

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 1 DECEMBER 2022 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 AND 2, CIVIC SUITE,  
LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Jacq Paschoud (Chair)  
Aisha Malik-Smith (Vice-Chair)  
Tauseef Anwar  
Laura Cunningham  
Mark Ingleby  
Rosie Parry  
Stephen Penfold  
James Royston  
Sakina Sheikh  
Hau-Yu Tam**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private.

**Kim Wright  
Chief Executive  
Laurence House  
London SE6 4RU  
Date: Tuesday, 22 November  
2022**

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## Planning Committee C

### Minutes

**Date:** 1 December 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

**Members are asked to consider the Minutes of the meeting of Planning Committee C, held on 21 July 2022**

#### Recommendation

That the Minutes of the meeting of the Planning Committee C, held on 21 July 2022 be confirmed and signed.

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**LEWISHAM COUNCIL  
PLANNING COMMITTEE C  
THURSDAY, 21 JULY 2022 AT 7.31 PM  
MINUTES**

**MEMBERS IN ATTENDANCE:** Jacq Paschoud (Chair), Aisha Malik-Smith (Vice-Chair), Laura Cunningham, Mark Ingleby, Rosie Parry, Stephen Penfold, James Royston, Hau-Yu Tam.

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

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

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

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

**OFFICER(S) IN ATTENDANCE:** Team Leader (TL), Clerk

**OFFICER(S) ALSO JOINING THE MEETING VIRTUALLY:** Planning Officers (Officer).

**LEGAL ADVISOR:** Joy Ukadike, Senior Planning Lawyer Legal Services

Apologies were received from Councillor: Tauseef Anwar

**Item  
No.**

**1     Declarations of Interest**

None

**2     Minutes**

RESOLVED that the minutes of the Planning Committee C held on the 26 April 2022 be agreed and signed as a correct record.

### **3 Land To The East Of The Railway, Beckenham Place Park, Beckenham, SE6**

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

The Committee noted the report and that the main issues were: Principle of Development • Employment • Community Uses including Sport & Recreation • Urban Design • Impact on Adjoining Properties • Transport • Sustainable Development • Natural Environment • Planning Obligations

Following the Officers presentation, questions put to the Officer, by Members related to the: community spaces, EIA development, Muga play surface, ecological concerns, vehicle issues and contracts. The TL provided clarification for the use of the community spaces, as outlined in the Officers report.

The Officer provided clarification for the acronym EIA as Environmental Impact Assessment (EIA).

The Officer also provided clarification of the term 'muga' as outlined in the Officers report, noting the resin tarmac was suitable for a variety of games, not for a specific sport.

Members were informed by the Officer that the proposed removal of trees, was in order to make way for the development. It was acknowledged that the measure did pose a small planning harm. However when the measure was considered Officers felt the benefits outweighed the harm.

The Committee were advised the tree removal would increase visibility, provide flood attenuation and ensure better trees were put in their place, as they were classified as Category C trees, as outlined in the Officer report.

The Officer assured the Members that bats were identified as nesting in the park and a bat survey was conditioned prior to their removal under EIA license, to ensure their protection.

The Officer provided clarification with regard to vehicle traffic and parking near the development. Members were advised that no additional work was required to make the proposal acceptable in this regard.

The applicant addressed the Committee and described the application site. The applicant discussed the: costs, proposed enhancement of the entire park area, EA consultation, tree planting,

playgrounds, enhanced pathways, trails, cycling trails, strategy, climate resilience, Mayor of London's support, EA funding and the intention to start work on the proposal in early 2023.

Members' put questions to the applicant that related to: usage, ecological concerns, parking, design and funding. The applicant advised Members that the proposal was not caged and would be open to multiple uses.

The Committee were informed by the architect that the tree mitigation measures would facilitate flood attenuation and visual amenity. Members were advised by the architect and applicant that the design of the proposal encouraged parking away from it and promoted it as a recreational area. Also the design ensured keen cyclists and pedestrians would be able to move around in a safe environment. The Members were assured by the applicant that disabled parking would be available on Bromley Road, not on the development. The applicant outlined the proposal design, in particular the play strategy and noted the involvement of Green Scene. Members were also assured the Mayor of London had considered the proposal and concluded that the shared surface was the most appropriate design.

A representative addressed the Committee with objections. The representatives discussed the: waste management, transport statement, short term park usages, emergency vehicle access, impacts on neighbours, parking, ecological concerns and asking the local authority to address the issue of road ownership between themselves and Phoenix Community Housing.

The Chair advised the Committee she was a Phoenix Board Member and that she did not know of the organisations involvement, until she heard the representative's address to Committee. The Chair however advised Members she did not think it was necessary for her to recuse herself from the current application being considered.

Members' questions to the resident, related to: controlled parking zone (CPZ), informatives and conditions.

The TL advised Members that the local authority's highway officers had considered the proposal and no issues were raised. The TL advised the Committee that the local authority should discuss the issues raised by the representative.

The Chair and Committee Members all agreed an informative should be provided to all parties involved to discuss the issues raised by the

representative, with Officers to create the wording of the informative to be applied.

During the Member's discussion, concerns regarding waste management were also raised, the Officer agreed that the mitigation measures with regard to waste management would be secured by condition, which was already proposed in the officer's report.

The Committee considered the submissions made at the meeting, and

### **RESOLVED - unanimously**

That it be noted that the Committee agreed to:

**GRANT** planning permission for the redevelopment of the existing fields into a flood water storage area to reduce flooding, along the River Ravensbourne, together with the provision of new playground equipment and playground redesign, removal of changing room block, retention of existing nursery building, bmx and skateboard tracks, reprofiling of areas along the River Ravensbourne to provide easier access, reusing earthworks on site to create activity and play opportunities, landscaping works and the removal of trees within park at Land to the east of the railway, Beckenham Place Park, BR1.

Subject to conditions and informatives outlined in the report and,

- An informative regarding the cooperation of all parties to resolve on street parking issues in the vicinity of the site.

#### **4 68-70 Bovill Road SE23 1EJ**

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

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

Following the Officers presentation, Members put questions to the Officer that related to: cycle storage, materials, design.

The Officer shared their presentation slides to provide Members with clarification of the cycle storage location.

The Officer confirmed to Members that the cladding would be zinc.

The TL also advised that the applicant would be required under condition, to submit specific details to the local authority, of the materials that would be used to build the proposal.

The TL advised the Committee the applicant would be able to address the question regarding design after their address to the Committee.

The applicant addressed the Committee and described the application site. The applicant discussed the: design, consent obtained in 2020, quality, enhancement of street scene, community amenities and benefits, units without gardens and how they would be compensated via additional space, rear extension gap, windows facing from proposal boundary toward No.72, impact on 1<sup>st</sup> floor window of No.72 and were of the view the impact was acceptable

Following the applicants address, Members put questions to the applicant that related to the: heating system, landscaping, materials, mass and ecological concern.

The applicant assured the Committee that the proposals heating system would meet the requirements of the current London Plan.

The applicant also advised Members they would be willing to accept a condition applied to the proposed heating system by the local authority. The TL advised the applicant that the onus would be on the developer to supply specific energy strategy details to the local authority for review. The applicant and Members all agreed to the condition suggested.

The Committee were advised by the applicant that details of the landscaping would be submitted to the local authority for review and secured by condition.

The applicant confirmed the brickwork used for the development would be London stock. The TL advised Members that the applicant confirmed the developer would have samples of the material assessed at condition stage.

The applicant assured the Committee that their 2018 application had been refused due to its' mass. However the current application by comparison, included height and mass mitigation measures to safeguard neighbour amenity.

The applicant stated to the Committee that the idea of a green roof would not work well with the proposal, noting the roof was a pitched roof. The applicant also cited concern regarding the long-term

aesthetics, maintenance and the stress on the developments structure. The TL advised the Committee that it was not reasonable to impose a green roof on the applicant.

The applicant confirmed to Members the development's courtyard would be a mixture of hard and soft landscaping. The details of which would be submitted to the local authority for review.

A resident addressed the Committee with objections. The resident discussed the: design, waste management, materials, character and the CGI visuals provided.

Following the residents address, Members' questions, related to: waste management.

The TL advised Members that Condition 4 specifically required the applicant to submit details of bin storage to the local authority.

The Officer advised the Committee that the concern raised regarding landscaping and bin storage had already been secured by condition.

During Member discussion it was agreed that all concerns raised, would be adequately dealt with by officers, as allowed in planning policy.

The Committee considered the submissions made at the meeting, and

### **RESOLVED – unanimously**

That it be noted that the Committee agreed to:

**GRANT** planning permission for the construction of an extension to the first and second floors, a first-floor glazed infill extension at the rear of 68-70 Bovill Road SE23, to provide 5 self-contained flats (1 x 1 bed & 4 x 2 bed), together with the demolition of the existing garages at the rear of the site and construction of a 3 storey 3-bedroom unit, and a communal bicycle and bin stores fronting Ebsworth Street.

Subject to conditions and informatives outlined in the report and,

- A planning condition requiring the development be in accordance with the submitted energy strategy.

## **5 57C Ringstead Road, London, SE6 2BU**

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

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

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

The applicant addressed the Committee and described the application site. The applicant discussed the: design, scale, revisions and objections addressed.

Following the applicants address, Members put questions to the applicant that related to the: design and landscaping.

The applicant provided further clarification regarding fencing.

Members were advised that the existing fence that subdivides the garden would be removed. However another existing fence that separated the two existing properties would be retained.

The TL assured the Committee that with regard to a condition to secure landscaping, the applicant had complied with the requirement that 50% of the plot would be open space.

A resident addressed the Committee with objections. The resident discussed the: Officer's report, housing stock, alterations, daylight/sunlight, BRE guidance, impact on neighbouring properties, planning policy, height and mass measurement inconsistencies, design, human rights, lack of planning benefit to local community, conditions required to prevent roof usage as a terrace space.

Following the residents address, Members' questions, related to: impacts on neighbouring property and sunlight/daylight.

The TL advised the Committee that the applicant had made reductions to the current application, as required under planning policy. The TL assured Members that the extension measurements would not have a significant impact on neighbouring property and that officers were satisfied the measurements met policy guidelines. The Officer advised Members that due to the height increase and amendments, there would be no impact from the proposal on neighbouring property with regard to daylight/sunlight.

The TL supported the Officer's advice, assured Members they had been provided with sufficient information on the matter and stated that a condition could be imposed on the applicant to submit a daylight/sunlight assessment for the neighbouring property.

During the consideration of the application and member discussion, concerns were raised regarding: sunlight/daylight.

The Committee considered the submissions made at the meeting, and

## **RESOLVED**

That it be noted that the Committee agreed to:

GRANT planning permission for the construction of a single storey side and rear wrap-around extension at lower flat 57C Ringstead Road, SE6.

Subject to conditions and informatives outlined in the report and,

- A pre-commencement condition requiring the submission of a daylight/sunlight assessment.

## **6 79 Drakefell Road, London, SE14 5SH**

The Chair suspended Standing Orders at 9.44 pm.

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

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

Following the Officers presentation, questions put to the Officer, from Members, related to: access, occupation, construction management plan, asbestos, design and clarification sought.

The Officer advised Members that access would be via a narrow path, which was normal for such proposals.

The Officer confirmed the existing development was unoccupied. Members were assured by the Officer that the construction management plan could be subject to a construction management plan condition, to ensure the impact of construction on the transport network is suitably managed.

The Committee were informed by the Officer that the issue of asbestos would not be a planning consideration but a health and safety concern.

The Officer clarified the window design for Members and advised the materials used for the proposal were reviewed and supported by the local authority's conservation officer. The Officer also provided clarification of the design by referring to the presentation slides used.

The applicant addressed the Committee and described the application site. The applicant discussed the: history of the application, consultation, planning inspectorate, DM Policy 33, materials proposed, scale and mass of previous scheme, daylight/sunlight, proposal reductions and improvements and biodiversity.

The questions from the Members' to the applicant related to the: heating system, cladding and objections.

The applicant advised Members of the proposed green roof, which would provide better insulation. It was not intended for gas boilers to be installed, in order to meet local authority guidelines. Members were advised the electrical heating would be subject to condition. Members were advised by the Officer that the materials used for cladding would be brick grey and brown.

The Chair confirmed there were no objectors present at the meeting. The TL assured Members that objections were confidential and placed in Members agenda packs accordingly. The TL advised the Committee that it would not be possible to divulge the source of objections due to GDPR.

There were no objectors present at the meeting in person or remotely.

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

The Committee considered the submissions made at the meeting, and

**RESOLVED - unanimously**

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of a single storey residential unit at 79 Drakefell Road, SE14 and the construction of 1 x two storey, 4-bedroom house with associated landscaping, cycle parking and refuse and recycling facility.

Subject to conditions and informatives outlined in the report.

The meeting closed at 10.09 pm

Chair

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## Planning Committee (C)

### Declarations of Interest

**Date:** 1 December 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

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

## 1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

## 2. Recommendation

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

### 3. Disclosable pecuniary interests

3.1 These 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.

### 4. Other registerable interests

4.1 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.

## 5. Non registerable interests

- 5.1. 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).

## 6. Declaration and impact of interest on members' participation

- 6.1. 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 not 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**
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

## 7. Sensitive information

- 7.1. 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.

## 8. Exempt categories

- 8.1. 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).



## Planning Committee C

**Report title: 39-43 EDDYSTONE ROAD, LONDON, SE4 2DE**

**Date:** 1<sup>st</sup> December 2022

**Key decision:** No

**Class:** Part 1

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

**Contributors:** Zahra Rad

### Outline and recommendations

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

## Application details

<b>Application reference number(s):</b>	DC/20/119755
<b>Application Date:</b>	23 December 2020
<b>Applicant:</b>	Smith and Newton Architects on Behalf of the Royal British Legion
<b>Proposal:</b>	Demolition of existing community building and associated outbuildings at 39-43 Eddystone Road SE4 and the construction of a three storey building to provide 6 self contained flats ( 3 x 1 Bed, 1 x 2 Bed & 2 x 3 Bed), together with community space at ground floor level (Use Class F), landscaping, external bin store and 11 cycle spaces, with pedestrian and cycle access onto Buckthorne Road and Brockley Path.
<b>Background Papers:</b>	(1) Submission Drawings (2) Submission technical reports and documents (3) Internal consultee responses (4) Statutory consultee responses (5) <i>Appendix A: Committee Report Dated 30<sup>th</sup> September 2021</i> (6) <i>Appendix B: Minutes of Item 7, Committee C - 30th September 2021</i>
<b>Designation:</b>	PTAL 3
<b>Screening:</b>	N/A

## 1 INTRODUCTION

- 1 This report sets out Officers recommendation in regard to the proposed demolition of the existing building, and construction of a three-storey building to provide six residential units, and community (F Use Class) space at ground floor level.
- 2 The report has been brought before members, as the application was deferred at a previous meeting of Planning Committee C, held on 30th September 2021.
- 3 The original committee report is attached at Appendix A. It was resolved that the decision be deferred to allow additional ecological survey work to be undertaken and the Asset of Community Value position to be reviewed.
- 4 A Preliminary Roost Assessment (PRA) (Cherryfield, 10 January 2022), and Emergence and Activity Bat Survey report (Cherryfield, 02 June 2022) have now been submitted in response to the concerns raised regarding the ecological surveys. The findings of the report are assessed at paras 42-48 of this report.
- 5 On 2nd December 2021 The Council's Director of Communities, Partnerships and Leisure, confirmed the building known as The Royal British Legion Community Hall, 39-43 Eddystone Road, SE4 2DE (The application site) as an Asset of Community Value.

6 Accordingly the Royal British Legion Community Hall has been included on the Council's list of assets of community value.

7 The impact of the ACV status on the proposed development is assessed at paras 24 to 33 of this report.

## **2 POLICY CONTEXT**

### **2.1 LEGISLATION**

8 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).

### **2.2 MATERIAL CONSIDERATIONS**

9 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.

10 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.

11 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.

### **2.3 NATIONAL POLICY & GUIDANCE**

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

### **2.4 DEVELOPMENT PLAN**

12 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)

- The Neighbourhood Plan For Crofton Park and Honor Oak Park (HopCroft Plan) 2017-2027

## 2.5 SUPPLEMENTARY PLANNING GUIDANCE

13 Lewisham SPD:

- Alterations and Extensions (April 2019)
- Small Sites (October 2021)

14 London Plan SPG:

- Housing (March 2016)

## 3 PLANNING CONSIDERATIONS

15 The main issues are set out in the original report and in addition these points below:

- Principle of Development - *Assessment of asset of community value listing*
- Natural Environment – *Assessment of additional ecological survey*

## 4 PRINCIPLE OF DEVELOPMENT

### *General policy*

16 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.

17 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.

18 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.

A referendum on the The Neighbourhood Plan For Crofton Park and Honor Oak Park (HopCroft Plan) 2017-2027 was held on Thursday 5 May 2022, with a yes vote, and the document now forms part of the Lewisham Development Plan.

### *Policy*

19 Core Strategy Policy 19 covers the provision and maintenance of community and recreational facilities. It states that: The Council will apply the London Plan policies relating to healthcare, education and community and recreational facilities to ensure:

- a. there is no net loss of facilities
- b. the needs of current and future populations arising from development are sufficiently provided for
- c. the preferred location for new uses will be in areas that are easily accessible and located within close proximity of public transport, other community facilities and services and town and local centres
- d. co-location of services and multi-use facilities are encouraged and supported
- e. a safe and secure environment is created and maintained.

20 DM Policy 43 states the Council will protect existing art, culture and entertainment uses. Redevelopment of such sites will only be allowed where there is re-provision in a new or existing facility.

21 Policy H2 Windfall site of The HopCroft Neighbourhood Plan seeks the retention and enhancement of existing community facilities. Redevelopment of these sites will only be considered where the proposals are in accordance with Policies E1, E2, C1, C2, NC1 and NC2. The Royal British Legion Club (the application site) is listed as a community facility at paragraph 5.6.

22 Policy C1 of the HopCroft Plan *Protection and Enhancement of Community Facilities* seeks to ensure that our community assets are protected from future development or change of use and remain available for the benefit of the community. Policy C2 *Redevelopment of Sites in Existing Community Use*, states redevelopment or intensification of sites in existing community use may be permitted provided that this would not result in the loss of existing community facilities or the quality and level of local service provision.

23 London Plan Policy S1 States:

C. Development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported.

F. Development proposals that would result in a loss of social infrastructure in an area of defined need should be refused unless:

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

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

G. Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan.

*Discussion*

- 24 The original Committee report dated 30<sup>th</sup> September 2021 confirms officer's assessment at paragraphs 48 and 49 that the principle of development is supported as it would provide a new commercial space within the F.2 community use class in place of the existing community building, as well as six new residential dwellings.
- 25 The acceptability of the proposal is dependent upon the quality of residential accommodation, the design of the proposed building and its impact on the appearance of the surrounding area and neighbouring occupiers' amenity, as well as the impacts to the local transport network, and sustainability and environmental matters. These are assessed and discussed in detail in the remainder of the committee report.
- 26 The minutes of Committee C, 30th September 2021 confirm that a representative, with objections addressed the Committee with objections to the proposal. The representative discussed, amongst other concerns, nomination for the application site to be listed as an Asset of Community Value (ACV). The objector stated that an ACV application has been made but no response had been received from the local authority. The representative proposed that the application should be refused or at least postponed for this reason.
- 27 Officers advised Members that the local authority's pending response to the application site for AVC status, was not a material consideration under the current application to be considered.
- 28 During the Members discussion, several Members agreed there should be a formal response from the local authority, regarding the AVC nomination submitted, with regard to the current application site. Following legal advice provided, Members noted they understood the ACV was not a material consideration under the current application, but felt the local authority should provide a response, since a local residents alleged a response was still outstanding 8 months following the ACV submission. This was noted as a reason for deferral on the committee minutes.
- 29 On 2nd December 2021 the Council's Director of Communities, Partnerships and Leisure, confirmed the building known as The Royal British Legion Community Hall, 39-43 Eddystone Road, SE4 2DE (The application site) as an Asset of Community Value.
- 30 The Assets of Community Value (England) Regulations 2021 and the Localism Act 2011 gives eligible local voluntary or community groups the right to request to list certain assets as being of value to the community by making a nomination.
- 31 If an asset is listed and then comes up for sale, the new right will give an eligible community interest group that wishes to be treated as a potential bidder to purchase the asset 6 months to put together a bid to buy it.
- 32 This right is intended to give communities an increased chance to save shops, pubs or other local facilities which are of community value.
- 33 The London Plan at Paragraph 5.1.5 states the loss of social infrastructure can have a detrimental effect on a community. Where possible, boroughs should protect such facilities and uses, and where a development proposal leads to the loss of a facility, require a replacement that continues to meet the needs of the

neighbourhood it serves. A realistic proposal for replacement social infrastructure should be able to demonstrate funding, appropriate site availability and timely delivery of adequate facilities. To further protect against the loss of social infrastructure that is valued by a local community or group, boroughs should consider approving the designation of a facility as an Asset of Community Value (ACV) if put forward by the local community.

34 The proposal would provide new community space in place of the existing, and this would be F.2 use class, which is for designated for community uses. 107m<sup>2</sup> would be provided in the place of the existing building, which has a total internal floor area of approximately 157m<sup>2</sup>.

35 Whilst the proposal would give rise to a reduction in the total quantum of F2 floorspace, the site would benefit from redevelopment as the existing building is in a poor state of repair internally and externally and the new floorspace is considered to be a higher quality modern provision. Additionally, the provision of housing (100% net gain), including two three bedroom units for families is a planning merit. The provision of a new, usable community space is also a planning merit, and officers give very significant weight to these. It is considered these benefits outweigh the loss of 50m<sup>2</sup> of community space. This was also concluded in the original report to committee at paragraphs 45 and 46.

#### *Summary*

36 Officers are satisfied the listing of the property as an Asset of Community Value by the Council has no material impact on the conclusions of the previous original committee report, dated 30<sup>th</sup> September 2021, and the principle of development is acceptable. Furthermore, the principle of development is consistent with the now adopted HopCroft Plan.

## **5 NATURAL ENVIRONMENT**

### *General Policy*

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

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

39 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.

### **5.1.1 Ecology and biodiversity**

#### *Policy*

- 40 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.
- 41 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.
- 42 CSP 12 seeks to preserve or enhance local biodiversity.
- 43 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.
- 44 Policy GS2 of the HopCroft Plan states Development will be required to provide a measure of biodiversity and an overall 'net gain' in biodiversity for the site. Development shall make provision for new tree planting and landscaping and protect trees in good health that contribute to the character of the Area, individual streetscapes and green spaces.
- 45 Policy GS4 states development proposals that would result in significant harm to biodiversity on a designated or proposed Site of Importance for Nature Conservation (SINC), Nature Reserve or Wildlife Garden (as shown on Figure 9 page 63) which cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, will be refused.

#### *Discussion*

- 46 At Committee C on 30<sup>th</sup> September 2021, following advice sought from the Council's legal officer, the Committee determined that the application should be deferred to allow for additional ecological surveys, that had been recommended in the applicant's Preliminary Ecological Appraisal report (Syntegra, November 2020), to be carried out. Specifically this was with regards to further surveys to determine the presence of bats.
- 47 A Preliminary Roost Assessment (PRA) (Cherryfield, 10 January 2022), and Emergence and Activity Bat Survey report (Cherryfield, 02 June 2022) have been submitted.
- 48 The PRA concluded that no bats or evidence of bats were found at the time of the survey. The main building provides moderate potential for roosting bats due to the number of access points and potential roosting features underneath the barge boards and fascias, occasional gaps in the roof tiles at the ridge, and minor gaps in the brickwork and mortar. The shed on the site provides low potential for roosting bats due to the occasional access points evident in the roof tiles.
- 49 The Emergence and Activity Bat Survey report concludes no bats have been found to be roosting in the building and therefore it is considered that a likely absence has been confirmed for the building.

