India and the United States of America, including 16 wholly owned and 21 alliances. In 2005, the firm expanded through the acquisition of eight offices of Chesterton and in 2007, the firm acquired the business of Fuller Peiser and Strutt & Parker in 2017. We are a wholly owned subsidiary of BNP Paribas, which is the number one bank in France, the second largest bank in the Euro Zone and one of only six top rated banks worldwide.

BNP Paribas Real Estate has a wide ranging client base, acting for international companies and individuals, banks and financial institutions, private companies, public sector corporations, government departments, local authorities and registered providers (“RPs”).

The full range of property services includes:

- Planning and development consultancy;
- Affordable housing consultancy;
- Valuation and real estate appraisal;
- Property investment;
- Agency and Brokerage;
- Property management;
- Building and project consultancy; and
- Corporate real estate consultancy.

This report has been prepared by Jamie Purvis MRICS, RICS Registered Valuer and reviewed by Anthony Lee MRTPI, MRICS, RICS Registered Valuer.

The Development Viability and Affordable Housing Consultancy of BNP Paribas Real Estate advises landowners, developers, local authorities and RPs on the provision of affordable housing.

Anthony Lee was a member of the working group which drafted guidance for planning authorities on viability, which was published by the Local Housing Delivery Group in June 2012 as ‘*Viability Testing Local Plans: Advice to Planning Practitioners*’. He was a member of MHCLG’s ‘Developer contributions expert panel’ which assisted in the drafting of the viability section of the 2019 Planning Practice Guidance. He is also a member of the Mayor of London’s Housing Delivery Taskforce expert panel.

In addition, we were retained by Homes England (‘HE’) advise on better management of procurement of affordable housing through planning obligations.

The firm has extensive experience of advising landowners, developers, local authorities and RPs on the value of affordable housing and economically and socially sustainable residential developments.

## 1.2 Report Structure

This report is structured as follows:

**Section two** provides a brief description of the Development;

**Section three** describes the methodology that has been adopted;

**Section four** reviews the assumptions adopted by the Applicant, and where necessary, explains why alternative assumptions have been adopted in our appraisals;

**Section five** sets out the results of the appraisals;

Finally in **Section six**, we draw our conclusions from the analysis.

## 1.3 The Status of our advice

In preparing this report and the supporting appraisals, we have given full regard to the RICS Guidance Note ('GN') 'Assessing viability in planning under the National Planning Policy Framework for England 2019' (first edition, March 2021). However, paragraph 2.2.3 of the GN acknowledges that statutory planning guidance takes precedence over RICS guidance. Conflicts may emerge between the GN and the PPG and/or other adopted development plan documents. In such circumstances, we have given more weight to the PPG and development plan documents.

In carrying out this assessment, we have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

We are not aware of any conflicts of interest in relation to this assessment.

In preparing this report, no 'performance-related' or 'contingent' fees have been agreed.

This report is addressed to London Borough of Lewisham only. No liability to any other party is accepted.

## 2 Development Description

### 2.1 Site Location and Description

The Site extends to approximately 0.14 hectares and is currently occupied by two houses (Taymount Lodge and Greenbank Cottage). The Site is bounded by Taymount Grange (1930s block of flats) to the east, Forest Croft (a block of flats) to the north-west and flatted developments located on Knapdale Close and Shackleton Close to the south. The Site is located within close proximity to local amenities and shops in the Forest Hill local centre, including Sainsbury's (400m), bus stops on the A205 (500m), the Horniman Museum and Gardens (550m), Forest Hill Train Station (600m), and local schools (within 1000m).

### 2.2 Planning History

We have reviewed the Council's planning website and the Site has not been subject to any redevelopment proposals that are relevant to this viability assessment.

### 2.3 The Proposed Development

The Applicant is seeking planning permission for:

*"Demolition of the existing 2no. dwellings and the erection of 16 no. residential apartments with associated landscaping, parking, bin and cycle store."*

**Table 2.3.1: Proposed Scheme Accommodation**

Plot	Beds	Area (sq/ft)
1	3	1,006
2	3	909
3	1	612
4	3	968
5	3	968
6	2	826
7	1	612
8	2	834
9	3	968
10	2	826
11	1	612
12	2	834
13	3	968
14	2	826
15	1	612
16	2	834
<b>Total</b>	-	<b>13,215</b>

## 3 Methodology

The Applicant has submitted their appraisal using Argus Developer ('Argus').

We have used also Argus to appraise the development proposals. Argus is a commercially available development appraisal package in widespread use throughout the industry. It has been accepted by a number of local planning authorities for the purpose of viability assessments and has also been accepted at planning appeals. Banks also consider Argus to be a reliable tool for secured lending valuations. Further details can be accessed at [www.argussoftware.com](http://www.argussoftware.com).

This cash-flow approach allows the finance charges to be accurately calculated over the development/sales period. The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value. The model is normally set up to run over a development period from the date of the commencement of the project and is allowed to run until the project completion, when the development has been constructed and is occupied.

Essentially, such models all work on a similar basis:

- Firstly, the value of the completed development is assessed;
- Secondly, the development costs are calculated, using either the profit margin required or land costs (if, indeed, the land has already been purchased).

The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value.

The output of the appraisal is a Residual Land Value ('RLV'), which is then compared to an appropriate benchmark, typically the Existing Use Value ('EUV') of the site plus a site-specific landowner's premium, in line with the Planning Practice Guidance.

An Alternative Use Value ('AUV') may also be used to inform benchmark land value where it is considered to be feasible in planning and commercial terms. Development convention and GLA guidance suggests that where a development proposal generates a RLV that is higher than the benchmark, it can be assessed as financially viable and likely to proceed. If the RLV generated by a development is lower than the benchmark, clearly a landowner would sell the site for existing or alternative use or might delay development until the RLV improves.

## 4 Review of Assumptions

In this section, we review the assumptions adopted by the Applicant in their viability assessment.

### 4.1 Market Housing Revenue

The market housing units generate revenue of c. £9.47m equating to a capital value per sq/ft of £640. In support of this revenue, the Applicant has submitted a pricing schedule prepared by local agent Pedder, which we summarise in Table 4.1.1.

**Table 4.1.1: Pedder Pricing Schedule**

Plot	Beds	Sale Price	Area (sq/ft)	£PSF
1	3	£575,000	1,006	£571
2	3	£560,000	909	£616
3	1	£385,000	612	£629
4	3	£590,000	968	£609
5	3	£575,000	968	£594
6	2	£510,000	826	£617
7	1	£360,000	612	£588
8	2	£535,000	834	£641
9	3	£575,000	968	£594
10	2	£510,000	826	£617
11	1	£360,000	612	£588
12	2	£535,000	834	£641
13	3	£580,000	968	£599
14	2	£515,000	826	£623
15	1	£365,000	612	£596
16	2	£540,000	834	£647
<b>Total</b>	-	<b>£8,070,000</b>	<b>13,223</b>	<b>£610</b>

In support of the sales values, the Applicant has had regard to current asking prices at new build scheme 'Dacres Wood Court' located c. 0.9 miles to the south-east of the site. The scheme has completed and the Applicant has made reference to asking prices of 2 bed units at £479,995 (704 sq/ft), £506,995 (809 sq/ft) and £514,995 (825 sq/ft).

The Applicant has also had regard to an asking price for a 2 bed unit of £515,000 (6 unit extension to an existing building) located on Devonshire Road c. 0.4 miles to the north east of the site. The Applicant has also had regard to second hand sale prices in the locality with 1 bed units ranging from £250,000 to £310,000, 2 beds from £338,000 to £397,000 and 3 beds from £335,000 to £412,000.

We have undertaken our own research and we summarise in Table 4.1.2 the following asking prices at the new build schemes referred to by the Applicant.

**Table 4.1.2: Asking Prices**

Scheme	Unit Type	Asking Price	Area (sq/ft)	£PSF
Dacres Wood	2 Bed	£514,995	825	£624
Devonshire Road	2 Bed	£500,000	694	£720

Scheme	Unit Type	Asking Price	Area (sq/ft)	£PSF
Devonshire Road	2 Bed	£525,000	694	£756
Devonshire Road	2 Bed	£550,000	672	£818

In summary, we have considered the available evidence base and for the purpose of this assessment, we do not consider that the proposed scheme sales values are unreasonable.

## 4.2 Construction Costs

The Applicant's appraisal adopts construction costs totalling c. £4.32m equating to a cost rate of c. £260 per sq/ft. In support of the costs, the Applicant has submitted a cost plan prepared by Betteridge & Milsom dated 12 July 2022.

The Council has instructed Savile Brown to review the costs and we attach as Appendix 1 their cost review. In summary, Savile Brown have assessed the scheme costs at c. £3.95m (c. £238 per sq/ft). We have subsequently adopted the Savile Brown costs in our appraisal.

## 4.3 Professional Fees

The Applicant has adopted a 10% professional fee allowance and for the purpose of this assessment, we have adopted a professional fee allowance of 8% due to the scale of the scheme.

## 4.4 Community Infrastructure Levy ('CIL')

The Applicant has adopted a Borough CIL payment of £107,423 in addition to a Mayoral CIL payment of £72,043 and we would welcome confirmation from the Council that these payments are correct.

## 4.5 Sales, Marketing & Legal Fees

The Applicant has adopted a combined sales and marketing allowance of 1.5% of GDV in addition to a sales legal fee of £1,000 per unit. For the purpose of this assessment, we do consider that the Applicant's fees are unreasonable.

## 4.6 Stamp Duty Land Tax

With regards to land tax the Applicant has provided the following statement:

*"As part of the previous application, BNP stated that SDLT should reflect what the developer would pay for the land on the basis of the proposed scheme as a development site and therefore a blanket 5% should apply.*

*Until the planning consent is implemented, the properties can lawfully be sold as two residential properties meaning that the residential SDLT calculation should apply. If we were to assume the benchmark land value of £1,200,000 per property as advised by Pedder (see section 6.6), then the SDLT should be calculated at £93,250 per property. We have therefore allowed for this within the appraisal".*

We have responded back to the Applicant on this point previously and it is unclear why the Applicant has applied to SDLT for the existing uses to the residual land value of the proposed scheme. The SDLT for the proposed scheme should reflect what the developer would pay for the land based upon the proposed scheme residual land value. If the Applicant wanted to include the SDLT for the existing houses, the benchmark site value of c. £2.40m needs to be input into the appraisal, as a fixed day one land cost and the outputs of the appraisal would be the scheme profit. We have therefore disregarded the Applicant's approach, as it is incorrect and also serves to artificially decrease the proposed scheme residual land value.

## 4.7 Project Programme

The Applicant has the following project programme summarised in Table 4.7.1.

**Table 4.7.1: Project Programme**

Project Stage	Duration (months)
Planning	6
Construction	14
Sales	3 (commencing 2 months prior to practical completion)
<b>Total Project Duration</b>	<b>21</b>

For the purposes of this assessment, we do not consider that the Applicant's project programme is unreasonable. However, we have reduced the pre-construction period to 3 months.

## 4.8 Finance

The Applicant has adopted a finance rate of 6.5% and we have also adopted a finance rate of 6.5%. Although a bank would not provide 100% of the funding required for the proposed Development, it is conventional to assume finance on all costs in order to reflect the opportunity cost (or in some cases the actual cost) of committing equity to the project.

## 4.9 Developer's Profit

The Applicant has modelled two scenarios with profit levels of 20% of GDV and 17.5% of GDV respectively for the market housing units.

We have recently experienced a range from 17% to 20% of GDV when considering developments in the southeast of England. We have taken into account the uncertainty that is now apparent after the United Kingdom's departure from the European Union and the potential risks associated with our future trading relationships with other countries, in addition to the risks associated with the Proposed Development. We have also taken into account the outbreak of the Novel Coronavirus (Covid-19) declared by the World Health Organisation as a "Global Pandemic" on 1 March 2020 and the emergence of new strains of the virus. We have also taken into account the war in Ukraine, global commodities inflation and current supply chain issues and in summary, we do not consider that a profit of 17.5% is unreasonable for the proposed scheme.

## 5 Appraisal Outputs

In this section, we consider the outputs of the appraisals and the implications for the provision of affordable housing at the proposed development and review the benchmark land value.

### 5.1 Viability Benchmark Site Value

The Applicant has adopted a site value of £2.30m on the basis of the value of the existing residential units at £1.15m each. In support of this site value, the Applicant has had regard to advice from Pedder who have advised on a value of £1.15m to £1.20m for each property in addition sales of houses, which we summarise in Table 5.1.1.

**Table 5.1.2: Comparable Evidence**

Address	Date	Unit Type	Floor Area (sq/ft)	Sale Price	£PSF
46 Thorpewood Avenue	Mar-22	3 Bed – Detached	1,311	£1,040,000	£793
58 Thorpewood Avenue	Feb-22	4 Bed – Detached	1,858	£1,050,000	£565
6 Ewelme Road	Jan-22	4 Bed – Detached	1,787	£988,000	£553
36 Tewkesbury Avenue	Dec-21	3 Bed – Detached	1,134	£850,000	£750

We have undertaken our own research and in addition to the sales summarised in the table above we have identified the following sales in Table 5.1.3.

**Table 5.1.3: BNPPRE Comparable Evidence**

Address	Date	Unit Type	Floor Area (sq/ft)	Sale Price	£PSF
10 Albion Villas Road	Mar-22	3 Bed – Detached	1,541	£1,250,000	£811
19 Radlet Avenue	Jun-22	5 Bed – Detached	1,670	£1,030,000	£617

We have considered the available evidence and for the purpose of this draft report, we do not consider that the Applicant's site value is unreasonable.

### 5.2 Appraisal Results

We tabulate below the results of the Applicant's viability assessment.

**Table 5.2.1: Applicant's Appraisal Results (17.5% Profit)**

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. £1.20m	£2.30m	c. - £1.10m

In summary, the Applicant's proposed scheme appraisal with a profit of 17.5% generates a deficit of c. £1.10m.

**Table 5.2.1: Applicant's Appraisal Results (20% Profit)**

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. £1.02m	£2.30m	c. - £1.28m

In summary, the Applicant's proposed scheme appraisal with a profit of 20% generates a deficit of c. £1.28m.

We summarise in the table below our appraisal results.

**Table 5.2.2: BNPPRE Appraisal Results**

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. £1.55m	c. £2.30m	c. £0.75m

In summary, our proposed scheme appraisal generates a residual land value of c. £1.55m and when benchmarked against a site value of £2.30m the proposed scheme generates a deficit of c. £0.75m.

### 5.3 Sensitivity Analysis

We have also undertaken a sensitivity analysis, which demonstrates scheme performance in the event that sales values and costs change. We summarise the results of this analysis in Table 5.3.1.

**Table 5.3.1: BNPPRE Sensitivity Analysis**

Scenario	Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
+ 5% Sales Values	c. £1.84m	c. £2.30m	c. - £0.46m
+ 10% Sales Values	c. £2.13m	c. £2.30m	c. - £0.17m
- 5% Costs	c. £1.75m	c. £2.30m	c. - £0.55m
- 10% Costs	c. £1.94m	c. £2.30m	c. £0.36m
+ 5% Sales Values and - 5% Costs	c. £2.03m	c. £2.30m	c. - £0.27m
+ 5% Sales Values and - 10% Costs	c. £2.30m	c. £2.30m	c. £0.00m
+ 10% Sales Values and - 5% Costs	c. £2.32m	c. £2.30m	c. £0.02m
+ 10% Sales Values and - 10% Costs	c. £2.52m	c. £2.30m	c. £0.22m

## 6 Conclusion

We have reviewed the Applicant's viability assessment, which seeks to demonstrate that the scheme cannot support any affordable housing as it generates a deficit of c. £1.10m with a 17.5% profit and a deficit of c. £1.28m with a 20% profit.

We have undertaken our own assessment of the scheme and our assessment generates a deficit of c. £0.75m when benchmarked against a site value of £2.30m. Consequently, the proposed scheme cannot viably support any affordable housing.

# Appendix 1 - Savile Brown Construction Cost Review



# SAVILE BROWN

ASSOCIATES

BNP Paribas

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16 August 2022

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CLIENT:

DATE:

Cost Plan Review

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Rev 00

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DOCUMENT TITLE:

VERSION:

**Taymount Lodge &  
Greenbank Cottage,  
Taymount Rise,  
Forest Hill,  
SE23 3UL.**

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## 1. Executive Summary

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- 1.1 The cost information provided is a Financial Viability Assessment Report prepared by DHA Planning Ltd for Taymount Lodge & Greenbank Cottage, Taymount Rise, Forest Hill, SE23 3UL. This report has been prepared in accordance with latest published guidance including the recently published RICS professional statement 'Financial viability in planning: conduct and reporting' 1st Edition May 2019.
- 1.2 The works comprise of the demolition of 2no existing dwellings, the erection of 20no residential apartments with associated landscaping, parking, refuse and cycle store.
- 1.3 The contract cost estimate totals **£4,322,000.00**, the gross Internal area is assumed to total 1,546 m2 which converts to £2,662/m2.
- 1.4 SBA have been requested to carry out a high-level review of the Cost Plan within the document DHA Planning Ltd. The abnormal costs listed equate to a total of **£461,550.00** excluding OH&P adjustment.
- 1.5 Following a review of the information provided, SBA's cost analysis recommendation has resulted in a potential saving of **£368,760.00**. The revised total project cost is **£3,953,240.00** this converts to £2,557/sqm or £238/sqft.
- 1.6 The information contained within this report is confidential to all parties involved and may not be relied upon by any third party or used for any other purposes.
- 1.7 We confirmed we have acted with objectivity, impartially, without interference and believe we have sourced appropriate available information.
- 1.8 We have acted in accordance with our instruction from BNP Paribas and that no performance or contingent fees have been agreed.
- 1.9 We confirm we have no conflict or that a risk of conflict exists.

## 2. Summary

---

- 2.1 Savile Brown Associates (SBA) have been appointed to carry out an independent review of all costs within DHA Planning Ltd.'s Financial Viability Assessment Report.
- 2.2 Assumptions or exclusions have been included within DHA's Report (Section 6).
- 2.3 This review is largely based upon areas given within the Viability Report and £/sqm analysis. It has been assumed that all quantities have been measured within accordance of the RICS code of measurement practice 6th edition.
- 2.4 We have carried out a review of the cost plan based on similar projects. When benchmarking rates against other projects we have taken care to ensure that rates are adjusted to take account for variances in the dates of estimate, location, and the type of development.
- 2.6 It should also be understood that there is a potential for variance due to the early information.
- 2.7 We confirm that the information provided is adequate for this exercise, however specifications and a further description would help provide us further context.

### 3. Cost Estimate Commentary

---

#### BCIS Inflation

- 3.01 The previous report was conducted on a cost plan from Q4 2021. The inflation from the original cost plan to the latest is 7.21%, based on the BCIS indices.
- 3.02 Applying the BCIS inflation rate based to the cost per m2 against the original cost plan dated 13/12/2022, the new £/m2 would equate to £2,622/m2. This would reduce the contract cost estimate from £4,322,000 down to £4,054,163, offering an overall saving of **£267,837**.
- 3.03 Below are a list of costs that have exceeded the BCIS inflation rate by 33% or more.

Item	% Increase on original Cost Plan
Allowance for foundation construction; £/m2 based on ground floor area	11%
Upper floors; £/m2 based on upper floor area	11%
External Walls; allowance based on wall area	13%
Windows; £/m2 allowance based on window area	10%
Allowance for fitted shelving; to 1 bed apartments	20%
Allowance for fitted shelving; to 2 bed apartments	14%
Allowance for fitted shelving; to 3 bed apartments	11%

#### Cost Plan – Apartments Cost Breakdown

##### Roof

- 3.04 The cost plan within this report shows an extra over for parapets or similar to the roof. This was not included within the original cost plan therefore assumed as part of the original rate.

3.05 The omission of this item would boast a saving to the roof of circa **£30,450**.

### Stairs

3.05 The cost plan within this report splits out the stairs into 3nr sections; structure, finishes and balustrades/handrails. These sections have been allocated over £3,000 per flight of stairs as shown below.

- Structure – 8flights x £3,500/flight
- Finishes - 8flights x £750/flight
- Balustrade / Handrails - 10flights x £4,500/flight

Total - £79,000

3.06 We would normally expect to see £7,000 per flight of stairs. This would include all three elements listed above which would in turn bring the total cost for stair construction to £56,000

3.07 This would mean a reduction in the costs of circa; **£23,000**

3.08 It should be noted that within the cost plan there is a mis-count of balustrades at 10nr. This should be inline with the other stair items.

### Internal Wall Finishes

3.09 B&M have allowed for wall finishes to all areas within their cost plan. The rate given to this element is £30/m<sup>2</sup> over a total area of 5,462m<sup>2</sup>.

3.10 This is a high cost for an extremely large area, we would expect the rate to be halved to £15/m<sup>2</sup>. Which would bring the total cost of wall finishes down from £163,680 to £81,930.

3.11 This would result in a large saving of circa **£81,750**.

3.12 It should also be noted that even with the loss of 4nr apartments the internal wall finish area has increased by 772m<sup>2</sup>. To assess this properly we would need a full issue of the project GA's.

### Sanitary Appliances

3.13 The current sanitaryware count has not changed from the original cost plan and states that there are still to be 21nr WC's, basins, vanity units and mirrors, 20nr baths with showers and 4nr showers. The total for these items equates to **£38,950**.

### Mechanical Installations

3.15 The cost for mechanical installations to the apartments within the cost plan is £432,880. This equates to £27,055 per apartment.

3.16 This is a high cost per apartments, SBA would recommend a benchmark cost of £20,000 per apartments bringing the overall mechanical installation costs to £320,000.

3.17 This would again result in a saving of circa **£112,880**.

### **Cost Plan – Abnormal Cost Breakdown**

#### Services – Mechanical Installation

3.18 Within the DHA report (appendix C – Abnormal cost breakdown) there is an allowance of £5,000 per apartment for “extra over for air and water heat pumps to provide domestic hot water to all units”

3.19 This cost totals £80,000 however we would believe to find this within the benchmark cost of £20,000 per apartment highlighted in points 3.15, 3.16 & 3.17.

3.20 The removal of this extra over cost as it has already been allowed for would result in a **£80,000** saving to the project.

### **Cost Plan – External Works Cost Breakdown**

#### Roads, Paths and Paving

3.21 Within the next section of the DHA report (appendix D – External works cost breakdown) B&M have used a rate of £120/m<sup>2</sup> for Tarmacadam which we believe should be a much lower rate of around £40/m<sup>2</sup>.

3.22 This would bring the total cost of Tarmacadam to £3,800 as opposed to the £11,400 that B&M have allowed for.

3.23 A cost saving of **£7,600** could hereby be made.

## 4. Conclusion

---

4.1 Following the SBA review of the cost plan generally the rates included are competitive. However, have highlighted the following areas where rates will need review:

- Inflation rates on quantity rates
- Roof
- Stairs
- Internal Wall finishes
- Sanitary Appliances
- Mechanical Installation
- Overheads and Profit overall construction works estimate total.

4.2 Following review of the information provided a comparable cost analysis has been produced which is detailed below (Appendix A).

## 5. Appendix A – Comparative Cost Analysis

COMPARATIVE COST ANALYSIS							
<b>Taymount Rise, London, SE23 3UL</b>							
GIA 1,546 m2				GIA 1,546 m2			
Element	Viability Cost Plan			Savile Brown Associates			Comments
	Total £	Cost £/m <sup>2</sup>	%	Total £	Cost £/m <sup>2</sup>	%	
<b>SUMMARY OF CONSTRUCTION COSTS</b>							
<b>Overall Construction Cost</b>	<b>4,133,000</b>	<b>2673</b>	<b>96%</b>	<b>3,797,140</b>	<b>2456</b>	<b>96%</b>	
Construction Works	3,215,000	2080	74%	2,966,740	1919	75%	
Abnormals and external works	712,000	461	16%	624,400	404	16%	
Costruction Risk estimate 5%	206,000			206,000			
<b>Abnormals</b>							
<b>Residential unit cost</b>							
<b>Roof</b>	<b>30,450</b>			incl within the roof cost			
Stairs	79,000		2%	56,000		1%	
Internal wall finishes	163,680		4%	81,750		2%	
Mechanical installation	432,880		10%	320,000		8%	
<b>Abnormals and external works</b>							
Services - Mechanical installation	80,000		2%	incl in mechanical above		0%	
Tarmacadam	11,400		0%	3,800		0%	
<b>OH&amp;P</b>							
Prelims 15%	107,000			93,660			
Overhead & Profit 10%	82,000			62,440			
	<b>986,410</b>			<b>617,650</b>			
<b>TOTAL CONSTRUCTION COST EXCL VAT</b>	<b>4,322,000</b>	<b>2,796</b>	<b>260</b>	<b>3,953,240</b>	<b>2,557</b>	<b>238</b>	

Page 1

## Appendix 2 - Proposed Scheme Appraisal

Licensed Copy

Development Appraisal

Taymount Lodge (August 2022)

Proposed Scheme Appraisal

Report Date: August 19, 2022

**APPRAISAL SUMMARY****LICENSED COPY****Taymount Lodge (August 2022)  
Proposed Scheme Appraisal****Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
Market Housing Units	16	13,215	610.67	504,375	8,070,000

**NET REALISATION****8,070,000****OUTLAY****ACQUISITION COSTS**

Residualised Price				1,550,324	
Stamp Duty				113,859	
Agent Fee		1.00%		15,503	
Legal Fee		0.80%		12,403	
					1,692,089

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Rate ft <sup>2</sup>	Cost	
Market Housing Units	16,636 ft <sup>2</sup>	237.63 pft <sup>2</sup>	3,953,240	<b>3,953,240</b>
Mayoral CIL			72,043	
Borough CIL			107,423	
				179,466

**PROFESSIONAL FEES**

Architect		8.00%	316,259	
				316,259

**DISPOSAL FEES**

Sales Agent Fee		1.50%	121,050	
Sales Legal Fee	16 un	1,000.00 /un	16,000	
				137,050

**FINANCE**

Debit Rate 6.500% Credit Rate 0.000% (Nominal)				
Land			202,226	
Construction			174,641	
Other			2,779	
Total Finance Cost				379,646

**TOTAL COSTS****6,657,750****PROFIT****1,412,250****Performance Measures**

Profit on Cost%	21.21%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
IRR	27.05%
Profit Erosion (finance rate 6.500%)	2 yrs 12 mths

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The Local Meeting was held virtually on Microsoft Teams. Fifty Residents logged on to the call. Councillor Sophie Davis Chaired the meeting. Senior planning officer Samuel James represented the Planning Service, and the applicant's planning agent Patrick Reedman of DHA, and architect Tom Wainwright represented the applicant.