- 50 The report recommended enhancements to the site in the form of bat boxes on the site, and low level lighting to minimise the impact to potential bat roost and commuting.
- 51 The Council's ecology officer has been consulted on the additional survey results and has confirmed that it was conducted according to good practice guidance and agrees with the recommendations for enhancements. They stated that their recommended conditions as per the original committee report should be retained.
- 52 The following details are recommended to be secured by condition, which are consistent with the original officer's recommendation at Committee C of 30<sup>th</sup> September 2021:
- Biodiversity Method Statement (incl. swift bricks; bat bricks; biodiverse green roof with logs, bug hotels, bare ground; hedgehog highways)
  - Lighting Method statement for biodiversity
  - Construction environmental management plan (CEMP: Biodiversity) (incl. ecological Clerk of Works, soft demolition, lighting, pollution) to minimise adverse impacts during construction.

#### *Summary*

- 53 No evidence of bats roosting within the existing buildings on site has been found. Subject to the details above, which are recommended to be secured by condition, the proposal would have an acceptable impact on ecology.

## **6 TRANSPORT IMPACT**

### *General policy*

- 54 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.
- 55 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'.
- 56 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.
- 57 The site has a PTAL rating of 3, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is has average accessibility to public transport.

### **6.1.1 Local Transport Network**

#### *Policy*

58 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*

59 The original committee report concludes at paragraph 144 that the proposed development would be suitably and safely accessible, and officers are satisfied that subject to discharge of the recommended conditions, opportunities to promote sustainable modes of transport will be maximised, and the proposed impact on the surrounding highway network would be acceptable. There are no material changes to policy that would change officers' assessment between then and now.

60 However, due to the length of time that has elapsed between submission of the application, and the deferred committee date, the applicant pro-actively conducted a new parking survey to the Lambeth Methodology in May 2022, and has submitted the results within an updated transport statement (Yes Engineering Group, June 2022). It is noted this was not a concern for members when deciding to defer the decision at Committee C on 30<sup>th</sup> September 2021.

61 The parking stress level was found to be 63% over the entire survey area, which equates to circa.136 spaces. Officers therefore consider there would be sufficient space to accommodate the additional parking that would be generated by the proposed residential development.

62 A new Delivery and Servicing Plan (Yes Engineering, June 2022) has also been submitted which concludes the proposed development would generate just 2 daily servicing movements and that servicing demand of the proposed development could be accommodated on the local road network and these vehicles would have no material impact on the road network.

63 To ensure the impacts of the future community use do not harm the surrounding transport network, details of a final delivery and servicing plan are recommended to be secured by condition, prior to commencement of the use.

#### *Summary*

64 Officers do not dispute the findings of the updated parking survey, and are satisfied the proposed development would have an acceptable impact on the surrounding highways network, subject to the recommended schedule of conditions being complied with.

## **7 LOCAL FINANCE CONSIDERATIONS**

65 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).

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

67 The CIL is therefore a material consideration.

68 £29,166.43 Lewisham CIL and £18,671.78 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

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>

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.

## **9 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 providing a new building with community and residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

- 80 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 81 Officers are satisfied the listing of the property as an Asset of Community Value by the Council has no material impact on the conclusions of the previous original committee report, dated 30<sup>th</sup> September 2021, and the principle of development is acceptable.
- 82 Following submission of additional bat surveys, officers are satisfied the proposal would have an acceptable impact on ecology.
- 83 Officers assessment relating to the transport impacts of the development has not materially changed.
- 84 Given the acceptability of the proposed uses and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.
- 85 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended planning conditions in place, the scheme is consistent with national policy.
- 86 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

## 11 RECOMMENDATION

- 87 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:

0452-02-0100 Rev.03; 0452-02-0200 Rev.01; 0452-02-0201 Rev.01; 0452-02-0250 Rev.04; 0452-02-0251 Rev.03; 0452-02-0252 Rev.03; 0452-02-0253 Rev.03; 0452-02-0500 Rev.01; 0452-02-0501 Rev.01; 0452-02-0502 Rev.01; 0452-02-0550 Rev.02; 0452-02-0551 Rev.01; 0452-02-0552 Rev.03; 0452-02-0580 Rev.00; 0452-02-0581 Rev.00; 0452-02-0582 Rev.02; 0452-02-0583 Rev.02 Received 7 September 2021;

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

### 3 Construction Management Plan

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

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

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

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

### 4 Site Investigations

- (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).

## 5 General Residential Sound Insulation Scheme

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L<sub>Amax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria ‘Low probability of adverse comment’ as defined BS6472.
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill

sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

#### 6 Sound Insulation between Residential and Commercial Properties

- (a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise to meet  $D'nT,w + Ctr$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014)

#### 7 BREEAM Assessment

- (a) The commercial element of the building hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) Prior to completion of the superstructure a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

**Reason:** To comply with Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

9 Piling Details

- (a) 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 water 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.
- (b) Any such work shall be carried out only in accordance with the details approved under part (a).

Reason: As required by Thames Water: the proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure

10 Materials Schedule

No development above ground shall commence on site until a detailed schedule and specification 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 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 and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

11 Community Space Fit-Out

- (a) Prior to completion of the works above ground level, plans (1:50 scale) with details showing the physical fit-out, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the F.2 Use Class community space approved shall be submitted to and approved in writing by the local planning authority.
- (b) Prior to commencement of the F.2 Use, full details of the operation of such use, including but not limited to opening hours and services provided must be submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be constructed and shall operate in full accordance with the approved details, for the life of the development, unless otherwise approved by the Local Planning Authority.

**Reason:** To ensure that the fit-out of the unit is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the community space as part of this development, and to

ensure the use is compatible with the surrounding residential environment in accordance with Core Strategy Policy 19 Community and recreational facilities (2011).

12 Refuse and Recycling

- (a) The development shall not be occupied until details of proposals for the storage of refuse and recycling facilities for each residential and the community facility hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

13 Air Quality Assessment

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

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

14 Cycle Parking

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

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

15 Hard Landscaping

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

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

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

#### 16 Construction Environmental Management Plan

- a. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- Risk assessment of potentially damaging construction activities.
  - Identification of "biodiversity protection zones".
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - The location and timing of sensitive works to avoid harm to biodiversity features.
  - The times during construction when specialist ecologists need to be present on site to oversee works.
  - Responsible persons and lines of communication.
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - Use of protective fences, exclusion barriers and warning signs.
- b. 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 local planning authority.

**Reason:** To comply with the recommendations of the submitted Preliminary Ecological Appraisal Report, 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 and local character of the Development Management Local Plan (November 2014).

#### 17 Soft Landscaping

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

become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

18 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 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).

19 Ecological Enhancements

- a) No development shall take place (including any demolition, ground works and site clearance) until a method statement for the following has been submitted and approved in writing by the local planning authority:
  - creation of new wildlife features, including bespoke bat roosts, erection of bird boxes or bricks in the building;
  - creation, restoration and enhancement of semi-natural habitats;
  - tree, hedgerow, shrub and wildflower planting/establishment;
  - habitat removal and reinstatement/replacement;
  - provision and control of access for species.
- b) The content of the method statement shall include:
  - The purpose and objectives for the proposed works;
  - detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - extent and location of proposed works shown on appropriate scale maps and plans;
  - timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant);
  - disposal of any wastes arising from works.
- c) The works shall be carried out strictly in accordance with the approved details within the first planting season after the approval of the method statement and shall be retained in that manner thereafter.

**Reason:** To comply with the recommendations of the submitted Preliminary Ecological Appraisal Report, 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 and local character of the Development Management Local Plan (November 2014).

20 Living Roof

- (a) Full details of the proposed biodiversity living roof and a schedule for maintenance as indicated on plan no. 0452-02-0253 rev.02, shall be submitted to and approved in writing by the local planning authority, prior to commencement of above-ground 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.

**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).

21 Scheme of External Lighting

- (a) Prior to occupation of the development an external lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - include the full scheme of any external lighting that is to be installed at the site, including the new lighting to Brockley Path at the rear, which shall include measures to prevent light spillage; and
  - identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - 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 above species using their territory or having access to their breeding sites and resting places.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties in compliance with DM Policy 27 Lighting of the Development Management Local Plan (November 2014) and to comply with the recommendations of the submitted Preliminary Ecological Appraisal Report, 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 and local character of the Development Management Local Plan (November 2014).

22 Delivery and Servicing

- (a) The Use Class F.2 use hereby approved shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

23 Travel Plan

- (a) The Use Class F.2 community use not commence 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. The Travel Plan must include use of the building for community purposes.
- (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).

24 Plumbing and pipes

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

**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).

25 Removal of Permitted Development

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

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

26 Obscure Glazed Windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the southern elevation at first and second floor level and noted as obscure glazed on Plan Nos. 0452-02-0551 Rev.01 and 0452-02-0552 Rev.03 of the building hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and fixed shut up to 1.7m above ground floor level, and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space

standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

27 Hours of Construction and Deliveries

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

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

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

28 Restriction on Amplified Music

No music, public address system or any other amplified sound shall be installed at the site, and average noise levels (LAeq) from the proposed development should be at least 5dB below background levels (LA90) at the location of nearby sensitive receptors.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally 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).

29 Tree Retention in accordance with Arboricultural Appraisal Report

None of the trees shown as being retained in the submitted Arboricultural Appraisal Report (MWA Architecture, 02 December 2020) shall be lopped or felled without the prior written consent of the local planning authority, and the recommendations of the report must be followed in full during construction works.

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

### 30 PV Panels

(a) Full details of the proposed photovoltaic solar panels, as recommended by the submitted Sustainability and Energy Statement, must be submitted to and approved in writing by the Local Planning Authority, prior to commencement of above-ground works.

(b) The panels shall be installed in line with the approved details prior to occupation, and maintained and retained for the lifetime of the development.

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

### 31 Quantum of Development

The development shall be implemented in accordance with the following approved details:

- One Community Hall (Use Class F2) of 107m<sup>2</sup>
- Six residential dwellings consisting of three x one bedroom, one x two bedroom, and two x three bedroom dwellings.
- One building, three storeys high, including roofspace.

**Reason:** To ensure compliance with the Development Plan and the local authority is satisfied with the proposed mix of uses.

## 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further positive discussions took place which resulted in further information being submitted. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

B 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 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 The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- E Thames Water require the developer to note the following:

*Waste Comments*

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

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsECg5SGaQ\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsECg5SGaQ$)

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

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) .

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) .

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

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

*Water Comments*

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning

permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) Sould you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) . Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater).

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## Planning Committee C

**Report title:** 39-43 EDDYSTONE ROAD, LONDON, SE4 2DE

**Date:** 30<sup>th</sup> September 2021

**Key decision:** No

**Class:** Part 1

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

**Contributors:** Samuel James

### Outline and recommendations

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

## Application details

<b>Application reference number(s):</b>	DC/20/119755
<b>Application Date:</b>	23 December 2020
<b>Applicant:</b>	Smith and Newton Architects on Behalf of the Royal British Legion
<b>Proposal:</b>	Demolition of existing community building and associated outbuildings at 39-43 Eddystone Road SE4 and the construction of a three storey building to provide 6 self contained flats ( 3 x 1 Bed, 1 x 2 Bed & 2 x 3 Bed), together with community space at ground floor level (Use Class F), landscaping, external bin store and 11 cycle spaces, with pedestrian and cycle access onto Buckthorne Road and Brockley Path.
<b>Background Papers:</b>	(1) Submission Drawings (2) Submission technical reports and documents (3) Internal consultee responses (4) Statutory consultee responses (5) <i>Appendix A</i> : Local Meeting Minutes
<b>Designation:</b>	PTAL 3
<b>Screening:</b>	N/A

## 1 SUMMARY

- 1 The proposal is presented to committee as planning permission is recommended to be granted, and there are 12 material planning objections.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site relates to a triangular plot of land located on the South-westerly corner junction of Eddystone Road and Buckthorne Road. 'Brockley Path', a public footpath cut through, runs along the southern boundary of the site, between the site and the boundary of No.66 Buckthorne Road.
- 3 The site currently contains a single storey building, which was last in use as a Royal British Legion Clubhouse (Use Class F.2), but which has ceased operations.

### *Character of area*

- 4 The area to the West of the site is open and green in nature, comprising the Buckthorne Cutting Nature Reserve to the North-east, the railway line and its treed embankment

running north to south to the east of that, and beyond lies Camberwell Cemetery and Honor Oak Playground and park.

- 5 To the east, the area is predominantly residential in nature, and comprised of terraced housing of mostly two stories (+ roofspace) in height. Brockley Road to the East is predominantly three stories in height, and has commercial uses at ground floor level, with residential above.

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

- 6 The site is not within a Conservation Area, nor does it contain a listed building and there are no listed buildings within the vicinity. The site is located within a designated area of archaeological priority.

#### ***Surrounding area***

- 7 The surrounding area is predominantly residential in nature, and Brockley Road to the east has a number of commercial parades and uses. Crofton Park station is located to the north of the site, within 10 minutes walking distance.

#### ***Local environment***

- 8 There are no known flooding issues at the site. The site is within an air quality management area. There are no known sources of contamination at the site.

#### ***Transport***

- 9 The site has a PTAL rating of 3, and is considered well accessible by public transport. A number of bus routes operate along Brockley Road, and Crofton Park Rail station is an approximate 10 minute walk from site.

### **3 RELEVANT PLANNING HISTORY**

- 10 There is no relevant planning history to note.
- 11 It is noted that the applicants received pre application advice in August 2020 relating to a similar proposal on the site for a three storey building containing 9 dwellings. The current proposal has evolved as a result of this pre application advice.

### **4 CURRENT PLANNING APPLICATION**

#### **4.1 THE PROPOSALS**

- 12 The current proposal is for the demolition of the existing buildings on the site, and the construction of a three storey building, containing six self-contained flats, and a community use (Class F) at ground floor level.
- 13 The dwelling mix would consist of three x one bedroom, one x two bedroom, and two x three bedroom dwellings.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

- 14 A site notice was sent for the applicant to displayed on 14<sup>th</sup> January 2021.
- 15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on the 14<sup>th</sup> January 2021.
- 16 13 number responses received, comprising 12 objections, including one from Councillor Tauseef, one from the Hopcroft Neighbourhood Forum, and one from Lewisham Cyclists; and 1 letter of support.

#### 5.1.1 Comments in objection

<b>Comment</b>	<b>Para where addressed</b>
<i>Objections to loss of existing building and community use. Hopcroft Neighbourhood plan protects this community facility (para 5.6).</i>	44
<i>Clarification sought about proposed use, operating hours and access of community space. Concerns RE: noise and parking, e.g. late night parties if space can be hired out and used for parties as it has been in the past.</i>	47
<i>Improvements are needed in the local area and the Council should take this into consideration and ensure that the community is able to benefit from the project.</i>	188
<i>Fewer units and family-orientated housing would make more sense for the area.</i>	58 65
<i>1 bedroom flats are undesirable</i>	66
<i>No social or low rent housing proposed</i>	54
<i>Appears to be designed to cram as many residents as possible within a small footprint / Proposal would overdevelop the plot</i>	58
<i>Insufficient play / outdoor space, e.g. for children</i>	83
<i>Three storey building would be too tall, stark, dominating and imposing building, which would not be in keeping with the character of the area.</i>	96
<i>This is an important area for nature conservation &amp; Lewisham heritage</i>	6 + 179
<i>A large new-build of mixed bricks and zinc roof is incongruous with the existing Edwardian owner-occupied houses on Buckthorne Road.</i>	104
<i>At 9.5m height, proposed building will 'Loom over our garden'.</i>	148
<i>Would also result in rear of house and our back garden being overlooked. Occupants in 3rd floor rooms in particular, resulting in a loss of privacy. There is the same issue with the balcony of the three bedroom</i>	151

<i>flat backing onto the alleyway. With the balcony's low wall, it will be overlooking our back garden. Will green roof be accessible?</i>	
<i>Accommodating potentially 20 residents in this space may have a negative impact on noise pollution</i>	156
<i>Impacts of construction</i>	157
<i>Increased parking stress</i>	143
<i>Impacts of development on use of Brockley Pathway to the rear. Concern that doors open onto existing cycle path to rear of site.</i>	128
<i>Impacts to cycling routes close to the site.</i>	135
<i>Cycle parking provision is impractical and inadequate.</i>	138
<i>The building impacts upon sight lines at a busy junction heavily used by pedestrians and cyclists creating potential hazard</i>	136
<i>Refuse storage appears poorly considered. Large refuse bins create noise disturbance issues that smaller household bins do not.</i>	127
<i>Area of the street has been closed to traffic, and proposal risks adding more cars to the area. This area has become a community hub which would be ruined if there was increased traffic and parking</i>	108
<i>Eddystone Road and footbridge needs improvements, including fixing and widening the pavement. Developers should contribute to this before they are able to build on the road.</i>	188
<i>The site is beside a pocket park and a nature reserve that has been created by local residents and approved by the neighbourhood forum. The developers should preserve and enhance the pocket park and ensure that it remains open for community use.</i>	188
<i>Low carbon heating and solar panels should be proposed to reduce carbon impacts.</i>	164

### 5.1.2 Comments in support

<b>Comment</b>
One comment stated they support the proposal for 6 new flats.
Several commenters noted the site is in need of redevelopment.

## 5.2 Local Meeting

17 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend a 'Local Meeting'. This meeting was held on 14<sup>th</sup> July 2021. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Barnham.

18 The developer was invited to give a short presentation on the scheme, followed by pre submitted questions which had been emailed to officers prior to the meeting. Follow up questions during the meeting could be submitted via text on the Zoom web application.

19 The meeting was attended by 8 local residents, Councillor Chris Barnham (Chair), Councillor Anwar (Objected), the developer's planning agents, planning officer Samuel James and South Area Team Leader James Hughes.

#### *Discussion*

20 The key concerns raised by objectors mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area, the impact on neighbouring amenity, impacts to pedestrians and cyclists, and impacts to the adjacent nature reserve, and 'pocket park' on Eddystone Road.

21 Minutes of the meeting are attached at Appendix A.

### **5.3 INTERNAL CONSULTATION**

22 The following internal consultees were notified on 14 January 2021.

23 Highways: gave verbal comments and raised no objections subject to conditions. See from para 120 for further details.

24 Ecological Regeneration: raised no objections, subject to conditions. See para 182 for further details.

25 Tree officer: did not comment.

### **5.4 EXTERNAL CONSULTATION**

26 The following External Consultees were notified on 14 January 2021.

27 Thames Water: No objections subject to a condition relating to piling details being submitted for approval, and a number of informative notes to the developer.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

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

### **6.2 MATERIAL CONSIDERATIONS**

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

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

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

### **6.3 NATIONAL POLICY & GUIDANCE**

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

### **6.4 DEVELOPMENT PLAN**

32 The Development Plan comprises:

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

### **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

33 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)
- Shopfront Design Guide Supplementary Planning Document (March 2006)

34 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (2012)
- All London Green Grid (March 2012)
- Play and Informal Recreation (September 2012)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

## 7 PLANNING CONSIDERATIONS

35 The main issues are:

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

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

36 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.

37 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.

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

39 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.

40 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.

#### *Policy*

41 Core Strategy Policy 19 covers the provision and maintenance of community and recreational facilities. It states that: The Council will apply the London Plan policies relating to healthcare, education and community and recreational facilities to ensure:

- a. there is no net loss of facilities
- b. the needs of current and future populations arising from development are sufficiently provided for
- c. the preferred location for new uses will be in areas that are easily accessible and located within close proximity of public transport, other community facilities and services and town and local centres
- d. co-location of services and multi-use facilities are encouraged and supported

e. a safe and secure environment is created and maintained.

42 DM Policy 43 states the Council will protect existing art, culture and entertainment uses. Redevelopment of such sites will only be allowed where there is re-provision in a new or existing facility.

43 London Plan Policy S1 States:

C. Development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported.

F. Development proposals that would result in a loss of social infrastructure in an area of defined need should be refused unless:

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

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

G. Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan.

#### **7.1.1 Principle of development conclusions**

44 The proposal would provide new community space in place of the existing, and this would be F.2 use class, which is for community uses. 107m<sup>2</sup> would be provided in the place of the existing building, which has a total internal floor area of approximately 157m<sup>2</sup>. As the proposal would re-provide a community use at ground floor level, the demolition of the existing building is supported in principle.

45 It is noted that planning permission would be required for a change of use outside the F.2 use class. Class F2(b) is defined as halls or meeting places for the principal use of the local community and any future commercial use would need the express permission of the Local Planning Authority.

46 The proposal would give rise to a small reduction in the total quantum of F2 floorspace. The site would benefit from redevelopment as the existing building is in a poor state of repair internally and externally and the new floorspace is judged to be a higher quality provision. Additionally, the provision of housing, including two three bedroom units for families is a planning merit. The provision of a new, usable community space is also a planning merit, and officers give very significant weight to these. It is considered these benefits outweigh the loss of 50m<sup>2</sup> of community space.

47 To ensure any future use is compatible with the surrounding residential area, details of the future use, including internal layout, noise separation between uses, services to be provided and hours of operation are recommended to be secured by condition. Officers note that alcohol licensing is a separate Council process to Planning, and falls outside the scope of this assessment.

48 In summary, the principle of development is supported as it would provide a new commercial space within the F.2 community use class in place of the existing community building, as well as six new residential dwellings.

49 The acceptability of the proposal is dependent upon the quality of residential accommodation, the design of the proposed building and its impact on the appearance of the surrounding area and neighbouring occupiers' amenity, as well as the impacts to the local transport network, and sustainability and environmental matters. These are discussed in detail in following sections of this report.

## 7.2 HOUSING

50 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation. No affordable housing is proposed, as the proposal is not for major development.

### 7.2.1 Contribution to housing supply

#### *Policy*

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

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

53 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*

54 As the proposal is for minor development (less than 10 residential units) there is no policy requirement to provide affordable housing.

55 The proposal would contribute 6 new dwellings and the site has an area of 0.042 hectares. The PTAL of the area is 3, and the site is considered well connected to public transport.

56 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**

Criteria	Value	Criteria/area
<i>Site Area (ha)</i>	A 0.042	<i>n/a</i>
Units	W 6	W/A = 142
Habitable rooms	X 17	X/A = 404
Bedrooms	Y 11	Y/A = 261
Bedspaces	Z 17	Z/A = 404

#### *Summary*

- 57 Policy D6 of the London Plan (2021) 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.
- 58 The proposed density is higher than the density of surrounding development, which are predominantly 2-storey dwellinghouses, but this is to be expected and supported in line with Policy D6.
- 59 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report, however the principle of development at higher density than surrounding properties is supported, subject to assessment of the following matters.

### ***Dwelling Size***

#### *Policy*

- 60 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 61 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.
- 62 London Plan Policy H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 63 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.
- 64 Development Management DM Policy 32 sets out how to achieve high quality design and internal layout of new development.

#### *Discussion*

- 65 The proposal includes three x one bedroom, two person dwellings; one x two bedroom, three person dwelling; and two x three bed, four person dwellings.
- 66 One bedroom, two person flats are an important part of the housing market. SHMA (2017) estimated 55% of new homes are required to be 1 bedroom in London. There is also an identified need for three bedroom flats.
- 67 The proposal is considered to provide a good and desirable mix of dwelling sizes, and is in line with the above policies, and is therefore supported by officers.

## **7.2.2 Residential Quality**

### *General Policy*

- 68 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).

- 69 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*

- 70 The ‘Technical housing standards – nationally described space standards’ sets out the minimum floorspace requirements for dwellings.

- 71 DMP 32 ‘Housing design, layout and space standards’ and PPD6 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*

- 72 The table below sets out proposed dwelling sizes.

**Table [ 3 ]: Internal space standards – proposed v target**

	<b>Unit type (<i>min req. GIA</i>)</b>	<b>Unit size (GIA) (sqm)</b>	<b>Room sizes (m<sup>2</sup>) (<i>min req.</i>)</b>	<b>Amenity space (m<sup>2</sup>)</b>
<b>Flat 01</b>	3b4p, 1 storey (74)	<b>74</b>	Bed 1 (d) – 11.5 (11.5) Bed 2 (s) – 8.2 (7.5) Bed 3 (s) – 8.4	<b>45.4</b>
<b>Flat 02</b>	1b2p, 1 storey (50)	<b>50</b>	Bedroom (d) – 16.3	<b>5</b>
<b>Flat 03</b>	1b2p, 1 storey (50)	<b>58</b>	Bedroom (d) – 12.2	<b>5</b>
<b>Flat 04</b>	2b3p, 1 storey (61)	<b>64</b>	Bedroom 1 (d) – 13.1 Bedroom 2 (s) – 7.5	<b>6.5</b>
<b>Flat 05</b>	3b4p, 1 storey (74)	<b>77</b>	Bed 1 (d) -13.5 Bed 2 (s) – 11.4 Bed 3 (s) – 8.2	<b>16.8</b>
<b>Flat 06</b>	1b2p, 1 storey (50)	<b>50</b>	Bedroom (d) – 11.5	<b>8.2</b>

73 The proposed new dwellings would meet or exceed the minimum requirement in terms of overall floor area and bedroom size targets, and the floor to ceiling heights would be 2.5m. Officers consider that the standard of amenity provided as a result of this would be good, in line with the above mentioned policies.

### ***Outlook & Privacy***

#### *Policy*

74 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).

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

#### *Discussion*

76 The new dwellings would have at least dual aspects and good levels of glazing serving all rooms. It is therefore considered appropriate levels of outlook would be provided to all dwellings. It is noted that some of the windows on the southern elevation would be obscure glazed up to 1.7m, however these windows would serve rooms with outlook via other windows, and above 1.7m the panels would be clear, allowing outlook towards the sky.

77 The proposed dwellings would not be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.

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

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

#### *Policy*

79 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*

80 Due to the good levels of glazing proposed on multiple elevations for each of the proposed dwellings, and the fact the majority of living rooms would have southerly facing aspects, the proposed dwellings would all be expected to be provided with acceptable levels of natural daylight.

81 No BRE study has been submitted in support of the application, but considering the scale of the proposal, and the above, officers are satisfied the proposal would be provided with acceptable levels of daylight and sunlight.

### ***External space standards***

#### *Policy*

82 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*

83 Table 3 shows that all dwellings would be provided with at least the minimum required external spaces, with the three bedroom units being provided with significantly larger than the minimum requirements, meaning there would be space for children to play. This is considered to be acceptable, and the provision of external amenity space would be acceptable and in line with DMP32 and LPPD6.

***Summary of Residential Quality***

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

**7.2.3 Housing conclusion**

85 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 two good family sized for which there is an identified need.

**7.3 URBAN DESIGN**

*General Policy*

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

87 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.

88 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.

89 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.

**7.3.1 Appearance and character**

*Policy*

90 In terms of architectural style, the NPPF encourages 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).

91 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.

- 92 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.
- 93 DM Policy 32 expects new residential development to be attractive and neighbourly.
- 94 DM Policy 33 relates to development on infill sites, and sets out a number of specific requirements for development of these sites.

#### *Discussion*

- 95 The proposed building would have a modern appearance, and at three stories, including one within roof level, it is approximately the same height as surrounding terraced housing. The proposed design is considered to be high quality, and the appearance of the building would be in character with the surrounding development.
- 96 The proposed form, proportions and scale of the development are well-considered, and would result in a high quality new building, which would complement existing development in the area, whilst also improving the appearance of what is currently a dilapidated and underused site.
- 97 The proposal would relate well to the existing urban typology of the area and is considered to be a site specific response, in line with the above policies.

#### **Layout**

##### *Policy*

- 98 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.
- 99 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.

##### *Discussion*

- 100 The proposed building would respect the existing building lines of Eddystone and Buckthorne Road, being set back from the pavement edges, and allowing for defensible space around the building, which is proposed to contain majority soft landscaping, with hardstanding provided at the minimum required for access. The proposed layout is considered to be a good use of the site, and would function well for future residents, as well as the community use at ground floor level.
- 101 To ensure the final scheme of soft landscaping is of an acceptably high quality, details of this are to be secured by condition, this will include full details of species numbers and location.
- 102 Overall the proposed layout makes good use of the site, subject to assessment of the final schemes of Hard and Soft landscaping, which are proposed to be secured by condition.

## ***Detailing and Materials***

### *Policy*

- 103 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*

- 104 The proposal would be constructed of predominantly facing brickwork of mixed buff colouring, with sections of perforated detailing. Further details are required to ensure the finish would be high quality, and remain in character with the surrounding area, and therefore final details of materials will be secured by condition.
- 105 The roof is proposed to be finished in zinc cladding. This is a high quality and robust material, which would result in an acceptable appearance. The proposed windows would be aluminium framed, which is acceptable. Final details will be secured by condition.

## **7.3.2 Public Realm**

### *Policy*

- 106 Policy D3 of the London Plan requires development to be street-based with clearly defined public and private environments.

### *Discussion*

- 107 The application site does not contain any areas of public realm, although the forecourt of the community space would be semi-public as it would be used by users of the community space. This area appears functional for its purpose and no objections are raised.
- 108 It is noted that part of the highway of Eddystone Road close to the front of the site has recently been closed off to vehicles with street planters, and residents have noted that this area now forms valuable amenity space for residents.
- 109 Officers do not consider the nature or scale of the current proposal would impact on this area of closed off highway, as it falls outside of the application site and no changes are proposed which could affect this piece of land.
- 110 Objections have been received which request the proposed development contribute financially to the street planters, however officers do not consider this would be necessary to make the development acceptable, nor directly related to the development; and therefore would not meet the test for planning obligations set out in Lewisham's SPD and the NPPF.

## **7.3.3 Urban design conclusion**

- 111 To conclude, the proposed building is of an acceptable scale and massing, and the proposed elevation treatments are considered to be high quality. It is considered the proposed design would be acceptable, subject to submission of final details relating to materials and landscaping.

## **7.4 TRANSPORT IMPACT**

### *General policy*

- 112 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.
- 113 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'.
- 114 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.
- 115 The site has a PTAL rating of 3, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is has average accessibility to public transport.

### **7.4.1 Access**

#### *Policy*

- 116 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.
- 117 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is be supported.

#### *Discussion*

- 118 The site is in a well-connected residential area, and access to the dwellings would be provided at street level. There are no objections to the current proposal with regards to the site access.

### **7.4.2 Local Transport Network**

#### *Policy*

- 119 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*

- 120 The proposal would result in 6 additional dwellings, in an existing residential area. No on-site parking spaces are proposed. Due to the scale of development, it would not be expected to have a significant impact on the local transport network.
- 121 As the use of the community element is proposed to be retained, the impacts on the transport network would likely be similar. However, a user /staff Travel Plan to encourage sustainable modes of transport would be conditioned.
- 122 To ensure the impacts of the construction works do not have a harmful impact on the local transport network, it is recommended to secure a construction logistics management plan by condition.

### **7.4.3 Servicing and refuse**

#### *Policy*

- 123 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 124 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.
- 125 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*

- 126 The proposal includes separate storage for commercial and residential refuse, which is acceptable, and the proposed size of the refuse stores is sufficient for the number of dwellings, and commercial floorspace proposed.
- 127 The residential refuse store would front Buckthorne Road, and would be enclosed.
- 128 It is noted that objections were received with regards to the impacts of the development on Brockley Path, which runs along the southern boundary of the site. The commercial refuse storage, was originally proposed to be on the southern side of the building, opening onto this. Following feedback from residents, received in writing and at the local meeting, that this location could result in obstruction, the store has been moved to the front forecourt of the community space. This is an acceptable solution.
- 129 The applicant has also agreed to provide wall mounted lighting on the site, which will improve users experience of this pedestrian through route, particularly at night. Final details of this are recommended to be secured by condition.
- 130 To ensure the management of refuse and recycling is acceptable, full details of storage and management for the residential and the commercial spaces will be secured by condition.
- 131 Furthermore, to ensure deliveries and servicing of the commercial space does not result in harm to the local highway, details of this will be secured by condition, prior to commencement of the use.

## 7.4.4 Transport modes

### ***Walking and cycling and public transport***

#### *Policy*

- 132 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.
- 133 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*

- 134 The site is easily accessible by walking and cycling, and due to the scale of the development, it is not expected to contribute to improvements to the local walking and cycling environment.
- 135 Officers note objections have been received regarding the impact to existing cycle routes close to the site. Due to the scale and positioning of the proposed building, it is not expected the development would have any impact on the existing cycling or pedestrian routes.
- 136 An objection has also been received relating to the impact on site lines. As the proposed building would be set back into the site, in line with existing buildings on Buckthorne and Eddystone Road, it would not have a harmful impact on site lines of pedestrians or drivers.
- 137 The proposal includes an internal communal bicycle store at ground floor level to the rear of the stairwell of the building for 8 bikes, and a private store for 2 bikes in the amenity area of Flat 01. There is an additional residential bike store provided at the front of the property on Buckthorne Road for 4 bicycles.
- 138 Policy T5 requires 1.5 spaces per 2 person 1 bedroom dwelling, and 2 spaces per all other dwellings, 2 additional visitor spaces would also be required, for a total of 13 residential cycle spaces. 14 would be provided.
- 139 The internal communal bike store would include one space for a larger (e.g. cargo) bike, as would the private bike store for Flat 01.
- 140 The proposed cycle parking spaces are accessible, and would be secure and dry. To ensure the final details of the cycle parking are in line with London Cycle Design Standards and they are of an acceptable appearance, a condition requiring details to be submitted prior to occupation of the dwellings is recommended to be a condition of development.
- 141 Three cycle parking spaces are proposed for the F2 Use Class, which is compliant with Policy T5.

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

#### *Policy*

- 142 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.

*Discussion*

- 143 The on-street parking survey detailed in the applicant's transport statement indicates available parking spaces on the surrounding residential roads and based on estimates of car ownership for the development, based on census data for the ward, there would be sufficient space to accommodate the additional parking that would be generated by the proposed residential development. The Highways Officer raises no objection to the development.

#### **7.4.5 Transport impact conclusion**

- 144 The proposed development would be suitably and safely accessible, and officers are satisfied that subject to discharge of the aforementioned conditions, opportunities to promote sustainable modes of transport will be maximised, and the proposed impact on the surrounding highway network would be acceptable.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

*General Policy*

- 145 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the Publication London Plan PLPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).
- 146 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

#### **7.5.1 Enclosure and Outlook**

*Policy*

- 147 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*

- 148 The only adjoining residential property is 66 Buckthorne Road, which is separated by Brockley Path, the alleyway that runs along the southern boundary of the site. The elevation fronting Buckthorne Road would align with the front of this property, and it would therefore have no significant impact on windows to the front of the property.
- 149 The rear building line of the L-shaped building would also align with the rear of No.66. The section of the building which protrudes rearwards of the rear elevation of No.66, would be a distance of 13.2m from the side elevation of No.66's garage, which is sufficient to ensure there would be no significant loss of outlook from the rear facing windows, or overbearing sense of enclosure caused.

## **7.5.2 Privacy**

### *Policy*

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

### *Discussion*

- 151 The proposed windows to the south elevation at first and second floor level are relatively close to the shared boundary with No.66 Buckthorne Road. Obscure glazing up to 1.7m is proposed to ensure these windows would not result in harmful levels of overlooking into No.66. Furthermore, second storey roof terrace with a southerly facing aspect would be screened with a brick wall up to 1.7m, meaning users would not overlook the neighbouring property.

## **7.5.3 Daylight and Sunlight**

### *Policy*

- 152 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'.

### *Discussion*

- 153 The scale and positioning of the proposed building to the North of No.66 Buckthorne Road, means there would likely be no harmful impacts with regard to loss of daylight or sunlight, or overshadowing to the rear garden. There would not be a harmful loss of daylight to any other neighbouring properties.

## **7.5.4 Noise and disturbance**

### *Policy*

- 154 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*

- 155 The proposed commercial, community (Use Class F2) use located at ground floor level does not have a specified user at this time, and objections have been received from neighbours, that if not correctly mitigated against and managed, this use could result in harm due to noise and disturbance. Officers note that the Royal British Legion clubhouse is the existing lawful use, and this was a licensed premises, which also held parties and events. Notwithstanding the existing lawful use, in order to ensure harmful noise impacts to not arise in the future, and because a new building would be constructed details of soundproofing, as well as hours of operation of the final use would be required to be submitted to the Local Planning Authority for approval, prior to commencement of the use as a condition of development.
- 156 With regards to the residential proposal, six residential dwellings are unlikely to generate a significantly higher level of comings and goings and general residential activity than the previous use, and as this is residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

157 It is noted that objections relating to noise and disturbance during construction have been received. A condition controlling construction hours is recommended to be added to the permission, and an informative will remind the developer of the Lewisham Considerate Constructors scheme.

### **7.5.5 Impact on neighbours conclusion**

158 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

## **7.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

159 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.

160 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.

### **7.6.1 Energy and carbon emissions reduction**

#### *Policy*

161 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.

162 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.

163 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*

164 The application has been submitted with a Sustainability and Energy Statement, which sets out how the proposal has been design to reduce energy consumption. Through the use of solar panels, it is proposed the development will achieve a 40% reduction in total CO<sub>2</sub> emissions over those required by building regulations.

165 Final details of the solar panels to be installed will be secured by condition, to ensure the proposed carbon savings are achieved.

## **7.6.2 Sustainable Urban Drainage**

### *Policy*

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

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

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

### *Discussion*

169 No specific details of SUDS calculations have been submitted, however the proposed site plans shows a high proportion of the site would be soft landscaped, and the level of hardstanding is considered to be kept to the minimum functionally required. Furthermore, the proposed roof includes a green roof system, to be secured by condition.

170 The final sustainable urban drainage strategy and schemes of hard and soft landscaping are to be secured by condition, and this is acceptable considering the scale of the proposed development.

## **7.7 NATURAL ENVIRONMENT**

### *General Policy*

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

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

173 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.

### **7.7.1 Ecology and biodiversity**

#### *Policy*

174 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.

175 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.

176 CSP 12 seeks to preserve or enhance local biodiversity.

177 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

*Discussion*

178 The application has been submitted with a Preliminary Ecological Appraisal report (Syntegra, November 2020), which sets out an assessment of the ecological value of the site, the impacts of the proposed development, and makes several recommendations for mitigation of the impacts, as well as enhancements that could be provided.

179 The Council's Ecological officer has been consulted on the details, and confirmed the documents has been prepared according to best practice methodology. They agree with all the recommendations set out in the report.

180 However, they noted the PEA identified moderate potential for bat roosts and bird nests in the buildings and suggested further surveys should be conditioned before commencement of development. Should these surveys confirm the presence of a roost, appropriate mitigation will be required before any works which could affect a roost can commence.

181 The Ecology officer also noted no details are provided of the proposed green roof, or the other recommendations of the ecology report (e.g. size and type of green roof, bird and bat boxes, bug hotels, hedgehog gates). They have stated that full details of the proposed biodiverse living roof should be secured by condition, including integrated wildlife features such as logs. They have also recommended bird and bat bricks be integrated into the design, rather than the use of external boxes.

182 The following details are recommended to be secured by condition:

- Further bat surveys
- Biodiversity Method Statement (incl. swift bricks; bat bricks; biodiverse green roof with logs, bug hotels, bare ground; hedgehog highways)
- Lighting Method statement for biodiversity
- Construction environmental management plan (CEMP: Biodiversity) (incl. ecological Clerk of Works, soft demolition, lighting, pollution) to minimise adverse impacts during construction

## **7.7.2 Ground pollution**

*Policy*

183 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.

184 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 174). Further, the NPPF at para 183 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

185 The test is that after remediation, land should not be capable of being determined as “contaminated land” under Part 2A of the Environmental Protection Act 1990.

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

Further guidance is given in Contaminated Land Statutory Guidance (Defra, 2012).

#### *Discussion*

187 No desk-top study or site investigations report has been submitted to characterise or risk assess the site, and therefore, prior to commencement of development, it would be a condition of development for a desk top study and site investigation report to be submitted to the Local Planning Authority for approval.

## **8 LOCAL FINANCE CONSIDERATIONS**

188 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).

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

190 The CIL is therefore a material consideration.

191 £29,166.43 Lewisham CIL and £18,671.78 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## **9 EQUALITIES CONSIDERATIONS**

192 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.

193 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.

- 194 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.
- 195 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>
- 196 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
- 197 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>
- 198 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## 10 HUMAN RIGHTS IMPLICATIONS

- 199 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
- 200 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.

201 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.

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

## 11 CONCLUSION

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

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

- Optimising the housing potential of the site and providing a range of type and sizes of new homes, including family housing;
- Providing a new community facility in place of the existing;
- Comprising an appropriate scaled and high quality building;

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

206 Given the acceptability of the proposed uses and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

207 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended planning conditions in place, the scheme is consistent with national policy.

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

## 12 RECOMMENDATION

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

### 12.1 CONDITIONS

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

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

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

0452-02-0100 Rev.03; 0452-02-0200 Rev.01; 0452-02-0201 Rev.01; 0452-02-0250 Rev.04; 0452-02-0251 Rev.03; 0452-02-0252 Rev.03; 0452-02-0253 Rev.03; 0452-02-0500 Rev.01; 0452-02-0501 Rev.01; 0452-02-0502 Rev.01; 0452-02-0550 Rev.02; 0452-02-0551 Rev.01; 0452-02-0552 Rev.03; 0452-02-0580 Rev.00; 0452-02-0581 Rev.00; 0452-02-0582 Rev.02; 0452-02-0583 Rev.02 Received 7 September 2021;

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

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

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

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

4. (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).

- 5. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L<sub>max</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria ‘Low probability of adverse comment’ as defined BS6472.
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 6. (a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise to meet  $D'nT,w + Ctr$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.

- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 7. (a) The commercial element of the building hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) Prior to completion of the superstructure a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

**Reason:** To comply with Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

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

- 9. (a) 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 water 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.
- (b) Any such work shall be carried out only in accordance with the details approved under part (a).

**Reason:** As required by Thames Water: the proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

10. No development above ground shall commence on site until a detailed schedule and specification 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 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 and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

11. (a) Prior to completion of the works above ground level, plans (1:50 scale) with details showing the physical fit-out, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the F.2 Use Class community space approved shall be submitted to and approved in writing by the local planning authority.

(b) Prior to commencement of the F.2 Use, full details of the operation of such use, including but not limited to opening hours and services provided must be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be constructed and shall operate in full accordance with the approved details, for the life of the development, unless otherwise approved by the Local Planning Authority.

**Reason:** To ensure that the fit-out of the unit is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the community space as part of this development, and to ensure the use is compatible with the surrounding residential environment in accordance with Core Strategy Policy 19 Community and recreational facilities (2011).

12. (a) The development shall not be occupied until details of proposals for the storage of refuse and recycling facilities for each residential and the community facility hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

13. (a) No development above ground level shall commence until an Air Quality Assessment has been submitted to and approved in writing by the local planning authority.

- (b) The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

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

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

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- 15. (a) Prior to above-ground works, drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

- 16. Prior to commencement of works (including site clearance), the results further bat surveys (dawn and dusk) shall be submitted to the Local Planning Authority and approved in writing, in consultation with the Council Ecology Officer.

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

- 17. a. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- b. 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 local planning authority.

**Reason:** To comply with the recommendations of the submitted Preliminary Ecological Appraisal Report, 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 and local character of the Development Management Local Plan (November 2014).

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

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

- 18(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).

19. No development shall take place (including any demolition, ground works and site clearance) until a method statement for the following has been submitted and approved in writing by the local planning authority:
- 1) creation of new wildlife features, including bespoke bat roosts, erection of bird boxes or bricks in the building;
  - 2) creation, restoration and enhancement of semi-natural habitats;
  - 3) tree, hedgerow, shrub and wildflower planting/establishment;

- 4) habitat removal and reinstatement/replacement;
  - 5) provision and control of access for species.
- a. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.
- b. The works shall be carried out strictly in accordance with the approved details within the first planting season after the approval of the method statement and shall be retained in that manner thereafter.

**Reason:** To comply with the recommendations of the submitted Preliminary Ecological Appraisal Report, 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 and local character of the Development Management Local Plan (November 2014).

20. (a) Full details of the proposed biodiversity living roof and a schedule for maintenance as indicated on plan no. 0452-02-0253 rev.02, shall be submitted to and approved in writing by the local planning authority, prior to commencement of above-ground 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.

**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).

21. (a) Prior to occupation of the development an external lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- 1) include the full scheme of any external lighting that is to be installed at the site, including the new lighting to Brockley Path at the rear, which shall include measures to prevent light spillage; and
  - 2) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - 3) 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 above

species using their territory or having access to their breeding sites and resting places.

- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties in compliance with DM Policy 27 Lighting of the Development Management Local Plan (November 2014) and to comply with the recommendations of the submitted Preliminary Ecological Appraisal Report, 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 and local character of the Development Management Local Plan (November 2014).

- 22. (a) The Use Class F.2 use hereby approved shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

- 23. (a) The Use Class F.2 community use not commence 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. The Travel Plan must include use of the building for community purposes.
- (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).

24. 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 [delete as appropriate] 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).

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

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

26. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the southern elevation at first and second floor level and noted as obscure glazed on Plan Nos. 0452-02-0551 Rev.01 and 0452-02-0552 Rev.03 of the building hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and fixed shut up to 1.7m above ground floor level, and retained in perpetuity.

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

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

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

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

28. No music, public address system or any other amplified sound shall be installed at the site, and average noise levels (LAeq) from the proposed development should be at least 5dB below background levels (LA90) at the location of nearby sensitive receptors.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally 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).

29. None of the trees shown as being retained in the submitted Arboricultural Appraisal Report (MWA Architecture, 02 December 2020) shall be lopped or felled without the prior written consent of the local planning authority, and the recommendations of the report must be followed in full during construction works.

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

30. (a) Full details of the proposed photovoltaic solar panels, as recommended by the submitted Sustainability and Energy Statement, must be submitted to and approved in writing by the Local Planning Authority, prior to commencement of above-ground works.

(b) The panels shall be installed in line with the approved details prior to occupation, and maintained and retained for the lifetime of the development.

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

## INFORMATIVES

- 1 Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further positive discussions took place which resulted in further information being submitted. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- 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 applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 5 Thames Water require the developer to note the following:

#### Waste Comments

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

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsECg5SGaQ\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsECg5SGaQ$)

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

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) .

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) .

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

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

## Water Comments

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main.

Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$)  
Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

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

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!EFWQ-bo\\_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!EFWQ-bo_3n2sepuO5hti0NH7OIPypENtddG7Zv27898oBgnq63rxXegiTiL8zsFbBQZIQg$) .  
Should you require further information please contact Thames Water.  
Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater).

## **Appendix A: Local Meeting Minutes**

Meeting opened at 19:04

Councillor Chris Barnham introduced themselves and Sam James, the lead planning officer; and on behalf of the applicant, the planning agent Chris Smith.

Nine residents were in attendance, as well as Councillor Tauseef.

The reason for the virtual meeting was outlined: to discuss planning application DC/20/119755. 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.

Chris Smith, planning agent gave a short opening statement and presentation of the proposal, and summarised the design intent and other facts of the case.

Following the presentation, Councillor Tauseef was invited to speak. He stated that whilst he did not object to the principle of development as there is a requirement for new homes, his constituents had some concerns and questions regarding the proposed development. These included that no affordable housing would be provided, not enough family housing would be provided, and the scale of the proposed building being larger than adjoining houses. Clarification was sought over what use class the community use at ground floor would be, concern that this was smaller than the existing space, and concern over the potential impacts of this use on residential amenity and parking in the future. Following his speech, Councillor Tauseef excused himself from the meeting, as he had other Council commitments to attend to.

The meeting then proceeded in 'themes' which broadly covered each of the main material planning considerations. Pre-submitted questions were read out the planning officer, followed by follow up comments or questions in the text chat function.

The order of discussion was to be as follows:

1. Principle of development and provision of housing
2. Design and impact on appearance of surrounding area
3. Impacts to neighbouring amenity
4. Highway impacts
5. Other concerns and considerations

The first theme of questioning was the principle of development, and concern was raised with regard to the loss of the existing Royal Legion Building, which is considered a community building and asset to locals. It was explained that the proposal would provide new community space in place of the existing, and this would be in the F use class (community facilities, meaning any change of use to any other use would require planning permission). As the proposal would re-provide a new community use in place of that which would be lost, the proposal can be supported in principle.