First Councillor Davis introduced the meeting to discuss planning application DC/22/127431. The purpose of this meeting was to allow residents to ask questions of, and put their views to, the developer and Council officers. The meeting format was explained, including how the questioning process would work, following the Planning Agent's presentation.

The applicant's architect gave an overview of the scheme, and then Councillor Davis started to take questions. The discussion is summarised below:

Resident asked for clarification as to which application was being considered, as it was unclear to them due to the previous refusal, which was currently under appeal. Other questions relating to which of the appeal and the current proposal would take precedence, should both be approved, how many times an applicant can re-apply, and whether councillors had walked the site.

Planning Officer clarified application being discussed was DC/22/127431 received in July 2022. DC/21/123090 was refused in May 2022 and this application is currently being appealed by the Planning Inspectorate. If the appeal were allowed and the current application granted then both permissions would stand, there are no limits on re-submitted applications so long as there are material changes in subsequent submissions. Cllr Davis confirmed she and Cllr Harding had visited the site.

Questions were then taken in themes as follows:

**1. Principle of development and provision of housing, including affordable housing**

- Resident expressed concern at lack of affordable/social housing proposed and viability of the proposal.
- Resident asked why a block of flats is proposed and whether this is a suitable housing for this site.
  - Applicant's agent explained that it was not financially viable to provide affordable housing on the site. Planning officer confirmed viability reviews had been carried out, and the lack of affordable housing proposed was policy compliant in this respect.

**2. Urban design**

- Resident asked how the impact of the proposal on surrounding area and resident's quality of life is assessed, and expressed concern at the impacts.
- Concern raised towards the impact to Locally listed building Taymount Grange.
- Concern that proposal is too close to site edges, impact on openness.
- Resident asked whether the proposal could be made smaller/more sympathetic, or would that make the whole scheme unviable.
  - Planning agent confirmed that in their view a smaller scheme wouldn't be viable, and that planning policy dictates sites need to be optimised.

- Architect explained that building had been designed to respond and respect the Locally listed building and surrounding area and neighbouring residents amenity.

### **3. Impact to amenity**

- Concern raised to loss of daylight to neighbouring windows and increased sense of enclosure and impact to quality of life.
- Concern raised that flats are already experiencing poor light levels due to the vegetation that is on site. Requested applicant/councillors and officers come to the neighbouring flats to see the impacts.
- Concern raised to impacts from the roof terrace, as this would be disruptive and cause overlooking.
- Concerns regarding loss of views due to the new building.
  - Applicant's agent explained how planning policy dictates impacts on neighbours must be reasonable, and this will mean that there are impacts, however impacts must be demonstrated to be acceptable. For example the Small Sites Supplementary Planning Document sets some guidance as to what is considered acceptable impacts when developing on sites such as the application site and BRE Guidance sets out tests for daylight/sunlight impacts.
  - Applicant's agent explained that there was sufficient distance between directly facing windows in line with SPD guidance, and that where there were closer distances, these were not directly facing habitable windows. The terrace has been designed to minimise overlooking, and a management plan would likely be conditioned for this.

### **4. Transport impacts**

- Question of how construction impacts would be managed, as it is already difficult to manage traffic
- Questions RE: impacts to car parking, as there are existing issues.
  - Applicant's agent explained that a detailed construction management plan would be produced and assessed by the council prior to start of works if permission was granted.

### **5. Natural environment**

- How trees to be retained would be protected during construction?
  - Applicant explained that arboricultural assessment had been carried out, and this is included in the submission. Trees to be retained will be protected through a tree protection plan. An extensive landscape plan is proposed to replace those that are lost.

### **6. Process**

- Concern was raised at the lack of pre-application engagement from the developer to local residents, and it was highlighted that residents felt disrespected due to this.

To close the meeting Councillor Davis confirmed all written objections would be considered by officers when making their recommendation, and that residents can write to local councillors, as

well as those on the planning committee, once an agenda is published, to outline their concerns again. Residents were invited to send further comments or questions in writing.

**Meeting closed 21:10.**

**Full Microsoft Teams chat below:**

Can you stop sharing your screen so we can see people?

Have these questions been shared in advance, or am I just unable to see them in the chat?

Please can you stop sharing your screen? Thanks.

Is it impossible to stop sharing the screen? Seeing thumbnail images of people talking doesn't feel optimal.

like 2

Affordable housing not the same as social housing  
like 4

Louise Glanville (PSY - Postgraduate Researcher) (External) was invited to the meeting.

Agreed - the building works on Knapdale close were horrific for residents  
like 1

constant noise, trespassing on our property, damage to our building from pile driving foundations

We're on the ground floor east corner of FC and this will be dreadful for us after Knapdale!

Agreed, Jess - the mocked-up image shown as a "view from Taymount Grange" was also misleading. It wasn't a view from Taymount Grange; it was a view from halfway down towards the garages behind Taymount Grange. The development will be INCREDIBLY dominant from Taymount Grange (and Forest Croft).

like 3

Also trees are not enough to obscure the impact of a four storey concrete building. 😞

like 3

Completely agree with Chris - that photograph was very misleading as a view from Taymount Grange as residents would experience it

like 2

Davis, Cllr Sophie and James, Samuel I know we need to focus on this application but once questions are asked, it would be useful to provide some guidance to residents on Lewisham's plans to contest the appeal from the first application and how residents can support the council's refusal on this application.

What is SPD? James, Samuel please don't use abbreviations we don't know what they mean

like 1

(In case anyone else was wondering, Small Sites SPD = Supplementary Planning Document )

supplementary planning document

thank you

[Yesterday 20:43] Davis, Cllr Sophie

<https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/spds/small-sites-spd>

Small sites SPD

The Small Sites Supplementary Planning Document (SPD) adopted in October 2021 gives detailed design guidance on small sites development within the borough.

Well said Hannah

like 6

Hear hear Hannah!

Absolutely!  
like 1

Yes, Hannah!

Thats ridiculous

so what is the distance to taymount grange then?

The height is as much of a problem as proximity. Particularly given it is set into a hill.

no balconies, just a roof terrace!

Not all the balconies are removed and there is a roof terrace to overlook into the neighbours Patrick Reedman  
like 1

Yes what about the roof terrace?

I have asked for a window to window measurement in writing several times now - this information is never made available.

Mine is a kitchen window

Well said Hannah! We already need to have lights on almost all the time in our ground floor flat because of the overground vegetation blocking light. This development would mean lights on constantly and with the rising energy costs that's unacceptable

The render of the access to light is completely false

The issue is all Forest Croft windows alongside this building are habital windows  
like 2

Please can we clarify the distance to Taymount Grange before this meeting concludes as Jack has asked?  
like 5

Yes what is the actual distance?

Totally agree with Holly!

Yes good point Gwennan!

**Davis, Cllr Sophie**

<https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/spds/small-sites-spd>

Councillor Davis, there are some really important questions in the chat - please make sure these are addressed!  
like 1

And the copper beech tree you remove which you could incorporate into the design?  
like 2

No other block on Taymount Rise has a roof terrace  
like 4

What about the lack of parking provision?  
like 1

Parking on Taymount Rise is already extremely difficult and with the latest proposal suggesting a number of 3 bed family units we can assume there will be more cars for family use

I would like responses on the servicing of the development - the road is already very tight there - your scheme doesn't seem to have enough space for delivery vehicles unloading.

Two parking spaces is not enough for a construction this size.

I missed part of the call but don't think the tiny number of parking spaces has been addressed.

If they're primarily designed as family units it's unrealistic to expect the desired residents to not have cars and parking on Taymount Rise is already over capacity and causes major congestion to the street

the point about 10 trucks a day has been ignored. There are so many kids coming up and down this narrow road all day every day. It is a recipe for disaster.  
like 2

Access for emergency vehicles, delivery vans, dustbin lorries etc etc is a huge problem

Sophie - thank you for moderating. The question that was never answered for me is around parking. The hill up to the proposed flats is very steep. It is very likely that many residents will want a car. Taymount Rise is already bumper to bumper filled with cars. This is very hazardous for pedestrians and other cars coming up. The small number of parking spaces does not seem realistic.  
like 1

Hello Sarah here I didn't really get an answer re the logistics of getting construction materials, cement lorries cranes etc up the very narrow very steep Taymount Rise.

We already suffer from dangerous parking and driving at the top of Taymount Rise - the front wall of Forest Croft has been demolished twice in four years by vehicle collisions caused by poor parking - we are concerned that when this development happens it might be a person.  
like 2

Risk to safety of residents, lots of children play in the roundabout and area along with pedestrians and cyclists. Trucks already get stuck coming round the roundabout. What will 1-10 trucks for 5 months then 13 months with 1-8 trucks per week do to the safety of residents.

like 3

Please can you address the parking questions and access for building works vehicles? Davis, Cllr Sophie  
like 1

Also the parking survey was done during a less busy time (school holidays). It is not realistic or accurate.

Screening won't stop noise, though!

like 1

and the first one was done in lockdown! 😊

Re. Roof terrace.

Noise carrying is the main concern with regards to the roof terrace. Being set back a meter wont address this problem

like 2

screening won't stop the noise indie its so loud on the hill top sound travels

like 1

Was the removal of the copper beech tree anything to do with this application?

like 3

There will also I assume be light pollution as a roof terrace will have lights on top

Seconding Nick's question.

Agree with Gwennan - noise pollution could also be a huge issue, especially since we all have single glazing at Taymount Grange and cannot change that due its status

Was the tree survey done before the mature coper beech tree on this property was cut down?

We can hear neighbours on Forest Croft balconies, the noise from a communal roof terrace and unit balconies will not be great for the community.

I'm concerned about the impact of noise on Taymount Grange, both due to the proximity and the roof terrace. The windows at Taymount Grange are single glazed and we already suffer unavoidable noise disturbance. Please could you give more information on how the proposed development has been assessed in regards to this?

We already hear people on their balconies on the Forest Estate

Thirthing Nick's question re the copper tree

When the existing property on the site has the occasional garden party late at night it disturbs all of us at the front of Taymount Grange so we already know how noise travels  
like 2

Sophie can i make a final observation?

What assessment has there been on foundational drilling on both of our properties?  
like 2

Can we please ask whether the developers including Patrick were consulted on a mature tree being cut down on that property either verbally with the current resident or via any other communications  
like 2

already high density area, is this not putting us at risk of town cramming. Risk to our building's foundations and stability - already had pipe leaks in that corner.

disappointing that we have less than 60 minutes to meet today when there are so many additional questions that people want to ask.  
like 1

Flats at the front of Taymount Grange are single aspect but also very small - one bed or studio only on the side nearest the development - there is no room you can move into to escape being overlooked.

I think the applicant and the council need to consider that if the development is trying to squeak through by being technically the right size and technically far enough from buildings, then local residents are going to pay a lot of attention to the technicalities of the application which has listed incorrect heights of neighbouring buildings, taken parking surveys on bank holidays, includes images from the highway at favourable angles and no images from neighbouring buildings that will be affected, no account of what the views look like when the leaves fall from the trees, and on and on. Could the council please consider that local residents would be very supportive of a number of lower rise family homes on the site, not a block of flats.  
like 1

Briar (Guest)completely. Noise has a serious impact on health of all and child development

Please can extra time be given to address the parking questions? Davis, Cllr Sophie

Window to window measurement between taymount grange and the new building still not confirmed  
like 1

parking not addresses wither

Attention is seriously disrupted by noise and a large proportion of residents work from home like 1

issues with construction traffic not addresses

Briar (Guest)Flats at the front of Taymount Grange are single aspect but also very small - one bed or studio only on the side nearest the development - there is no room you can move into to escape being overlooked.

Agree - due to the size and single aspect of my flat the proposed plans will have a huge impact.

What about the copper beach tree that was on the original site that was cut down in Jan 2021 during the pre planning stages? I

UNACCEPTABLE not answering Hannah's question!

like 1

The big questions remain unanswered?!!!!!!

We're waiting for answers

NOW

Let's carry on

happy to continue

like 1

yep!

Please do provide written answers. Window to window measurement between Taymount Grange and new development please.

like 1

[Just to reiterate, I am very supportive of creating more homes and getting the balance right between existing homes and development. However I feel like my home and quality of life is collateral damage. I would be very happy for you to come and visit my flat to experience the negative difference the development would make.

well done Hannah!!

left the chat.

Thank you both so much

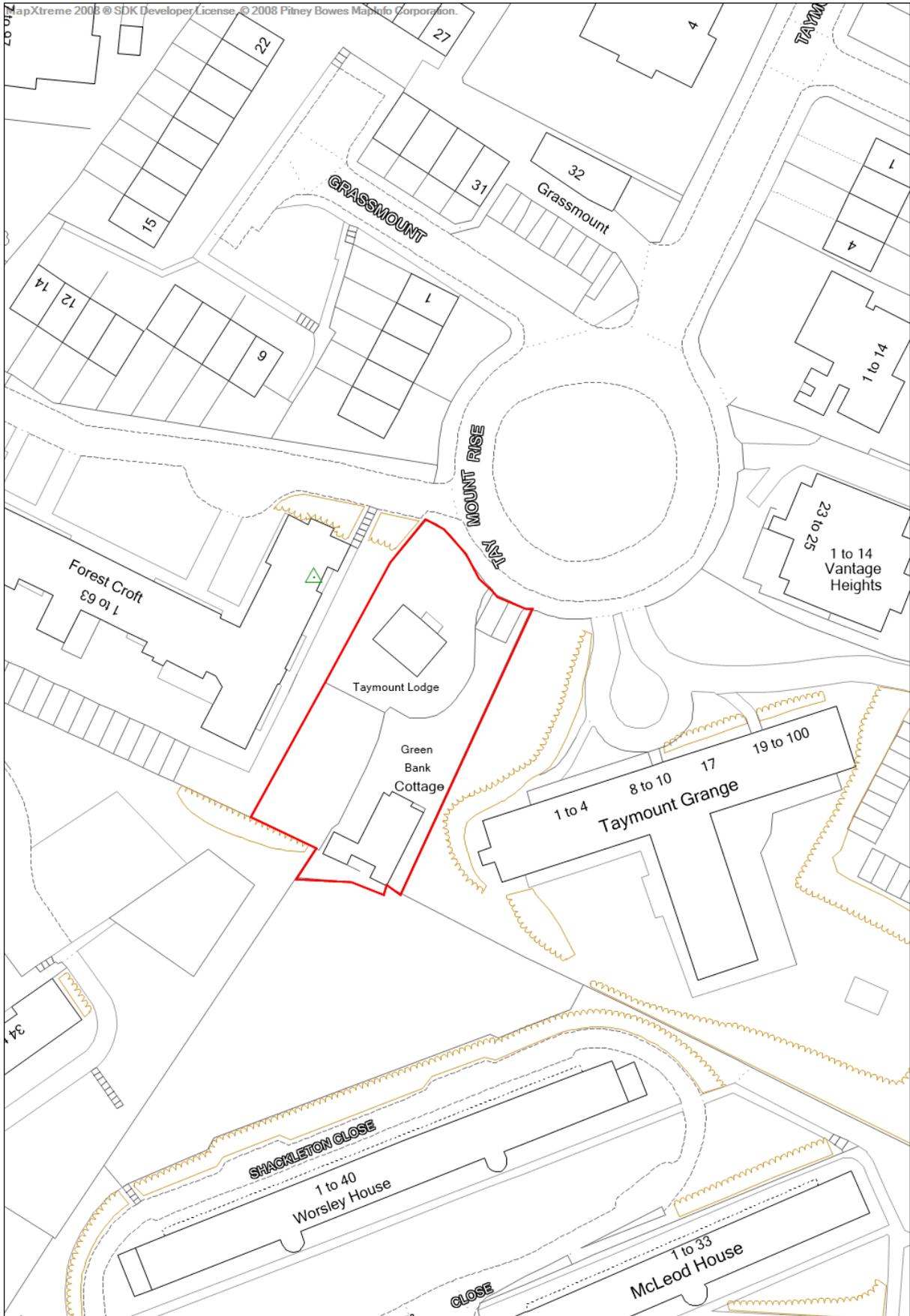
Thanks Hannah!

I would like to see a proper written document answering all the questions in the chat - emailed or posted to everyone.

Councillors and officers are more than welcome to visit Forest Croft and Forest Croft flats - there is an open invitation - just contact me

Question for the Council: the density of this development seems above the council's density range and it appears to be incredibly high in the context of Taymount Rise. I'm interested to know your view on this since it could be seen as an opportunity for other developers to fill any backyards in the area. Are you concerned about the change in character and the liveability of the place?

like 1



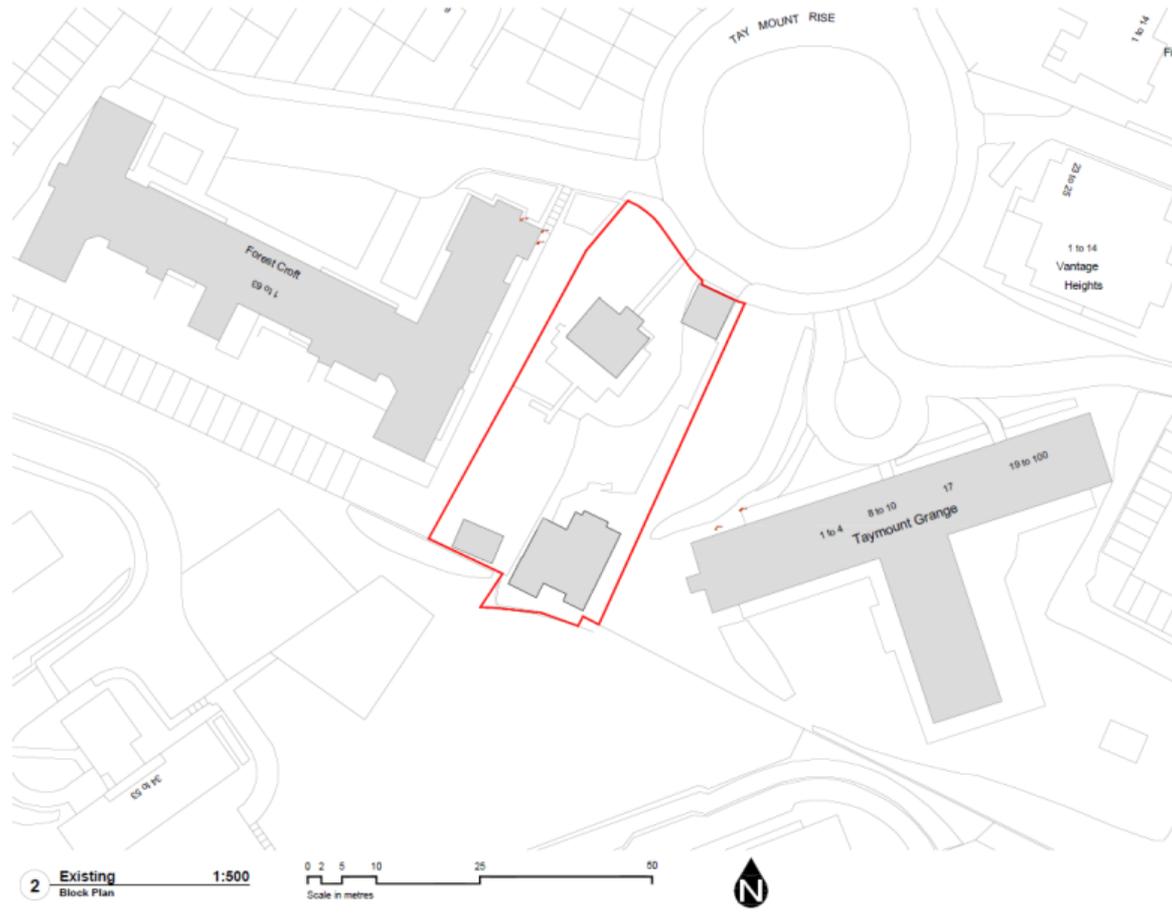
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# **GREEN BANK COTTAGE, TAYMOUNT RISE, LONDON, SE23 3UL**

**Application No. DC/22/127431**

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

Demolition of the 2 existing dwellings and the construction of a 4 storey building with roof terrace above to provide 16 self-contained flats at (Greenbank Cottage and Taymount Lodge) Taymount Rise SE23, together with the provision of accessible parking spaces, cycle and bin storage and associated amenity space, play area and landscaping.



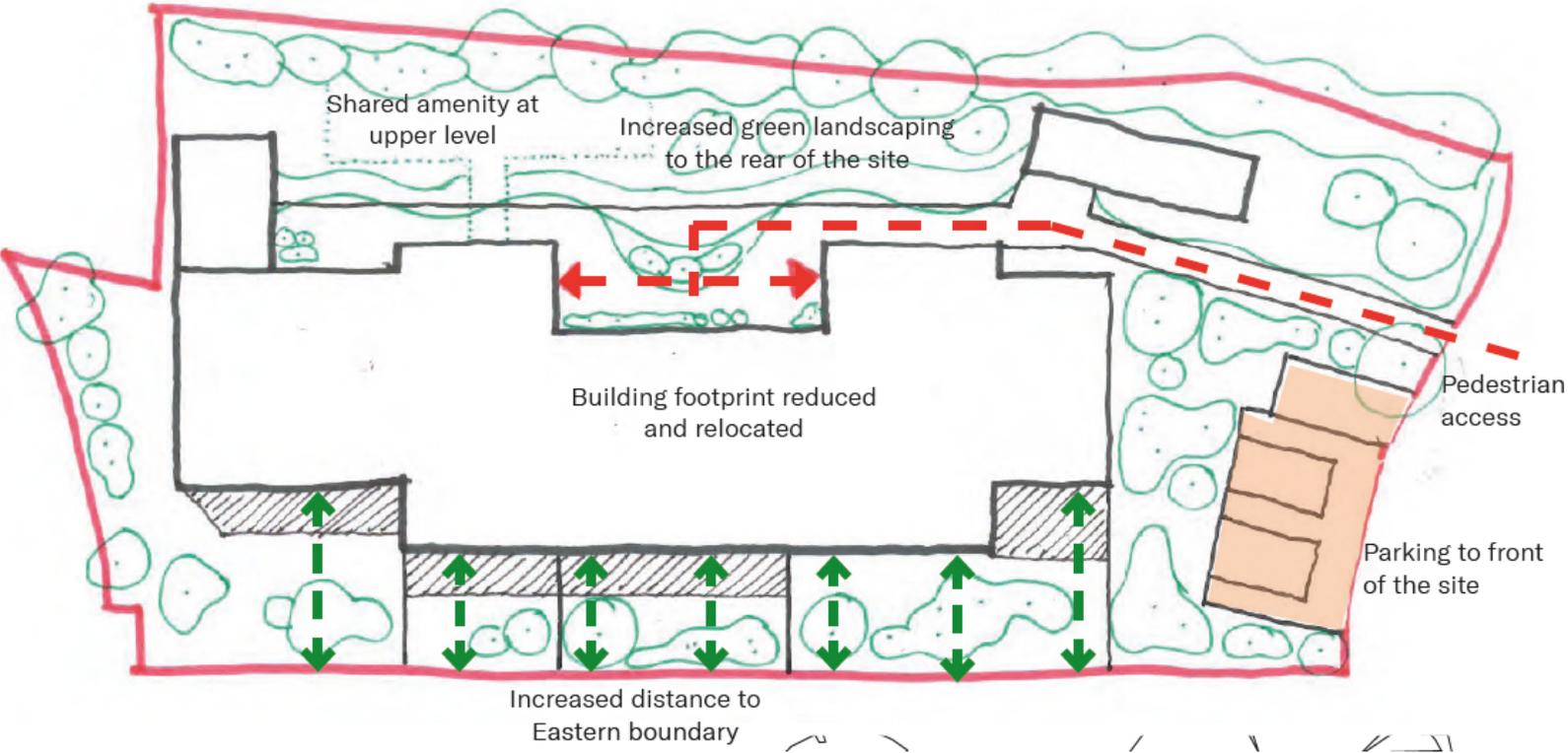
**Site Location Plan**



**Aerial View**

# Key Changes from Previous Scheme

Page 123



# Proposed Front Elevation

1 Proposed  
West Elevation 1:100



2 Proposed  
North Elevation 1:100

0 0.5 1.0 2.0 3.0 4.0 5.0 10.0  
Scale in metres

# Proposed Rear Elevation

Page 125





# Proposed East Elevation

Page 127



# Artists Impression of Eastern Elevation





# Proposed First, Second and Third Floor Layout



# Proposed Roof Plan



# Key planning considerations

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

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## Planning Committee B

### **Rear of 4 Wickham Road (Wickham Mews), London, SE4 1PB**

**Date:** 31 January 2022

**Key decision:** No

**Ward(s) affected:** Brockley

**Contributors:** Alfie Williams

### **Outline and recommendations**

*This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of 10 objections from local residents and an objection from the Brockley Society.*

## Application details

**Application reference number(s):** DC/22/128099

**Application Date:** 18 August 2022

**Applicant:** Mr Kenneth Martin

**Proposal:** The construction of a single storey office/studio on site of 3 demolished garages at Wickham Mews rear of 4 Wickham Road, SE4.

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

**Designation:** Air Quality Management Area  
Brockley Conservation Area  
Brockley Conservation Area Article 4(2) Direction  
PTAL 5

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application site is a plot of land at the rear of 4 Wickham Road that has been severed by title from the host property. The land was previously occupied by garages, which fronted onto Wickham Mews in line with the existing garages at Nos 6 and 8. The garages were subsequently demolished so the plot is currently vacant, with sparse, low level vegetation. Prior to this, the site formed part of the back garden of No.4.

**Figure 1. Site Location Plan**

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

- 2 The surrounding area is predominantly residential and is mainly comprised of three storey Victorian properties located on Wickham Road to the east and Manor Avenue to the west. Within the mews the site adjoins garages to the south and to the north a contemporary residential development comprised of three two-storey houses known as Ray Bell Court.

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

- 3 The site is located within the Brockley Conservation Area and is subject to an Article 4 direction. The Brockley Conservation Area Character Appraisal highlights that Mews' are historically secondary to the buildings on the adjacent roads in terms of scale and character with the buildings mainly single storey with abundant vegetation and trees and unmade roads. Wickham Mews is generally a well preserved example of this character. However, the northern stretch of the Mews, adjacent to the application site, features two and three storey residential development.

### ***Local environment***

- 4 The application site is located within a designated Air Quality Management Area.

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## ***Transport***

- 5 The site has a PTAL of 5 which indicates a very good level of public transport accessibility. This is most evident in the proximity (100m) to Lewisham Way, which is served by several bus routes including night buses. The site is also located within 0.4km of St Johns Station, which is situated to the north-east of the application site.

## **2 RELEVANT PLANNING HISTORY**

- 6 DC/22/125621: Construction of a two-storey building at the rear of 4 Wickham Road SE4 for (Use Class E) Commercial, Business and Service – withdrawn by the applicant on 26 April 2022.