There was a question relating to the proposed use of the community space, and concern this could result in noise impacts and parking issues. It was explained that the end user has not been determined, however the use would be within the F.2 Class (community uses). It was also noted that the existing lawful use was the British Royal Legion Clubhouse, and that the use class effectively would not be changed by this application. Notwithstanding, suitable conditions would control the

noise impacts, and as the use class would not change, it would not be expected to result in significant impacts to parking stress.

Concern was raised the proposed 6 residential units would result in an over development of the site, that the level of proposed family and affordable housing were too low, and that the garden space provided would not be large enough. It was explained that the proposed density would be compliant with the Policies of the London Plan (2021) and that 33% 3-bed homes is considered a good level of family sized dwellings to be provided. It was noted the provision of external amenity space was policy compliant, and exceeded for the 3-bed dwellings.

The second theme related to the design of the proposal and its impact on the appearance of the surrounding area. Questions and comments related to how and whether the design successfully relates to the surrounding area, and justification was sought for the scale of the proposal.

The planning agent explained that they had designed the proposal to be in keeping with the scale of surrounding development, and clarified that the height would be similar to existing houses, with windows broadly aligning. They explained how the design had evolved since a previous iteration, with the help of pre app advice, and the building lines were now in keeping with surrounding development. High quality materials are proposed, and the intent is to provide a modern building. The planning officer stated that the scale and height of the proposed building was considered to be acceptable by officers and would not result in harm to the appearance of the surrounding area. Furthermore, the proposal respects existing building lines. It was stated that the design does not attempt to replicate other properties, but it is high quality and would appear a modern addition. Relevant conditions would ensure an appropriate finish through suitable materials, and those proposed appear high quality.

The third theme related to the impact on neighbouring amenity. Concern was raised the proposal would result in harm to the neighbouring No.66 Buckthorne Road a result of 'looming' over their rear garden, and due to overlooking from upper floor windows. The planning officer stated that the tallest part of the proposal would be set away from the neighbouring dwelling's garden, to sufficiently mitigate any harmful impacts of the proposed structure. It would not result in increased sense of enclosure to neighbours, nor loss of outlook, or a loss of daylight, in line with Policy DM32 and CSP15. Furthermore, upper floor windows and roof terraces would not result in harmful overlooking into existing windows, as obscure glazing and screening would be used on the relevant windows to protect neighbouring privacy.

Concern was raised over the possible noise and disturbance impacts to neighbours due to the increased density of residential use, and the community use. The planning officer noted that this is a residential area, so additional residential development would not be likely to result in harmful noise and disturbance. It would also be mitigated through standard planning conditions (residential soundproofing, and noise management plan for any commercial use which comes forwards). Hours of operation of the community use would also be controlled by condition.

Concern was raised that neighbouring trees could be harmed. It was explained by the planning officer that the submitted arboriculture statement confirmed there would be no harm to neighbouring trees and that the tree officer is satisfied

The fourth theme related to the highway impacts of the proposed development.

Concern was raised over impacts to the existing footpath (Brockley Path) to the rear, such as conflicts between new residents and users of the path and that the path would be darkened and enclosed by the proposal. As well as impacts to general pedestrians and cyclists who use the cycle route which passes through Eddystone Road. Planning officer stated that the entrance to one of the flats from Brockley Path would be unlikely to result in conflict, and that the developer had agreed to provide lighting to the area to reduce the darkening effect. Furthermore a development of this scale

would have no harmful impact on cyclists and pedestrians. Building would be set back from the pavement, and would not block any sight lines, public rights of way, cycle routes or pavements.

The proposed refuse storage was discussed, and it was confirmed by the planning agent that the commercial refuse store could be moved away from Brockley Path to reduce the risk of conflict.

Concern was also raised with regard to parking stress. The planning officer stated that a parking beat survey demonstrates there would be sufficient space to accommodate any additional parking that would be expected to be generated by the proposal. Furthermore, a Travel Plan would be conditioned for the community use.

Concern was raised with regard to the impact to the area of Eddystone Road highway that is currently enclosed with planters, as well as the 'pocket park' that has been planted. The planning agent stated they would not impact on this area, and the planning officer confirmed that the current proposal would not be expected to have any impact.

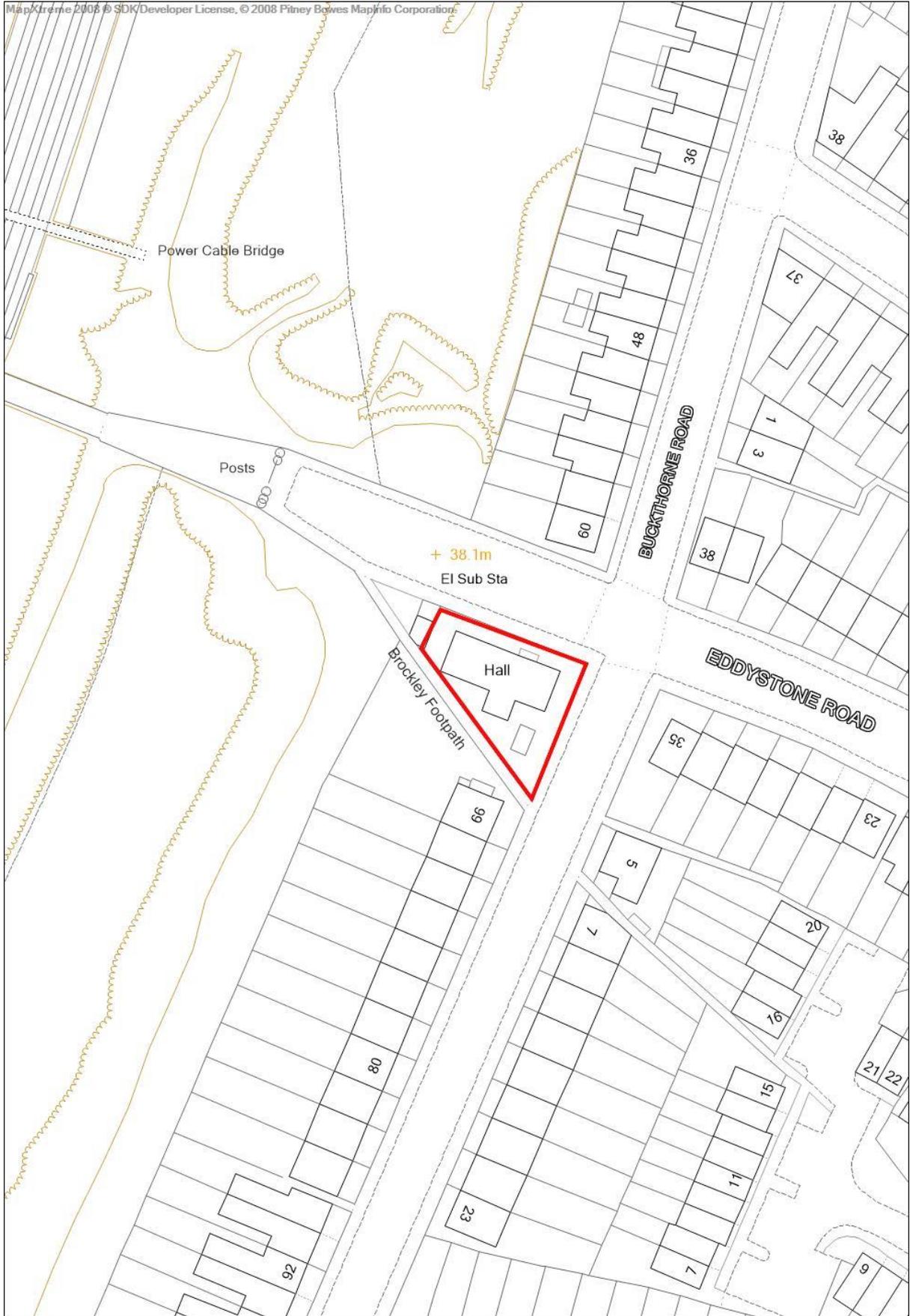
Questions and concerns regarding sustainability, and impacts to ecology were also submitted. The developer confirmed that solar panels are proposed for the roof to reduce CO2 emissions. The planning officer confirmed an Ecological report has been submitted, and assessed by the councils Ecology Officer who has recommended final details of mitigation during construction and enhancements within the proposed development be secured by conditions.

Concern was raised that the local area requires improvements, including street planting, road repairs, and concerns regarding a nearby pedestrian bridge. The planning officer states that it was unlikely that this development could proportionately contribute to road / street improvements through S106, but CIL would be payable.

Concern was also raised over the impacts during construction works. It was confirmed that a construction management plan would be secured by condition. Construction hours would also be limited to ensure no unacceptable disruption at unsociable hours.

Councillor Barnham drew the meeting to a close, explained that further questions and comments could be submitted in writing, and residents can write to councillors, the planning team and the applicant. He confirmed residents who have commented on the application will be notified of the date any future planning committee meeting relating to the proposal, thanked everyone for attending and for participating in the meeting.

**Meeting closed 20:05**



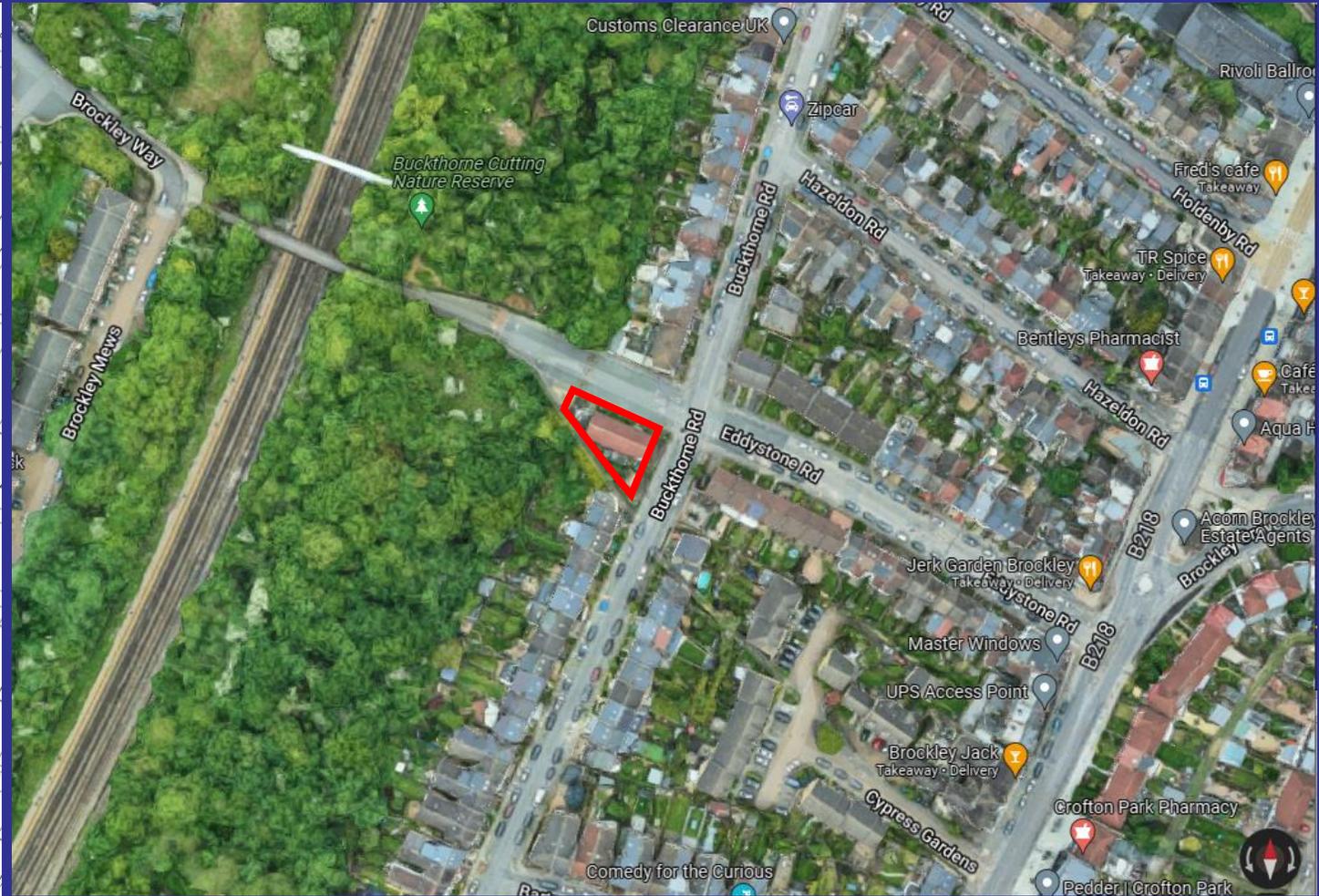
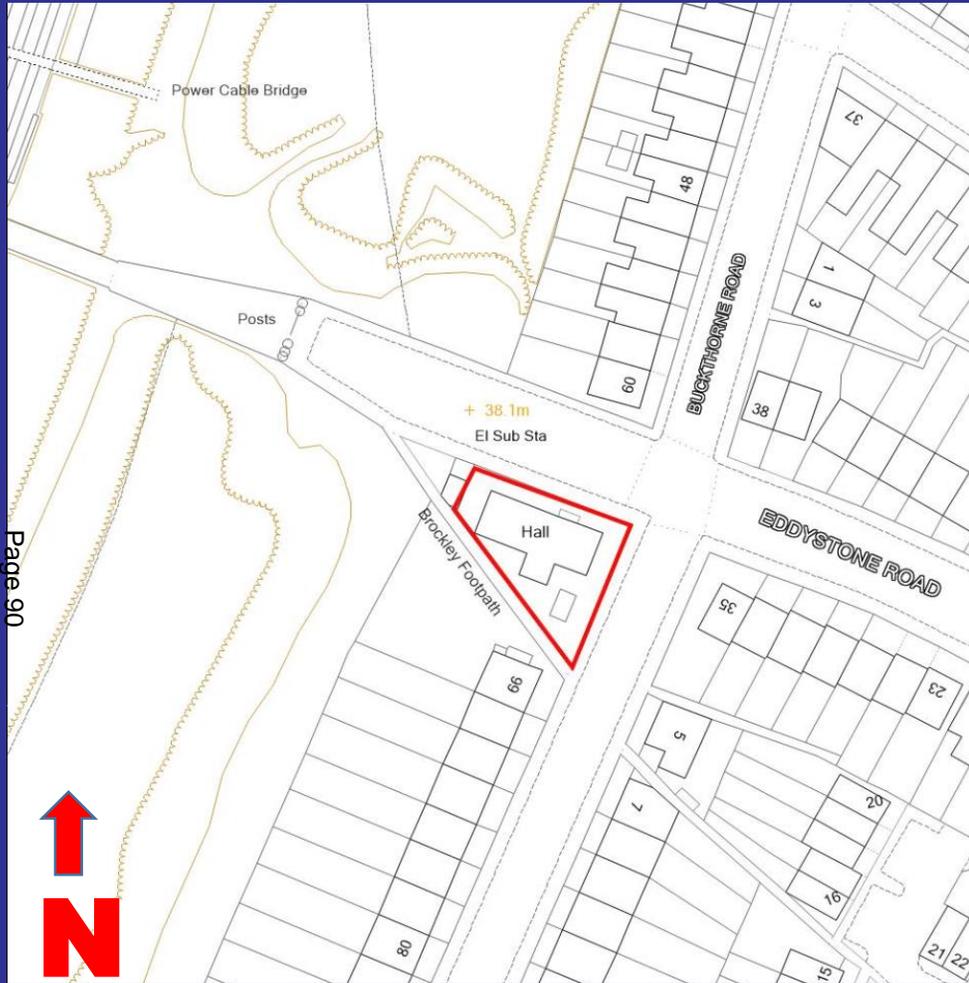
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# 39-43 Eddystone Road, SE4

## Application No. DC/20/119755

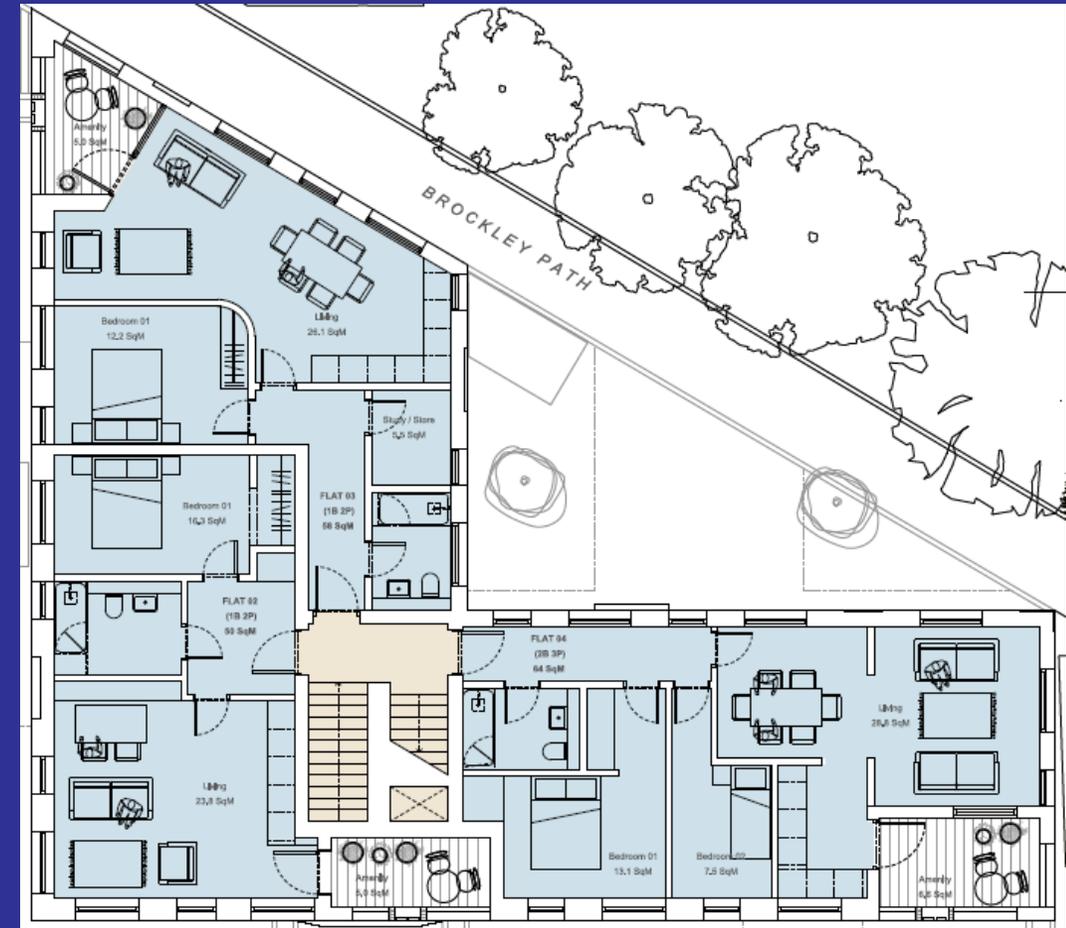
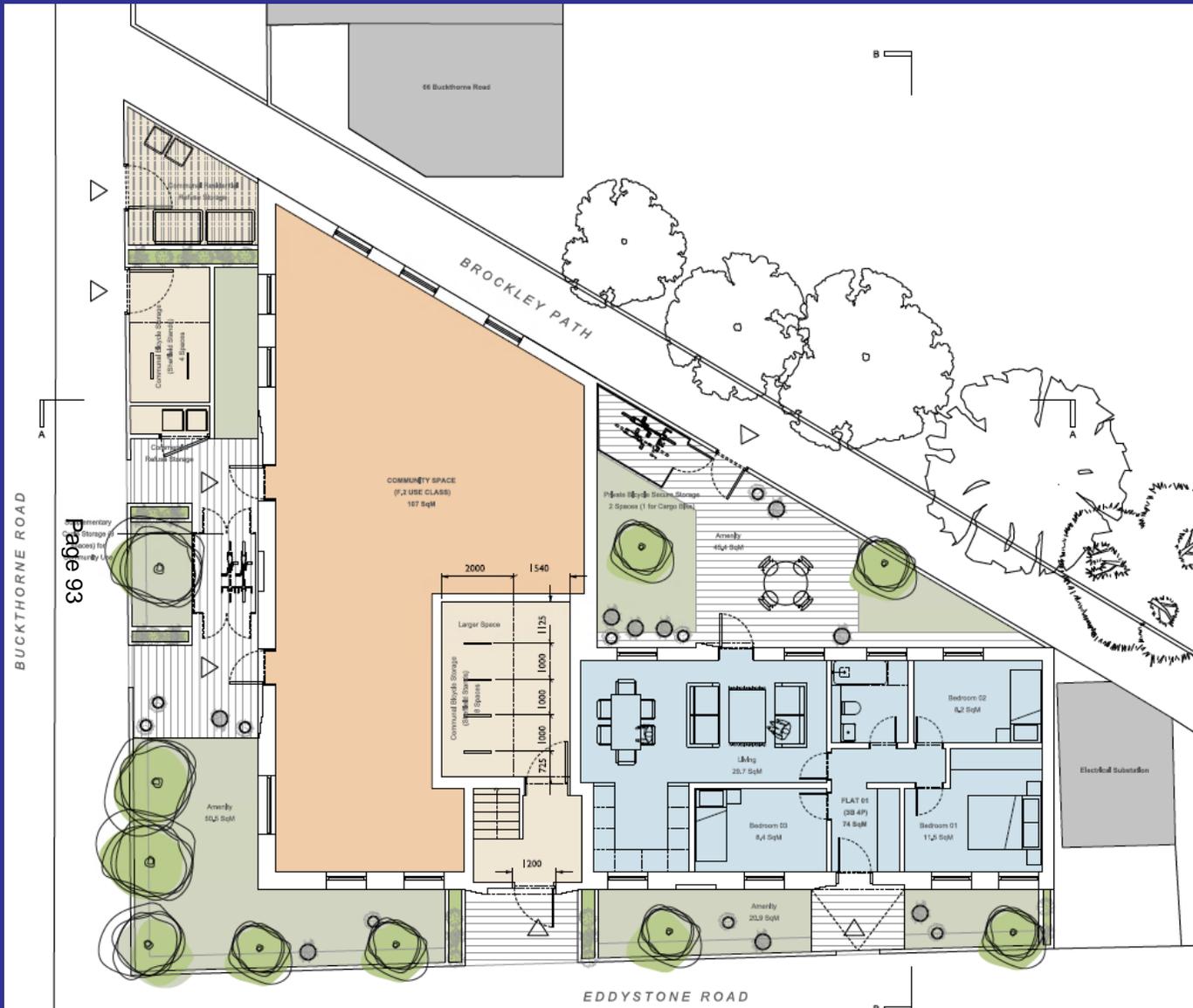
Demolition of existing community building and associated outbuildings at 39-43 Eddystone Road SE4 and the construction of a three storey building to provide 6 self contained flats (3 x 1 Bed, 1 x 2 Bed & 2 x 3 Bed), together with community space at ground floor level (Use Class F.2), landscaping, external bin store and bicycle storage, with pedestrian and cycle access onto Buckthorne Road and Brockley Path.

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











**Committee C on 30<sup>th</sup> September 2021  
resolved the decision be deferred to allow  
the following:**

- **The Asset of Community Value (ACV) position of the property to be reviewed.**
- **The further bat surveys, that had been recommended by the submitted ecology report, be conducted and the results presented to Committee.**

# Key Material Planning Considerations:

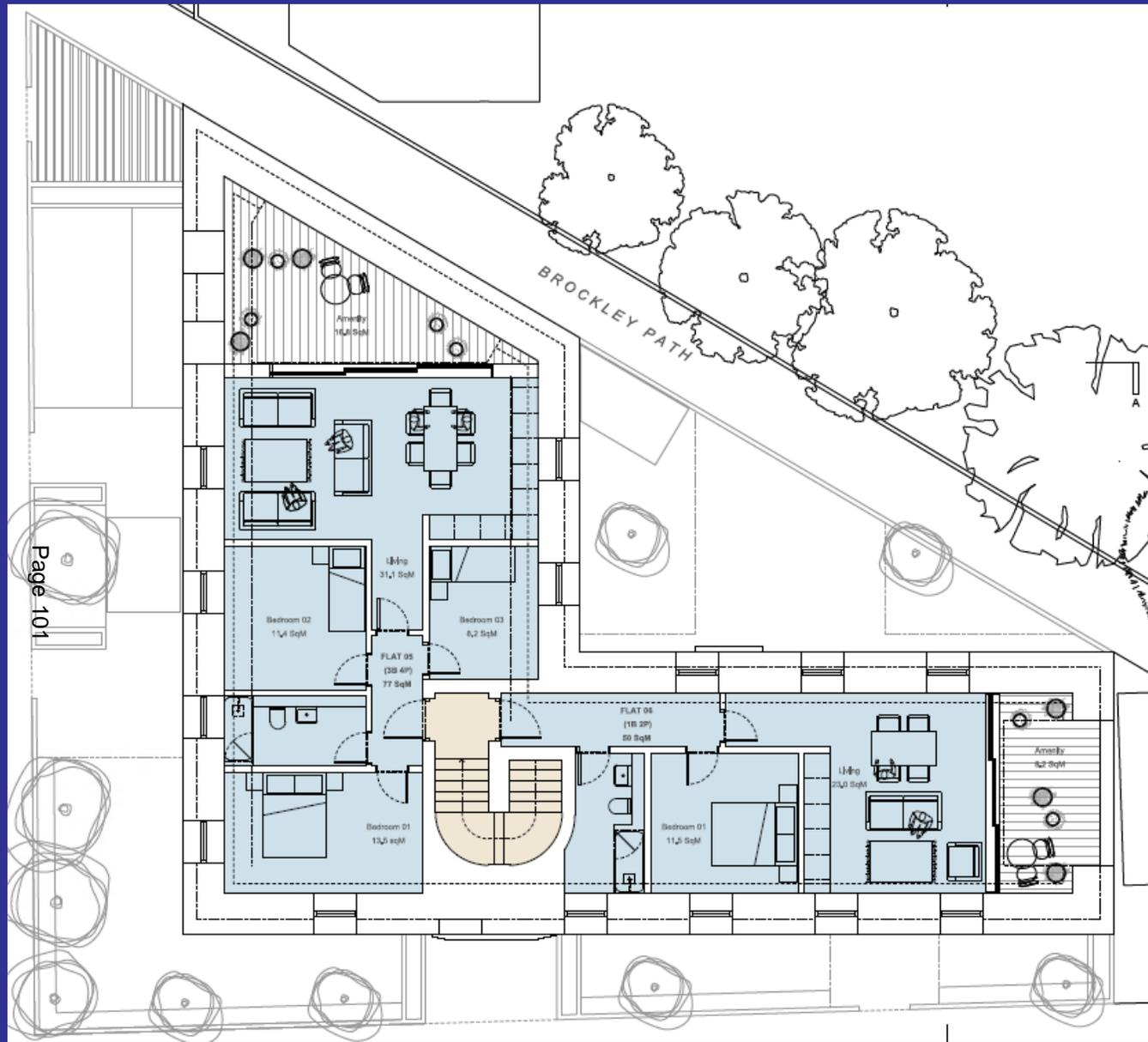
- **Principle of Development**
- Housing Provision and Quality of Residential Accommodation
- Urban Design and impact of proposed building on appearance of surrounding area
- Impact on Neighbouring Residential Amenity
- Transport and Highways impacts
- **Sustainable Development and Natural Environment**

END

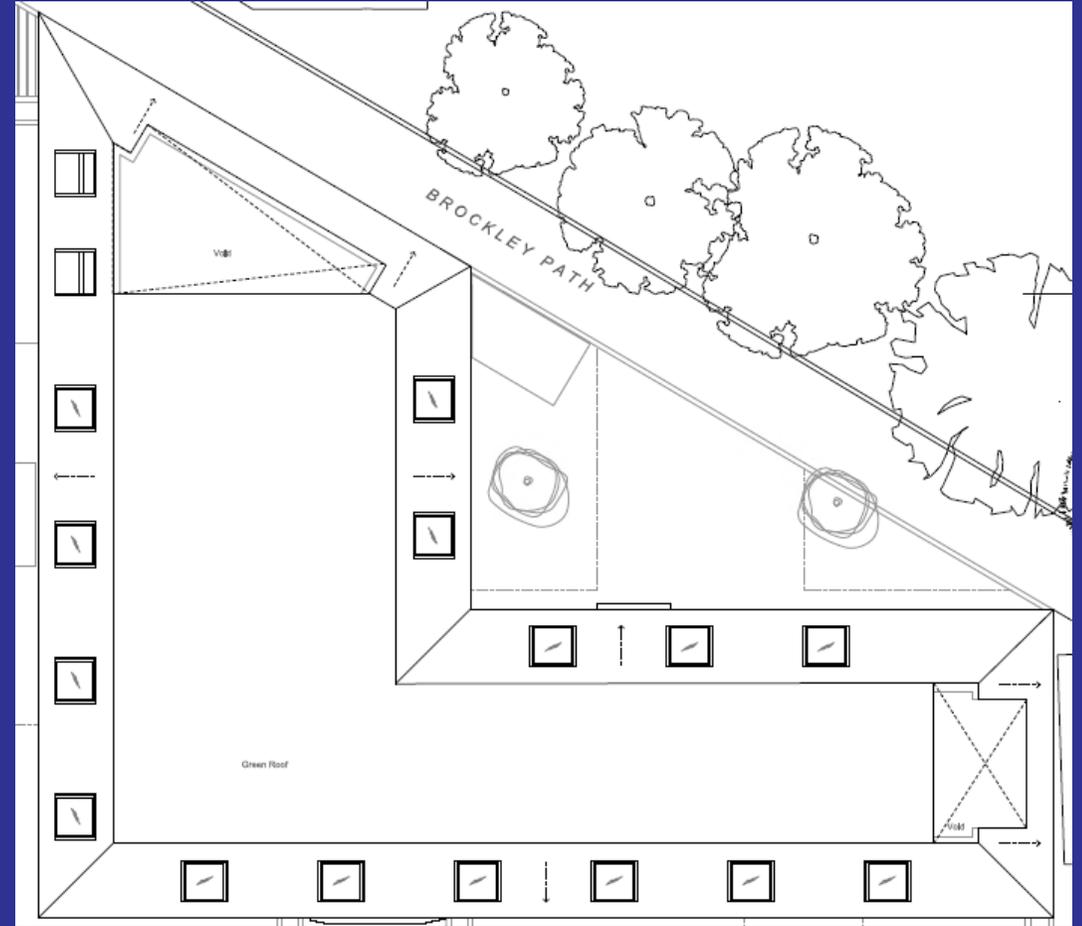








Page 101



## Proposed Second Floor and Roof Plans

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of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Planning Committee C

GARAGES AT THE REAR OF 4-24 BLYTHE VALE, SE6 4UJ  
(LAND ON THE WEST SIDE OF BLYTHE VALE)

**Date:** 1st December 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Perry Vale

**Contributors:** Zahra Rad

### Outline and recommendations

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

*This case has been brought before members for a decision as it was requested by the members of Committee C (dated 24 February 2022) to return application to discharge Condition 3 to Committee C for approval.*

## Application details

**Application reference number(s):** DC/22/127282

**Application Date:** 21 June 2022

**Applicant:** Mr Hayes

**Proposal:** Details of Construction Management Plan submitted in compliance with Condition 3 of the planning application DC/21/123262 dated 25/02/2022 for 'Demolition of existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and the erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.'

**Background Papers:** (1) Submitted technical reports and documents  
(2) Internal consultee responses

**Designation:** PTAL 4 and Local Open Space Deficiency

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The subject site is in Perry Vale and comprises of 40 garages located on an 'L' shaped plot at the back of Nos 4 – 24 accessible to vehicles from Blythe Vale between Nos. 18 and 24.
- 2 The northern boundary of the site is bounded by properties on Stanstead Road, the eastern and southern boundaries by properties on Blythe Vale and the western boundary of the site is bounded by properties on Carholme Road, as shown in Figure 1.

### **Is this report easy to understand?**

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**Figure 1 Location Plan**

***Character of the area***

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

***Heritage/archaeology***

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

***Local environment***

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

***Transport***

- 7 The application site has a PTAL rating of 4 on a scale of 0 to 6b, which indicates the site has good accessibility to public transport.
- 8 Catford and Catford Bridge Stations are 0.4 miles and 0.5 miles from the application site respectively.
- 9 There are bus stops a short walk away from the site on Stanstead Road which are served by two bus routes (Nos. 171 and 185).

**Is this report easy to understand?**

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## 2 RELEVANT PLANNING HISTORY

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

11 **DC/21/123262** - Demolition of existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and the erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage. Granted 25 Feb 2022.



Figure 2 the Approved Site Plan

12 Several planning applications have been submitted to discharge conditions.

## 3 CURRENT PLANNING APPLICATION

### 3.1 THE PROPOSALS

13 Details of Construction Management Plan submitted in compliance with Condition 3 of the planning application DC/21/123262 dated 25/02/2022 for 'Demolition of existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and the erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## **4 CONSULTATION**

### **4.1 APPLICATION PUBLICITY**

14 No public consultation is required to discharge conditions.

### **4.2 INTERNAL CONSULTATION**

15 Highway: The 'Council Highway Team was consulted and raised no objections to the proposed CMP.

16 Environmental Protection Team: raised no objections, however requested to reference to NRMM

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

17 The consented scheme ref DC/21/123262 was determined in accordance with the statutory development plan and taking into account all material planning considerations. This application for Approval of Details is not a planning application, instead the condition seeks specific information in relation to construction management. The details are assessed below

### **5.2 MATERIAL CONSIDERATIONS**

18 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.

19 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.

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

### **5.3 NATIONAL POLICY & GUIDANCE**

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

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## 5.4 DEVELOPMENT PLAN

21 The Development Plan comprises:

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

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

22 Lewisham SPG/SPD:

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

23 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)
- Social Infrastructure (May 2015)
- Housing (March 2016)

## 6 PLANNING CONSIDERATIONS

24 The main issues are whether the submitted Construction Management Plan is acceptable and covers the requirements of the condition. The primary issues for consideration in those matters are in relation to transport and amenity impacts.

### 6.1 TRANSPORT IMPACT

#### *General policy*

25 The NPPF paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

26 Policy T7 of London Plan, para 10.7.5 emphasises that in order to ensure freight related to the development is safe, clean, and efficient of development, the Construction Logistics should be developed in line with TfL guidance and adopt the latest standards around safety and environmental performance of vehicles and also, it should be monitored and managed throughout the construction and operational phases of the development.

#### *Discussion*

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27 Condition 3 is attached to the planning permission, which was granted in 25 Feb 2022, for construction of 9 new dwelling at the land to the back of Nos 4 to 24 Blythe Vale. The wording of the condition reads as:

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

*(a) Dust mitigation measures.*

*(b) The location and operation of plant and wheel washing facilities*

*(c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process*

*(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-*

*(i) Rationalise travel and traffic routes to and from the site.*

*(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.*

*(iii) Measures to deal with safe pedestrian movement.*

*(e) Security Management (to minimise risks to unauthorised personnel).*

*(f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).*

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

28 In order to discharge the above condition, the applicant has submitted:

- CONSTRUCTION MANAGEMENT PLAN, August 2021, by YES Engineering Group Limited (received 22 Jun 2022)
- Letter to the residents, 04/08/2022, by Trident Homes Development (received 24 Aug 2022)

#### *Discussion*

29 Condition 3 of the planning permission seeks to ensure that the development will be constructed in an acceptable manner to minimise disruption and to ensure it would be in line with London Plan Policies SI1 and PL T7.

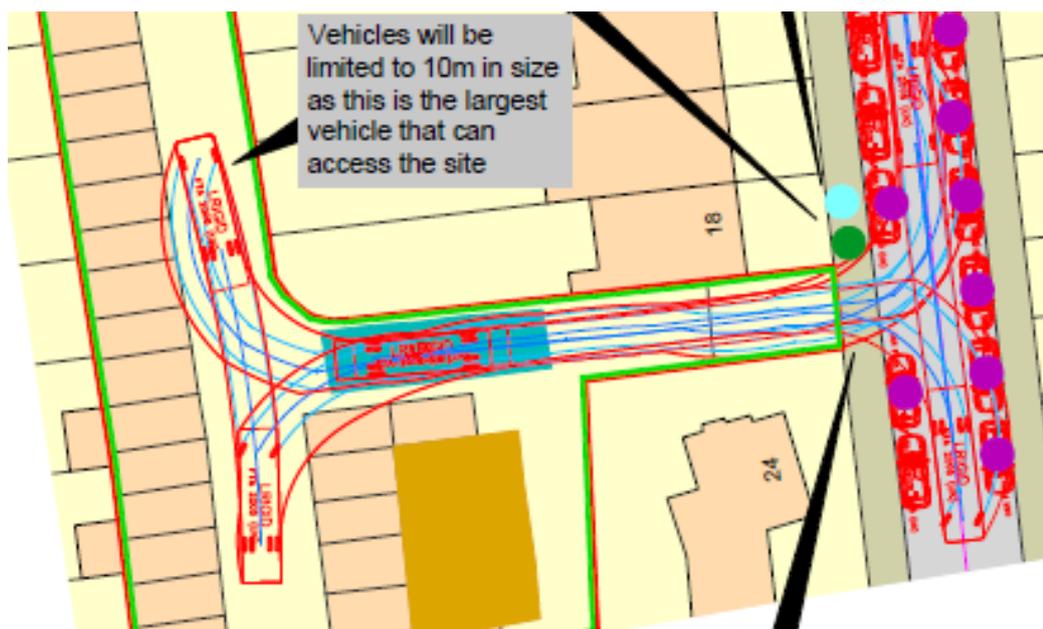
30 The Council's specialist teams Highways and Environmental Protection have assessed all the technical details within the report and raised no objections to the level of details.

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- 31 The concerns raised by the Planning Committee C on 24 Feb 2022, primarily centre around the potential damages to adjacent neighbouring properties during the construction period by large vehicle manoeuvring, and adverse impact on the amenities of neighbours.
- 32 The Committee C on 24 Feb 2022, in resolving to grant permission, requested that the CMP provide evidence showing how large vehicles turning into the site and getting out could do so safely given the limited width of the access road, and the traffic and parked vehicle long both side of Blythe Vale.
- 33 The applicant has provided a vehicle manoeuvre/access diagram in the CMP document page 65. It has been confirmed by the applicant that the size and manoeuvring would be restricted as below:
- During construction phase all vehicles would be limited to 10 meters long in size as this is the largest vehicle that can access the development site to ensure no damage is caused to the party walls including boundary walls and fences.
  - The paths and turnings of vehicles in the diagram are all achieved within the space between an inner circle of 5.3m radius and an outer circle of 12.5m radius.
  - No out circle (path following by outside tire) has a greater radius than 12.5m, and no inner circle (path following by innermost tire) has a smaller radius than 5.3m.



**Figure 3 Large vehicle manoeuvring diagrams (Figure 4.3 of CMP report)**

- 34 There would be a hoarding around the site. As the proposed layout of the site, during the construction period shows, an operative trained banksman and traffic marshal would direct vehicle movements. Also, 8 on-street parking suspensions would be applied by the LBL Council, to ensure the manoeuvring of large vehicle would be in line with LP guidance.
- 35 The deliveries would be restricted between 9:30 to 14:30 during school term time to reduce the impact on the traffic flows and safety.

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## 6.2 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

36 NPPF para 130 sets an expectation that new development will be designed to create place that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of LPP D3, D6 and D14 and DMP 30, 32 and 33.

### *Discussion*

37 The CMP has been assessed by the Council internal consultees, to ensure that the construction processes would be carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties.

38 Officers recognise that during implementation of the development there would be a certain amount of noise and disturbance from construction related activity. This is a relatively short-term impact and given the scale of the proposed development, this impact is not considered to be too adverse, if managed appropriately.

39 The potential of adverse impact of development during the construction period was discussed with the Planning Committee members, as it was one of the main issues raised by neighbours. Consequently, the possibility of consulting the CMP with neighbours were discussed. In the meeting it was clarified that no statutory consultation is carried out in relation to a CMP secured via an approval of details application, as this is not a planning application. However, the applicant stated that they have undertaken their own engagement with neighbours, and they had taken into consideration neighbours' concerns.

40 An email has been submitted with the current application and it is confirmed by the applicant that letters have been sent out to the neighbours providing contact details of the management team and further information about the construction.

41 Neighbour consultations on the project construction and its management, carried out by the applicant, started on 6th June 2022, in form of individual face to face meetings and conversation with various neighbours around the project site, including the properties located immediately adjacent to the access entrance to the site from Blythe Vale.

## 42 EQUALITIES CONSIDERATIONS

43 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.

44 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;

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- foster good relations between people who share a protected characteristic and persons who do not share it.

45 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.

46 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>

47 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

48 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>

49 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.

## 7 CONCLUSION

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

51 In terms of transportation, the scheme is not expected to damage adjacent properties or have any adverse impact on the safety of road users, the current traffic or the parking arrangements of the transport network.

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- 52 The proposed CMP would not have unacceptable impact on the amenities of the neighbours in terms of noise disturbance and other amenities impact
- 53 In the light of the above assessment, the proactive engagement with local community by the applicant, the potential noise disturbance and other possible amenity impacts of the proposed development, are considered and are acceptable.
- 54 The proposed CMP have sought to respond to the concerns expressed by the Committee C of 24 Feb 2022 and Officers consider that the evidence submitted represents a clear process in order to implement the scheme as a whole.
- 55 It is therefore recommended that the proposed Construction Management Plan to be approved for the purposes of the discharge of Condition 3.

## **8 RECOMMENDATION**

- 56 That the Committee is satisfied with the information submitted and approves the discharge of Condition 3 Construction Management Plan of the planning permission DC/21/123262 subject to the following informatives:

### **8.1 INFORMATIVES**

- 1) Please be advised that the documents submitted for this application have been assessed only in relation to the condition referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.
  
- 2) The applicant is advised that the following conditions attached to planning permission DC/21/123262 remain to be submitted/approved
  - 4) Contamination Risk Assessment Part (c)
  - 5) Residential Soundproofing
  - 23) Acoustic screening for ASHP

### **BACKGROUND PAPERS**

- 57 Submission Technical Reports and Documents

## **9 REPORT AUTHOR AND CONTACT**

- 58 Zahra Rad (Planning Officer)
- 59 Email: Zahra.Rad@lewisham.gov.uk
- 60 Telephone: 020 831 49153

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# **GARAGES AT THE REAR OF 4-24 BLYTHE VALE, LONDON, SE6 4UJ (LAND ON THE WEST SIDE OF BLYTHE VALE)**

Details of Construction Management Plan submitted in compliance with Condition 3 of the planning application DC/21/123262 dated 25/02/2022 for 'Demolition of existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and the erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.'

## **Application No. DC/22/127282**

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

# SITE LOCATION PLAN



# SITE LOCATION AERIAL VIEW



# Approved Layout



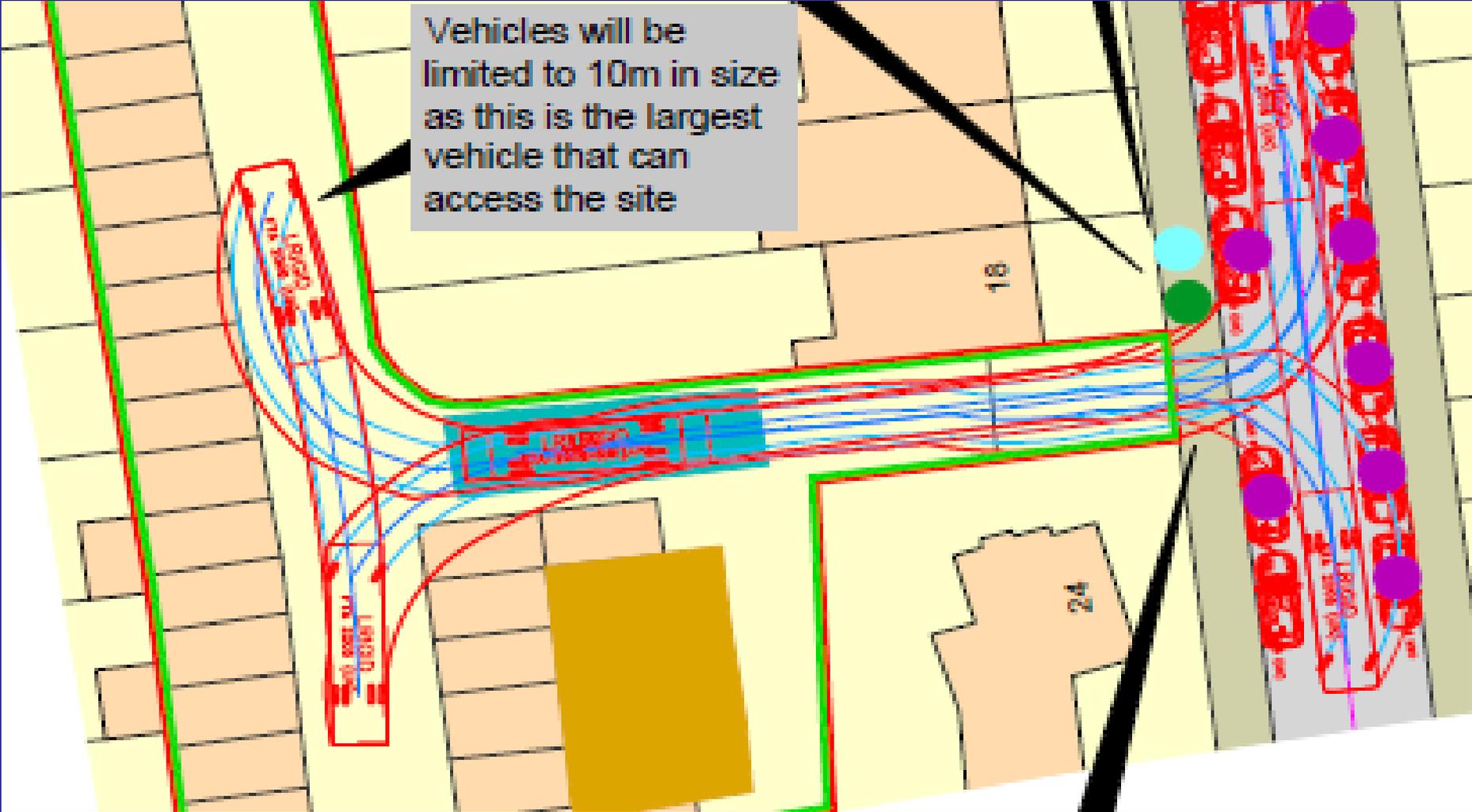
# Existing Access to the Proposal Site



# Key Planning Considerations

- **Transport Impact**
- **Impact on Living Conditions of Neighbours**

# Details of Vehicular Maneuvering



Resident

04/08/2022

Dear Resident/Business Owner,

To those of you we have not already spoken to, we have recently purchased the attached garage site with planning permission.

**ADVANCE INFORMATION:** This letter is to advise you in advance of the development work in on the garage site behind 4-24 Blythe Vale, within approved planning permission application DC/21/123262 which can be found on the Lewisham Council website.

We will be given access to the site to begin forming a safe compound around the site on the 30/08/2022. We will do all we can to carry out the works with minimal disruption to you as possible. We hope the works will be a welcome improvement to the old, dilapidated garage site.

Our working hours will be as follows - Monday–Friday, 8am–6pm, Saturdays, 8am–1pm, No work on Sundays or bank holidays. We will try as best as practicable to limit noisy works to the more unsociable end of these hours.

Once we begin works please feel free to come and speak to us about any concerns you may have regarding the works. The project site manager will be Paul Hayes and Assistant Site Manager Ting He. Please note we cannot respond to any planning related queries as we were not party to these discussions having purchased the site with planning permission already granted.

Residents of Blythe Vale – As part of the construction management plan submitted to the planning department it was proposed that around 8 car parking spaces would need to be suspended to allow lorry's up to 10m in length to turn into the site in both directions. We are aware from discussions with some of you of the already difficult parking situation on Blythe Vale so we will be trying to use the minimum number of spaces we need. We apologise in advance for the disruption this will cause but hope you will understand this is necessary to carry out the works. We will have a banksman in place each time a vehicle enters or leaves the site and will ensure the road is always kept clean.