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 7 The proposal is for the construction of a single storey building providing approximately 50sqm of internal floorspace with two small internal courtyards located to the front and rear of the building. The building would be used as an office/studio (Use Class E(g)).
- 8 The workspace for the office/studio would be located at the front of the building with a small kitchenette at the rear. The WC would be located adjacent to the front entrance. The building would measure 9.3m deep x 9.4m wide. The building would feature twin pitched roofs with a maximum height of 4.5m with eaves 2.8m and 3.6m above ground level. The elevations and roof would be clad in profiled metal sheeting with some brick elements and would accommodate aluminium doors and windows and four rooflights. Cycle and bin stores would be provided within the front courtyard and an Air Source Heat Pump would be located within the rear courtyard.

### **3.2 COMPARISON WITH PREVIOUS SCHEME**

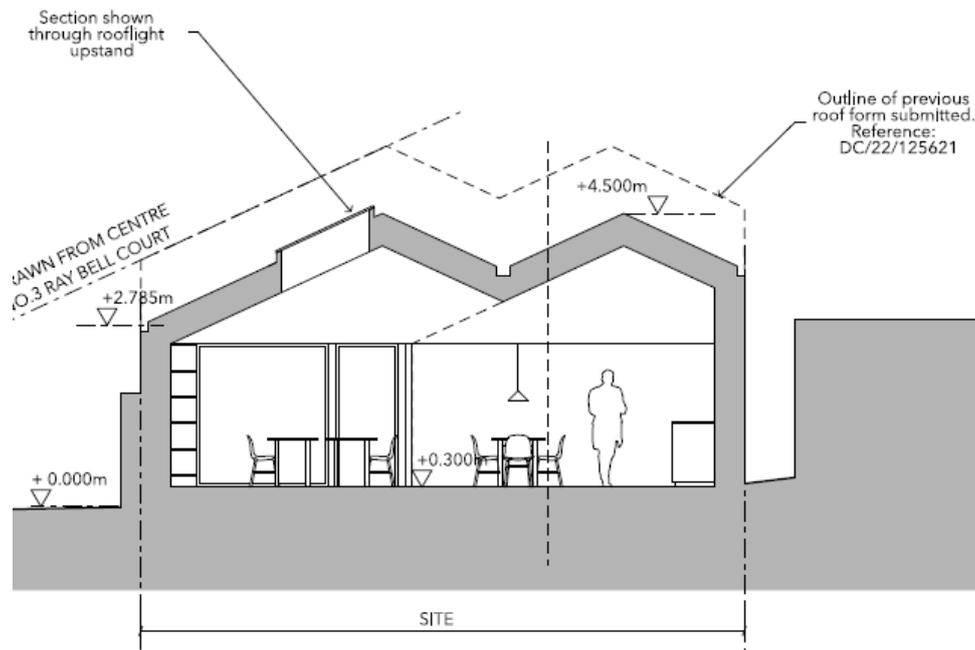
- 9 The building has been reduced in height by approximately 1m compared to the previous application and the mezzanine level removed, as shown on Figure 2 below. The layout has also been reconfigured to provide more practical and usable floorspace for the commercial use.

**Figure 2. Section showing comparison with previous application**

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## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

- 10 Site notices were displayed and a press notice was published on 13 September 2022.
- 11 Letters were also sent to residents and business in the surrounding area as well as to the relevant Ward Councillors and the Brockley Society on 24 August 2022.
- 12 10 responses were received comprising 10 objections as well as an objection from the Brockley Society. The objections are summarised in the table below.

#### 4.1.1 Comments in objection

Comment	Para where addressed
Principle of a commercial use	35
Intensification of activity in the mews	37
Access (refuse & emergency vehicles)	37 & 66
Potential conversion to residential accommodation	41
Loss of garages	53
Inappropriate design, scale and height	54-55
Loss of views	55
Harm to the Conservation Area	56-57
Car parking	71
Construction management	73

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Overbearing enclosure	77-78
Loss of privacy	80
Loss of light	82
Increased noise & disturbance	88-89
Loss of security	91
Loss of biodiversity	100
Impact to trees	104

13 The objections also raised matters connected to the ownership of the mews, party walls, and rear access to the mews. These matters are subject to separate legislation and as such are not material planning considerations. The impact of the development to house prices is also not considered material to this application.

#### **4.1.2 Local meeting**

14 Due to the number of submissions received, a virtual Local Meeting was held on Thursday 8<sup>th</sup> December 2022. The meeting was chaired by Councillor Penfold. A record of the Local Meeting is contained in Appendix 1 of this report. The issues raised at the Local Meeting were consistent with the matters raised in the written submissions as summarised above.

## **4.2 INTERNAL CONSULTATION**

15 The following internal consultees were notified on 24 August 2022.

16 Conservation Officer: raised no objection on the ground that the neither the design nor proposed use would harm the character and appearance of the Conservation Area.

17 Highway Officer: Commented that a standard size refuse vehicle would not be able to access mews safely and noted that emergency vehicles would only be able to access the site from the Ashby Road and Manor Avenue entrances.

18 Tree Officer: raised no objection but requested that the applicant explore the potential to integrate planting into the frontage.

## **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.

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## **5.2 MATERIAL CONSIDERATIONS**

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

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

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

## **5.3 NATIONAL POLICY & GUIDANCE**

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

## **5.4 DEVELOPMENT PLAN**

24 The Development Plan comprises:

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

## **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

25 Lewisham SPD:

- Brockley Conservation Area Supplementary Planning Document (December 2005)
- Small Sites Supplementary Planning Document (October 2021)

## **5.6 OTHER MATERIAL DOCUMENTS**

- Brockley Conservation Area Character Appraisal

## **6 PLANNING CONSIDERATIONS**

26 The main issues are:

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- Principle of Development
- Urban Design & Heritage Impact
- Impact on Adjoining Properties
- Transport
- 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.

### *Policy*

- 29 LPP E1 states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.
- 30 LPP HC5 supports the growth and evolution of London's diverse cultural facilities and creative industries.
- 31 CSP 5, reinforced by DMP 11, supports the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
- 32 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.

### *Discussion*

- 33 The land use was previously that of garages associated with 4 Wickham Road that was subsequently severed by title. Notwithstanding the separate title DMP 33 is applicable. In this instance Part 8 of the policy relating to the loss of the back gardens does not apply as the proposed development does not include the construction of a separate dwelling. The proposal is however subject to an assessment against the General Principles of DM Policy 33 which requires that the development should be of the highest design quality and sensitive to the surrounding streetscape including any heritage assets.
- 34 The application site and the section of the mews to the south is subordinate to the main residential roads to the east and west in terms of the scale of the built form as well as the types of uses. As such, the site exhibits the type of mews character which DMP 36 and the Brockley Conservation SPD seek to protect.
- 35 The proposed development would introduce a commercial use to the mews. The scale and type of the proposed uses are similar to the type of ancillary uses that have historically evolved within the Mews', such as workshops and light industry. Therefore,

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the use would be no more obtrusive than the garages/workshops that proliferate Wickham Mews at the rear of the existing main residences fronting Manor Avenue and Wickham Road.

- 36 The condition of the mews in terms of the unmade surfacing, absence of external lighting and narrow width together with the proximity to residential properties impose the following practical constraints: (i) access; (ii) physical characteristics; and (iii) impact to the garden of the host property. These constraints are assessed in turn below.
- 37 For the reasons outlined above, access to the site is challenging and makes the site unsuitable for most forms of intensification. The development would also permanently narrow the Mews compared to the building line of the former garages to 5.3m which is below the 6m recommended within the Small Sites SPD. This alone does not indicate that the site is unsuitable for commercial development entirely as the SPD provides guidance for residential development only, which has a different set of access and servicing requirements. Nevertheless, the guidance and narrowness does emphasise the constrained nature of the site and wider mews environment.
- 38 The applicant has partially allayed these concerns via the submission of swept path analysis which demonstrates that it is physically possible for emergency vehicles and small refuse vehicles to access the site via the Manor Avenue and Ashby Road entrances to the Mews. As a private road it is not possible to guarantee that parked cars would not obstruct access to the site. However, the two points of access mean it is unlikely that the site would be entirely inaccessible at all times. It is also crucial to consider the specific operational requirements and impacts of the type of commercial use proposed. In this case, the proposed office/studio use is unlikely to generate significant levels of servicing or customer footfall, particularly given its modest scale, nor raise the full extent of access concerns that would be a barrier to residential or live/work development. For these reasons Officers consider the proposed development suitable for the site despite the general concerns with access.
- 39 The physical characteristics of the site, in terms of the size and shape of the plot, make this a suitable site for small-scale commercial development as the site is both wide and deep enough to provide sufficient internal floorspace as well as servicing in the form of independent refuse and cycle storage.
- 40 Finally, in planning use terms, the plot for No.4 Wickham Road includes the application site and therefore an assessment of the loss of garden land is required. In this case, the site was historically formed of garage buildings and therefore No.4 would not lose any useable garden space. In addition, No.4 Wickham Road would retain a garden measuring approximately 23m which is considered sufficient.
- 41 The proposed development is therefore considered to be compliant with the general principles of DM Policy 33. Furthermore, the provision of a new employment use within an appropriate location is consistent with the principles of LPP HC5, CSP 5 and DMP 11 and therefore would carry weight within the overall planning balance. For that reason, a condition is recommended securing the proposed employment use. The condition would also prevent future conversion to inappropriate commercial development and residential accommodation without the benefit of planning permission.

### **6.1.1 Principle of development conclusions**

- 42 The principle of the proposed development is therefore supported.

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## 6.2 URBAN DESIGN & HERITAGE IMPACT

### *General Policy*

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

### *Policy*

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

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

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

47 LPP HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

48 CSP 15 aims to ensure highest quality design and the protection or enhancement of the historic and natural environment.

49 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.

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

51 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.

52 Further guidance is given in the Brockley Conservation Area Character Appraisal and SPD.

### *Discussion*

53 The proposed development has been facilitated by the demolition of the three garages that previously stood at the site. The garages were not of any architectural or historic

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value and therefore their loss is not objectionable. Furthermore, the garages were demolished in the summer of 2018 so the works are now immune from enforcement.

- 54 Wickham Mews has a subsidiary character which has developed over time, emphasised by the unmade road and workshops and garages that typify the mews. This character is reflected in the varied palette of materials, form, and use of the buildings within the mews. The proposed metal cladding would be appropriate for this context providing a high-quality contemporary approach that would reference the surrounding material palette. The corrugation in the cladding would add articulation to the facades, which is supported. The proposed materials and detailing would be secured by condition.
- 55 In terms of scale and massing, the proposed single-storey height is consistent with the surrounding garages and workshops, respecting the subsidiary character of the mews. The pitched roof form would increase the height of the building relative to the adjacent garages and would be visible in long and short views from within the mews. However, the angle of the dual pitch roofs would break up this massing, ensuring that the visual impact would not be obtrusive and that views to the rears of properties on Wickham Road are maintained. The building would be constructed in line with the neighbouring No. 3 Ray Bell Court, which is appropriate.
- 56 Overall, the building would be a well-considered high quality contextual response that would form a sympathetic addition to the mews in terms of its scale, massing, materials and land use. The proposed development would therefore cause no visual harm to the Brockley Conservation Area and would comply with the relevant heritage policies of the Development Plan.
- 57 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of the Brockley Conservation Area.

### **6.2.1 Urban design conclusion**

- 58 The proposed development is considered acceptable in urban design terms.

## **6.3 TRANSPORT IMPACT**

### *General policy*

- 59 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 60 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

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### 6.3.1 Local Transport Network

#### *Policy*

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

#### *Discussion*

- 62 The application site has a PTAL of 5 and is within short walking distance to bus stops on Lewisham Way as well St Johns and Brockley Stations. Officers are therefore satisfied that the proposal would not result in any unacceptable impacts to the local transport network taking into account the modest scale of development proposed.

### 6.3.2 Servicing and refuse

#### *Policy*

- 63 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 64 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 65 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*

- 66 The application site is located approximately 100m to the closest entrance to the mews, which exceeds the Small Sites SPD guidance for reliable waste collection. This guidance is not authoritative in this case as it primarily pertains to residential development. Section 14 of the Design and Access Statement details that refuse and recycling would be collected by a private contractor via a small refuse vehicle. Officers requested further details of the refuse vehicle and the applicant confirmed that the standard vehicle measures is 6m long x 2.3m wide x 2.6m high which is similar to the size of an ambulance (6.8m long x 2.2m wide x 2.8m high). The Highways Officer has reviewed the swept paths submitted within the Design and Access Statement (Section 14), which confirm that a vehicle of this size could access the Mews via the Manor Avenue and Ashby Road entrances.
- 67 The refuse and recycling would be collected from an integrated bin store within the front of the elevation preventing the need for bins obstructing the mews. Officers are satisfied with this arrangement; however, a condition will be necessary to secure the final details of the waste management strategy including details of the contractor and confirmation of the type and size of vehicle. The condition will also secure the provision of the store prior to the occupation of the development. A condition is also recommended to secure a Delivery and Servicing Plan to ensure that the type of vehicle and frequency of deliveries would be acceptable.

### 6.3.3 Transport modes

#### *Cycling*

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### *Policy*

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

### *Discussion*

- 69 The proposed commercial floorspace would generate a requirement for one short-stay space for visitors and one long-stay space for staff. The development would include a cycle store with space for three cycles. This is sufficient for long-stay cycle parking and would exceed the requirement for staff. The type of vertical stand proposed would not comply with the London Cycle Design Standards and they would not be accessible for all uses. A larger store would be required to facilitate fully policy compliant facilities and therefore would reduce the amount of commercial floorspace. For that reason, the proposed facilities are acceptable, on balance. The absence of short-stay cycle parking is considered acceptable here given the site constraints and type of use proposed where high frequencies of customer visits are likely to be low. The provision of the cycle store would be secured by condition.

### **Private cars**

#### *Policy*

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

#### *Discussion*

- 71 No off-street car parking is proposed as part of the development, which is supported given the very good PTAL. Overspill parking to the surrounding roads cannot be prevented due to the absence of a CPZ. However, the modest scale of development is unlikely to result in a significant increase in parking stress to the surrounding roads.

### **6.3.4 Construction Impacts**

#### *Policy*

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

#### *Discussion*

- 73 The modest scale of development is likely to mean that the construction phase would be relatively short and no public highway would be affected, therefore a condition requiring a Construction Management Plan is not considered necessary or proportionate. The constraints on access mean the developer would need to take care that the works are carried out in a neighbourly manner: An informative is recommended to encourage the applicant to ensure their contractor signs up to the Considerate Constructors Scheme.

### **6.3.5 Transport impact conclusion**

- 74 The proposed development is considered acceptable in transport terms.

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## 6.4 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 75 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

### 6.4.1 Enclosure and Outlook

#### *Policy*

- 76 DMP 33 states that infill development should result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens.

#### *Discussion*

- 77 The application site shares boundaries with 3 Ray Bell Court and 4 Wickham Road. The building has been designed to minimise enclosure to 3 Ray Bell Court with the roof ridge located in the centre of the building pitching down to an eaves height on the boundary of 2.8m. Officers are satisfied the height on the boundary would prevent overbearing enclosure and an adverse loss of outlook. In coming to this conclusion, Officers have taken into account the 4.5m separation distance to the side elevation of 3 Ray Bell Court and the plot arrangement at 3 Ray Bell Court which provides garden with an open aspect towards at the rear in addition to the side garden. The Brockley Society has raised concerns in this regard but relating to the view from 3 Ray Bell Court: The loss of a view is not a material planning consideration.
- 78 At the rear boundary of 4 Wickham Road the building would have a maximum height of 4.5m. This height pitches down either side reducing the height and breaking up the massing. Officers consider that this impact would be acceptable given the generous 19-23m depth of garden.

### 6.4.2 Privacy

#### *Policy*

- 79 DMP 33 states that infill development should result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens.

#### *Discussion*

- 80 The proposed building would be single storey and therefore the windows in the side and rear elevations would predominantly have outlook onto the boundary walls and fences, preventing any materially harmful impacts to privacy. The window in the front elevation would overlook the Mews, which is not a sensitive view. The rooflights have outlook towards the sky away from the neighbouring residential properties ensuring that existing privacy levels would be maintained.

### 6.4.3 Daylight and Sunlight

#### *Policy*

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81 DMP 33 states that infill development should result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens.

*Discussion*

82 The 19-23m separation distance to the rear windows at 4 Wickham Road would prevent any harmful impacts to light. The size of the garden would also ensure that overshadowing of the garden would not be significant. No.3 Ray Bell Court features windows in the side elevation located approximately 4.5m from the proposed building. The applicant has carried out an assessment of the impact to those windows in accordance with the 25-degree test. The drawing shows that the proposed building would comfortably pass the test and therefore the impact to No.3 Ray Bell Court is considered acceptable.

#### **6.4.4 Noise and disturbance**

*Policy*

83 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

84 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.

85 LPP D13 states that the Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

86 LPP D14 is clear that development should avoid significant adverse impacts to quality of life.

87 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*

88 The proposed studio would be located to the rear of the large gardens of the properties on Wickham Road and to the side of No.3 Ray Bell Court. Despite this proximity to residential properties, the proposed office/studio use is unlikely to cause adverse disturbances above that typical of the ancillary garages and workshops that are an established part of the noise environment within the Mews. A condition is recommended

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limiting the operating hours until 7pm to ensure that the development would be neighbourly.

- 89 The proposed Air Source Heat Pump (ASHP) does have the potential to generate disturbance to neighbours. Therefore, a condition is recommended securing the specification of the equipment to ensure its noise rating would be sufficiently low, and/or acoustic screening is provided, so that it is lower than the background noise levels.

#### **6.4.5 Security**

##### *Policy*

- 90 Para 130 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

##### *Discussion*

- 91 The proposed development would introduce an active frontage providing additional passive surveillance within Wickham Mews. As such, the proposed development is considered to improve security within the Mews.

#### **6.4.6 Impact on neighbours conclusion**

- 92 The proposed development would not generate any adverse impacts to the living conditions of the neighbouring properties.

### **6.5 NATURAL ENVIRONMENT**

#### *General Policy*

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

#### **6.5.1 Urban greening and biodiversity**

##### *Policy*

- 96 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 97 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

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98 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*

99 The Brockley Conservation Area Character Appraisal identifies trees and shrubbery as important features of Wickham Mews and other mews' within the conservation area. The Tree Officer requested that the applicant explore the feasibility of providing planting to the front of the building in order to make a contribution to this verdant character. In response, the applicant stated that the size of the site would prevent the provision of planting within the site boundaries beyond some modest pot planting within the internal courtyard. Officers share this conclusion and are content that it would not be possible to include meaningful planting within the scheme without reducing the footprint of the building and with it the internal floorspace. This absence of urban greening would not warrant the refusal of the application as the site historically featured built form and so did not make a significant contribution to the verdant character of the mews.

100 The site was formerly formed of garages and therefore the proposal to construct a new building is not anticipated to result in a harmful loss of biodiversity.

### **6.5.2 Trees**

*Policy*

101 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

102 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

103 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.

*Discussion*

104 The proposed development would not require the removal of any trees to facilitate the development; however, the site is located in close proximity to trees within the gardens of 3 Ray Bell Court and 4 Wickham Road. An arboricultural report containing a draft Tree Protection Plan (TPP) has been submitted in support of the application. The report and the TPP have been reviewed by the Tree Officer who has confirmed that the impacts to the neighbouring trees are likely to be acceptable. A condition is recommended securing a finalised version of the TPP and compliance with its recommendations for the duration of the works.

### **6.5.3 Natural Environment Conclusion**

105 The recommended condition is considered to ensure that the proposed development would result in no harm to the natural environment.

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## 7 LOCAL FINANCE CONSIDERATIONS

106 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).

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

108 As the new floorspace to be created is less than 100sqm, the site is not liable for CIL.

## 8 EQUALITIES CONSIDERATIONS

109 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.

110 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.

111 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.

112 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>

113 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

114 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>

115 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

116 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

117 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.

118 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.

119 This application has the legitimate aim of providing a new building with employment 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.

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## 10 CONCLUSION

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

121 In summary, the principle of development is supported as the scale and type of the proposed uses are similar to the type of ancillary uses that have historically evolved within the Mews'. The scale and type of use are also unlikely to generate significant levels of servicing or customer footfall and therefore the practical concerns with access would not be meaningfully engaged. The development would also make a modest contribution to employment floorspace which is supported within the development plan. In heritage terms the building would form an appropriate addition to Wickham Mews due to its subordinate scale and contextual high-quality materials. The impacts to residential amenity, the local transport network and the natural environment are judged to be acceptable and therefore the application is recommended for approval.

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

#### 1. Time Limit

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

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

#### 2. Approved Plans

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

G268-100; G268-110; G268-120; G268-121; G268-200; G268-201; G268-300; G268-400; G268-401; G268-402;

**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. Air Source Heat Pump

- (a) The development shall not be occupied until a technical specification (including details of the noise generated by the equipment and any attenuation measures required) for the Air Source Heat Pump (ASHP) has been submitted to an approved in writing by the local planning authority.

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- (b) The ASHP shall be installed in full accordance with the details approved by part (a) prior to the occupation of the development and retained permanently thereafter.

**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**

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

- i) exterior cladding;
- ii) brickwork;
- iii) external doors, windows (including reveals) and rooflights;
- iv) roof junctions;

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

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

**Reason:** To ensure that the 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 DM Policies 30 Urban design and local character and 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).

#### 5. **Refuse and Recycling Management**

(a) The development shall not be occupied until details of proposals for the management, collection (including details of the type of vehicle and swept path drawings) and storage of refuse and recycling facilities for the building hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The management and facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

#### 6. **Cycle Parking Facilities**

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The cycle parking facilities shown on approved drawing G268-200 shall be provided in full 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).

## 7. Tree Protection Plan

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

**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).

## 8. Delivery & Servicing Plan

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

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

## 9. Operating Hours

The premises shall only be operational between the hours of 8am to 7pm Monday to Saturday and not at all on Sundays.

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

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

## 10. Use Class

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) or the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall be used for uses within the E(g) Use Class only and for no other purpose whatsoever.

**Reason:** To safeguard highway safety, the amenities of the adjoining premises and the character of the area generally and to comply with Policy T4 Assessing and mitigating transport impacts, DM Policies 26 Noise and Vibration and 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) **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) The Applicant is advised to ensure any contractor they appoint registers with the Considerate Constructors Scheme and adheres to The Code of Considerate Practice.

## 12 BACKGROUND PAPERS

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

## 13 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

Email: [alfie.williams@lewisham.gov.uk](mailto:alfie.williams@lewisham.gov.uk)

Telephone: 020 8314 9336

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# Appendix 1

## **Local Meeting - Rear of 4 Wickham Road (Wickham Mews)**

**Thursday 8 December 2022**

**DC/22/128099** - The construction of a single storey office/studio on site of 3 demolished garages at Wickham Mews rear of 4 Wickham Road, SE4.

### **Participants:**

- *Cllr Penfold (Chair)*
- *Alfie Williams (Case Officer)*
- *Rocky Marchant (Architect)*
- *Rhys Cannon (Architect)*
- *Heather and Kenneth Martin (Applicants)*

### **Notes of the meeting**

(Chair) – Welcomes everybody to the meeting

*Alfie Williams (AW)* – Provides a brief introduction to the case and the purpose and rules of the meeting

*Rhys Cannon (RC)* – Gives a presentation beginning with the history of the site and background to the application. Then provides an overview of the proposed development.

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

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

Hannah Hawksworth (HH): Question regarding the height of the boundary wall on the rear boundary and impact to light and privacy? Also questioned the height of the building, vacant space in the roof and potential later conversion to residential accommodation.

RC – stated that the pitched roofs are intended to replicate the pitch roofs of the surrounding properties (Ray Bell Court and Coach Houses) and would create a light and airy space. Noted that part of the rear boundary would be London stock brick and that the buildings relatively modest height and the length of garden would mean that overshadowing to the neighbouring gardens would be negligible.

HH – Stated that the drawings do not accurately show a neighbouring extension.

RC – answered that the drawings are accurate.

Carol Hooper (CH) – Asked whether the building would encroach onto the rear pathway to 4 Wickham Road and whether there are alternative plans in the event it is not possible to utilise the mews for utilities.

RC – Stated that the owner has supplied a title plan so he is not aware of easement and right of way.

AW – Clarified that ownership matters are not material planning considerations.

Chair – Asked whether the applicant can demonstrate that the site is owned by them.

RC – Stated that it is his understanding that the site is owned by the applicant.

CH – Complained that the hoarding is on land the applicant does not own to the front.

Chair – Requested that the meeting move on from ownership matters.

CH – Ask the applicant to clarify how they intend to access utilities?

AW – Explained that ownership matters and connection to utilities are not planning considerations as these matters are subject to other legislative frameworks.

CH – Stated that the window in the front elevation would reduce privacy and security for the Mews

RC – Responded that the proposed building line would respect Ray Bell Court and that the proposed window is required to allow natural light. Added that the window would improve passive surveillance.

CH – Stated that there are no live/work units currently on Wickham Mews.

Chair – Clarified that the proposal is not for a live work unit

RC – Explained that the applicant is happy to accept a condition securing the commercial use and preventing use for residential accommodation.

John Ronayne (JR) – Stated that pitched roofs are not common on this stretch of the Mews. Also explained that the former stables are blind to the mews so the window would reduce privacy. Continued by raising concerns that the building would block views to the rear of properties and would ruin the tranquil character of the Mews. Finished by asking the applicant to confirm that the building would not be converted to residential use by stealth?

RC – Noted that the site was bought with the intension of providing residential accommodation but that this has changed and that none of the planning submissions on this site have been for residential use

Heather Martin: Answered that residential use is not feasible so the development has become commercial.

JR – Asked for clarification over the intended use and how many employees the building will accommodate?

RC – Responded that the proposal has been submitted without an end user being secured and explained that the indicative layout has been based on Gruff's architectural practice as the site is intended for a similarly sized small local business.

JR – Stated that the applicant should be able to explain what the future business will be.

RC – Answered that it is not uncommon for developers to apply for a use class rather than an end user.

AW – Confirmed that applying for a land use is typical.

David Marsh (DM) – Asked why the building is so ugly?

RC – Stated that design is subjective, and that the intention is that this would be a more attractive building than the previous garages.

Jenny McArdle (JM) – Raised concerns with the vehicle tracking and noted that access from Wickham Road is most likely to be used but is most difficult and would prevent access for refuse and emergency vehicles.

RC – Responded that Wickham Mews benefits from three entry points and that the intention is that vehicles entering the Mews would be kept to a minimum. Tracking shows large vehicles can enter the Mews and confirmed that small refuse trucks would be used.