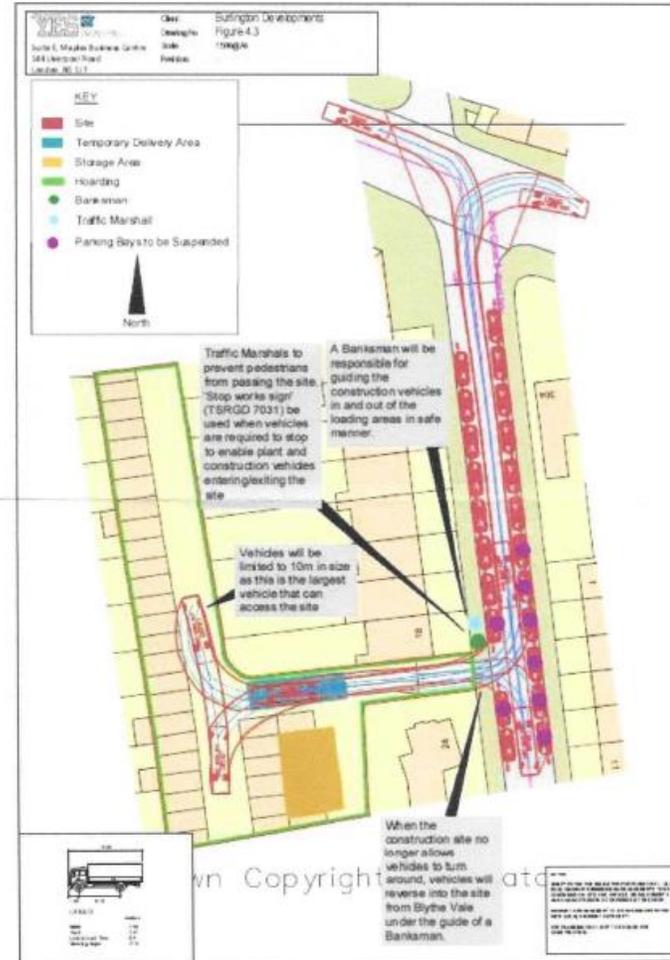
A plan of the site and extent of the works is attached for your information.

We thank you in advance for your patience and cooperation during these works. If you have any questions or comments about our works, please feel free to contact us at [info@tridenthomesanddevelopment.com](mailto:info@tridenthomesanddevelopment.com)

Yours faithfully

Trident Homes and Development Ltd

Access Plan



# End



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## Planning Committee C

### Report title:

**LAND N/T, 81 BURNT ASH ROAD, LONDON, SE12 8RF**

**Date:** 01 December 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Lee Green

**Contributors:** Thomas Simnett

### Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as the application received 15 objections from local residents and 1 objection from Lee Manor Society.

## Application details

**Application reference number(s):** DC/22/127810

**Application Date:** 01 August 2022

**Applicant:** Mr Adam Johnston

**Proposal:** The construction of a three-storey, four-bedroom dwelling house on land at the corner of Burnt Ash Road and Dorville Road, SE12, together with bin and bike shed, replacement street trees and associated landscaping.

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

**Designation:** PTAL 3  
Lee Neighbourhood Forum  
Air Quality  
Adjacent/Affecting Conservation Area  
Not a Listed Building  
A Road

**Screening:** N/A

## 1 SITE AND CONTEXT

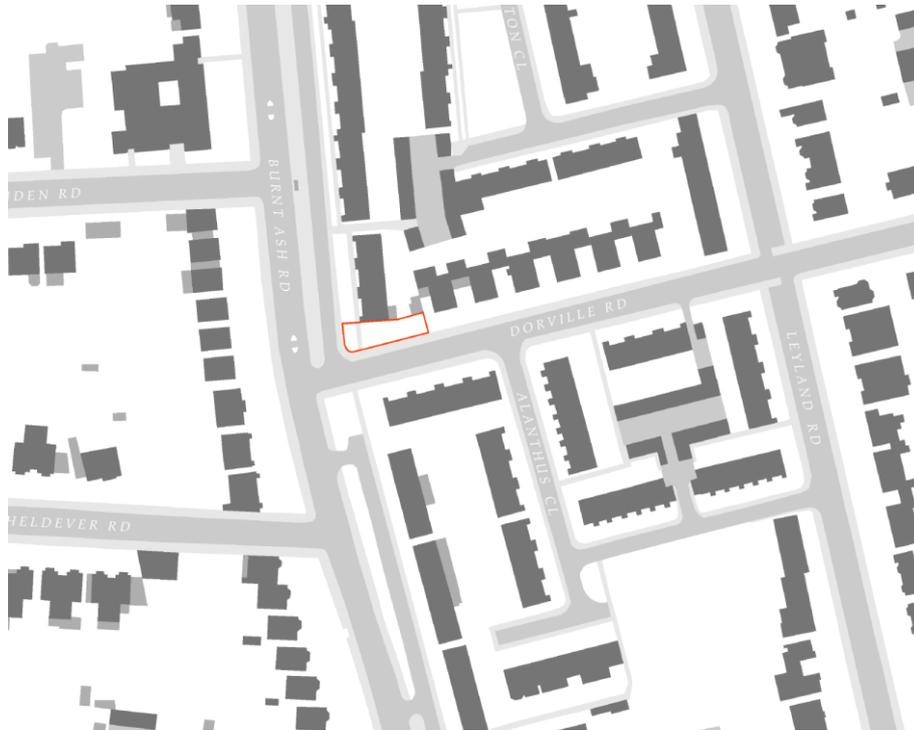
### *Site description and current use*

- 1 The application site is an open grassed area to the side of Nos. 77-81 Burnt Ash Road, bisected by a path that runs along the front of that building, with the only other features being a mature Walnut tree, a hedge, and a low boundary wall to 1A Dorville Road (the wall being the only structure on the site). The site is 240sq m (0.024ha) in area.

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**Figure 1 – Site Location Plan**

***Character of area***

- 2 The area surrounding the property is predominantly residential and is largely characterised by traditional semi-detached and detached Victorian properties constructed of London stock brick with slate roofs on the western side of Burnt Ash Road which is located within Lee Manor Conservation Area.
- 3 While the eastern side of Burnt Ash Road are characterised by 1960s development of terraced and semi-detached properties of a similar style. The application site is adjacent to a group of 1960s terraced three-storey properties.

***Heritage/archaeology***

- 4 The application site is not located within a conservation area and is not subject to an Article 4 Direction, however it is adjacent to the Lee Manor Conservation Area. It is not a listed building nor located in the vicinity of one.

***Surrounding area***

- 5 Colfe’s Junior and Secondary School is located 0.3 mi to the south-east of the application site. There are a number of shops, takeaways and public houses within a 500m radius.

***Local environment***

- 6 The application site is located within an Air Quality Monitoring Zone.

***Transport***

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- 7 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 8 Lee Railway Station is located approximately 0.2 mi to the south of the application site.

## 2 RELEVANT PLANNING HISTORY

- 9 PRE/22/125737: Pre-planning (concept) application to discuss the construction of a three-storey 4no bedroom/ 8no person net-zero passive house at land next to 81 Burnt Ash Road, SE12.
- 10 PRE/22/126218: Follow-up from concept meeting to discuss the construction of a three-storey 4no bedroom/ 8no person net-zero passive house at land next to 81 Burnt Ash Road, SE12.

## 3 CURRENT PLANNING APPLICATION

### 3.1 THE PROPOSALS

- 11 This application relates to the construction of a three-storey, four-bedroom dwelling house on land at the corner of Burnt Ash Road and Dorville Road, SE12, together with bin and bike shed, replacement street trees and associated landscaping.
- 12 During the lifespan of the current application Officers advised the applicant that the fourth-storey is problematic (as shown in Figure 2) and would require further revisions in order for the Council to support the scheme. As a result of those discussions the applicant has removed the entire forth-storey from the proposal.



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Figure 2 – The submitted scheme with the 4<sup>th</sup>-storey which has been subsequently removed

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

13 In addition to the two pre-application meetings with the Lewisham Case Officer, consultation was also undertaken with residents of Burnt Ash Road and Dorville Road. Residents within a 50m radius of the site were sent a letter inviting them to an online or in-person meeting to discuss the emerging proposals in May 2022.

14 Owners of the flats in the neighbouring 77-81 Burnt Ash Road were also sent letters. According to the submission, of the approximately 60 letters issued, there were 6 responses, and presentations given to 3 of the neighbouring owners or residents. In addition to the letterers, a door-knocking campaign took place, with short informal discussions with 3 more neighbouring residents.

### 4.2 APPLICATION PUBLICITY

15 Site notices were displayed on 26 August 2022 and a press notice was published on 28 August 2022.

16 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22 August 2022. Letters were also sent out the Lee Neighbourhood Forum and Lee Manor Society.

17 16 number responses received, comprising 16 objections.

#### 4.2.1 Comments in objection

Comment	Para where addressed
<b>Principle of Development</b>	
The proposal would set a precedent for developing on small green sites in already densely built up areas	Para 53
Planning statement inaccurately states the site is used for storage	Para 50
Site not identified as a site allocation	Para 54
<b>Housing</b>	
Size of proposed dwelling suggests it could be turned into a HMO	Para 65
<b>Urban Design and Heritage</b>	
Proposed dwelling is too big and over-scaled for its context	Para 97
Application has not considered how the existing downpipe on the side of 81 Burnt Ash Road would be dealt with	Para 96

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Unnecessary south elevation windows	Para 91
Not contextually appropriate to its surroundings	Para 90
Proposed dwelling would protrude the established building line	Para 93
Over development of the site	Para 90
<b>Impact on Adjoining Properties</b>	
Loss of daylight and sunlight	Paras 140 and 141
1.0 m step out will cause imposing view from adjacent property and reduce light	Para 140
Increase of overlooking	Paras 134 and 137
Loss of privacy – 21m distance is not maintained as required by DMP32	Paras 134 and 137
Increase in noise disturbance	Paras 140 and 141
Increase in light pollution	Para 143
<b>Transport</b>	
Impact on car parking in the area	Para 123
Impact on pedestrian route over the grassed area	Para 121
Access to the rear of properties of Burnt Ash Road	Para 116
Insufficient sightlines out of Dorville Road, frequent accidents	Para 117
<b>Sustainable development</b>	
Loss of tree and greened area will reduce the mitigating effects in terms of exhaust fumes and traffic noise.	Para 164
<b>Natural Environment</b>	
Loss of green space	Paras 183 and 184
Loss of mature tree	Paras 183 and 184
Insufficient setback from the street	Para 188
Nothing compels applicant to replace the lost tree	Para 186

#### 4.2.2 Neutral comments

- 18 A number of comments relating to non-material planning considerations were also raised as follows:
- 19 A number of comments were received which were concerned with the removal of the tree and its roots on the neighbouring properties in terms of structural issues. Officers

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are satisfied that this is not a planning consideration and would be controlled by Building Control should any issues arise.

- 20 A number of comments were concerned with the proposed works to the Leegate Shopping Centre and how those proposals together with this scheme would cause significant disruption. Officers are satisfied that proposals to Leegate Shopping Centre are at an early stage and are unlikely to coincide with the proposed development.
- 21 A number of comments were received which objected to the proposal as it would block views, it is noted that the right to a view is not a material planning consideration in determining this application.
- 22 A number of comments were received regarding the impact on house prices from the loss of green space. The impact of proposed developments on house prices is not a material planning consideration and as such forms no part in this recommendation.
- 23 A number of comments were received which discusses Lewisham's draft Local Plan and that the proposed site would not be in accordance with this. Officers advise that the draft Local Plan has yet to go through Regulation 19 consultation, as such the draft plans are not afforded any weight in making planning decisions at this present moment.

### **4.3 LOCAL MEETING**

- 24 Due to the number of submissions received, a virtual Local Meeting was held on Wednesday 12 October 2022. The meeting was chaired by Councillor James Rathbone and attended by ten people. Notes from the Local Meeting are contained in Appendix 1 of this report.

### **4.4 INTERNAL CONSULTATION**

- 25 The following internal consultees were notified on 18 August 2022.
- 26 Highways: raised no objections. Subject to condition on front pavement being reinstated. See para 111 for further details.
- 27 Conservation: raised concerns. See paras 59, 92, 93 and 99 for further details.
- 28 Net Zero: raised no objections and praised the scheme. See para 163 for further details.
- 29 Ecological Regeneration: commended the biodiversity improvements. See para 176 for further details.
- 30 Building Control: no comments received.
- 31 Tree and Landscaping: raised concerns over the CAVAT value. See paras 184, 188 and 189 for further details.

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## **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).

33 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**

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

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

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### **5.3 NATIONAL POLICY & GUIDANCE**

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

### **5.4 DEVELOPMENT PLAN**

37 The Development Plan comprises:

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

### **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

38 Lewisham SPD:

#### **Is this report easy to understand?**

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

39 London Plan SPG/SPD:

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

## 6 PLANNING CONSIDERATIONS

40 The main issues are:

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

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

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

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

#### *Policy*

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

44 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial

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Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

- 45 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.
- 46 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 areas.
- 47 The Small Sites SPD (2021) states that any new development on street corners must achieve a high degree of design quality. These are typically locations suitable for distinctive buildings which are marginally taller than their neighbours.

#### *Discussion*

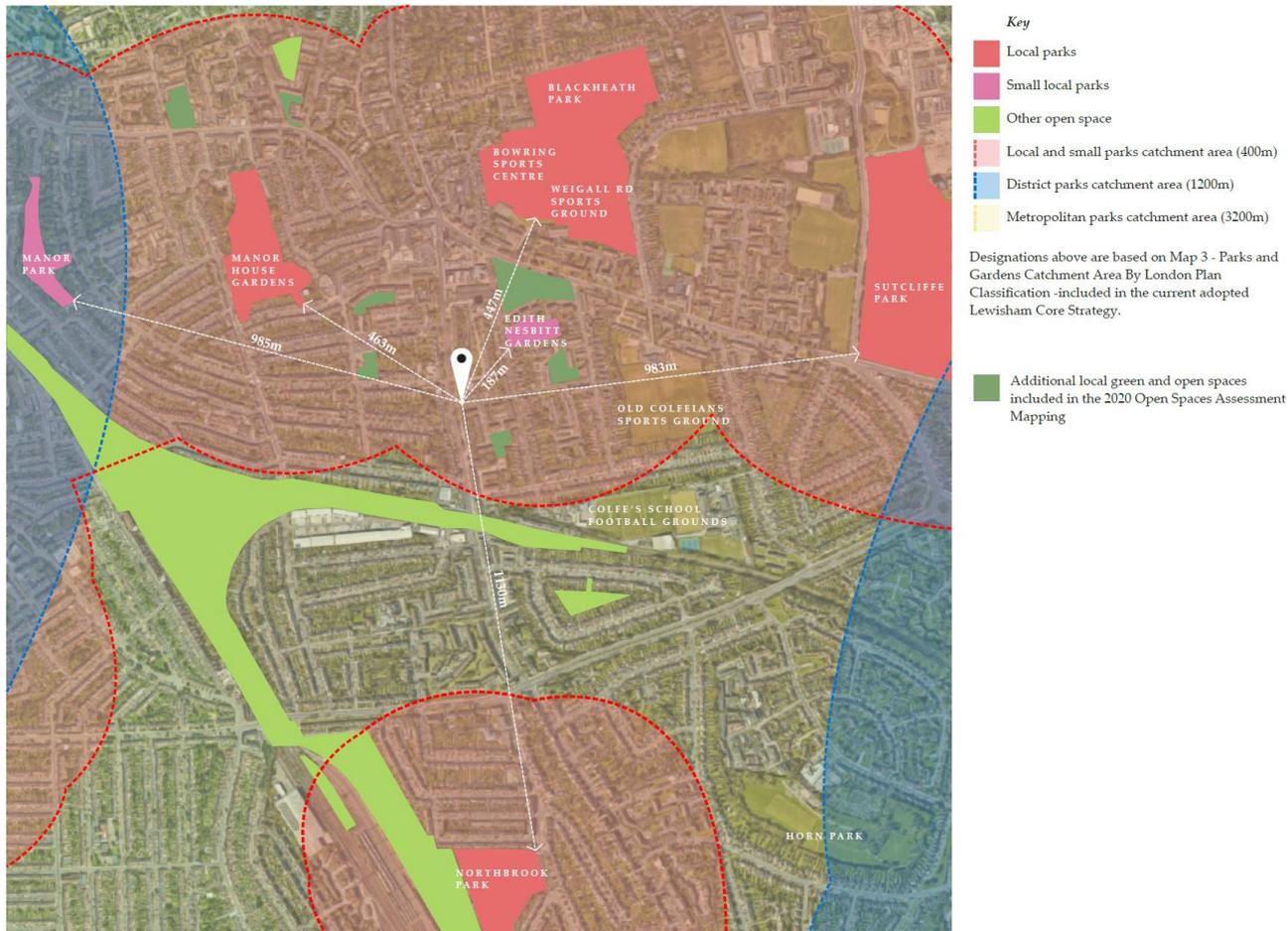
- 48 This area of Lee Green area is characterised by urban complex block typologies these areas feature a mix of flats and houses and tend to follow the traditional street grid system. New development on amenity areas, and non-garden areas within this typology should not seek to replicate this layout but should aim to re-introduce the positive elements of the urban terrace typology in ensuring clear legible routes, and well defined private and public spaces. The Characterisation Study states that there may be opportunities to redevelop the ends of blocks where these blocks face onto more significant corridors through the borough, which Officers believe the application site does.
- 49 While some sites do not always conform to one classification, the surrounding estate for this particular site also has characteristics of the low-rise free-form slab typology, and, as the Characterisation Study acknowledges, these areas provide opportunities for densification because their irregular block patterns often leave poorly defined spaces with areas of landscape and car parking.
- 50 Officers recognise that the application site is classified as amenity land according to DM Policy 33, it is worth noting that amenity land provides an important role in the borough and therefore should be considered carefully before putting it forward for development. The Small Sites SPD states that in order to develop these sites applicants will need to prove that the amenity function of the site is either no longer required or is oversupplied in the area and therefore not needed. The applicant has suggested in their submission that the land is not in regular use, while objections were received that questioned this assessment, Officers recognise that the application site is privately owned, is located on a street corner and has no public realm furniture on it which suggests this is not a space that it is regularly used as amenity space, however it does have some visual amenity. It should be highlighted that the application site is not the communal garden to Nos. 77-81 Burnt Ash Road, those dwellings have fairly large front and private rear gardens.
- 51 The site and surrounding neighbourhood are well served by recognised green spaces, small parks and local parks. The site is only 187m (a three minute walk) from Edith Nesbitt Gardens, a small local park with a playground. Other nearby parks are Manor House Gardens and the Bowring Sports Centre / Weigall Road Sports Ground, and the site is also within the catchment area of Blackheath Common. In the Open Spaces Assessment 2020 Mapping the site is within Metropolitan Park, Local Park, SBINC, SINC, and LEAP catchment areas. Officers consider that there is sufficient local amenity

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space which would offset the loss of this corner site and complies with policy in terms of the loss of amenity land.



**Figure 3 - Map of local green space and amenity space**

- 52 It would appear that the application site is amenity space that is the result of leftover space from the development of the 1960s estate to which No 81 belongs. The DMLP seeks to avoid new development leaving these spaces and considers them to be ambiguous spaces that are not well used, and in many cases are neglected unless they have been enclosed and privatised by residents.
- 53 While this does not mean that development on ambiguous amenity land is inevitably considered acceptable, nor would it create a precedent for future development. DM Policy 33 part D provides a basis for when development on amenity land would be acceptable; Officers do recognise that there are policy issues with this site being redeveloped with regards to the loss of amenity land.
- 54 Objections were also received which raised concerns that this land is not an allocated site and hence should not be developed on, while Officers note that this land is not allocated within the Council's adopted Local Plan this does not necessarily mean that non-site allocated land cannot be developed. The adoption of the Small Sites SPD was a direct result to London Plan Policy H2 which states that boroughs should increase the contribution of small sites in order to meet their housing targets.

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- 55 However, there is not an entirely strong argument for the retention of the site as amenity land given that the blank flank wall detracts from its utility as amenity land that contributes to the urban landscape.
- 56 The Small Sites SPD states where amenity function can be proven to be redundant – as demonstrated by Figure 3 - then applicants should identify the other characteristics of the site as most amenity sites will have characteristics of either infill or backland sites. Officers consider the proposed site has characteristics of corner infill development.
- 57 In February 2019 the Council declared a climate emergency and committed to make the borough carbon neutral by 2030. According to the carbon emissions baseline for Lewisham from the Department of Business Energy and Industrial Strategy published in 2019, domestic natural gas is the biggest cause of CO2 emissions in the borough. Officers therefore consider this proposal for a single family dwelling house which is net-zero and follows the passive-house principles, would be a clear planning merit, given the climate emergency we face. The proposals would include the appropriate measures to ensure it is a truly net-zero home and achieves passive-house standards and these would be secured by condition.
- 58 Having considered the material which has been provided Officers do not consider there to be one sole reason why development on the application site would be considered acceptable. Although, cumulatively it is believed that the package of measures provided would overcome the harm as a result of the loss of amenity land. This includes the provision of a number of replacement street trees and on-site trees, biodiversity enhancements, repairing the historic street frontage, the potential for additional natural surveillance and providing a genuine zero-carbon house.
- 59 Conservation Officers have raised concerns with the sites suitability for development in terms of DM Policy 33 part 1 and 2, however the Case Officer has come to a different conclusion when taking into account the overall package of measures this development would provide, as such Officers consider that this site is suitable for development and the proposal would be in accordance with DM Policy 33.

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

- 60 The principle of development is supported subject to details.

## **6.2 HOUSING**

- 61 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*

- 62 National and regional policy promotes the most efficient use of land.
- 63 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).

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### Discussion

- 64 The proposal would contribute one family sized dwelling which would contribute towards Lewisham's annual housing targets, although this contribution is small it is still given sufficient weight in the planning balance.
- 65 An objection was received which considered that the dwelling could be turned into a House of Multiple Occupancy (HMO), Officers are only able to make an assessment of an application based on the information submitted. The applicant has not submitted an application for a HMO, should they wish to do so in the future they would require separate planning permission for a larger HMO of more than 6-persons.

## 6.2.2 Residential Quality

### General Policy

- 66 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the 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).
- 67 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

- 68 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

#### Discussion

- 69 The standard of accommodation is acceptable, the table below sets out proposed dwelling sizes.

**Table 2: Internal space standards – proposed v target**

	<b>GIA (proposed (target))</b>	<b>Bedroom 1 (proposed (target))</b>	<b>Bedroom 2 (proposed (target))</b>	<b>Bedroom 3 (proposed (target))</b>	<b>Bedroom 4 (proposed (target))</b>	<b>Built-in storage (proposed (target))</b>	<b>Private Amenity Space (proposed (target))</b>
4b/8p	163.08 (130)	14.9 sqm (11.5)	18.7 sqm (11.5)	14.9 sqm (11.5)	18.7 sqm (11.5)	3.6 sqm (3.0)	79 (11)

- 70 The proposed development would meet the requirements of LPP D6 in terms of total floor space and storage space. All of the bedroom meets the 11.5 sqm area requirements of Table 3.1 of the London Plan and sufficient width to comply with Table

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3.1. All of the proposed rooms would have a minimum of 2.5m floor to ceiling height as required by LPP D6 (F) (8), no concerns are raised.

- 71 LPP D6 (F)(9) states that a minimum of 5sqm of private outdoor amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The proposed development would greatly exceed the required amount of amenity space by providing 79 sqm.

### ***Outlook & Privacy and Overheating***

#### *Policy*

- 72 DMP 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of design and construction to be achieved, including the avoidance of single-aspect units.
- 73 London Plan Policies D6 and SI4 seek to avoid internal overheating through design, materials, construction and operation of the development. The Mayor's Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems.
- 74 The Small Sites SPD (2021) notes that the architecture of small sites will often need to work harder to protect and achieve privacy and outlook of neighbours and at the same time provide adequate privacy and outlook to the new residents.