JM – Stated that the tracking is unconvincing, and that the Ashby Road entrance is not feasible.

Denise Walshe (DW) – Asked a question regarding guttering and whether it would overhang neighbouring land?

RC – stated that these type of issues would be addressed by the Party Wall process but clarified that the expectation is that access to neighbouring land would not be required.

DW – Asked how the applicant would address the impact of the north boundary wall to the neighbouring property?

RC – Responded that the wall is lower than the previous iteration and that the benefits of a pitched roof design is that the boundary wall is lower.

DW – Asked whether the proposed Air Source Heat Pump (ASHP) would cause noise and vibration?

A RC – Stated that ASHP are designed to be installed within residential areas.

Spencer Barnshaw (SB) – Stated that the design is not appropriate for Wickham Mews and noted that this Mews is different to Ashby Mews as there is more natural habitat. Ask what would be done to restore the natural environment?

A RC – Responded that the site consists of hardstanding so is of limited ecological value.

SB – Asked how habitats and ecology could be enhanced?

RC – Noted that within the boundary there are not any protected species and stated that there is a balance to be struck on what can be practically and reasonably done given size of site.

HH – Stated that the pathway to the original property had been in place historically.

JR – Raised concerns that the construction phase would obstruct the Mews and suggested that the applicant should consider rebuilding the garages. Also objected to the materials, which would not be in keeping with the traditional timber and brick.

CH – Asked a question about the impact to sight lines.

RC – Responded that many of the neighbouring buildings have sight lines in different directions due to multi-aspect buildings and stated that the height of the roof profile has been designed to respect outlook and comply with the 25 degree rule to neighbouring windows.

CH – Noted that residents do not agree.

Phil McDonnell (PM) – Asked how access and ownership matters can be challenge

AW – Stated that these matters would need to be addressed independent of the planning process.

Chair – Requested that Council Officers provide advice on the ownership matters.

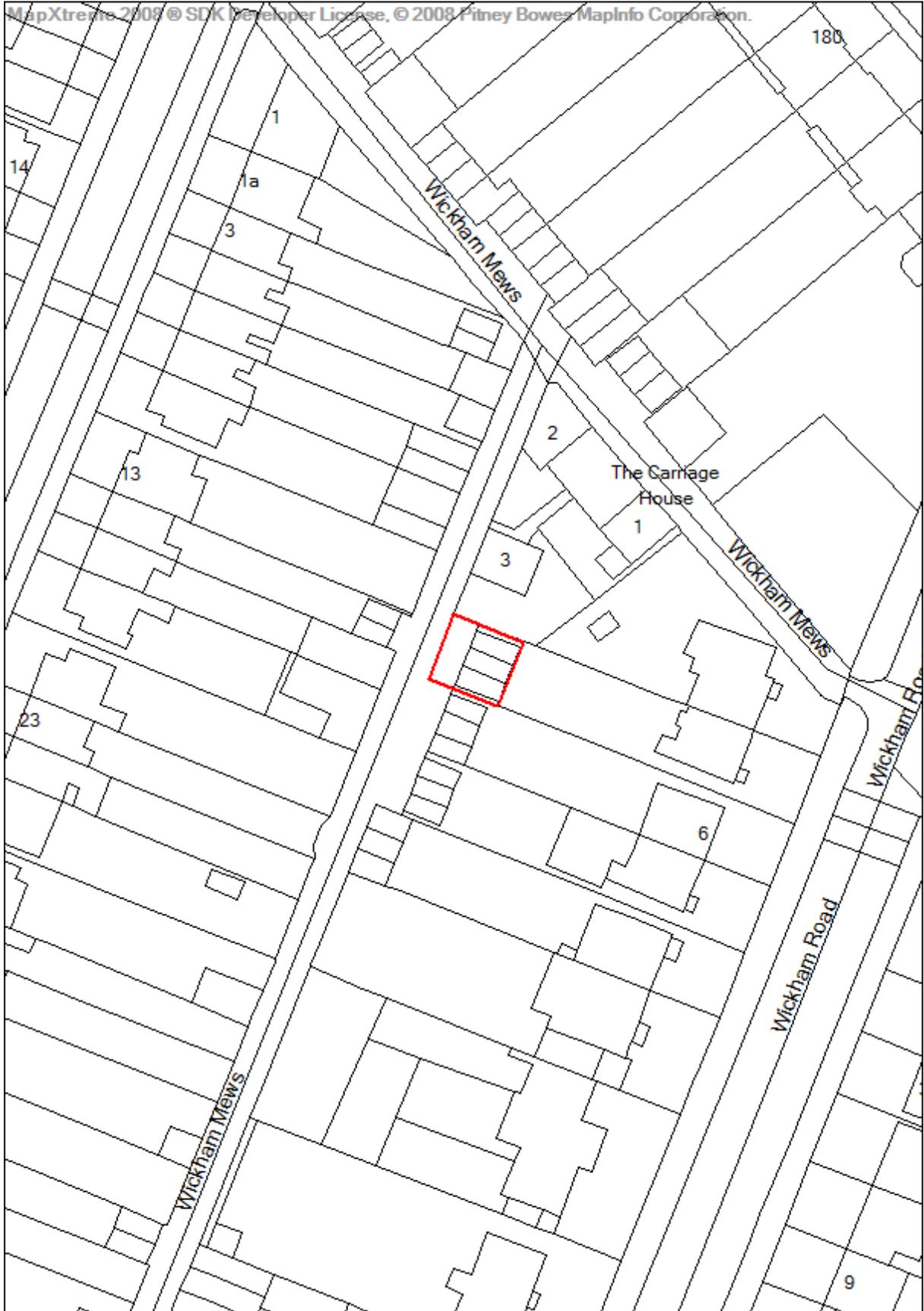
CH – Asked when a decision likely to be made.

AW – Responded that no date had been confirmed but that all residents that have made representations would be kept updated with the progress of the application.

*The chair brings to meeting to a close at this stage and thanked everyone for taking the time to attend*

**End**





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# Rear of 4 Wickham Road (Fronting Wickham Mews), London, SE4

Application Ref. DC/22/128099

# Description of Development

Page 406

The construction of a single storey office/studio on site of 3 demolished garages at Wickham Mews rear of 4 Wickham Road, SE4.

# Existing Site

# Site Plan



# Aerial View



# Site Photos

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# Site Photos

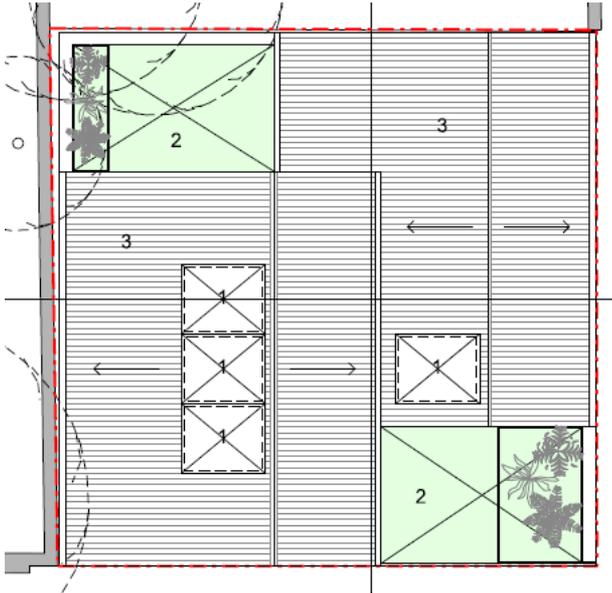
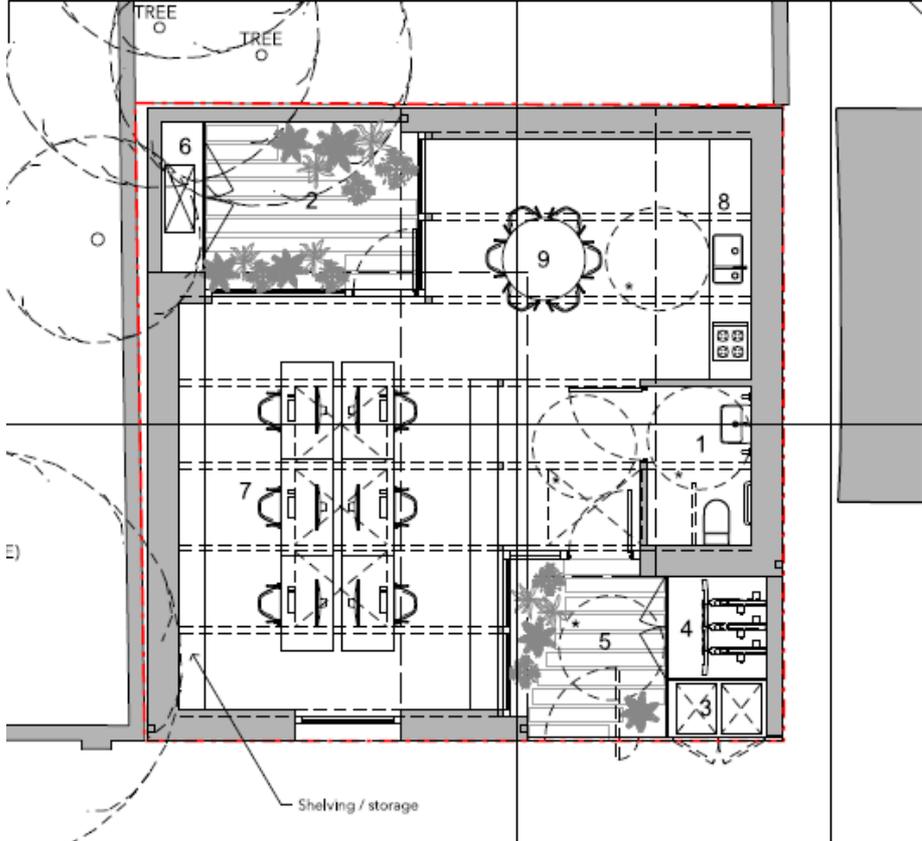
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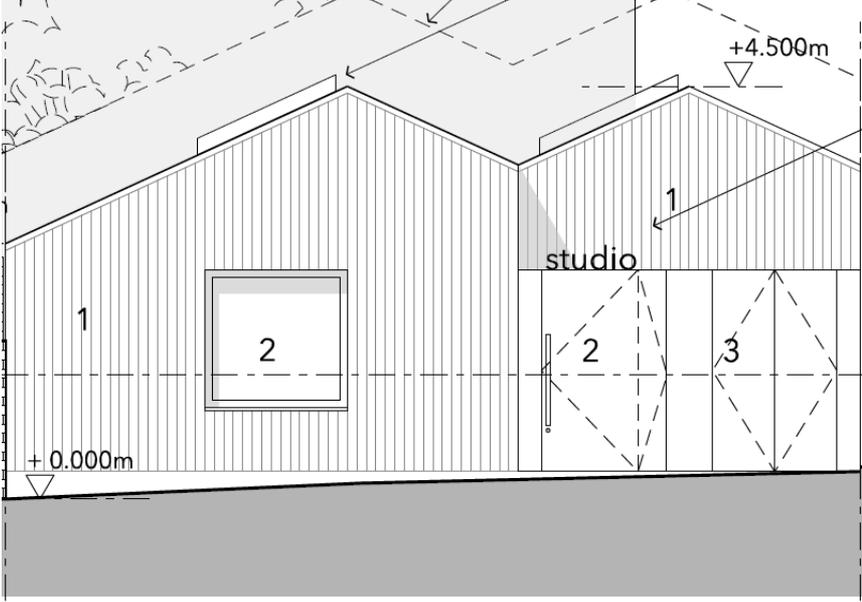
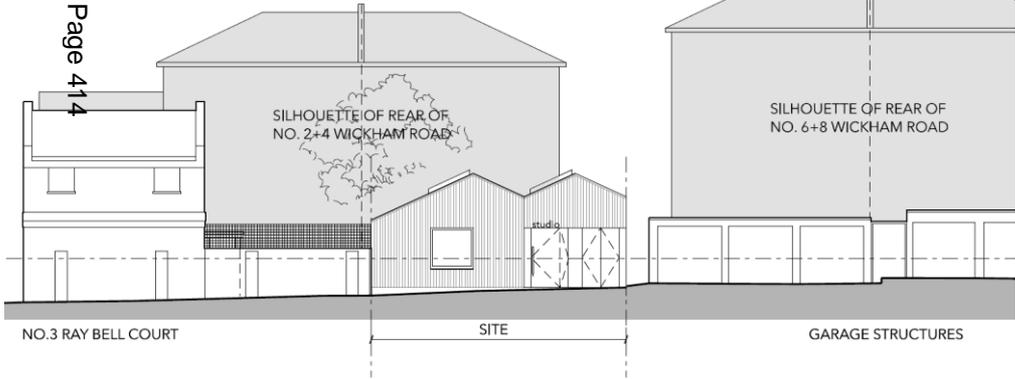
# Proposed Development

# Proposed Floor & Roof Plan

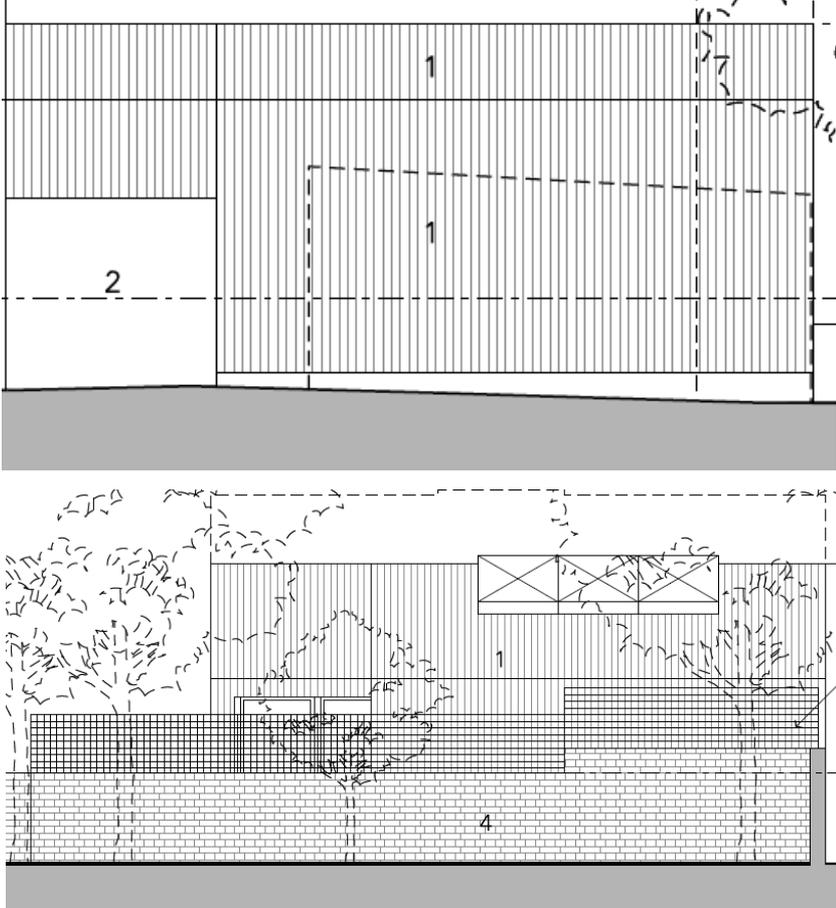
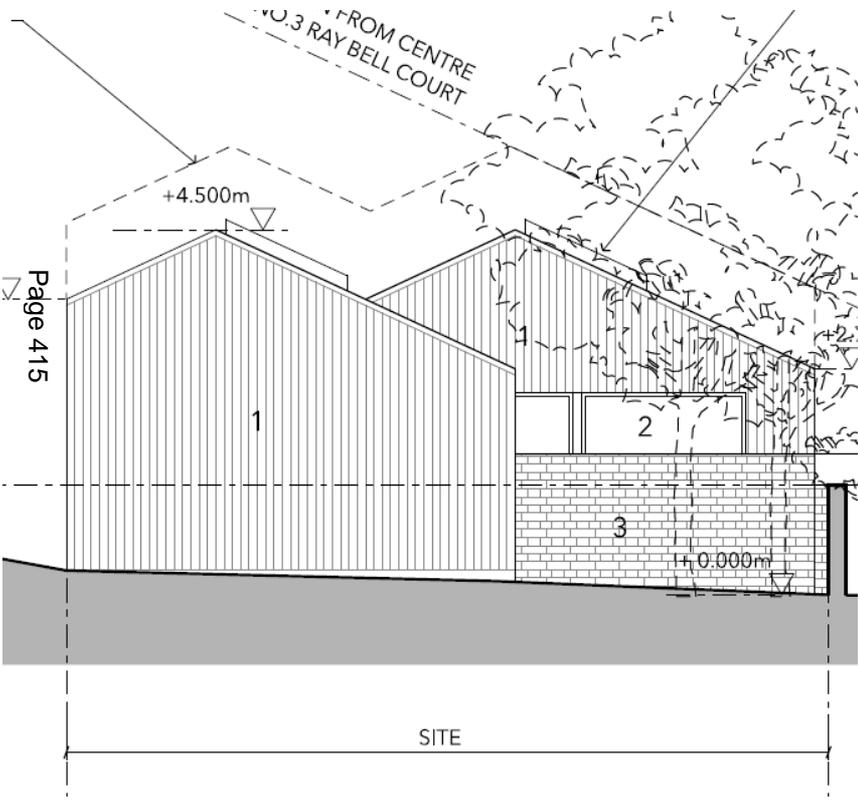
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# Proposed Front Elevation & Mews Context



# Proposed Rear & Side Elevations



# Main Planning Considerations

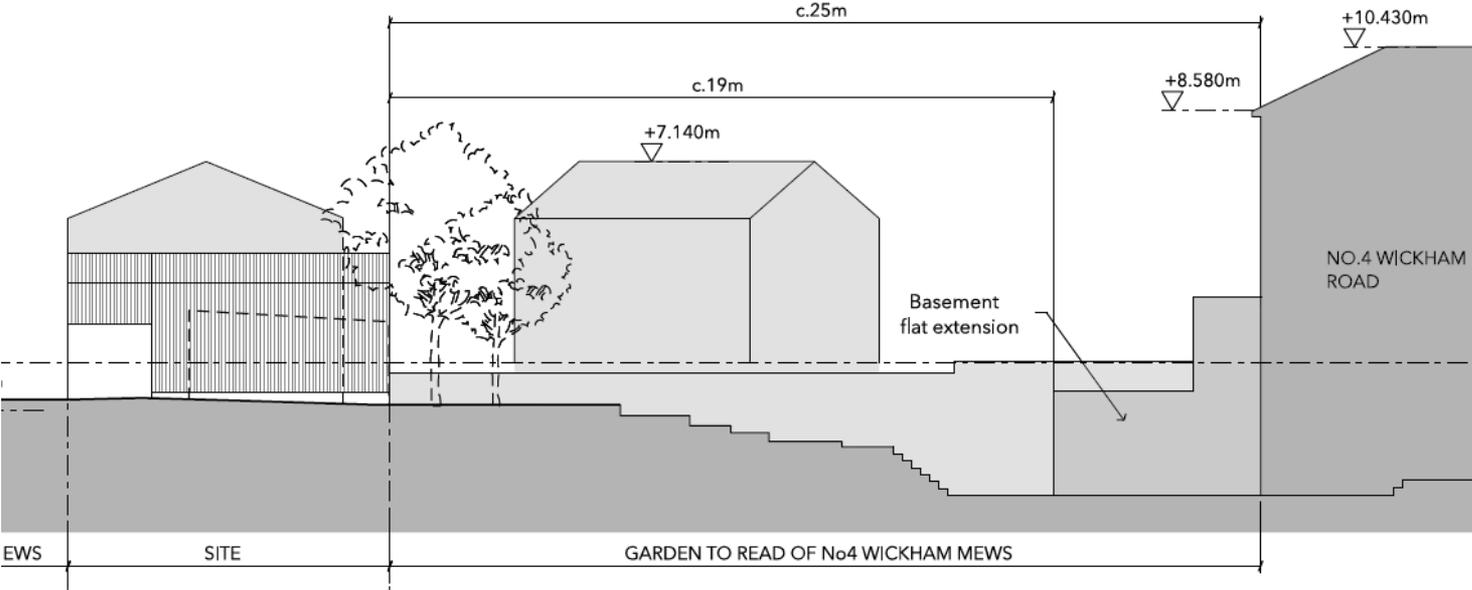
# Main Planning Considerations

- Principle of Development
- Urban Design & Heritage Impact
- Transport Impact
- Living Conditions of Neighbors
- Natural Environment

**END**

# Relationship to Neighbouring Sites

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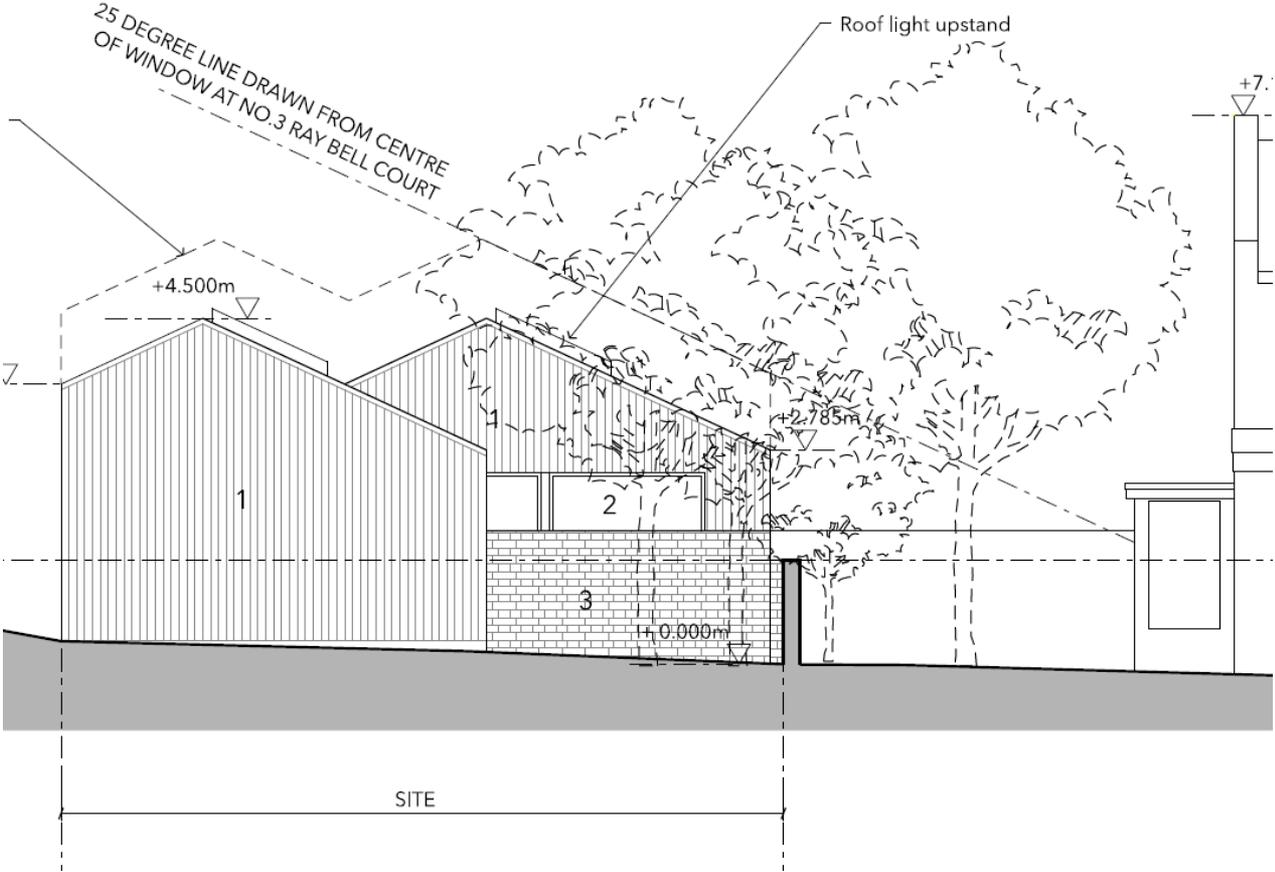


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# Relationship to Neighbouring Sites

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## Planning Committee B

### Report title:

**LAND ADJACENT TO 31 CLAYHILL CRESCENT, LONDON, SE9 4JA**

**Date:** 31 January 2023

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** Grove Park

**Contributor:** Zahra Rad

### Outline and recommendations

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

*The report has been brought before the committee for a decision due to the submission of five objections from neighbouring properties*

## Application details

<b>Application reference number:</b>	DC/21/124954
<b>Application Date:</b>	05 Jan 2022
<b>Applicant:</b>	Iketecture
<b>Proposal:</b>	The replacement of the existing garage with a new two storey, two-bedroom dwellinghouse at the land to the side of 31 Clayhill Crescent, SE9, together with the provision of a car parking space, cycle storage and bin store.
<b>Background Papers:</b>	(1) Submitted drawings (2) Submitted photos (3) Statutory consultee responses
<b>Designation:</b>	PTAL 2 Local Open Space Deficiency Grove Park Neighbourhood Forum Small House in Multiple Occupancy Article 4
<b>Screening:</b>	N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 Application site is the land to the side of a two-storey end of terrace dwelling on the north side of Clayhill Crescent at No 31. The area to the side is currently occupied by a single storey detached garage which is in a poor condition. The land was formally separated in 2019.

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**Figure 1 Site Location Plan**



***Character of the area***

- 2 The surrounding area is predominantly residential, characterised by suburban terraces, and the application site is to the east of a terrace comprising of 6 dwellings. The majority of the surrounding properties on the same side of the road have vehicle crossovers and driveways within the front gardens.

**Figure 2 Aerial View of the Application Site and No 31 Clayhill Crescent**



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### ***Heritage/Archaeology***

- 3 The property is not within a conservation area, it is not a listed building, or a non-designated heritage asset nor is it in the vicinity of one.

### ***Transport***

- 4 The site has a PTAL rate of 2, based on a scale of 0-6 with 0 indicating the lowest and 6b the highest access to public transport. The application site has a crossover, and on-street car parking is not restricted within the surrounding area. The nearest bus routes are along nearby Marvels Lane and Dunkery Road. Grove Park station is located approx. 0.5 miles to the west.

## **2 RELEVANT PLANNING HISTORY**

- 5 **DC/19/11261** - Construction of a two storey two-bedroom house on land at 31 Clayhill Crescent SE9, Refused 22/05/2019.

- The detached dwelling-house, by virtue of poor design and siting, would fail to make a high quality contribution to the area and would represent an unacceptable form of infill development that would appear as an incongruous addition, serving to harm the integrity of the terrace row and wider streetscene, contrary to Objective 10 Protect and Enhance Lewisham's Character, Spatial Policy 5 Areas of Stability and Managed Change and Policy 15 High Quality Design for Lewisham in the adopted Core Strategy (2011) and DM Policy 30 Urban Design and Local Character, DM Policy 32 Housing Design, Layout and Space Standards & DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the adopted Development Management Local Plan (November 2014).

- 6 **DC/19/113950** - Construction of a two storey two-bedroom house on land at 31 Clayhill Crescent SE9, the construction of a hip to gable roof extension to the existing property, and associated landscaping. Refused 17/03/2020. Appeal (APP/C5690/W/20/3258368 dated 09/07/2021) was dismissed.

- The proposed dwellinghouse, by reason of siting and design, would appear as an incongruous form of development that would fail to achieve a satisfactory level of subservience to the host building, and would therefore harm the integrity of the terrace row and wider streetscene, contrary to Objective 10 Protect and Enhance Lewisham's Character, Spatial Policy 5 Areas of Stability and Managed Change and Policy 15 High Quality Design for Lewisham in the adopted Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 32 Housing Design, Layout and Space Standards & DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the adopted Development Management Local Plan (November 2014), and Lewisham's Alterations and Extensions SPD (2019).

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### 3 CURRENT PLANNING APPLICATION

#### 3.1 THE PROPOSALS

- 7 Construction of a two storey 2B/3P dwelling to the side of 31 Clayhill Crescent together with the provision of one, off-street car parking space, cycle storage and bin store.
- 8 The proposed dwelling would continue the established street frontage on this side of Clayhill Crescent. The proposal would increase the number of the properties of the terrace from 6 to 7 and would appear as an end of terrace dwelling. The front garden would be trapezoid shape, which would accommodate parking bay for one vehicle. The access to the rear garden would be via the entrance door, and through the building.

**Figure 3 Proposed New Dwelling and the surrounding Terraced houses**



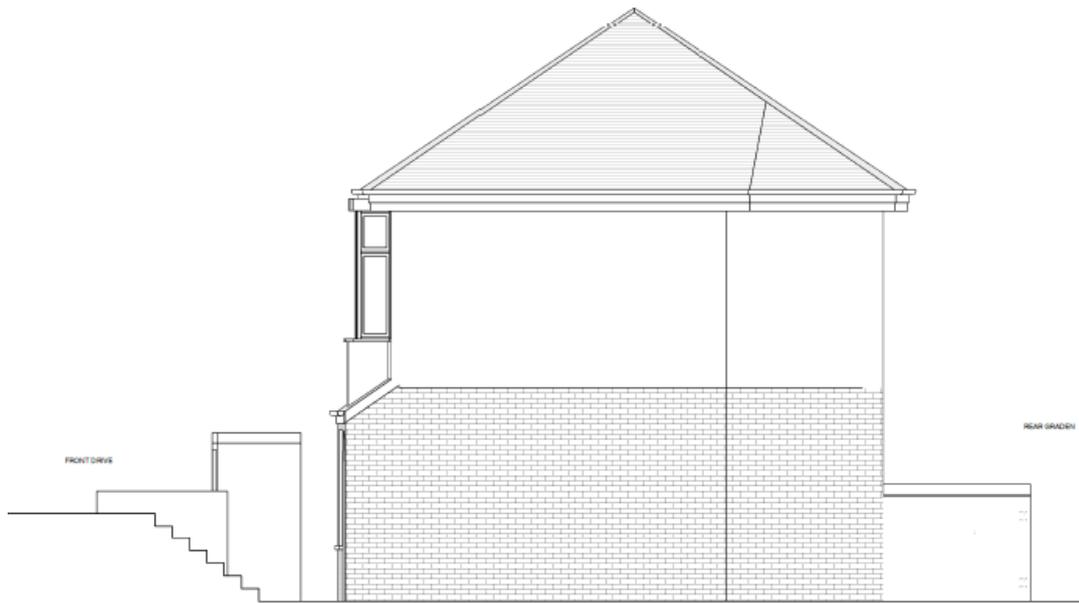
- 9 The eaves height and the top of the ridge would be the same as the heights at No 31. It would have a pitched roof with end gable. Due to the sharp drop from the road towards the entrance of the building, there would be steps down from the fore court, directing pedestrian to the enclosed arch shaped porch. Recycling and refuse bin store, with green roof would be added to the forecourt.

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**Figure 4 Proposed Side Elevation**



- 10 The proposed dwelling would incorporate an enclosed porch, bay window to the first floor, and gable end roof, similar to No 31, and would use materials at the ground and first floor to match the existing at No 31.

**Figure 5 Proposed Front Elevation**



- 11 The proposed dwelling would have a gross internal area of 71.3m<sup>2</sup> and an external open amenity area of 141m<sup>2</sup>. A reception, a kitchen/dining room and storage space would be

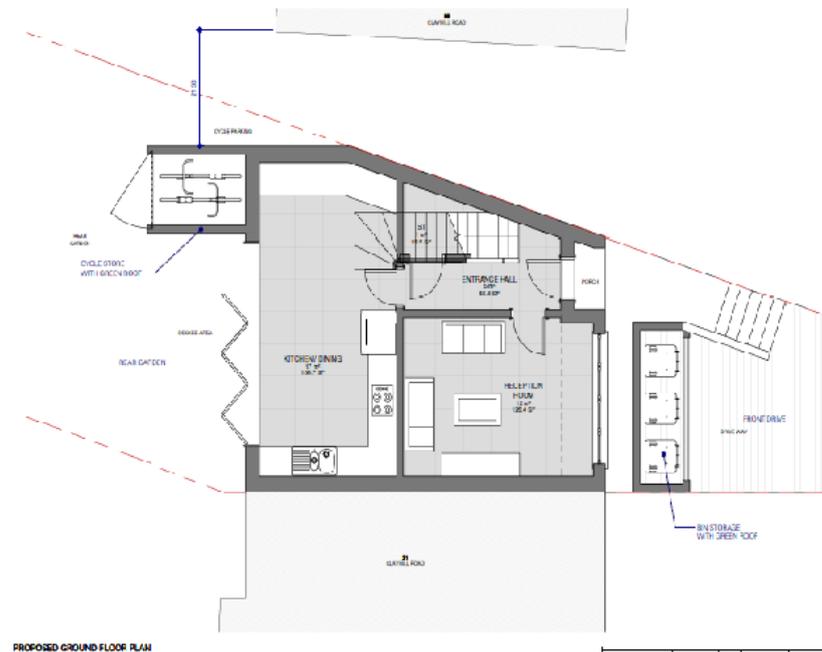
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provided at the ground floor. At the first floor it is proposed to have two bedrooms and a bathroom.

**Figure 6 Proposed Ground floor and First Plans**



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- 12 *Materials:* The facing walls would be brick at the ground floor and rendered at the first floor to match the existing material at No 31. Roof would be tiles of the pitched roof, and doors and windows would be double glazed.

## REVISIONS

- 13 The foot print has been increased from 65sqm to 71.3sqm to be in line with recommended standard of accommodation of LP (2021).
- 14 The design and location of the cycle storage and bin store have been revised. The landscaping to the front is changed to include soft landscaping.

## 3.2 COMPARISON WITH PREVIOUS SCHEME

- 15 The refused proposal under planning application ref DC/19/113950 had different design in terms of a two-storey side extension internally and externally. The location of the entrance door, the front court yard and also, the shape of bay window and porch have changed.

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

- 16 The pre-application Ref: PRE/21/123609 had advised two options, one with modern design and the other option was similar to the current design. The applicant was advised that the modern design would not conceptually fit the existing character of the road. Also, the applicant was advised to provide details for Cycle storage, bin storage, and landscaping within any future submission.

### 4.2 APPLICATION PUBLICITY

- 17 Site notices were published on 16 February 2022.
- 18 Initial consultation letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 16 February 2022.
- 19 Due to amendments, re-consultation was required, and second round consultation letters were sent on 08/06/2022.
- 20 Five responses were received, comprising five objections to the initial proposal and further responses were received to the amendments.

#### 4.2.1 Objections

Objections	Para where addressed
<i>Urban Design</i>	

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Development would be eyesore and detracts from other properties in the road and out of character with the neighbouring properties in terms of its siting and design and will change character of street.	89 and 92
The size of house being smaller and crammed into a small space, it will not be a quality house, just an infill and not adequate.	61 and 81
Roof contrived, cramped, awkward jarring of building form. The side roof will not be the same as others in the crescent.	88 and 89
Presents a new dwelling on ClayHill Crescent, and it will not improve the housing stock	52 and 83
The proposal will remove the natural corridors between houses.	91
<i>Amenity Impacts</i>	
a new build they are having to angle the side of house which will also make it look out of place. Overlook adjacent properties, and will lead to loss of privacy	88 and 89
It will also overshadow and affect their privacy as they have a side window.	102
The development will overlook adjacent property, this will lead to loss of privacy.	103 and 104
<i>Transport</i>	
A telegraph pole is where the driveway would be difficult to see coming traffic	112
Parking issue	112
<i>Flood Risk</i>	
When it rains it always floods and water runs between No 31 and No 33.	120

- 21 Non-material Planning concerns were raised regarding:
- 22 Impact on main sewage and it runs where the proposed property is to be built. *Officer Response:* Sewage is a building control and infrastructure provider concerns.
- 23 The proposal would touch the neighbouring house boundary line at one point: *Officer Response:* Encroaching on to the shared boundary is a civil matter, however, a land registry map has been provided.
- 24 The build-up of debris dumped by the owner. *Officer Response:* This is not relevant to determination of the application.
- 25 The development will restrict views: *Officers Response:* Change of view is not a planning consideration.

### 4.3 INTERNAL CONSULTATION

- 26 Environmental Health comments: Raised no objections, however, recommended to impose a condition in the case of identified contamination on the site during construction. Also, a standard heating boiler should present no problem as long as the outlet flue does not interfere with neighbouring properties amenity.

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- 27 Highway Team: raised no objections (verbally)
- 28 Tree Officer: no response
- 29 Environmental Protection Team: raised no objection, requested conditions and informative
- 30 Climate Resilience (Flood Risk) Team: raised objection to the potential risk of surface water flooding and requested further details. Consequently, Flood Risk Assessment report is provided, and Officers raised no further objection to the proposal.

#### **4.4 EXTERNAL CONSULTATION**

- 31 Grove Park Neighbourhood Forum: No response

### **5 POLICY CONTEXT**

#### **5.1 LEGISLATION**

- 32 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**

- 33 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.
- 34 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.
- 35 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**

- 36 The Development Plan comprises:

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- 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)
- Grove Park Neighbourhood Development Plan (June 2021)

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

37 Lewisham SPG/SPD:

- Small Sites Design Guide Supplementary Planning Document (October 2021)

38 London Plan SPG/SPD:

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

## 6 PLANNING CONSIDERATIONS

39 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Highway and Transportation
- Sustainable Development

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *Policy*

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

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

42 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for

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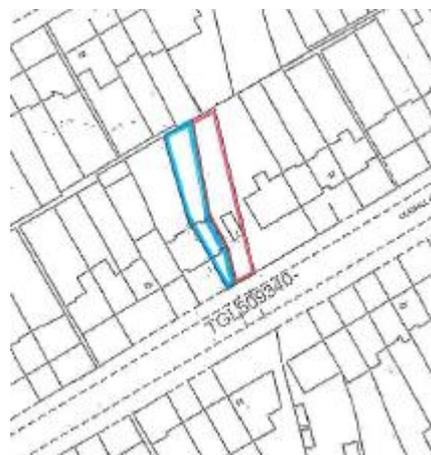
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meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

- 43 The London Plan sets a 10-year housing completion target of 16,670 new homes between 2019 and 2029.
- 44 National and regional policy avoids specifying prescriptive dwelling size and mixes for market and intermediate homes.
- 45 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.
- 46 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space, and other infrastructure requirements (such as transport links).
- 47 DM Policy 33 relates to new development within infill, backland, back garden, and amenity area sites. The policy defines an infill site as a site within a street frontage such as former builders yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design problems in harmonising the development with the existing built form.

#### *Discussion*

- 48 The principle of the proposed development has been assessed as a new dwelling on an infill site within the refused application DC/19/111261 in 2019 which was supported and also, the inspector under the appeal ref: APP/C5690/W/20/3258368 has raised no objections to the principle of the development.
- 49 The application site is within the immediate area which is largely residential in character and is characterised as Urban. The land has street frontage and fits clearly within infill development as defined within DM Policy 33.
- 50 The site was part of private amenity space to the side of No 31 Clayhill Crescent. The applicant has provided HM Land Registry map showing the land has been subdivided from No 31 ClayHill Crescent.



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51 The site falls within the suburban terrace urban typology of the Lewisham character study. The area is defined by rows of terraces, however a number of the 'gaps' between the terraces have been infilled with 2-storey side extensions. The application site is one of the few remaining 'gaps' that remains on this side of Clayhill Crescent. The principle of providing a self-contained residential unit is dependent upon the development meeting the criteria of DM Policy 33 (Part A).

### 6.1.1 Principle of development conclusions

52 The site will make a contribution towards meeting housing needs in a sustainable urban location, it is considered suitable for development in principle but whether or not the proposal is acceptable will depend upon other criteria for infill development set out in DM33 and the other policies stated above.

## 6.2 HOUSING

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

LP GG4, H2 and H3 seeks to increase the housing supply and to optimise housing output.

Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan states that the Council will require all developments to attain a high standard of design.

### *Discussion*

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

54 The proposed density is considered to be optimal for this site, as it is well connected to the main roads, and public transport whilst being in a sustainable urban location where the density values are within the guidelines set out (70–260 u/ha) in the adopted London Plan. The proposed dwelling would provide a 2-bedroom, dwelling/house for three persons which would provide accommodation for a small family and would contribute to the borough's housing supply and significant weight is given to this in assessment of the proposal.

### 6.2.1 Residential Quality

#### *General Policy*

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

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56 The main components of residential quality are: (i) internal space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) overheating; (vi) external space standards; (vii) accessibility and inclusivity.

*General Policy*

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

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

**Internal Space standards**

59 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*

60 The table below sets out acceptable dwelling sizes.

Type	Criteria	Size	Required Minimum Gross Internal Area	Compliance
Two storey- Two- bedroom dwelling	Dwelling Size (2b3p)	71.3m <sup>2</sup>	70m <sup>2</sup>	Pass
	Bedroom 1 (double bed)	12m <sup>2</sup>	11.5m <sup>2</sup>	Pass
	Bedroom 2 (single bed)	10 m <sup>2</sup>	7.5m <sup>2</sup>	Pass
	Floor to ceiling height	First floor: 3.3m Ground floor: 2.7m	Min height 2.5m	Pass
	Built in storage	2 m <sup>2</sup> (one meter at each floor)	2m <sup>2</sup>	Pass

61 Table 3.1 of Policy D6 of the London Plan states that the minimum gross internal area floor area for 2B3P units is 70m<sup>2</sup>, although, the proposal would provide 71.3m<sup>2</sup> which is in line with LP (Table 3.1) footprint recommendation, and it is considered acceptable. Table 3.1 also sets out the minimum size requirement of 11.5m<sup>2</sup> for a double bedroom and 7.5m<sup>2</sup> for single room which are exceeded. The minimum floor to ceiling height would be over 2.5m at the first floor, which meets the London Plan requirements.

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- 62 The ground floor would accommodate, a separate reception, a living room/kitchen, storage, and WC. The access would be from the front with an internal ceiling height of 2.7m which are in line with the recommended standard and are acceptable.
- 63 The new dwelling would be a dual aspect dwelling, having window to the front and rear. All bedrooms would have large windows.
- 64 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant', therefore the outdoor amenity space proposed of 141 m<sup>2</sup> would meet the minimum required standard.
- 65 The proposal would deliver a two-bedroom dwellinghouse, with an acceptable standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making the most efficient use of land and optimising density.

### ***Outlook & Privacy***

#### *Policy*

- 66 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.
- 67 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).
- 68 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook, and natural lighting for its future residents.

#### *Discussion*

- 69 All habitable rooms would be provided with adequate outlook to the front and rear, and all would have openable windows. As the proposed dwelling would be end of terrace, the windows would have similar distance from the surrounding properties and would be similar to windows existing at Nos 31 and 33 and are acceptable.
- 70 Given the above, Officers are 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*

- 71 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.
- 72 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.

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### *Discussion*

- 73 Although, no Daylight and Sunlight Assessment has been submitted with the application, due to the position of the new dwelling as an end of terrace, and as there would be a gap with No 33, and as all habitable space and bedrooms would be adequately served by windows, given the size of the proposed development and the dual aspect nature of the proposals, officers are satisfied that the property would achieve acceptable levels of daylight internally.

### **Noise & Disturbance**

#### *Policy*

- 74 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 improve local environmental conditions. Paragraph 185 states decisions should mitigate and reduce the 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.
- 75 LP Policy D14 required residential development to manage noise.

#### *Discussion*

- 76 The proposed development is located in a residential area. Considering the size of application site, and as the principle of residential development 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 amenity of future residents or neighbours in terms of noise disturbance.

### **External space standards**

#### *Policy*

- 77 In London Plan Policy D62 emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.
- 78 The London Plan Housing SPG at paragraph 2.3.32 states that where site constraints make it impossible to provide private amenity space for all dwellings, dwellings may instead be provided with additional living space equivalent to the area of private amenity space requirements.

#### *Discussion*

- 79 The proposed new dwelling would have a combined back and front garden of 141m<sup>2</sup>, which is more than required by LP as outdoor amenity space for a 2-bedroom 3-person dwellinghouse. Therefore, the proposed external space is considered acceptable.

### **Accessibility and inclusivity**

#### *Policy*

- 80 LPP H2 (supporting text para 4.2.9) requires compliance with LPP D7 for homes located on the ground floor.

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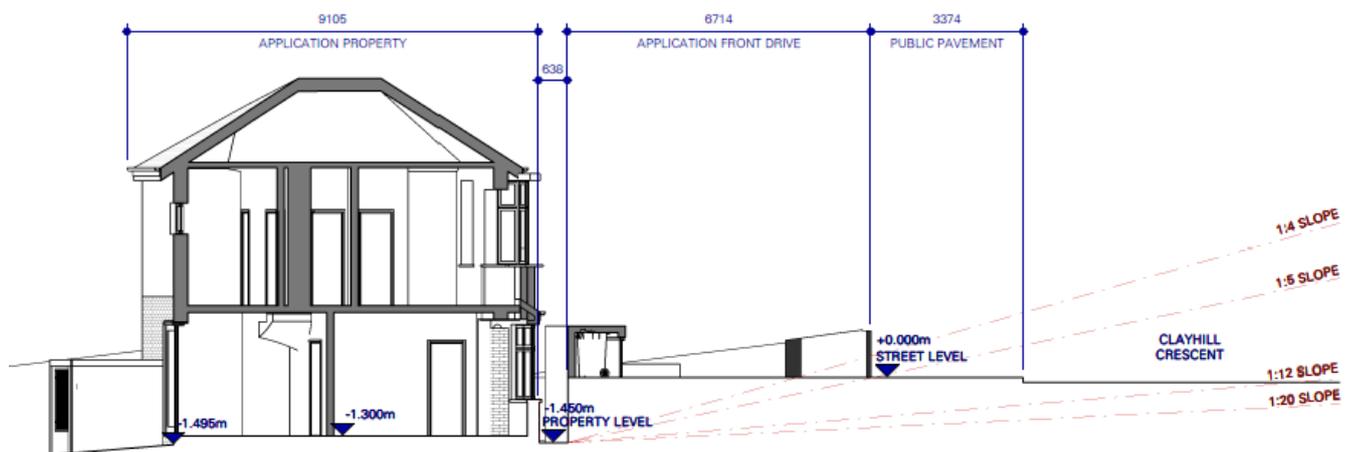
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## Discussion

- 81 It is noted that on this side of Clayhill Crescent access to the entrance from the road drops sharply and in this proposed development, entrance door at the ground floor would not have level threshold from Clayhill Crescent. Access to the entrance has been provided via stairs similar to the majority of properties on this side of the road. It is required by LP that all new dwellings should be at least M4(2) compliant, but exceptions can be made where site specific circumstances mean that this is not possible. In this instance, the applicant submitted the below plan, confirming that the plot does not allow a suitable ramp due to the topography of the plot. Furthermore, the applicant has indicated in an email dated 05 Jan 2023 that alternative access would be explored in negotiation with Building Control.
- 82 The applicant has demonstrated that the site-specific circumstances mean that the proposed two storey dwellinghouse could not meet M4(2) requirements of the Building Regulations due to the topography of the site. Given this, the non-compliance with M4(2) is considered acceptable in this instance.

**Figure 7 Investigating the front ramp**



## Housing conclusion

- 83 Overall, the proposed development is considered to provide an acceptable standard of accommodation, layout, mass, appearance, and accessibility meeting the requirements for small sites, as set out in the London Plan and LBL guidelines and is supported.

## 6.3 URBAN DESIGN

### General Policy

### Policy

- 84 The NPPF at para 130 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 85 Lewisham is defined as an Inner London borough in the London Plan. LP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and

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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

- 86 London Plan D1, D3, CSP 15, DMLP 30, 31, and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

*Discussion*

- 87 The surrounding properties are mainly two-storey terraced dwelling with different styles of bay window at the first floor. A number of properties have been extended to the side or have converted their side garages over the years.

***Appearance and character***

- 88 The proposed dwelling would be of a fairly simple, traditional style, taking its design cues from the surrounding properties in terms of its use of materials. It is noted that the end-gable roof profile along the road has been retained, therefore, as the roof profile would be similar to the pitch roof at No 31 with the same eaves height and ridge height, it would not appear bulky in the context of the surrounding area.
- 89 The new dwelling would set back from the main road and its frontage would align with established front elevation line at this side of the road including Nos 31 and 33. The width of the new dwelling is slightly less than the existing properties (approx. 0.7m smaller) on this terrace of dwellings, but its bulks, and height is similar.
- 90 Appeal Ref: APP/C5690/W/20/3258368, under paragraphs 8 and 9, intensively discussed the width and size of window of the proposal as harmful to the street scene. It should be noted that the current proposal would use the full width of the plot to the front which makes it wider than the dismissed case. The height of the windows to the front would be the same as No 33. The width of bay window and the double window would be smaller, however considering the style of windows and also as there is no uniformity of style in fenestration on the road, on balance it is supported.
- 91 The existing front court yard of the garage which is in a poor condition would be replaced with new landscaping and paving and a small green space, to integrate with the existing streetscape. No details have been submitted regarding the hard and soft landscaping therefore should the Council be minded to grant permission a condition would be imposed for the details of the soft and hard landscaping.

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**Figure 8 CGI from Clayhill Crescent**



92 The proposed front elevation would introduce a porch similar to the existing at Nos 31 and 33 with an arch on the top. The design of proposed fenestration to the front, would be similar to No 31, however, the width of the windows is slightly narrower due to the smaller width of the proposed dwelling.

93 It is noted that objections were received regarding the design as it would be out of character with the area. In respect of impact of the proposed scheme on the character of the wider area, and the street scene, the new dwelling is considered to be similar in design to the surrounding buildings, which would improve the current poor condition of the proposal site and is not within a conservation area, the proposal is acceptable.

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

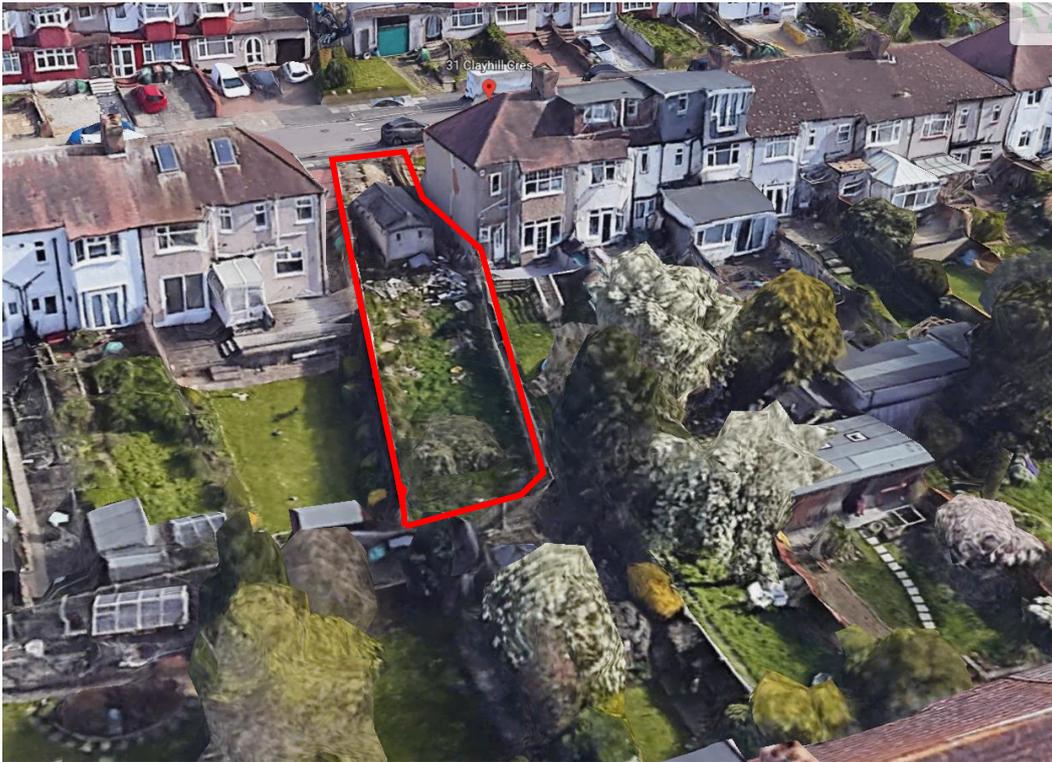
94 The material would match the existing at No 31, as shown on the plans and stated on the design and access statement. The dwelling would be built in brick with the first floor rendered to match the prevailing architectural detail of most properties in the road. The roof would be a tiled pitched roof a condition would be imposed in order to secure council's policy for use of high-quality materials.