#### *Discussion*

- 75 The proposed development would be triple aspect and have good levels of outlook. Officers also consider that the triple aspect would provide adequate levels of passive ventilation and with it mitigation against overheating. The levels of overlooking would match that of the properties in this group of terraces. The proposed dwelling would be 15m from No.1 Dorville Road and 20m from No. 2 Dorville Road, Officers consider this a sufficient distance from neighbouring properties and as such will have adequate privacy.

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

#### *Policy*

- 76 DM Policy 32 (1) (b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

#### *Discussion*

- 77 Officers consider the daylight and sunlight levels would be acceptable. No assessment has been provided but it is not considered necessary for this scheme given its modest scale, triple aspect and end-of-terraced nature. The levels of daylight and sunlight would broadly match those available to the existing terraced properties in this group.

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

#### *Policy*

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- 78 The NPPF at paragraph 170 states decisions should among other things prevent new and existing development from contributing to being put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution. Development should help to improve local environmental conditions.
- 79 Paragraph 180 states that 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.
- 80 The objectives of the NPPF and NPPG are reflected in Core Strategy Objective 5 and DM Policy 26.

#### *Discussion*

- 81 The proposed development would be located amongst residential properties. As such, the proposed use is considered compatible with the surrounding area and no increase in noise beyond typical residential use is anticipated.

### **6.2.3 Housing conclusion**

- 82 The proposed dwelling would be a well-proportioned family sized house, although it is larger than the space standards of the London Plan Policy D6; the space standards are minimums which applicants are encouraged to exceed. Officers therefore consider the proposal would be a well-designed four bedroom family sized dwelling.

## **6.3 URBAN DESIGN & HERITAGE**

#### *General Policy*

- 83 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.
- 84 LPP D3 requires new development proposals to 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.
- 85 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 86 DMLP DM30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design. The Small Sites SPD is applicable.

#### *Heritage policy*

- 87 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

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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.

- 88 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.
- 89 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

#### *Discussion*

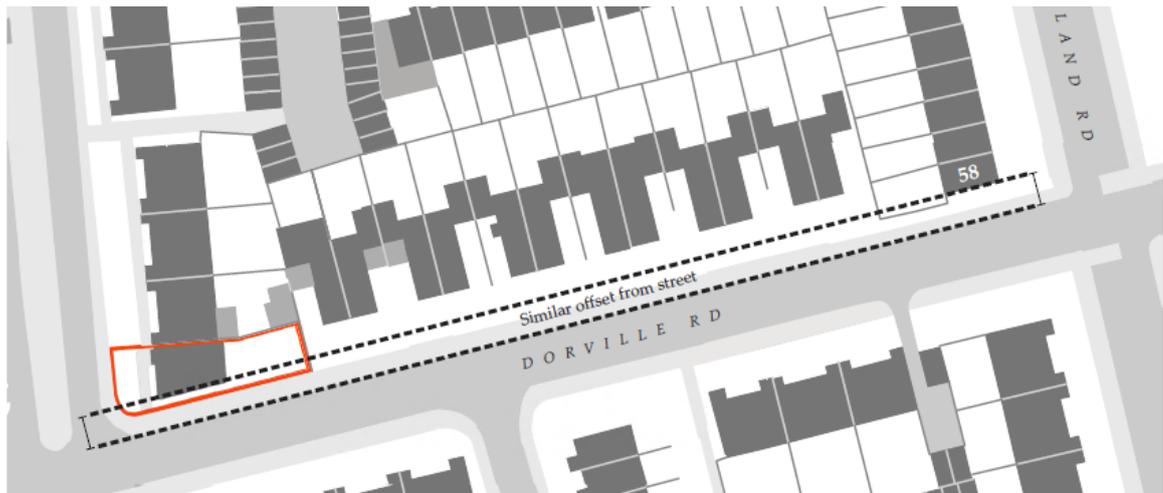
- 90 The proposed development would result in extending the existing group of terraced properties further to the south, which would reduce the grassed nature of this corner of Burnt Ash Road and Dorville Road. While the proposed dwelling would depart from the established 1960s estate design to which it would belong, Officers consider that the overall design would be of exceptional high quality and would echo the provisions of Section 28.1 of the Small Sites SPD which states any new development on street corners must achieve a high degree of design quality and are suitable for distinctive buildings which are marginally taller than their neighbours. Officers do not consider the development would result in an over-development of the site given the existing terraced dwellings to which this be adjoined to.
- 91 Prior to its 1960s reconstruction, buildings on the east side of Burnt Ash Road had a similar relationship to the primary and secondary streets as those on the west side, which can largely still be seen today. That is, the primary frontage (on Burnt Ash Rd) generally extended to the back of pavement line of the secondary street (Handen Rd, Micheldever Rd, Dorville Rd etc.). Officers consider that approach maximises the continuity of frontage on the primary street, but has been undermined by the street layout of the 1960s estate, which often presents blank flank walls to the primary street and leaves ambiguous space on prominent street corners, creating areas of weakness where markers would otherwise be expected. The proposed development attempts to ameliorate some of the above harms; the existing southern elevation is a blank flank wall which does not contribute to active surveillance, while the proposal would include adequate windows to contribute towards active surveillance and also optimise the solar efficiency of the proposed dwelling.
- 92 While Officers do recognise that there would be a loss to a certain degree of the existing open space which could have an impact on local distinctness as suggested by Conservation Officers this harm is mitigated by the creation of a distinctive building which would provide adequate biodiversity enhancements and also create a net-zero home; this has been previously addressed in Section 6.1.
- 93 Conservation Officers raised concerns that the proposed scheme would not be in accordance with DM Policy 30 5 d in terms of the proposed buildings alignment to the existing street. Given the proposed dwelling would break the building line at this part of Dorville Road (see Figure 4), Officers consider it is necessary to follow the building line at the other end of Dorville Road with Leyland Road. The proposal would follow this building line and would have a similar set in from the pavement as No. 58 Leyland Road. This would help to better connect the proposed dwelling with the properties along

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Dorville Road. In assessing this application Officers do not consider that the proposal would not be in accordance with DM Policy 30 5 d.



**Figure 4 – Block plan demonstrating the set in from the street**

- 94 Officers did raise concerns during the course of this application that the rooftop structure would be too heavy on top of the building and was an unresolved part of the design. As a consequence of negotiation the applicant has omitted this from their design, while this would reduce the proposed dwellings height and reduce its ability to be a way finder corner property it would lead to a better overall design.
- 95 The material palette is of a very high quality which has been carefully considered to visually relate to the surrounding context whilst also allowing for a simple, high performance building fabric. The use of red brick slips would match the materials of the Burnt Ash Road 1960s terrace, the use of brick slips over conventional bricks would enable for a better building envelope which is more efficient and allow for the bricks to be orientated in a unique way allows for the creation of branching patterns in the brickwork, representing the trees of Burnt Ash Road. The patterns vary storey by storey, to create a clear bottom, middle and top to the facade. The proposed windows and shutters would be constructed out of aluminium and would offer a high quality finish to the dwelling.
- 96 A condition is recommended securing the final details of the materials and detailing in order to ensure that finished buildings would be high quality.
- 97 While Officers recognise that the scheme would be of differing proportions to the terrace to which it would become part of, the proposed 3-storeys would be similar to buildings on the west side of Burnt Ash Road and represents less than half a storey increase compared to the ridge height of the neighbouring buildings on the east side of Burnt Ash Road, which are three storeys with pitched roofs. This small step up in height on a corner site is in keeping with the guidance of the Lewisham Small Sites SPD.
- 98 The scale of the proposed development would be such that it is necessary to consider its impact on the setting of the Lee Manor Conservation Area. It is noted that there are no listed buildings in the close proximity of the application site.
- 99 Conservation Officers consider that the proposal could cause less than significant harm to the conservation area, to the lower end of the scale, due to the positive contribution of the screen of trees along Burnt Ash which reduce the views across the road. However

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the Case Officer has come to a different conclusion, given that the proposal would include the provision of three on-site trees that would over time mature and will mitigate this harm, Conservation Officers had noted that more carefully place tree planning might mitigate this visual harm. This could be secured by way of planning condition on soft landscaping, as such Officers instead consider that the current proposal would lead to no harm to the Lee Manor Conservation Area.

- 100 The addition of the proposed dwelling would result in a significant reduction in open space and a mature tree at the site. This loss is regrettable but is necessary to deliver this development and provide an additional dwelling towards Lewisham's annual housing targets and provide a net-zero dwelling which would help Lewisham achieve its target of being net-zero by 2030. The remaining areas of open space would be landscaped. This would include the areas surrounding the residential building and the garden to the rear of the dwelling.
- 101 To the front of the property would be an additional street tree which would be secured by condition, to the front and side would be an area of soft landscaping and climbers on the building's mesh. Hedges and shrubbery would be planted along the side boundary. The soft landscaping scheme also proposes the addition of 3 trees to be planted at various locations around the site. Officers are satisfied that the proposed planting is the maximum the site can accommodate taking into account the sites size. The final details of the soft landscaping will be secured by condition.
- 102 The proposed mesh to the south elevation and corners of the east and west elevation which would provide a framework for planting to the south elevation. It has the dual purpose of providing extra privacy and helping to regulate internal temperature in the summer by providing additional shade. The pattern of the wire mesh will follow the outline of a tree so that the proposed planting will follow a certain shape, the applicant has provided examples of where this has been successful previously, see Figure 5.



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## Figure 5 - corner of Putney Hill and Carlton Drive with mesh planting (2022)

### *Summary*

- 103 Officers, having regard to the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of the Lee Manor Conservation Area.
- 104 The proposed residential building would respond positively and sensitively to their context in terms to their scale, massing, materials and design. Officers consider the proposed design to be of an exceptional standard which would create a bookend to this group of terraced properties.

## **6.4 TRANSPORT IMPACT**

### *General policy*

- 105 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 106 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”.
- 107 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 108 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### **6.4.1 Local Transport Network**

#### *Policy*

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

#### *Discussion*

- 110 The application site has a PTAL rating of 3 which is an average level of public transport accessibility. Officers are satisfied that the modest scale of development would prevent the need for any mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

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111 The applicant also proposes re-laying the footway that fronts the dwelling. The applicant is advised to seek permission from the Borough's highway authority to undertake these works.

#### **6.4.2 Servicing and refuse**

##### *Policy*

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

113 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.

114 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*

115 The proposed provision of one refuse bin, one recycling bin and one optional garden waste bin all of 240 litre size together with a food caddy, would be located at the rear of the property, Officers raise no objection subject to further details secured by condition.

116 Officers note that existing access arrangements to the rear of the properties at Nos. 77 to 81 will be maintained by a path from Dorville Road to the existing gate at the rear.

117 Highway Officers raise no concerns in terms of sightlines out of Dorville Road, vehicles at the junction with Dorville Road would have the same sightlines as there were previously.

#### **6.4.3 Transport modes**

##### ***Cycling and walking***

##### *Policy*

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

119 Secure cycle parking should be provided at the site in line with the London Plan (2021) and London Plan Housing Supplementary Planning Guidance (2016) standards 20 and 21 which state the following:

- Standard 20 (Policy 6.9) - All developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed 2 per all other dwellings.
- Standard 21 - Individual or communal cycle storage outside the home should be secure, sheltered (weatherproof) and adequately lit, with convenient access to the street. Cycle storage identified in habitable rooms or on balconies will not be considered acceptable.

##### *Discussion*

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- 120 Two cycle parking spaces are required. Cycle storage with the potential to store two cycle parking spaces would be located in the rear garden of the proposed house, with access also provided from a side gate. The proposed site block plan suggests the proposed cycle storage would be covered with a biodiverse living roof, no further details were provided at this stage. As such, a condition is recommended for the submission of full details of the cycle storage to be approved in writing by the Council ahead of first occupation.
- 121 Officers do not consider the proposal would have any impact on the way pedestrians are able to walk, it would not result in the removal of any paths or extend out to the paths which would create a poor pedestrian network. While Officers recognise that it would stop pedestrians from walking through the site as a shortcut, however given the private ownership of the site and that there are no footpaths on site Officers raise no concerns with the way it could impact pedestrians.

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

#### *Policy*

- 122 LPP 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. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

#### *Discussion*

- 123 No off street parking is proposed. No off-street parking is currently provided by the site at present. The application site has a PTAL rating of 3. Table 10.3 of the London Plan sets out that all new residential developments in inner London locations with a PTAL rating of 4 should be car free. Given the application site is located wholly within PTAL 3, the proposed car free development is considered compliant with Table 10.3 of the London Plan and acceptable. Officers consider given the scale of development there is sufficient capacity of on-street parking to accommodate one additional dwelling.

## **6.4.4 Transport impact conclusion**

- 124 The construction of a single dwelling raises no highway concerns. However, the applicant is required to apply for an appropriate highway licence to undertake the proposed footway improvements.

## **6.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 125 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 183 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 126 The NPPF at para 174(e) states that planning 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,

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unacceptable levels of soil, air, water or noise pollution or land instability. 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.

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

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

129 Further guidance is given in the London Plan Housing SPG 2017.

### **6.5.1 Enclosure, Outlook and Privacy**

#### *Policy*

130 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

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

132 DMP 32 expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its neighbours.

133 Section 12 of the Small Sites SPD provides design principles to ensure neighbouring amenity is protected.

#### *Discussion*

134 At present, the application site comprises of an open grassed area with a mature walnut tree in the centre, the proposed three-storey house style one would have an eaves height of between 6.82m and 7.6m.

135 Given the separation distance between the proposed units and the neighbouring properties along Dorville Road, there would be a minimum of 15m between the two closest properties (No. 1 Dorville Road) and 20m (No. 2 Dorville Road). The distances are therefore below the 21m recommended by DMP 32. However, the Small Sites SPD adopted in October 2021 updates the recommended minimum distances to 16m.

136 Although the proposed distances between the application property and No. 1 would be marginally below the 16m guidance contained within the Small Sites SPD, Officers note that this would be a similar relationship as between the existing property at No. 81 Burnt Ash Road and No. 1 Dorville Road which also have a 15m separation distance. It should also be stated that the views from the rear of the proposed dwelling would be towards the flank elevation of No. 1 Dorville Road and the main primary aspect is north-south so the main windows of No. 1 would face away from the development site. Officers do not consider the proposed development would give rise to an overbearing appearance or sense of enclosure.

#### *Discussion*

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137 Overall given this development is in accordance with the Small Sites SPD Officers are not concerned it would give rise to loss of amenity.

## 6.5.2 Daylight and Sunlight

### *Policy*

138 The NPPF does not express particular standards for daylight and sunlight.

139 DMP 32 expects new developments to provide a 'satisfactory level' of natural lighting for its neighbours.

### *Discussion*

140 Although concerns were raised by objectors that the proposed dwelling does not respect the established building line of Nos. 77 to 81 Burnt Ash Road, Officers are not concerned that this would reduce the sunlight and daylight of these properties as the existing terraces further along Burnt Ash Road follow a similar step-out and step-back from each group which is not considered to result in any harm to those properties. The most likely property to be impacted by the proposals would be No. 81, the applicant has shown the 45-degree test applied to the neighbouring window which shows the proposed dwelling would not breach this test.

141 Comments were also concerned with the impact in terms of sunlight and daylight to No. 1 Dorville Road, it should be noted that the proposed dwelling would have a similar relationship to No. 1 as the existing terraced properties and give the front elevation of No. 1 is south facing it is unlikely to cause any issues with overshadowing. It should also be stated that the views from the rear of the proposed dwelling would be towards the flank elevation of No. 1 Dorville Road and the main primary aspect is north-south so the main windows of No. 1 would face away from the development site as such no issues with overshadowing should arise.

## 6.5.3 Noise and disturbance

### *Policy*

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

### *Discussion*

143 The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of construction work are covered by legislation.

## 6.5.4 Impact on neighbours conclusion

144 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified

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## 6.6 SUSTAINABLE DEVELOPMENT

### *General Policy*

- 145 Paragraph 153 of the NPPF requires local planning authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long term implications of flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change measures.
- 146 CS objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this.

### ***Living roofs***

#### *Policy*

- 147 There is no specific Local Plan policy which requires the installation of a living roof on minor developments such as the proposed scheme, although CSP12 promotes the use of living roofs and DMP 24 adds to the approach by detailing measures to ensure provision is of appropriate quality.

#### *Discussion*

- 148 The proposed development would include the provision of an intensive biodiverse living roof on the cycle and refuse stores, which details would be secured by way of condition as part of the soft landscaping condition.
- 149 The Council's Tree Officer suggested that the applicant should include the provision of a living roof to the main host property, Officers consulted with the applicant who agreed to the provision of a green roof condition to the proposed building, albeit not a requirement of planning policy. Also, it should be noted that there will be significant improvements in terms of biodiversity improvements such as provision of additional hedges, living roof to cycle/refuse store, climbing plants to the south elevation, three on-site replacement trees and financial contributions towards the provision of street trees in the local area.

### ***Carbon Reductions and Net Zero***

#### *Policy*

- 150 CSP 8 seeks to minimise carbon dioxide (CO<sub>2</sub>) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 151 DMP 22 requires all development to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy

#### *Discussion*

- 152 A sustainability statement dated July 2022 was submitted in support of this application which detailed the sustainability goals of the development and principle that the design of the dwelling will use passive design to minimise heat loss in winter, maximise solar gain and reduce summer overheating. This is accomplished by optimising orientation,

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form, layout, building fabric and shading devices first, before looking at the most efficient building services strategy possible, and then finally at the on-site energy generation capacity needed.

- 153 According to the statement the site is ideally oriented for passive solar design. It is longer in its east-west axis than in the north-south axis, allowing for a large south-facing elevation with short east and west-facing elevations. This will allow for the maximum amount of solar gain in winter, whilst helping to reduce overheating in summer when the east and west elevations would receive more sunlight.
- 154 To maximise solar gains the south-elevation has the highest glazing ratio of the three exposed elevations, at 24%, while the east elevation is limited to 15% and the west elevation to 14%, all ratios in line with LETI guidance. The north elevation, being directly adjacent to the neighbouring building, has no glazing.
- 155 Building form has also been considered in the design of the dwelling to ensure an efficient form limits the amount of heat that can be transmitted through the building fabric, and therefore reduces the amount of energy that needs to be used for heating or cooling. The form factor, which is the ratio of the internal floor area to the exposed external surface of the proposed building, is 2.4, in line with LETI guidance of 1.7-2.5. The surface to volume ratio (SVR), another measure of efficiency, is 0.56, which compares well with a typical family house with a ratio of 0.8 to 1.0, and is similar to the efficient neighbouring blocks of flats on Burnt Ash Road and Dorville Road, with SVRs of approximately 0.53.
- 156 With a high level of insulation and air-tightness, and high south-facing glazing ratio, the passive design features that help keep the house warm in winter has the potential to lead to overheating in summer without the use of some form of shading. The proposed scheme includes both shutters, which provide operable solar control, and the green wall, which will provide natural, seasonal shading.
- 157 The shutters would allow for the complete blocking of sunlight on the hottest days, if necessary, but with hinges and adjustable slats a high level of partial shading is also possible, to suit the conditions. They can be opened or closed to follow the movement of the sun, blocking sunlight as needed or being opened to allow daylight in. Importantly, shutters also allow for windows to be kept open through the night whilst still maintaining a measure of security, for night-time cooling during the summer. Further details of the shutters will be secured by way of condition.
- 158 The climbing plants of the green wall, being a natural element and to a degree 'uncontrollable', as well as taking a number of years to fully grow, were not taken into account during simulations. However, once in place they should also have a positive effect on internal temperatures and allow for more summer days in which the south-facing shutters can be kept open for longer.
- 159 The proposed building would use mechanical ventilation with heat recovery (MVHR), which could recover more than 90% of the heat from outgoing air, which combined with the high levels of insulation and airtightness, means that very little additional heat will have to be introduced to ensure comfortable internal temperatures.
- 160 It is proposed that any additional heat needed to bring indoor temperatures up to a comfortable level will be supplied by an air source heat pump, which are typically capable of outputting at least 2.8 times as much heat energy as the electrical energy they use. The ASHP will also be used to supply heat for domestic hot water.

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- 161 Other interventions which is likely to result in a net-zero dwelling would be the use of LED lights, highly efficient electrical goods and smart meters.
- 162 The proposal would also result in the provision of a small 12 panel, 4kWp solar array, which, based on the average annual solar radiation in Lewisham, should generate approx. 4mWh of electricity per year according to the statement submitted. The statement considers that the proposed solar PV array would provide enough electricity to power the dwelling without relying on the national grid for additional electricity.
- 163 The Council's Net Zero Manager has reviewed the application and considers it to be ambitious scheme within Lewisham, they consider the submitted information to be accurate and would achieve the net-zero and sustainability goals.
- 164 An objection was received which considered the removal of the mature tree would reduce the mitigating effects in terms of exhaust fumes and traffic noise. While Officers recognise that the existing tree helps to provide some mitigation for environmental factors, given the number of environmental and sustainability measures incorporated into this scheme it is likely the proposal would not lead to a worsening of the existing situation.
- 165 Details of the Solar PV array and ASHP will be secured by way of condition to ensure they installed and have an acceptable impact on neighbouring amenity given the potential for noise from ASHPs.
- 166 Officers give significant weight to the provision of a truly net-zero operating and sustainable dwelling within Lewisham, the proposal is admirable in its sustainability goals and sufficient weight should be given to this given the difficulty in securing these enhancements for single dwelling schemes.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

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

### **6.7.1 Ecology and biodiversity**

#### *Policy*

- 170 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.
- 171 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more

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resilient to current and future pressures. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

172 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.

173 CSP 12 seeks to preserve or enhance local biodiversity.

174 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

175 The NPPF and the LPP G6 state that development proposals should aim to contribute a net gain in biodiversity, given the scale of development is considered minor many of the policy triggers in terms of biodiversity net gain are not triggered. However, the applicant has considered it with their application to ensure that the scheme provides a development that contributes to the biodiversity of Lee and the wider area.

176 The Council's Ecologist welcomes that Urban Greening Factor and Biodiversity Net Gain calculations as well as biodiversity enhancements have been considered in this application. A number of enhancements have been included in this development to help maintain and improve the UGF on site, such as swift bricks, native hedge, wildlife-friendly planting, green wall, green roof to the cycle store and dwelling, hedgehog highways. These biodiversity enhancements will be secured by condition and where necessary details of their maintenance will also be conditioned.

177 A soft landscaping condition will also secure the landscaping strategy to the site to ensure a development which is of a high quality design and provides sufficient soft landscaping.

### **6.7.2 Trees and soft landscaping**

#### *Policy*

178 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.

179 At paragraph 131 the NPPF is clear that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. At para 174 the NPPF expects development to contribute to and enhance the natural and local environment.

180 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.

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

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182 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

*Discussion*

183 An Arboricultural Impact Assessment (AIA) (MMArboriculture, February 2022) has been submitted in support of the application. The AIA includes a tree survey, which documents that there is only one individual tree on the site. The identified walnut tree is identified as being Category B. The AIA identifies that it would be necessary to remove the walnut trees (T001) to facilitate the construction of the development.

184 The Tree Officer has raised concerns with the CAVAT value the applicants AIA had calculated, this was incorrectly valued at £24,227 due to using the incorrect Community Tree Index Factor for Lewisham. As a result, the Tree Officer has calculated the CAVAT valuation for the tree to be removed as £42,397, see Table 1 below. The removal of the tree is regrettable but unavoidable and therefore on balance considered justified given the provision of a family sized dwelling and the fact that the dwelling will be net-zero in carbon emissions once constructed as already outlined in Section 6.6.

185 Officers recognise that to provide a financial contribution of £42,397 for the provision of off-site trees would not be commensurate to the scale of development, as such Officers have negotiated a financial contribution of £9,000 for off-site street trees within the local vicinity. Officers consider that the proposed financial contributions would meet the three tests as set out by the NPPF; it would be necessary in order to make the development acceptable given the loss of mature tree, it relates to the proposed development as it would contribute towards street trees in the area and the £9,000 contribution would fairly and reasonably related in scale and kind to the development.