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**Figure 9 Rear View of the Proposal Site**



### ***Landscaping & Boundary Treatments***

- 95 The driveway and crossover access to the fore court would be retained. Bins store would be located in the fore court. Due to the sharp drop from the road towards the entrance of the building, there would be steps down from the fore court, directing pedestrian to the enclosed arch shaped porch. The existing driveway is in a poor condition and as stated in the application form the hard surface is in concrete. Also, it is noted that the proposed layout to the front would be similar to the front court yard of properties on this side of the road. Given above, on balance, the proposed changes are considered to enhance the street scene. It is noted that no details have been provided of soft landscaping, although it is indicated that the Bin store would have a green roof. As mentioned above, a condition would be added to ensure that details of soft landscaping, are provided, should the council be minded to grant a permission.
- 96 The proposal includes decking to the rear. No materials have been detailed for the paving to the front and decking to the rear, therefore, the details of proposed materials for landscaping would be secured within the condition for materials.
- 97 Private amenity space throughout the proposed scheme would be secured with fencing to prevent public access with timber panel and concrete posts, which would be secured by a condition.

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98 In summary, the proposed dwelling, due to its scale, design, and setting, is considered acceptable and would preserve the character and appearance of the streetscene and the wider area, subject to the final details being secured by condition the proposed development is considered to improve the character and appearance of the proposal site.

### 6.3.1 Urban design conclusion

Subject to the above, the proposed dwelling is judged to be acceptable in terms of its design, responding appropriately and sensitively to the site. As such, it is considered that the design of the proposed new dwelling complies with the provisions of Policy 15 of the Core Strategy (2011) and DM Policy 30 'Urban Design and local character' of the Development Management Local Plan (2014).

## 6.4 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

99 NPPF para 126 and 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

100 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

101 The Small Sites SPD provides guidance on the acceptable offset distances between existing and new dwellings in the context of small sites.

### *Discussion*

102 Objections raised concerns as the new two storey development could have impact on the privacy of its neighbours. The front elevation of the proposed dwelling would be in line with the elevations of Nos 31 and 33 Clayhill Crescent. The new dwelling would be circa 3m away from the main building at No 33, although part of it would be along the shared boundary with No 33 and to the rear it would leave a gap with the shared boundary with No 33.

103 Objections raised the issue of a side window on the proposed dwelling which would impact on the privacy of the adjacent properties, it should be noted that no window are proposed on the side elevations. However, Officers had concerns regarding the potential sense of enclosure impact of the proposed development on the window at the first floor at No 33. Although the function of this window is not clear, due to the gap between the two buildings, no adverse impact on the amenities of neighbours living at No 33 is expected, especially as there are no windows proposed to the side of proposed development.

104 The rear elevation would align with the rear elevation of No 31 and would not project beyond the rear elevation of the adjacent properties, therefore, due to the remaining gap between No 33 and the new dwelling, the width of plots and the size of the back

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gardens, the proposed scheme is not considered to have any impact on the privacy, sunlight and daylight of the occupiers at Nos 31 and 33.

- 105 To the rear the nearest rear windows are on the rear elevation of properties on Dunkery Road which would be 36m away similar to their distance from Nos 31 and 33, with similar impact on their privacy or sense of enclosure.
- 106 The new windows to the front would have the same distance from the properties on the opposite side of Clayhill Crescent (26m) which are in higher level than the new dwelling, therefore, the proposed development is not expected to have any impact on the amenities of the properties on the other side of the road.
- 107 Considering the position, size and height of the new dwelling, the topography of the area, and the size of the back gardens, the proposed development is considered not to have any adverse impact on the amenities of neighbours in terms of sunlight and daylight or cause, loss of outlook, loss of privacy nor create an overbearing sense of enclosure or overlooking.

#### **6.4.1 Impact on amenities of neighbours; Conclusion**

- 108 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.

### **Highways**

#### *General policy*

- 109 LP T1 sets out the Mayor's strategic integration of land use and transport. LPT4 requires transport assessments to be submitted with development proposals when required in accordance with national or local guidance, to ensure any impacts are fully assessed. No transport assessment is required for this application due to the scale of the proposed development.
- 110 LP T6 states that car-free developments should be the starting point for all development proposals in places that are well-connected to public transport.
- 111 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

#### *Discussion*

- 112 Under the Policy T6 of the London Plan the maximum allowance is 0.75 spaces per household for a new dwelling in Inner London with a PTAL of 2. The proposal includes one, off street parking space to the front of the dwelling. One objection was received regarding the existing telegraph pole, and its impact on the crossover. It should be noted that the pole and the crossover are existing, and no changes are proposed to alter this arrangement.
- 113 The scheme proposes a parking bay at the forecourt. Whilst this is technically an over provision of off-street parking, as the parking arrangement would mirror all other dwellings in the road which have off street parking provision, and the Council's Highway

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Officer had raised no objections to retaining the existing crossover, and parking bay to the front, the proposed parking arrangement is supported.

#### *Cycle storage*

- 114 Under the Policy T5 of the London Plan, secure covered cycle parking should be provided at a minimum rate of 2 spaces per all other dwelling with more than 3 person. As such, a dwelling of the proposed scale must provide 2 secure, covered and step free cycle parking spaces. The proposal includes secure and covered cycle parking spaces, with green roof, accessed through the ground floor of proposed building. Should the Council be minded to grant permission, details of cycle parking arrangements would be secured by a condition.

#### *Refuse*

- 115 Storage space for three bins would be provided to the front of the site with a flat green roof. The provision and siting of bins store is considered acceptable; however, a condition would be secured for bin store including food waste recycling, and details of the proposed green roof.

#### *Summary*

- 116 The proposal would have an acceptable impact on transport and satisfactorily accommodates the sites servicing needs, subject to conditions.

## **SUSTAINABLE DEVELOPMENT**

#### *General Policy*

- 117 203 Paragraph 153 of the NPPF states Plans should 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.

#### *Discussion*

- 118 The proposal site is within Flood Risk Zone 1 which means there is a low risk of flood. However, objections have been raised regarding the experience of local flood risk due to the topography of the area.
- 119 The Council Flood Risk team raised objections as no details and information was provided to address concerns raised in this regard. As the development is at risk of surface water flooding it was requested to provide a site-specific Flood Risk Assessment that addresses the following:

- Show that flood risk will be reduced, and that suitable methods of mitigation will protect the development against the following (whichever are applicable)
- 1% AEP pluvial event plus climate change over the lifetime of the development.
- Show that safe access can be provided to an appropriate level for the type of development.

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- Show that flow routes are preserved, and floodplain storage capacity is not reduced.
- The residents and occupiers of commercial buildings should be made aware their home / business is located in an area of flood risk and should be encouraged to sign up to the EA Floodline Warnings Direct service.
- Show that FFL are 100mm above the modelled surface water 1 in 100 years plus climate change level.
- Ensure that below ground surface water infrastructure has not been adversely impacted by the development.

120 Consequently, a Flood Risk Assessment report and local flood risk map is submitted and was reviewed by the Council Flood Risk team which raised no further objection.

121 Lewisham Council has reported in its Strategic Flood Risk Assessment (2018) that no significant known issues with groundwater flooding have been identified in the Borough; there is no known history of flooding from artificial sources within the Borough and the likelihood of residual risks are very small.

122 Sewer malfunctions in this area are not significant to the study assessment.

123 The report recommends that new hard standing such as pathways and external landscaping should be composed of permeable material.

#### *Summary*

124 As the Flood Risk Team is satisfied with the level of provided details, and given the above details, the scheme is not considered to have any risk in terms of flooding or adverse impact on SuDs and therefore is supported.

## **7 LOCAL FINANCE CONSIDERATIONS**

125 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).

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

127 The CIL is therefore a material consideration. The applicant has completed the relevant form.

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8 £12,000 Lewisham CIL is estimated to be payable on this application, subject to any valid applications for relief or exemption. This would be confirmed at a later date in a Liability Notice.

## 9 EQUALITIES CONSIDERATIONS

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

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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>

- 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, except for wheelchair access which has been addressed in paragraphs 81 and 82.

## 10 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 single dwelling. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

- 140 The proposed scheme is supported in principle, its design, bulk, and setting, and it would not have any unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. In addition, the proposed scheme would have an acceptable impact on transport and accommodating the sites servicing needs.

- 141 In light of the above, it is recommended that planning permission is approved

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## 12 RECOMMENDATION

142 That the Committee resolves to GRANT planning permission subject to the following conditions and informative:

### 12.1 CONDITIONS

#### 1) FULL PLANNING PERMISSION TIME LIMIT

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

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

#### 2) APPROVED PLANS

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

3; EX.00; EX.00 EX.01; EX.02; EX.03; EX.04; EX.05; EX.06; PR.01; PR.02; PR.03; PR.04; PR.05; PR.06; PR.07; PR.08; PR.09; PR.10 (received 08 Jun 2022)

PR.12 (received 03/01/2023)

PR.14 (received 23/01/2023)

**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 and samples of all external materials and finishes, windows and external doors, roof coverings, other site-specific features to be used on the building have been submitted to and following a site visit, approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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#### 4) **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).

#### 5) **CYCLE PARKING**

(a) Prior to first occupation, full details of covered and secure cycle parking facilities with green roof shall be submitted to and approved in writing by the local planning authority.

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

#### 6) **REMOVAL of PD RIGHTS**

No extensions or alterations to the new and the existing buildings hereby approved, whether or not permitted under Classes A-F of Article 3 to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

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## 7) REFUSE AND RECYCLING

(a) No development (above ground level / beyond the superstructure) shall commence until details of proposals for the storage of refuse and recycling facilities including food recycling at the new dwelling with green roof have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

## 8) UNSUSPECTED CONTAMINATION

The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.

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

## 9) 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).

## 10) CONSTRUCTION HOURS

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No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am to 6pm during school holidays 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 avoid peak school hour 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) **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), for surface water shall be submitted and approved in writing by the local planning authority.

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

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

#### 12) **SOFT LANDSCAPING**

In order to provide an acceptable proportion of soft landscaping to the front courtyard and also to ensure the soft landscaping at the rear garden (including details of any trees or hedges to be retained and proposed plant numbers, species, location, and size of trees) shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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

#### 13) **DUST MANAGEMENT PLAN**

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Prior to the commencement of development, a Dust Risk assessment, and Management Plan, shall be submitted to and approved, in writing, by the local planning authority.

The plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery, and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Management of traffic to reduce congestion
- f) Waste management proposals
- g) Details of consultation and complaint management with local businesses and neighbours
- h) Control of dust and dirt on the public highway
- i) Details of hoarding
- j) Siting and details of wheel washing facilities
- k) Type and location of environmental monitoring points
- l) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- m) A drawing showing the details of hoarding, siting and details of the wheeled wash equipment and the waster suppressors, all the receptors and environmental monitoring points
- n) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved plan thereafter.

**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.

#### 14) **GAS BOILER**

Prior to occupation of the development, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and agreed in writing by the council. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 30 mg/kWh (at 0% O2). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler

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emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

## 12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 4) The Committee on Climate Change recently advised the Government that there is now an urgent need to eliminate the use of gas in new buildings. In response, the Government outlined that the Future Homes Standard will mean by 2025 new homes will not be built with fossil fuel heating, such as gas boilers. Alternative heating systems are therefore encouraged, which could include (but are not limited to) electric boilers, solar thermal panels, heat pumps or other energy efficient systems.

Heat pumps are generally more energy efficient than standard panel heating, particularly if used on a communal scale (small number of dwellings or a block of flats). The siting of air source heat pumps on buildings should be carefully considered to take account of potential noise impacts. Useful information about the efficiency of different heat pumps is available

online: <http://www.bregroup.com/heatpumpefficiency/index.jsp>

- All wastes should be managed in accordance with duty of care regulations

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- All health and safety procedures should be adhered to at all time

## **13 BACKGROUND PAPERS**

143 Submission Drawings and Photos

144 Submission Technical Reports and Documents

## **14 REPORT AUTHOR AND CONTACT**

145 Zahra Rad (Planning Officer)

Email: [Zahra.Rad@lewisham.gov.uk](mailto:Zahra.Rad@lewisham.gov.uk)

Telephone: 020 831 49153

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# Land Adjacent to 31 CLAYHILL Crescent, SE9 4JA

Replacement of the existing garage with a new two storey, two bedroom dwellinghouse at the land to the side of 31 Clayhill Crescent, SE9, together with the provision of a car parking space, cycle storage and bin store.

**Application Ref. No: DC/22/124954**

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

# Site Location Plan



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# Site Location Arial- Context



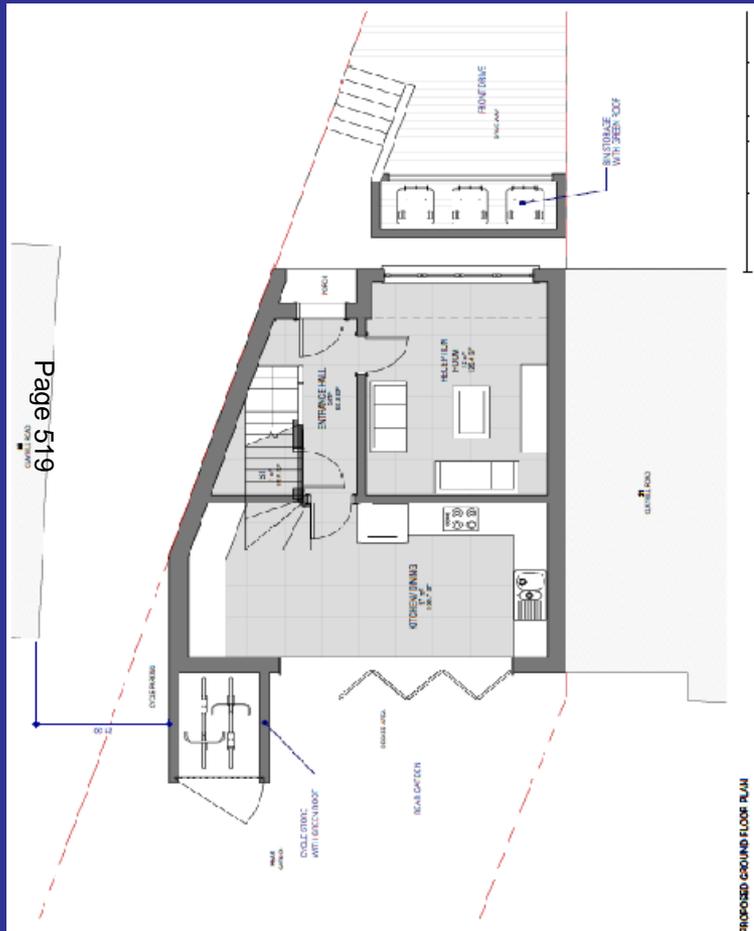
# Views from Clayhill Crescent

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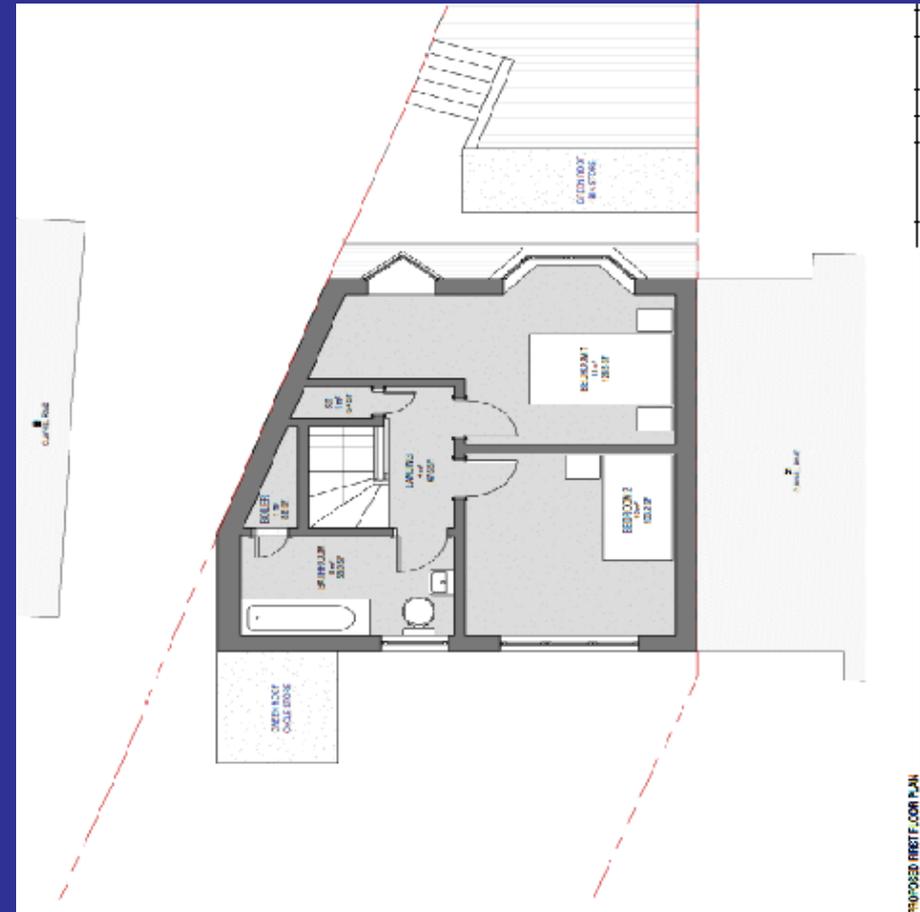


# Proposed Floor Plans

## Ground Floor



## First Floor



# Proposed Elevation

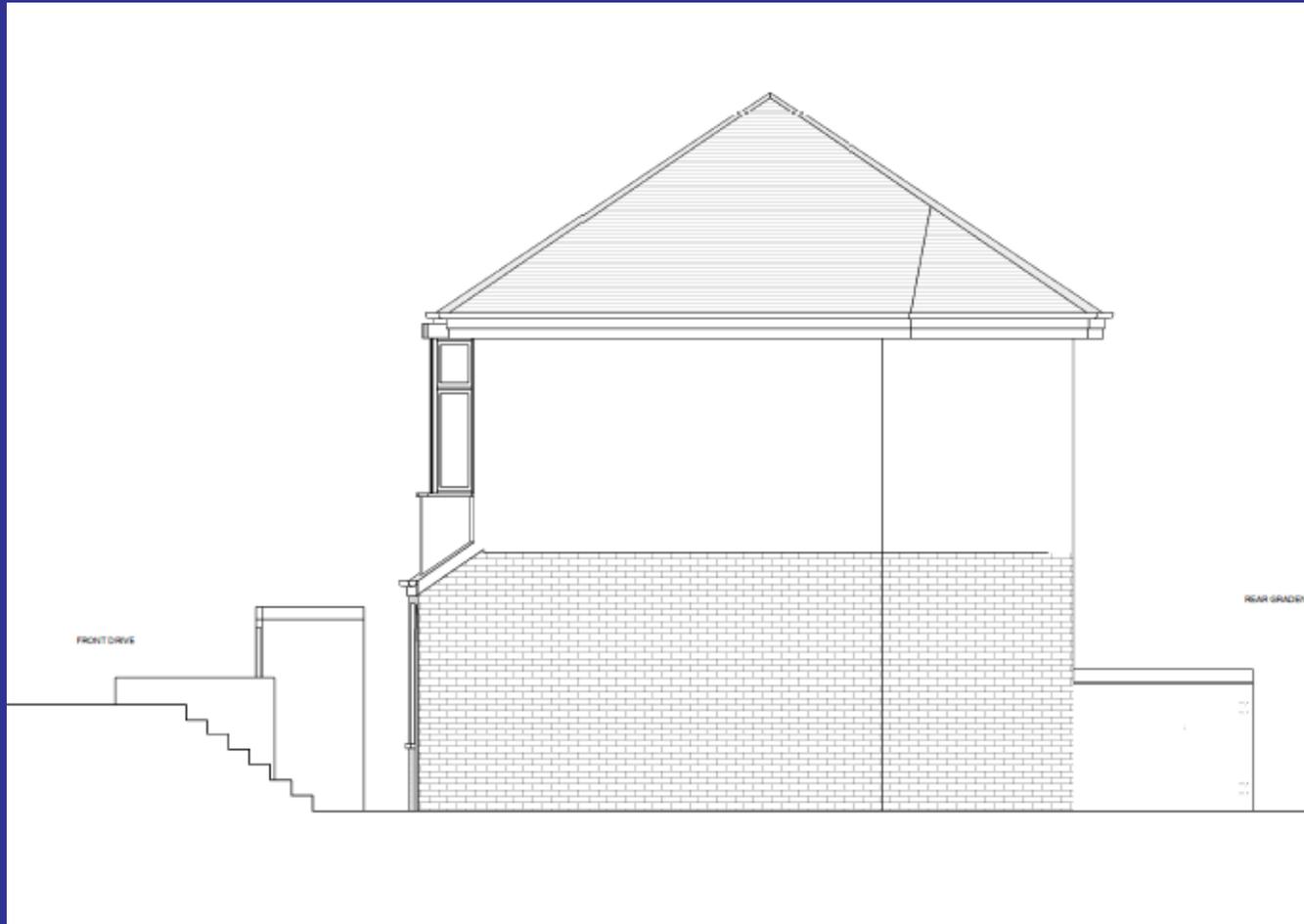
## Front



## Rear



# Proposed Side Elevations



# Key Planning Considerations

- Principle of Development
- Housing
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Highway and Transportation
- Sustainable Development

# Streetscene



# Proposed CGI for the site



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## Planning Committee B

### Report title:

### **RIVER QUAGGY, JUNCTION OF GRANVILLE GROVE & LEWISHAM HIGH STREET, LONDON**

**Date:** 31<sup>st</sup> January 2023

**Key decision:** No.

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

**Class:** Part 1

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

**Ward(s) affected:** Blackheath

**Contributors:** Barnaby Garcia

### **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 three letters of objection from local residents.

## Application details

**Application reference number(s):** DC/22/128176

**Application Date:** 09 September 2022

**Applicant:** Lewisham Council Climate Resilience Team

**Proposal:** The provision of a sculpture (3800mm x 1060mm x 1000mm) for the River Quaggy located on the Junction of Granville Grove and Lewisham High Street SE13.

**Background Papers:** (1) Submission drawings  
(2) Submission supporting documents

**Designation:** PTAL 6b  
Flood Risk Zone 2  
Shopping Core Area  
Local Open Space Deficiency  
Major District Centre  
Area of Archaeological Priority  
St Stephens Article 4 Direction  
Air Quality  
St Stephens Conservation Area

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application relates to a portion of pavement located at the junction with Lewisham High Street, Granville Grove, and Kings Hall Mews. This site is located approximately over a culverted section of the River Quaggy.

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**Figure 1: Site location plan of proposed sculpture**

***Character of area***

- 2 The immediately surrounding area is diverse in character. The Lewisham Gateway development lies to the West, which has a mixture of uses and is of a contemporary style. The eastern side of the site is more residential in character, though a number of other uses are present, such as the hotel to the northeast. There is a greater mix of

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Victorian and contemporary styles to the east. Further south is the main shopping district in Lewisham. The site is located in a shopping core area.

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

- 3 The site is located within the St. Stephens Conservation Area, but is not subject to an Article 4 Direction.
- 4 No listed buildings are in the vicinity, however Granville Grove features a number of locally listed Victorian terraced houses.
- 5 The site is located within an area of Archaeological priority.

### ***Local environment***

- 6 The site is located in flood risk zone 2 and falls within an Air Quality Management Area.

### ***Transport***

- 7 The site has a PTAL of 6b, the highest transport access level. It is located close-by to Lewisham DLR and Railway Stations, as well as to a number of bus stops.

## **2 RELEVANT PLANNING HISTORY**

- 8 There is no recent, relevant planning history associated with the application site.

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 9 The proposal would see the installation of a sculpture with a height of 1.2m and a width of approximately 1m. It would sit on top of a pole with a height of 2.6m, resulting in a sculpture with a total height of 3.8m.

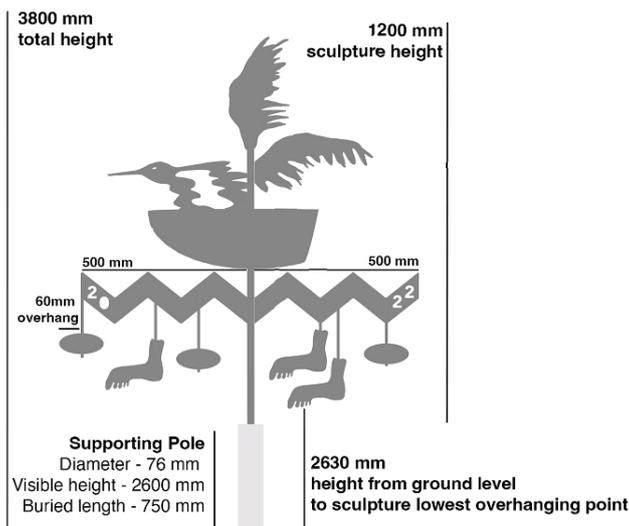
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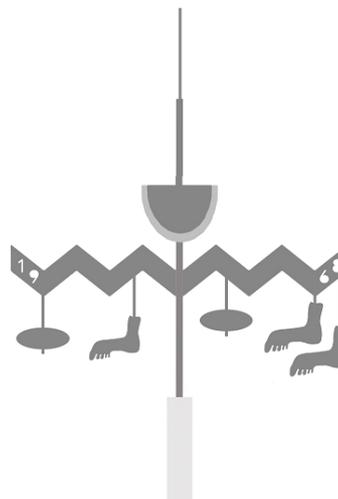
## WIDTH PROFILE

1060 mm total width



## DEPTH PROFILE

1000 mm total depth



**Figure 2: Sections of the proposed sculpture**

- 10 The sculpture would be of an abstract design, and is installed as part of Lewisham's status as the London Borough of Culture 2022. The sculpture intends to recognise the heritage of the River Quaggy.
- 11 The sculpture would be installed so as to rotate according to the direction of the wind.



**Figure 3: Artist's impression of proposed sculpture**

- 12 As demonstrated above, in addition to the hanging sculpture, it is proposed to paint markings on the ground, reflecting the direction of the River Quaggy, and echoing the sculpture's themes and motifs. The painting of the ground does not form part of this application. Nevertheless, officers consider that the painting of the pavement would not constitute development and as such would not require planning permission. However,

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the applicant should engage with the relevant highway authority prior to development, subject to approval.

## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

13 The public notice was displayed on 18/10/22 and a press notice was published on 14/09/22.

14 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 09/09/22.

<b>Comments and other considerations</b>	<b>Response/Paragraph where addressed</b>
The site location plan shows Granville Grove and should show this street as Lewisham High Street.	Officers acknowledge this, however this matter does not bare weight on the planning merits of this application. It is not clear whether the relevant street is called Granville Grove or Lewisham High Street. While Google mapping software indicates the latter, Bing Maps, and Ordnance Survey Mapping appear to identify the street as the former.
Attention should be given to the trees of this area, and to the viewing platform by the police station.	These matters do not concern this application, and therefore cannot weigh in any decision.
The river should be made safe for wildlife, and trees in the area should be pollarded, instead of investing in the statue.	These factors do not bare any weight on the merits of this planning application specifically.
There is potential for further greening or seating in this area, rather than the proposed development. Development in front of the police station would be more appropriate.	This application can only be determined on its own merits, as these matters identified do not relate to the proposal, they are not considered to be material planning considerations in this case.
There are other more appropriate areas for this type of development.	Officers are only able to assess the application based upon that which has been submitted. The suitability of other sites not related to this application does not bare weight on the merits of this proposal.
<b>Valid planning objection</b>	<b>Response/Paragraph where addressed</b>
The proposed painting on the paving is unattractive and will detract from the character of the St. Stephens Conservation Area.	See paragraphs 47-50
The proposed painted paving will cause issues for those with sight impairment and dementia.	See paragraph 64
The proposed sculpture would not be of a high quality, both visually and in its construction.	See paragraph 46-53

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The proposed sculpture would not relate to the social and architectural history of the area. There are more appropriate locations for this installation.	See paragraphs 48-50
The proposed sculpture would not enhance the character of the St. Stephens Conservation Area.	See paragraphs 48-50
The sculpture would be located on the desire line for pedestrians and would therefore be an obstacle.	See paragraphs 62-63

## 4.2 INTERNAL CONSULTATION

15 The following internal consultees were notified on 11/10/22.

16 Highways (*Officer's comments in italics*):

17 A scaled drawing showing the dimensions of the sculpture, including clear footway widths and height clearance from the ground in relation to the end of the footway and start of the carriageway. This should be presented to highways for approval prior to construction. *Officers requested this information prior to reaching a decision. It has since been submitted, and officers make the assessment of the application in light of this material.*

18 A footway minimum clearance of 1500mm is required to enable a wheelchair user and a walker to pass each other. Where there is an obstacle, such as lamp columns, sign posts or electric vehicle charging points, the absolute minimum width should be 1000mm, but the maximum length of such a restricted space should be 6 metres (excluding the kerb zone of 450mm). This is in line with DfT's Inclusive Mobility Guidance 2021 and TfL's Streetscape Guidance 2019. *See paragraph 62-63*

19 An unobstructed height above a pedestrian way should be a minimum of 2300mm, except on sub-surface station platforms, where it should be 3000mm. Where a sign is suspended over a footway or pedestrian area, a minimum clearance of 2100mm is acceptable (2300mm on cycleways. This is in line with DfT's Inclusive Mobility Guidance 2021. *See paragraph 62-63*

20 No part of the proposed pavement/floor design should be interrupted or overlaid on the existing tactile paving within the site area. Tactile paving surfaces play an important role, conveying information that vision impaired people can detect with their feet or with a cane. *See paragraph 64*

## 4.3 EXTERNAL CONSULTATION

21 The following external consultees were notified on 11/10/22:

- Ward Councillors and the Blackheath Society

22 No responses received.

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## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

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

24 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**

25 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.

26 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.

27 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**

28 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**

29 Lewisham SPG/SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)

## 5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal (May 2008)

## 6 PLANNING CONSIDERATIONS

30 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Highways and Pedestrian Impacts
- Flood Risk

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

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

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

#### *Discussion*

33 Policies DMP 35 and LTCP 18 speak of the benefits of public art, and how it should be encouraged in new developments. Officers consider the proposal, in principle, to be in line with this objective.

#### 6.1.1 Principle of development conclusions

34 The principle of development is supported, subject to conditions.

### 6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

#### *Policy*

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

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

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- 37 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.
- 38 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.
- 39 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.
- 40 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.
- 41 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.
- 42 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.
- 43 DMP 35 Public realm talks of how public spaces should be safe, accessible, attractive and robust. Provision of public art will be encouraged, and, where in a conservation area, should be compatible with the character of that area.
- 44 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.
- 45 LTCP 18 outlines how public realm should be designed, how it should facilitate a safe, accessible, and attractive environment.
- Discussion*
- 46 As demonstrated, the principle of this development is supported. The Council's development policies talk of the benefits of public art, and therefore encourage its use and implementation. With regards to its design, officers need to consider the degree to which the design of the proposal echoes the aims of this policy.
- 47 The proposed development would be constructed from steel, and would therefore be robust enough to withstand outside elements.

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48 The proposed sculpture would only be acceptable were it to be a suitable development for the context. DMP 35 makes reference to how public art within conservation areas should reflect the character of the area. St. Stephens conservation area is characterised by its traditional, Victorian style, which is emphasised by its modern surroundings. New development should preserve this built form. Evidently, the proposed public artwork is contemporary in its design. While in contrast to the traditional built form, contemporary styles can complement traditional design through its juxtaposition. Thus officers consider the design to be appropriate physically, contrasting the heritable features of the conservation area. Furthermore, the sculpture would be located between two roads, on an island between the Lewisham Gateway development and the St. Stevens Conservation Area. The artwork would therefore read as a transition from the modern style of the Lewisham Gateway development towards the traditional form of the St. Stevens Conservation Area.

49 However, the provision of artwork should be considered in broader terms than only the physical appearance. The character of the St. Stephens Conservation Area, while most patently derived from the built environment, is also informed by intangible heritage. The Quaggy river intersects the Conservation Area and is a part of its character. The proposed sculpture would expressly celebrate the story of the Quaggy river, and in so doing would reference and complement the intangible heritage of the St. Stephens Conservation Area, as well as Lewisham more broadly.

50 Officers therefore consider the proposal to be a suitable addition to the area. Character, can and should be interpreted in both physical and intangible ways. The proposed sculpture would preserve the physical character of the Conservation Area, contrasting its traditional forms and acting as a transition from the Lewisham Gateway development. However perhaps more importantly, the artwork would help to share the intangible heritage of the Conservation Area.

51 In light of the above, officers consider that the current proposal would lead to no harm to the St Stephens Conservation Area.

### **6.2.1 Urban Design Conclusion**

52 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of the St Stephens Conservation Area.

53 The proposed sculpture would be appropriate in its setting, and would help to share the cultural heritage of the river Quaggy, a feature which is an important part of the Conservation Area.

## **6.3 HIGHWAYS AND PEDESTRIAN IMPACTS**

### *General Policy*

54 The NPPF at para 136 states control in the interests of public safety should take account of cumulative impacts.

### *Policy*

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- 55 LPP GG1 broadly speaks of how new development should engage all stakeholders and ensure that these changes are of a benefit to London.
- 56 LPP SD6 talks of how developments in town centres and highstreets should be accessible and walkable, and inclusive to all, including those with disabilities.
- 57 LPP SD7 discusses how development in town centres should be well integrated with cycle and walking networks.
- 58 LPP T2 describes how developments should encourage walking and cycling, and should reduce reliance on cars, and how developments should re-balance the degree of space allocated to pedestrian/cycle uses in comparison to car uses.
- 59 CSP 14 makes reference to how the access and safety of pedestrians and cyclists should be prioritised and promoted.
- 60 DMP 35 talks of how public realm alterations should allow safe passage for all, including those with disabilities.

#### *Discussion*

- 61 Officers acknowledge that the artwork would be prominently located centrally on a pedestrian island, which is currently an important thoroughfare from the St Stephens Conservation Area towards the Lewisham Gateway development, as well as for north/south connectivity.
- 62 While the artwork would be centrally located, officers consider the pole on which the work would be displayed to be sufficiently high such that it would not unacceptably block access on the island. Indeed, assurances were required by the Council's internal highways team that there would be a minimum of 1500mm clearance around the pole the highway, and that the work should provide a minimum clearance of 2300mm. These factors are to allow for the safe passage of pedestrians, including disabled persons.
- 63 Officers note that the proposed work would comply with these requirements, and therefore assess that the work would be acceptable, and would not result in unacceptable harm to pedestrians.
- 64 Furthermore, it is noted that the internal highways team requested that any painting of the ground avoid the textured elements of the pavement, as this would otherwise degrade the accessibility of the public realm. It is noted that while a unique pattern, painted floor in public areas is commonplace, and does not *per se* reduce accessibility of public realm. Irrespective of the aforementioned, as referenced earlier in this report, the painting of the paving does not constitute part of this permission, and officers do not consider the painting of the paving to amount to development, and therefore it would not require planning permission.
- 65 While the artwork would be a unique item visible from the highway, the statue would not be illuminated, and would not be considered to be a distraction to drivers, and would therefore not compromise public safety.

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### **6.3.1 Highways and pedestrian impacts conclusion**

66 Officers consider the proposed artwork to comply with the comments provided from the internal highways team, and conclude that it would not result in unacceptable harms to pedestrians or highway users.

## **6.4 FLOOD RISK**

67 The scale and type of development is such that, though located in Flood Risk Zone 2, it would not require mitigatory measures.

## **7 LOCAL FINANCE CONSIDERATIONS**

68 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).

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

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

## **8 EQUALITIES CONSIDERATIONS**

71 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.

72 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.

73 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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- 74 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>
- 75 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
- 76 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>
- 77 There is a potential impact on equality given the facts as outlined by the Council’s Highways officer, however, the applicant has demonstrated that the application would not result in any impact on equality, as the proposal has been designed to accommodate all pedestrian needs. It has therefore been concluded that there is no impact on equality.

## 9 HUMAN RIGHTS IMPLICATIONS

- 78 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
- 79 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

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80 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.

81 This application has the legitimate aim of installing public art within public realm. 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

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

83 The proposed sculpture would be acceptable in design terms, being constructed from appropriate materials, and being suitable for the context of the conservation area. It would be considered to be acceptable in highways terms, and, owing to its scale, would be acceptable with regards to flood risk.

## 11 RECOMMENDATION

84 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:

Sculpture Design; Received 26/08/22

Site Location Plan; Received 06/09/22

LBL 101 A; Received 05/01/23

**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.

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## 11.2 INFORMATIVES

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

## 12 BACKGROUND PAPERS

85 None

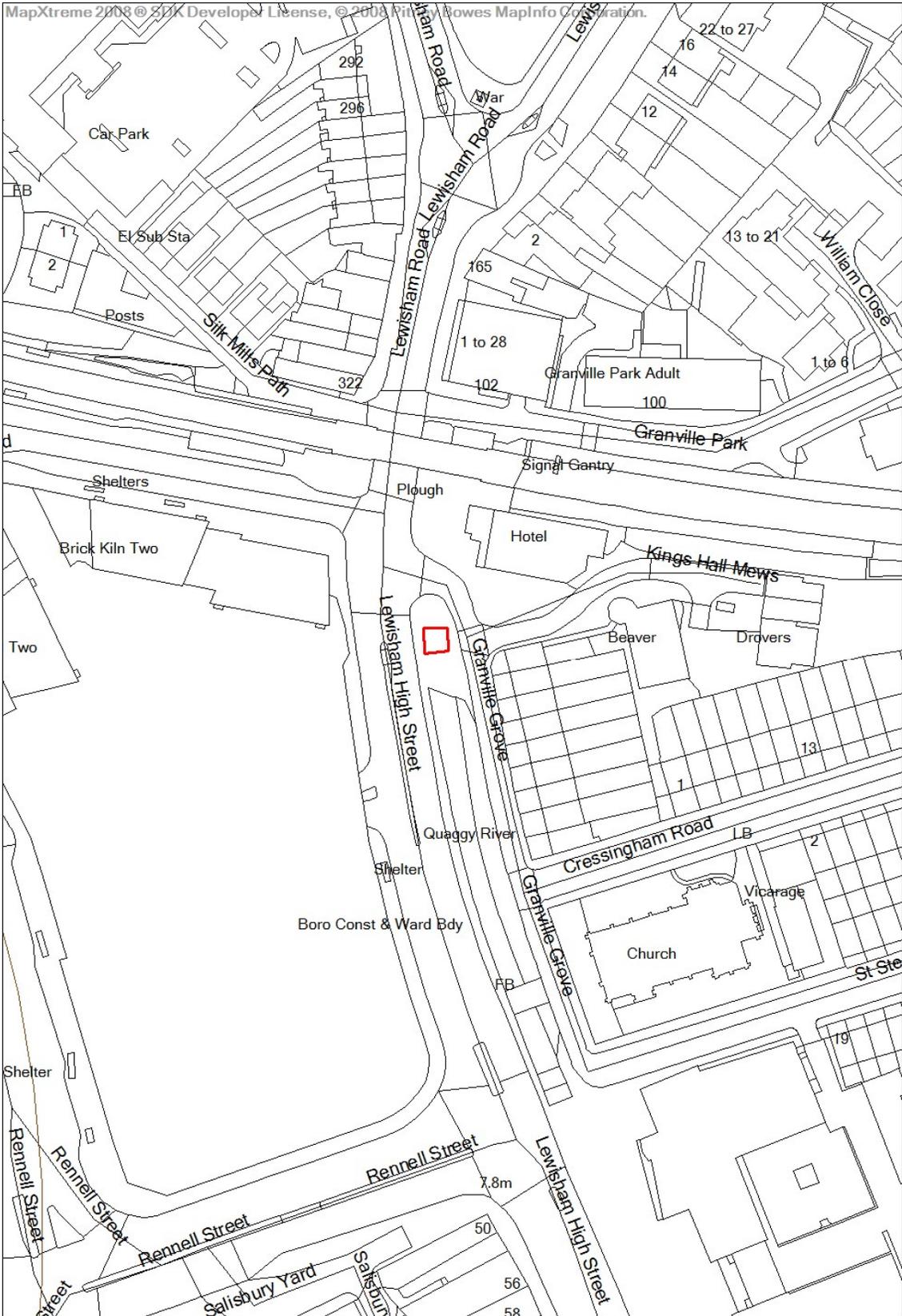
## 13 REPORT AUTHOR AND CONTACT

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

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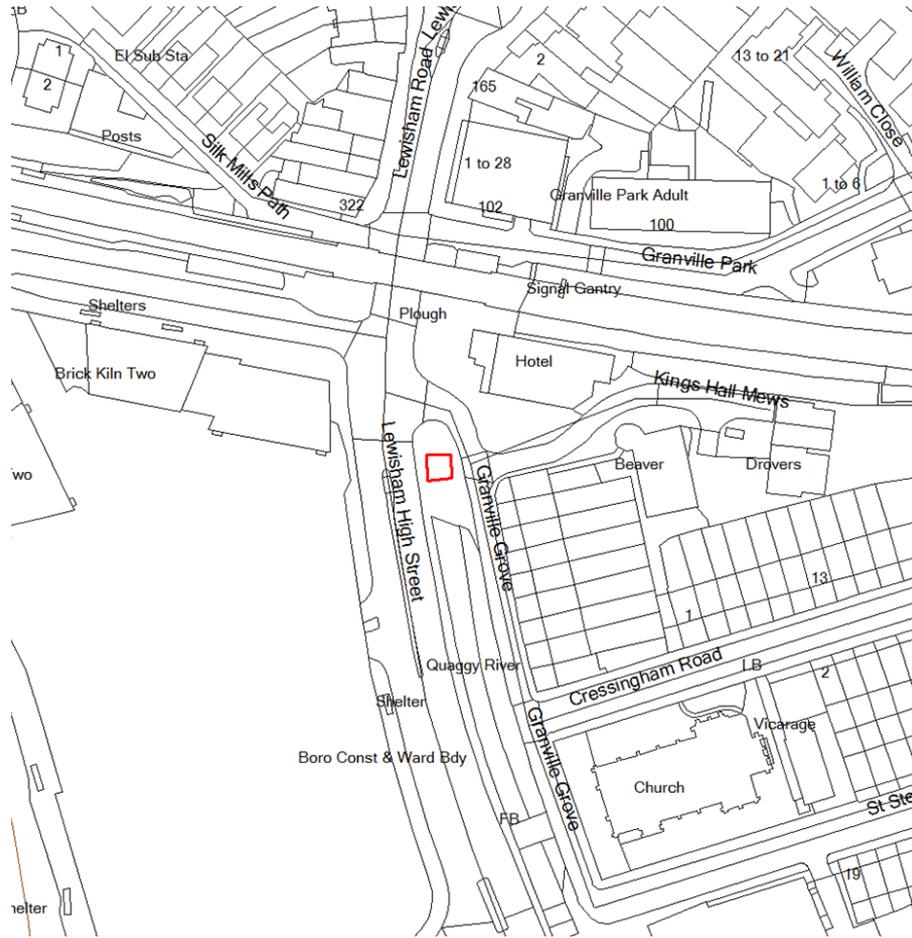
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# **RIVER QUAGGY SCULPTURE, JUNCTION OF GRANVILLE GROVE AND LEWISHAM HIGH STREET**

**Application No. DC/22/128176**

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

**The provision of a sculpture (3800mm x 1060mm x 1000mm) for the River Quaggy located on the Junction of Granville Grove and Lewisham High Street SE13.**



Site Location Plan

# Existing Site



# Proposed Scheme

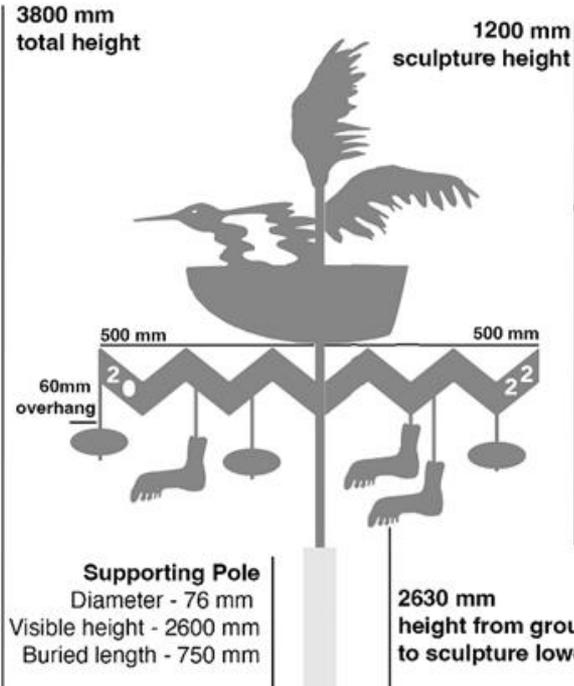
Page 559



# Dimensions and Detailing of Sculpture

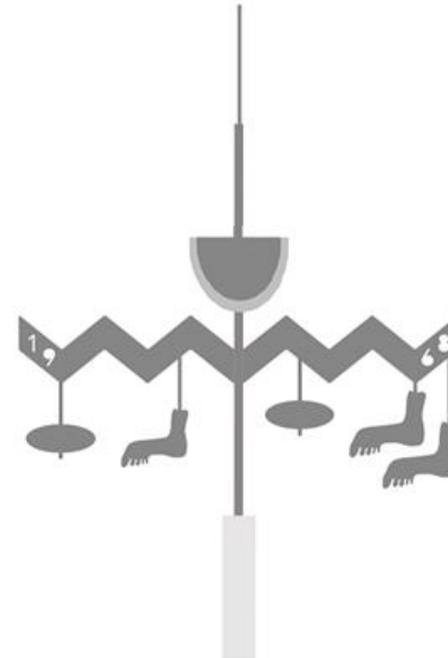
## WIDTH PROFILE

1060 mm total width



## DEPTH PROFILE

1000 mm total depth



# Key planning consideration

- Principle of Development;
- Highways and Pedestrian Impacts;
- Flood Risk

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## Planning Committee B

### Report title:

**1 ALGIERS ROAD, LONDON, SE13 7JD**

**Date:** 31<sup>st</sup> January 2023

**Key decision:** No.

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

**Class:** Part 1

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

**Ward(s) affected:** Ladywell

**Contributors:** Barnaby Garcia

### Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal. The report has been brought before Committee for a decision due to the submission of three letters of objection from neighbouring residents.

## Application details

**Application reference number(s):** DC/22/128609

**Application Date:** 18<sup>th</sup> October 2022

**Applicant:** Mr. Rivers

**Proposal:** Construction of a garden studio in the rear garden of 1 Algiers Road SE13.

**Background Papers:** (1) Submission drawings  
(2) Submission supporting documents

**Designation:** PTAL 4/5  
Ladywell Conservation Area Article 4 (2) Direction  
Air Quality  
Ladywell Conservation Area  
Not a Listed Building

**Screening:** N/A

## 1 SITE AND CONTEXT

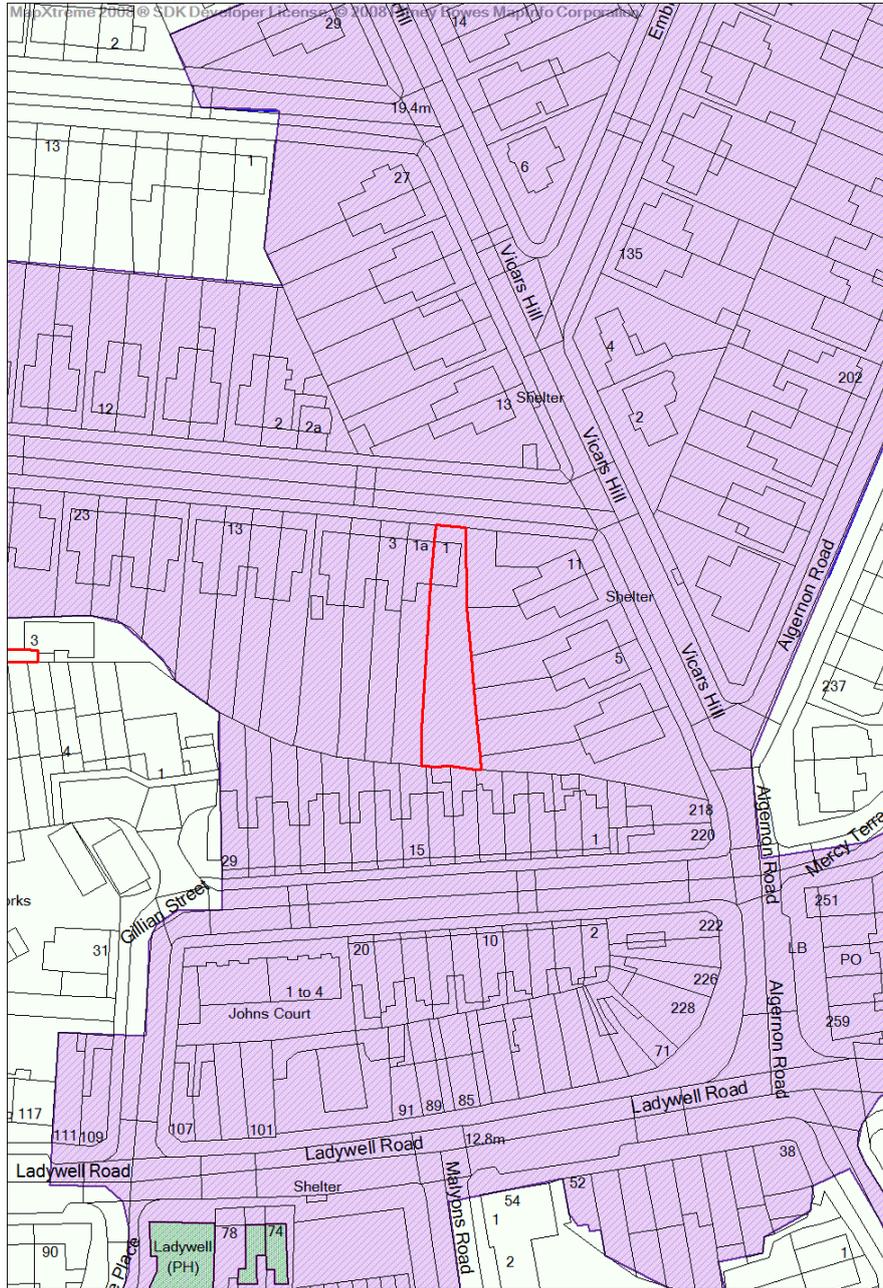
### *Site description and current use*

- 1 The application site is a post-war end-of-terrace single family dwellinghouse. It is a brick construction, with a white-rendered façade. It appears to have had no previous alterations, however it features non-original white uPVC windows on all elevations. The pair (no.1 and 1a Algiers Road) are unique along the street, but are not considered to be of a considerable heritable value, and make a neutral contribution to the heritage of the area.

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**Figure 1: Site location plan of 1 Algiers Road**

***Character of area***

- 2 The area is predominantly residential and is characterised by Victorian-era terraced properties. The neighbouring building is of a similar age, style, and scale as the application site.

***Heritage/archaeology***

- 3 The site is within the Ladywell Conservation Area, and is subject to an Article 4 Direction. It is not, nor is it located in the vicinity of, a listed building.
- 4 The site is not located within an area of Archaeological priority.

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### **Local environment**

- 5 The site is not in a flood risk area, however it falls within an Air Quality Management Area

### **Transport**

- 6 The site has a PTAL of 5, which is considered to be a high level of transport access. It is located on a bus route, and within 200m of Ladywell Railway Station.

## **2 RELEVANT PLANNING HISTORY**

- 7 **DC/14/086711:** The erection of a single storey extension to the rear of 1 Algiers Road SE13, together with the construction of a loft extension to the rear roof slope and the installation of a roof light to the front roof slope. **Granted 07/08/14 (Never implemented)**

- 8 **DC/21/124658:** Construction of a rear extension, dormer to the rear roof slope, decking to the rear elevation, entrance canopy to the front elevation. Installation of two rooflights to the front elevation, the replacement of existing roof-tiling with fibre cement slates, and white rendering to the external walls, and the installation of replacement black Crittall windows at 1 Algiers Road, SE13. **Refused 28/01/22 by reason of:**

- The proposed alterations, by reason of their excessive scale, bulk, materiality, massing, and design, would result in an overly dominant proposal that would overwhelm, and fail to respect the architectural integrity, detailing and form of the host building, and its pair, and the wider area. As such, the proposed development would fail to preserve or enhance the character or appearance of the Ladywell Conservation Area contrary to Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, Part 16 Conserving and Enhancing the Historic environment of the NPPF (2019), Policy HC1 Heritage, conservation and growth of the London Plan (March 2021), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 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) and the Alterations and Extensions SPD (April 2019).
- The proposed rear extension by way its scale and bulk would have an unacceptable impact on 1a Algiers Road due to the overbearing nature of the extension, as well as a loss of outlook generated. The proposed raised decking, due to its excessive depth and height in combination with the topography of the rear garden of the host property, would result in direct overlooking to rear garden of no.1a Algiers Road, causing an unacceptable loss of privacy. These impacts would run contrary to National Planning Policy Framework Paragraph 127 (2019), and Policy 15 'High quality design for Lewisham' of the Lewisham Core Strategy (June 2011), Policy 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014), and the Alterations and Extensions SPD (April 2019).

- 9 **PRE/22/127992:** Construction of an outbuilding in the rear garden. **Advice given:**

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- I see there being a low planning risk associated with this application; the scale and materiality are appropriate. There would be no unacceptable impact on neighbouring amenity.

### 3 CURRENT PLANNING APPLICATION

#### 3.1 THE PROPOSALS

- 10 The proposal would see the construction of a contemporary styled outbuilding to the rear garden of the application site. It would be located a minimum of 1.5m from the rear boundary of the application site, and would be set-in from both side elevations by approximately 1.9m. It would feature a flat roof, sloping down by 150mm to the rear.

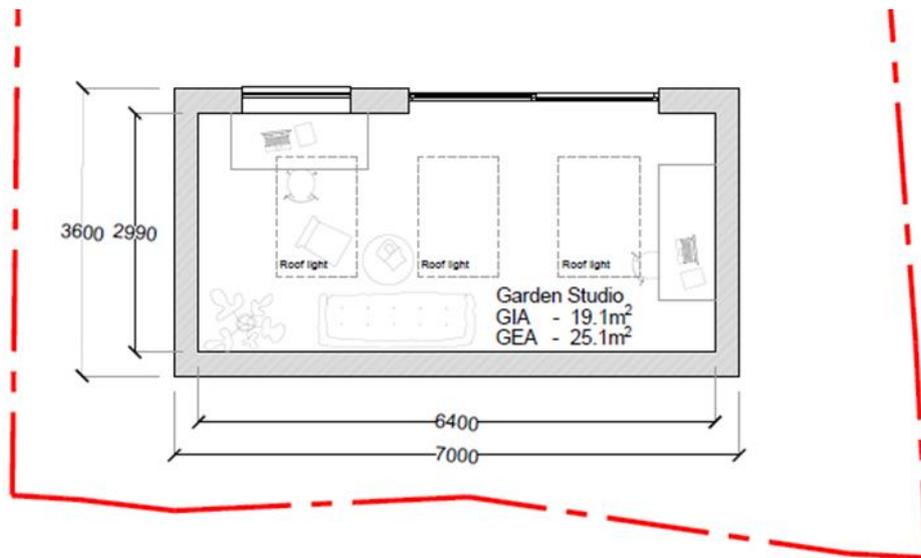


Figure 2: Proposed plan drawing

- 11 The proposed outbuilding would be faced in timber larch cladding, and would feature aluminium, triple glazed, large sliding doors and a top/side hung casement window. As previously indicated, the roof would be flat but feature a slight slope. It would feature three triple glazed aluminium rooflights. No other design aspects are proposed, the outbuilding being of a simple design.

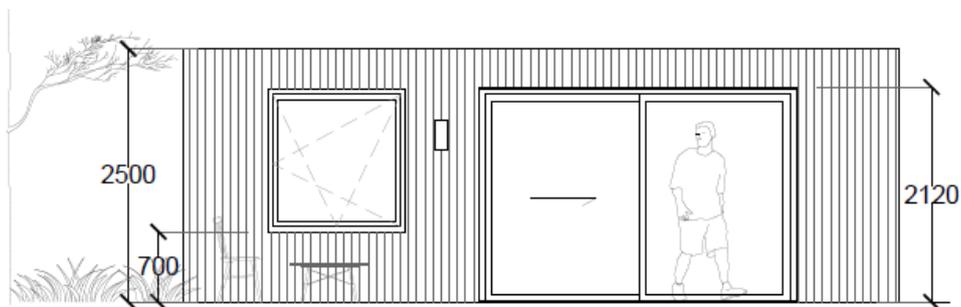


Figure 3: Proposed front elevation drawing

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## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

12 A public notice was displayed on 02/11/22, and a press notice was published on the same date.

13 Letters were sent to residents and business in the surrounding area on 24/10/22. Three letters of objection were received, making the following points:

<b>Objection</b>	<b>Response/Paragraph where addressed</b>
The scale, bulk and location of the proposed outbuilding would generate an unacceptable loss of light to neighbouring properties.	See paragraph 53 - 54
The application states that the Jasmine bush height of 2.7m is taller than the reality, which is 2.45m. The bush is causing damage to the neighbouring fencing.	This application does not concern alterations to the existing Jasmine bush, thus it is not a planning consideration in this case.
The height/width of the building would result in a proposal which would not be considered to be minimal development.	See paragraph 44
The application states that outbuildings are prevalent in the vicinity, but these are not of the same scale as the proposed.	Officers note that all applications are assessed on their own merits, irrespective of precedent in the vicinity, thus the existence of outbuildings in the vicinity does not bare weight on this proposal.
The foundations of the development are 1m from the neighbouring fence, not 1.5m as stated.	This is noted, and is evidenced in the photographs submitted for this application, see paragraphs
The location of the outbuilding at the rear of the garden is not suitable, as it would result in noise disturbance, and would result in a loss of privacy for neighbours.	See paragraph 53 - 55
The modern design of the outbuilding would not be in keeping with the character of the area.	The policy concerned with these types of proposal does not prohibit the construction of modern designs. Indeed, the use of modern design principles can help to designate the original building from the alteration, and can help to contrast and enhance original historic features.
The proposed development will reduce the value of neighbouring residences.	The impact on property values in the vicinity is not a material planning consideration.

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The proposal calls for the installation of an MVHR unit, which would generate noise disturbance.	See paragraph 58
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## 4.2 INTERNAL CONSULTATION

14 The following internal consultees were notified on 24/10/22.

15 Conservation: this case falls below the current threshold for conservation input and the heritage matters were considered by the case officer with reference to Policy and Guidance

## 4.3 EXTERNAL CONSULTATION

16 The following external consultees were notified on 24/10/22.

### *Ward Councillors*

17 No response received.

### *The Ladywell Society*

18 A letter was received from the Ladywell Society, detailing that the Society had resolved not to comment on the application.

## POLICY CONTEXT

### 4.4 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.

### 4.5 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

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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.

## **4.6 NATIONAL POLICY & GUIDANCE**

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

## **4.7 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)

## **4.8 SUPPLEMENTARY PLANNING GUIDANCE**

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## **4.9 OTHER MATERIAL DOCUMENTS**

- Ladywell Conservation Area Character Appraisal (March 2010)

# **5 PLANNING CONSIDERATIONS**

26 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Impact on Adjoining Properties
- Trees

## **5.1 PRINCIPLE OF DEVELOPMENT**

*General policy*

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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.

#### *Discussion*

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

#### **5.1.1 Principle of development conclusions**

30 The principle of development is supported, subject to conditions.

## **5.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS**

#### *Policy*

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

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

33 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.

34 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.

35 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.

36 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.

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

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- 38 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.
- 39 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.
- 40 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.
- 41 Further guidance is given in Ladywell Conservation Area Character Appraisal.

#### *Discussion*

- 42 The proposal would be constructed from larch timber, which would weather naturally into a greyer colour. This choice of material would emphasise the outbuilding's subordination to the host building, being constructed from materials typically associated with light weight developments.
- 43 The outbuilding would have a modest height, and, given its situation towards the end of the garden, would read as secondary to the host building.
- 44 It would comprise a single room, used as an office and sitting area, which would be considered to be a use incidental to the enjoyment of the dwelling. It would not feature any toilet facilities, nor kitchen. Officers note that objections were received which raised concerns that the proposal would not be considered to be 'minimal development'. This term is also referred to in the application documents submitted. The scale of the building, especially when considering the scale of the garden and the use of the proposed outbuilding, would be fairly typical and thus acceptable. Consequently, the proposal would be incidental to the enjoyment of the dwellinghouse and in this regard would be considered to be 'minimal development'.
- 45 The outbuilding would feature large glazed doors and a top and side hung window, constructed from aluminium. It would also feature rooflights. This contemporary style of design is typical of these development types. The use of these materials indicates a high quality design which would reflect the paired-back design of the host building.
- 46 Officers consider that the current proposal would lead to no harm to the Ladywell Conservation Area.

### **5.2.1 Urban Design Conclusion**

- 47 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of the Ladywell Conservation Area.

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48 The proposed development would read as secondary and subordinate to the host building, and would be constructed from suitable materials.

### 5.3 LIVING CONDITIONS OF NEIGHBOURS

#### *General Policy*

49 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*

50 Core Strategy Policy 15 states that household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.

51 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.

52 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.

#### *Discussion*

#### **Outbuilding**

53 The height of the outbuilding would be a maximum of 2.5m. It would be set in by at least 1m from the boundaries with neighbours. The height, in combination with the set in, would generate a proposal which would not generate a loss of outlook, nor an overbearing sense of enclosure to neighbouring properties.

54 It is noted that the outbuilding is located to the rear of the garden, which could generate a greater impact on neighbours to the rear of the garden. However, given the modest height of under 2.4m to the rear and the set in of at least 1m from the common boundaries (which appear to be a standard height of 1.8m), officers assess that there would be limited impacts with regards to a loss of light to neighbouring properties.

55 Officers acknowledge the reception of objections concerning a loss of privacy resulting from this application. Officers note that the outbuilding would consist of a single story, with views only being possible from the northern elevation, facing into the garden of the application site. Officers therefore do not consider the proposal to result in a loss of privacy.

56 It is noted that, pending approval, the development would be approved on the condition that the application be constructed in accordance with the approved plans, which indicate the location of the proposed outbuilding.

57 Officers assess that the proposal would not result in an unacceptable loss of light, outlook, or privacy, nor would it result in a sense of enclosure for neighbours.

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## ***MVHR Unit***

58 The design and access statement references the installation of a passive MVHR unit to the rear of the outbuilding. This is a piece of air ventilation equipment with heat recovery (preventing the heated air from leaving the building). It is noted that this unit is not referenced in the submitted drawings and application form and is not in the description of the development. Officers therefore assess that this application, if approved, would not grant permission for the installation of the unit referred to in the design and access statement. Nevertheless, the installation of an MVHR unit can be conducted without planning permission, subject to the unit meeting the provisions and conditions within the General Permitted Development Order (2015), Schedule 2, Part 14, Class G. The Article 4 Direction to which this site is subject does not limit permitted development rights concerning the installation on an MVHR unit.

### **5.3.1 Impact on neighbours conclusion**

59 The impacts on neighbouring properties would be limited and acceptable.

## **5.4 TREES**

### *General Policy*

60 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees. Paragraph 131 of the NPPF seeks to retain trees wherever possible. Paragraph 174 expects development to contribute to and enhance the natural and local environment.

### *Policy*

61 LPP G7, CSP 12 and DMP 25 seek to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

### *Discussion*

62 By virtue of the application being located within a conservation area, trees greater than a certain size are automatically protected.

63 The proposal is located nearby a 25m tree, whose species is not identified in the submission.

64 The proposed foundations are to be an EcoDeck foundation, which is a re-enforced plastic grid filled with gravel. This foundation type is a permeable alternative to a concrete base foundation and would have limited and acceptable impacts to trees. Limited excavation is therefore proposed, and there is unlikely to be an unacceptable impact on biodiversity. As there are no utilities proposed for the outbuilding, excavation and pipes to the outbuilding would not be required, further limiting wider impacts.

### **5.4.1 Trees conclusion**

65 The proposal is located within the vicinity of a tree, nevertheless the proposed foundation, being limited dig, would be unlikely to have impacts on biodiversity.

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## 6 LOCAL FINANCE CONSIDERATIONS

66 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).

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

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

## 7 EQUALITIES CONSIDERATIONS

69 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.

70 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.

71 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.

72 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>

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- 73 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
- 74 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>
- 75 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.

## 8 HUMAN RIGHTS IMPLICATIONS

- 76 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
- 77 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.
- 78 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.
- 79 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.

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## 9 CONCLUSION

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

81 Officers consider the proposal to be of a high quality in terms of its design and materiality, being complementary to the host building, and subordinate to it. It would not result in any harm to the building nor the character and appearance of the Ladywell Conservation Area.

82 Furthermore, the impacts on neighbouring amenity would be limited and acceptable.

## 10 RECOMMENDATION

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

### 10.1 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:

1040-SD-XX-XX-DR-A-0050 P1 - APPENDIX 1;

1040-SD-XX-XX-DR-A-0100 P1 - APPENDIX 2;

1040-SD-XX-XX-DR-A-1100 P1 - APPENDIX 3;

1040-SD-XX-XX-DR-A-1200 P1 - APPENDIX 4;

1040-SD-XX-XX-DR-A-1200 P1 - APPENDIX 5;

1040-SD-XX-XX-DR-A-1150 P1 - APPENDIX 6;

1040-SD-XX-XX-DR-A-1200 P1 - APPENDIX 7;

APPENDIX 9; Received 23/01/23

**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) **RESTRICTION OF USE**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the residential accommodation hereby approved shall only be used for

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purposes ancillary to the residential use of the dwellinghouse known as 1 Algiers Road and shall not be occupied as any form of self-contained residential accommodation without the benefit of planning permission.

**Reason:** The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to Policy D6 Housing quality and standards and HC1 Heritage, conservation and growth of the London Plan (March 2021), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings, 32 Housing design, layout and space standards, and 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) and the Alterations and Extensions SPD (April 2019).

## 10.2 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.

## 11 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission supporting document

## 12 REPORT AUTHOR AND CONTACT

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

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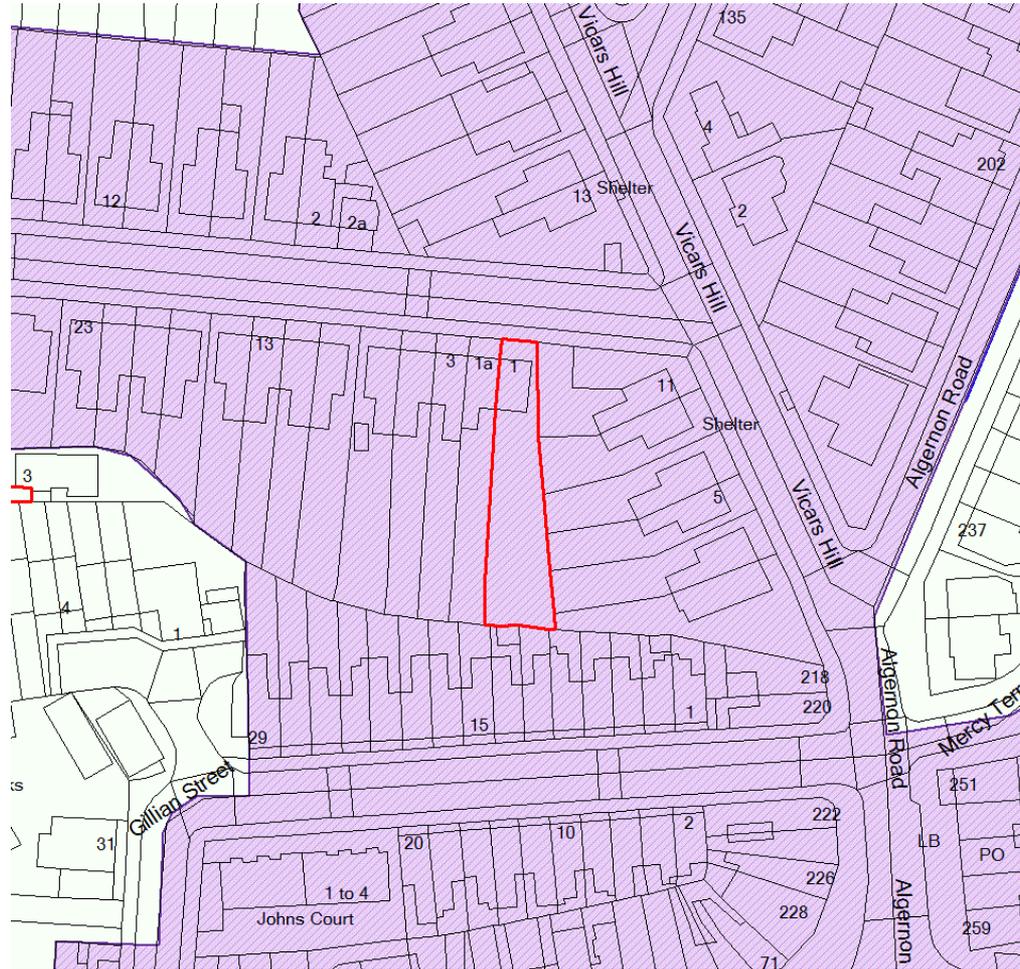
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# 1 ALGIERS ROAD, LONDON, SE13 7JD

Application No. DC/22/128609

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

# Construction of a garden studio in the rear garden of 1 Algiers Road SE13.

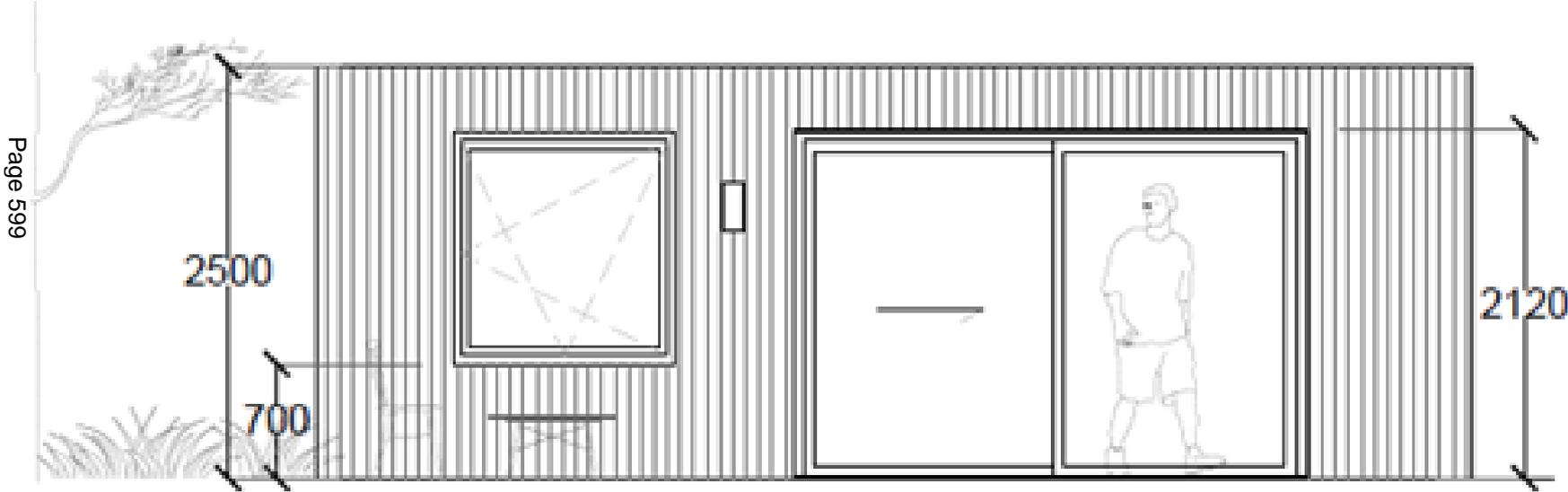


Site Location Plan

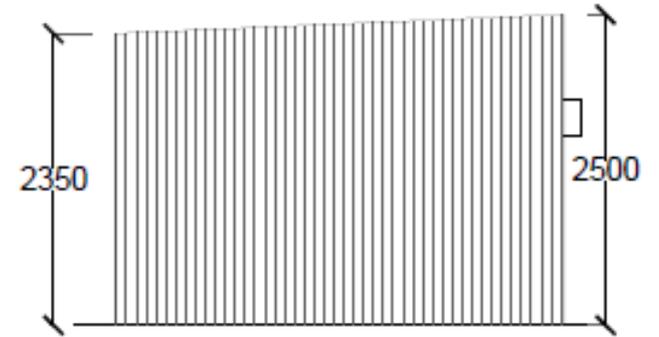
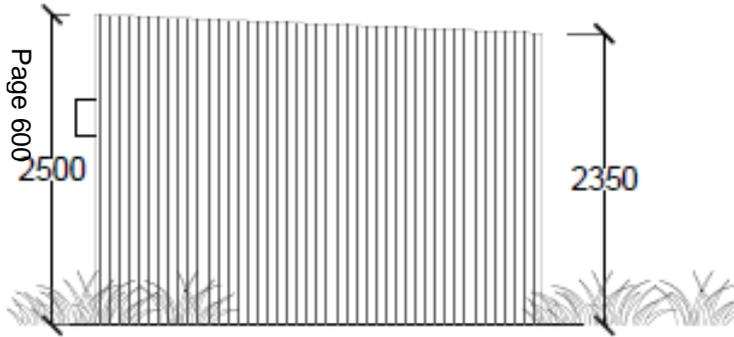
# Existing Site



# Proposed Front Elevation

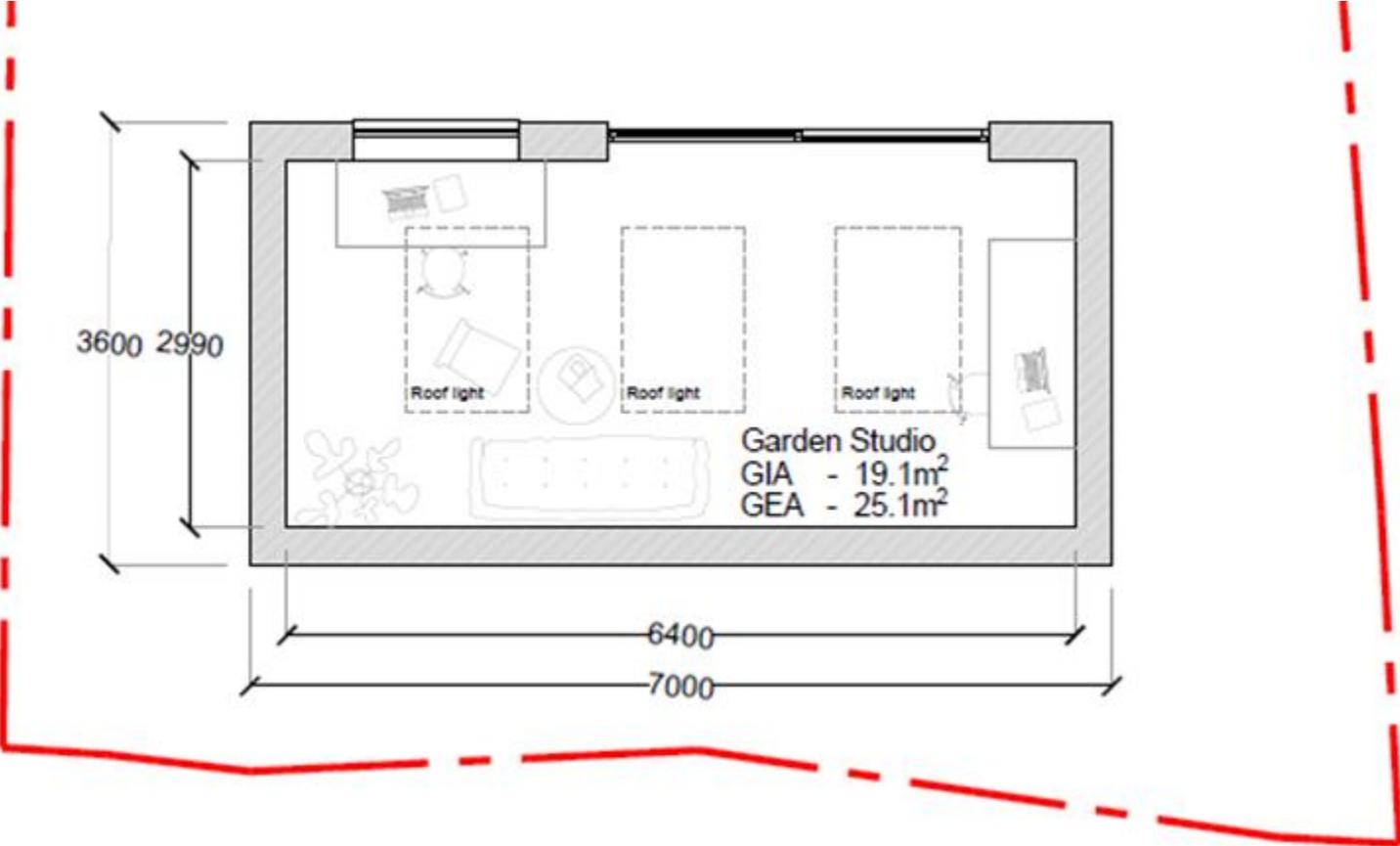


# Proposed Side Elevations



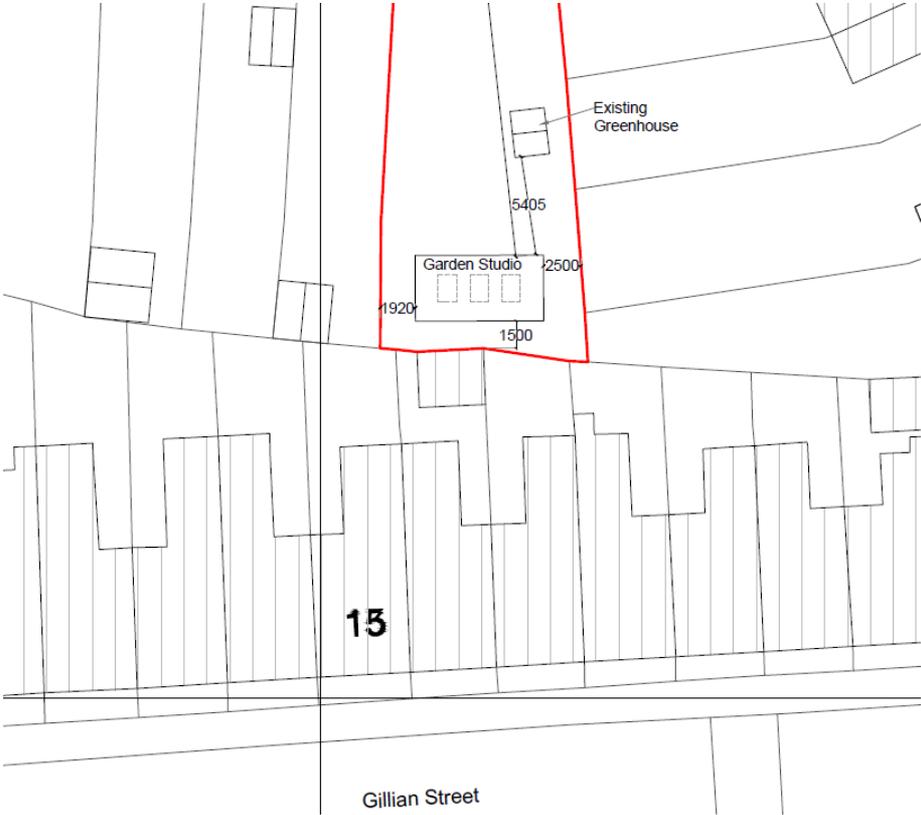
# Proposed Plan

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# Proposed Block Plan

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# Key planning consideration

- Principle of Development;
- Urban Design and Impact on Heritage Assets;
- Impact on Neighbouring Amenity
- Trees

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