**Table 1 CAVAT valuation of the trees to be removed**

<b>Tree</b>	<b>Species</b>	<b>Height (m)</b>	<b>Category</b>	<b>Value (£)</b>
T001	Walnut	8	B1	42,397
<b>Total</b>				<b>42,397</b>

186 While Officers do recognise that the tree has value to the local community given the number of objections received regarding the tree, it is considered that a planning condition for the three replacement on-site trees and the financial contribution of £9,000 for replacement street trees would sufficiently off-set the loss of this tree.

187 Discussions with the Council's Green Scene and Street Trees have been successful in identifying locations along Dorville Road for the planting of circa 10no trees which would off-set the loss of the on-site walnut tree.

188 While Tree Officers suggested that the proposed rear garden trees should be closer to the boundary of Dorville Road, this had been discussed with the applicant and they agreed to revise the location of the trees closer to Dorville Road where possible. Officers are satisfied that the exact location of the rear garden trees can be left to condition.

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189 Tree Officers did raise concerns over the effectiveness of the green wall mesh and requested precedents in London, which the applicant provided. The specific design of the mesh and the types of plants used to climb up it can be secured by way of condition.

### 6.7.3 AIR QUALITY

#### *Policy*

190 NPPF para 174 states that decisions should among other things prevent new and existing development from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being.

191 LPP SI1 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.

192 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

193 Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

194 The site is located in an Air Quality Management Area. It is also modest in scale and benefits from triple aspect windows. For these reasons it is not considered to materially worsen existing air quality nor expose new sensitive receptors to unacceptable air quality impacts.

### 6.7.4 Natural Environment conclusion

195 The proposal is acceptable in terms of Natural Environment, subject to conditions and financial contribution.

## 7 LOCAL FINANCE CONSIDERATIONS

196 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).

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

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198 The CIL is therefore a material consideration.

199 £11,415.60 Lewisham CIL and £9,784.80 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

200 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.

201 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.

202 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.

203 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>

204 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

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205 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>

206 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

207 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

208 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.

209 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.

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

## 10 LEGAL AGREEMENT

211 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

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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

212 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.

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

***Monitoring and Costs***

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

***Financial Contribution***

- To pay a financial contribution of £9,000 (index linked to RPI) for replacement trees and their maintenance in the local area prior to commencement of development

214 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**

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

216 The proposed development would be an exceptionally high quality dwelling which would contribute towards local targets which carries weight within the overall planning balance. The impacts to the local transport network are acceptable and would not require any mitigation. Officers have not identified any adverse impacts to neighbouring properties which would need to mitigate against.

217 Finally, while the proposal would result in the loss of an open space on the corner of Burnt Ash Road and Dorville Road and a mature walnut tree, these harms are balanced by the provision of a net-zero dwelling and the provision of three on-site replacement trees and a financial contribution of £9,000 for street trees within the local vicinity.

218 Therefore, subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and would accord with the Development Plan.

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## 12 RECOMMENDATION

219 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement in the terms set out in Section 10 and to the following conditions and informatives:

### 12.1 CONDITIONS

1) **Full Planning Permission Time Limit**

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

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

2) **Approved Plans**

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

001; 101; 102; 111; 112; 113; 121 (Received 02 August 2022)

Aboricultural Impact Assessment and Method Statement (MMArboriculture date 08/02/22); Design and Access Statement; Planning Statement; Sustainability Statement (Received 16 September 2022)

201; 202; 203; 204; 205; 206; 207; 208; 211; 212; 213; 214; 215; 216; 221; 222 (Received 21 September 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) **Construction Management Plan**

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

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

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- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
- (g) Details of the construction hours and activity

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

4) **Architectural Details**

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at an appropriate scale showing windows and door reveals, building and roof junctions, external shutters and external mesh, sections of the brick slips and details of their fitting to the main facade 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.

5) **Materials**

No development above ground shall commence on site until a detailed schedule and specification and on-site samples of all external materials and finishes, windows and external doors to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6) **Air Source Heat Pump**

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

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- (b) Details of the proposed air source heat pump and how it complies with paragraph (a) shall be submitted to and approved in writing by the LPA prior to the commencement of any above ground works.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

7) **Cycle Store**

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

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

8) **Hard Landscaping**

- (a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

9) **Refuse Store**

- (a) Prior to first occupation details of proposals for the storage of refuse and recycling facilities for the unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban

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design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

10) **Soft Landscaping**

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

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

11) **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 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).

12) **Biodiversity Enhancements**

Details of the number and location of the integrated bird/bat boxes/hedgehog highway 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 above ground works and shall be installed before occupation of the building and maintained in perpetuity.

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

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13) **External Pipework**

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 rainwater pipes, shall be fixed on the external faces of the building.

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

14) **Satellite Dishes**

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

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

15) **Use of Flat Roof**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

16) **Solar Panels**

(a) Details of the proposed solar panels shall be submitted to and approved in writing by the LPA prior to the commencement of any above ground works.

(b) The solar 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 comply with Policy SI 2 Minimising greenhouse gas emissions and Policy SI 3 Energy Infrastructure in the London Plan (2021) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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17) **Net-Zero Provisions**

The residential unit hereby approved shall be built in accordance with recommendations set out in the Sustainability Statement dated July 2022.

**Reason:** To comply with Policy SI 2 Minimising greenhouse gas emissions and Policy SI 3 Energy Infrastructure in the London Plan (2021) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

18) **Biodiverse Living Roof**

(a) Notwithstanding there hereby approved roof plan, prior to the above ground works, details of the hereby approved a biodiverse living roofs with a settled substrate depth of average not less than 133mm shall be submitted to and approved in writing by the local planning authority and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

## 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) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 3) 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 [CII@lewisham.gov.uk](mailto:CII@lewisham.gov.uk).
- 4) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the

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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>

## 13 BACKGROUND PAPERS

- (a) Submission drawings
- (b) Submission technical reports and documents
- (c) Statutory consultee responses

## 14 REPORT AUTHOR AND CONTACT

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## 15 APPENDIX 1 – LOCAL MEETING NOTES 12/10/2022

### **Councillor Rathbone**

Welcomes participants to the meeting and explains running order for the night.

### **Thomas Simnett**

Planning Officer introduces himself and firstly apologies for the erroneous email which was sent out to people that contained other peoples emails. Kindly asked everyone to delete the email. Moved on to introduce the scheme and explain the Council is only able to answer procedural questions and not give an opinion on the scheme.

### **Adam Johnston**

Everybody. I'm Adam and we're all here on this call because I'm proposing to self-build a new house on the corner of Burnt Ash Rd in Dorville Rd. So yes, I am the applicant, I'm also the designer, and the building is intended to be my home. I've lived in London for around 20 years, over 20 years now all over London, and most recently I've moved to Lee, so I'm pretty close to Burnt Ash Rd these days. I worked in architecture for Over 15 years and for a lot of that. I was looking for a slight which I could design and build a home for myself. I went through over 70 potential sites including ones that were up for auction, ones are being sold by estate agents and so on before I found this one and I found it just by walking past it and then looking at who owned it and writing them and said are you interested in potentially selling it to me? So that's me, about me and about how I found the site. Should I keep going? I can sort of move on to more of a presentation, just explain the scheme a bit.

### **Cllr Rathbone**

Cheers. Thanks, Adam. Um, yeah, if you could do that, Adam, you've got about 5 minutes in total. So if you could just explain the application a bit, particularly any changes which have been made to it since people might have put in their original objections.

### **Adam Johnston**

Applicant shares screen showing Design and Access Statement.

So this is the site in this drawing. This is burnt ash Rd. This is Doraville Rd. North is up. So if you keep going up the road this way, you head towards the league centre and going down that way to the train station. Uh, so the site is part of the freehold of this neighbouring block 77 to 81. The freehold of that block is owned by a company and the land was offered to all the leaseholders in the block, none of whom wanted to purchase it. Before I could sort of make a formal approach to the owner or do a deal with the owner, I don't own this site yet. What I have is an option to buy it.

So for an update on the project as Councillor Rathbone was saying, it has changed since I first submitted it because soon after I submitted the application originally offers a contacted me and then explained that while they supported most aspects of the design principle, they had issues with the design of the top floor which is here on the left image. So this left image is as it was when I submitted it.

The issues would take too long to resolve. As you know, we're back and forth of design studies and so on within the lifetime of the application. So they advised I should just admit it and continue the application with the House at three stories instead, which is what I've done. So getting the design on the top floor right was in discussion with the officers subject of a whole different discussion and application. So the application now is simply to what we see on the right hand image. A three Storey house and all the updated drawings are available on the Council website.

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So here is the sort of latest image of what it looks like if you're standing at the corner of the interaction doorbell looking north.

So moving on to the plan, the plans are very simple. The ground floor is the main living area and we've got a front door here onto burnt ash. Rd follows the pattern for the front doors of the neighbouring blocks, so this is 81 and so on up here. So following that pattern of where the door is, and we have a garden at the rear which is also following the same pattern. And then there's a door out from the kitchen and then we can see we have these windows here facing south. On the Doraville road and then as you go up, it's quite simple.

We just got bedrooms on the upper floors. Each floor has two bedrooms and some storage and a bathroom. And now here we have the roof where instead there was going to be another floor before and that roof is for the solar panels and they'll be an access hatch to get up there for maintenance and then space replanting for the plants that will go in the green wall trellis.

And so the landscape design was quite a focus of this application for me too. I'm going to put in two new trees in the rear garden and the new tree to the front as well. The existing hedge on the rear is going to be retained. And I'm also proposing to plant new hedges around the edges as well as a lot of flowering perennial shrubs around the borders and then plants that will climb up the. Climbing wall trellis as well.

This is what it looks like in elevation, so we're looking at the three exposed sides of the building here. The West this faces burnt Ash Rd, the South is face adorable road and the east this is the rear faces the garden. And so here you can see the front door. I'm going to go onto the next page. This is a more realistic view of what that main House elevation looks like, and you can see the sort of entrance door they're popping out just like the neighbours and so on.

And then this is a realistic view of the South elevation, where you can see the trellis that goes all the way full height from the ground to the top parapet, which the plants will climb up from the ground or climb down from the roof.

So this is just these diagrams here are just trying to summarise the goals I had when I started the project, which were aimed at making a contribution to the biggest environmental problems that we've got today.

So the first one is climate change and the second one was loss of biodiversity to address climate change and designed the building to be net zero carbon in operation. That means the energy needed to run the building to heat it lighter and cool it and so on. That can also be supplied by energy generated by the building, so it balances out to be. Net zero in use, and to do that we've got to provide high levels of insulation, air tightness to be able to have the right amount of glazing glass on the SW, the East and the West. They will control how much sun gets in in the summer so you don't have to cool it because of overheating and so on.

So to address the loss of biodiversity, well, that was about putting in place more and better habitat on the site than exists now. And that's through the landscape design that I showed you, particularly the hedges, the flowering shrubs that support bees and other pollinators. And all the species that I'm proposing in the garden are supported by the RHS as either drought resistant or plants for pollinators or sort of RHS.

Recommended clients for their ability to grow in difficult conditions and some of them are all three. So you can see any of these plants that has little yellow symbol next to it. That's a plant that's good for pollinators recommended by the RHS. So the landscape design is going to improve the urban greening factor by about 1/3. And urban greening factor is a score that's used in London to evaluate the quality and the quantity of urban greenery. So my proposals will improve the.

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The amount of greenery and the quality of it, and there's a 20% gain in habitat unit, so there's 20% more habitat for birds and insects and so on site after the design, even including the house. And then there is right now. And all that contributes to supporting wildlife, helping deal with rainwater, cleaning the air and so on.

So that's the real summary of the project as it is now, why it is the way it is, and I thought I could then briefly touch on some of the points that people might be more interested in. I put this together before I had heard of any of the questions, so we can go into more detail later. I'll touch on it quickly.

So firstly that people might be worried about overlooking so the new building is 20 metres away from 2 to 24 Dorville Rd on the other side. And that's above the Council's recommended minimum distance of 16 metres for a good level of privacy.

And when it comes to sunlight, um. Well the building is to the north of to the 24 Dorville Rd, so it has no impact on saying it can't overshadow because the sun is always going to be E South or West.

Because it backs up against the neighbouring building to the north and that wall is blank flank wall and the windows and it doesn't affect the sunlight into this building either. When it comes to daylight, the designer originally submitted with the four stories, assessed the daylight impact of that, and had improved around their effect.

### **Cllr Rathbone**

And you just start wrapping up Adam, you're okay time, sorry.

### **Adam Johnston**

Well, I think, yeah, the only other thing to say is that it's unfortunate that I'll be proposing to remove the tree, but it will be planting new trees to compensate for it. And I can go into that in more detail if the questions bring it up. Thank you very much.

### **Cllr Rathbone**

That guy. Thank you, Adam. Officers have received a total of 15 questions in advance of the meeting. Thomas is going to go through them one by one reading them out for the record. If you could then answer them Madam. And once we've got through these, we'll then take additional questions from the chat if and when we receive them.

### **Thomas Simnett**

Thank you Chair.

And the first two questions I think have already been addressed, but for the process of making sure it's clear that ramps and all questions, I'll just ask them anyway and you can add to it if you want.

First question is does the applicant own the land and as the Land Registry title shows, the ownership being given the name of Barcel Limited and the applicant is not listed as the owner.

### **Adam Johnston**

Yeah, so as I explained, I'm not the owner yet. I've just done a deal with the owner that would allow me to purchase it in the future. Um, I was a little bit confused about Barsel limited. It made me wonder if the that questioner was looking at a different site because I just. I double checked prior to this meeting on Land Registry, there are two freehold titles associated with this site.

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One of them is a freehold that covers the entire estate, which has then been had other freeholders taken out of it. That first freehold is not Barcelo limited. Um, the second freehold, which is the one that was subsequently sold on to the owner who I contacted. That's not barcel limited either. Um. So hopefully seeing that aerial view I posted earlier clears up exactly where the site is. It's not parcel limited and the question about being offered to the existing leaseholders. Uh, yes, that was that was done the by the.

Freeholder themselves, they hired a solicitor to approach every one of the leaseholders that have a that are on that that main freehold that this parcel will be chopped off from. And they were offered the land, so the 1st right to buy it basically before I was and none of them wanted to buy it. So it was then made available to me to go into that deal that I've done.

### **Thomas Simnett**

Thank you. I think that addresses second question as well which was if the owner has changed was a sell advertisers required as the neighbouring developments did not receive any notification in the sale which I believe is required with the leasehold. I think that was adequately addressed in the old previous response. So I'll move on to the third question.

Now regarding the three photographs attempting to show that the land has been used as a dumping ground, this is incorrect as a scaffolding and temporary road works all part of refurbishment to no. 80 burnt Ash Rd following five. The applicant should have been aware of this. I have recently photographs taken on 18th which shows that the area is to be tidy and clean.

Is there anything you'd like to add to that?

### **Adam Johnston**

Um, yes. So I mean, I've visited the site over a number of years and on many occasions it was being used for temporary storage. Different things. I wasn't aware of the fire at no. 80.

It doesn't surprise me a bit that the site was used as a storage no. 80, because I think no. 80 is on the opposite side of burnt ash Rd. It's got its own big front garden, which would have thought they could use it for storing the materials there.

Um, but yeah, I think basically my point was more that. The land is less users amenity than you might think. If it's people are happy to put bits of scaffolding on it and keep store cones on it then that suggests that it isn't being used as you know for for playing and and that kind of thing. But I accept that at times it will be cleared up and that other times it will have things stored on it.

### **Thomas Simnett**

The next question I imagine I'll answer this one myself. Has the local planning authority confirmed there is not a TPO on the tree on the land? I've contacted the local planning authority on 2 occasions, still waiting reply.

I can confirm there's been no TPO on the tree that's on site at the moment. And if you want to get hold of the tree officer, I'd suggest if you talk to her about this, the next question.

Has the applicant obtained the relevant highways licence as per the highways report?

### **Adam Johnston**

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Uh, yeah. So I I had a look at that and from what I understand that refers to the path in that runs across the across the site. So the. I'm, I'm. I'd be happy to talk to highways about getting their licence. I I do wonder though if there might be a little bit of confusion because I'm not proposing to change the pavement in anyway, which is outside of the site boundary. But there is a paved path. That there's paved paths that lead to all the front doors and 77 to 81 and then that pay path continues and then intersects with the pavement at Doraville Road. And I'm just proposing to pull that up and then relay that within my sight. Will be holding that will go up and then that payment have to come up with up payments or that path up to come up and then go down again and and I'm not sure if that actually is a highways issue but if it is I would of course be happy to talk to the highways department about that.

### **Thomas Simnett**

questions that have been put into the chat, but I just wanted to make it clear that the chat is just for questions only and not for comments on response to what may have been raised in the previous answer.

Moving on to Question 6, now the connexion between the existing roof and the new buildings has not been, is not being developed, whereas the front down pipe of the existing block going to be placed saying to the rear down pipe.

### **Adam Johnston**

So on that one, maybe I should just share my screen again and go back to the plans.

Let's go back. Scroll back up to the plan, not just zoom in because or actually this view is quite good. So what I was hoping to do is create a small recess where the building's up against each other. And be able to basically keep the down pipe on both sides where it is in its current state. So if we zoom in on the plans here. There you can see that's where I believe. Or that's maybe this one's a bit easy to see. That's where I believe this down pipe is next to this wall of the flank wall. And what I'd hoped to do is create a little recess between it so that the arrangement of the guttering to the neighbouring 77 to 81 can stay as similar to how it works right now as possible.

### **Local Resident**

This is impossible to assess from the ground floor.

### **Cllr Rathbone**

If you look at Lara, I need you to be quiet please. But chats.

The purpose of is to ask questions and receive answers, not for commentary or discussion. If you've got a question for the applicant, please put it in the chat box and Thomas will call it once we've got through all questions asked previously.

### **Thomas Simnett**

Thank you, Cllr. And question seven is the step out is imposing and creates shade and could reduce light to the ground floor flat. This should be revised please?

### **Adam Johnston**

Yes. So the I know what we're talking about here is the, the proposed, my proposed building is a bit wider than the neighbouring building. And that's a deliberate design move in order to try and create a sort of. At the end of the terrace. And that's something that's kind of comes out of the Lewisham

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planning guidance about what you should do on a corner. And in terms of the distance and whether it's imposing or not, I tried to keep it well, it is a smaller step out than the existing steps between the various blocks.

Flats on burnt Ash Rd. Um. Actually, if I were to share again, I think I could. We can look at the Google Street View. So here we are looking at the site and then if you, if you look at the way these buildings are arranged, they step in and step out in order to create variety as you move down Burnt ash Rd, I believe. And those steps based on the ordinance survey plan that I was looking at or about 1.2 metres and then if we go back to my presentation.

So what I'm proposing is a step out of a metre which is a bit less than that and it's pulled away from the the closest neighbouring window and we've got a rounded corner, which means that if you take a line of 45 degrees from the edge of that window, it's not transgressed at all by the building. And this is based on, again, Council guidance on what is an acceptable step out and if you are not going out beyond this 45 degree line.

Then you're really having a very minimal impact on, um, the sort of daylight or overbearing of a neighbouring window. So that sort of guidance that I've tried to stick to and I think it is something that's sort of contextual in that it's happening all the way up and down, burnt ash Rd.

### **Thomas Simnett**

Thank you. I'll now move on to question eight which has been submitted, which is the current green space at the end of Dorville Rd, presents a light, open, attractive and of course green approach the Dorville Rd with a 60 year old spreading tree. How will the current plans attempt to redress the loss of this attractive corner?

### **Adam Johnston**

Well, I'm. I'm trying to make this building as beautiful as I can. And to I I think, I mean, these things are all subjective, of course, but I think that there is also a value in creating something that's a bit of a, um, a bit different on a corner, um, so that, so that it serves as a bit of a landmark. And I've tried my best at this building as beautiful as I can because it is going to be my home.

In terms of the greenery I will of course be proposing new trees that are going to replace the loss of the existing tree, and that's trees facing the street and also trees in the rear garden, and I'm proposing 3 trees. And in addition to that, I've proposing these climbing plants that will cover the entire south elevation. So I think actually once it's, it'll take some time to grow of course. But after a few years, once those climbing plants have climbed up the trellis and that green wall is really looking very lush, it will be an even greener looking corner than it was before, with more plants and more trees than before.

### **Thomas Simnett**

Thank you, Adam. The next question is despite the stated green and sustainable objectives of these plans, they do in fact take away green space from the end of Dorville Rd and it's dominated bulk reduces the roads attractiveness. How will the proposed development benefit the rest those on Dorville Rd who are losing green space and considerable light?

### **Adam Johnston**

Well, I think the like part is I think the easiest one to address, so I could start with that one. My proposed building, even at the four stories, had very, very little impact on daylight to any residents in Doraville Road, and I did a technical analysis looking at the very worst case window, which is on directly opposite the building at the ground floor.

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And the technique to do the analysis is to find a point in the middle of that window draw a 2024 degree line and then if the if the building transgressed that line then you take it onto a next step and it's very slightly we're part of it slightly transgressed that line the next step. Then looked at what is the the daylight that those windows these worst case scenario windows are going to receive and compare that.

To the, the building research establishment, the BR guidance, and the the daylight that would be received by the very worst affected window was far, far in excess of the level that the BR would say was a problem. It's almost as fully they lit as you can have it, even with the poor stories at three stories.

This, it doesn't even transgress that line. So I think everybody would agree that it has no impact on. On the daylight. Uh, okay. So that was the daylight. And then the other part of the question was to.

Sorry, can you actually go back? What was the other, the final question? Daylight. And what was the other thing?

**Thomas Simnett**

How will the proposed development benefit the residents of Dorville Rd who are losing green space and considerable daylight?

**Adam Johnston**

I think there are because I'm proposing landscape that will increase urban greening factor and will increase habitat units. I think it's a it's a benefit to the wider neighbourhood that there are, that the support for more wildlife, that there's an a net gain in plants and trees that are doing things like filtering pollution and bringing down dust levels, all the passive benefits.

You get from the tree that's there you will get but more so once there are more trees and more greenery on the site once that's all grown in so I think I think it. Of course it will take a bit of time, but it should be net beneficial. In that regard.

**Thomas Simnett**

The next question is, I understand the benefits to the Council of the show House. To encourage sustainability. I'd like to know why the developer has chosen this particular green site as opposed to many other brown sites in the area, for example derelict garages, which would show a more dramatic transformation.

**Adam Johnston**

Yeah. So I mean. Yeah, to be honest, answer to that one is if I could have got a different site. I probably would have gone for a different site before this one, but like I said in my introduction, I was trying for many years to find a site to be able to build a home on. And some of those sites that I did try and get were browner or more derelict sites. Some of the sites that offered up for sale for auction are more clearly sort of. Derelict and bad looking but often people don't want to sell those sites. I mean, garages might look worse, but the people who own the garages don't like selling garages. They get money for owning garages. Good. Yeah, I guess the answer is if there was another better site that I could have got, I would have loved to have got it. This is the best site that I could get.

**Thomas Simnett**

Next question, I'd like to know what arrangements would be in place during the building work to minimise pollution from dust, noise, builders, parking and delivery.

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## **Adam Johnston**

So the kind of the build stage is another step beyond planning and there's a lot of design work, detail design work that I've got to do before we get to that build stage. At the moment I'm not even 100% sure on where on exactly what method.

The structure will take, will it be a timber structure or a block work structure and all those things will affect the construction. So I think, I think often in planning applications my understanding is that construction management plan can be conditioned and so before actually do start the build, should I get planning permission, I could have a plan in place. The plan would be something that I would work up together with the builder and once they were on board we come up with a plan in terms of things like keeping down dusts often. You know, sprang down or creating a bit of a mess to spray down the dust at the end of the working day or at the beginning of working day helps in terms of the noise. You know, it could be just standard hours of operations. It won't be late at night or on Sundays, that kind of thing. Um, so I think it would just be the sort of typical.

You know the typical measures that that you put in place when you're doing any construction project, but it's something that I can work up in more detail once I'm at that stage of the project.

## **Thomas Simnett**

And just from a technical point of view, so developments such as these in the borough, we do usually condition a construction management plan as Adam's explained. And this gives opportunity for highways offices and environmental health to assess some of the impacts from dust and noise and the delivery of materials to ensure that they can be safely delivered onto site.

So in the circumstances we would recommend this for approval to committee it would be likely that any recommendation would include a construction management plan to go alongside.

nd the next question no. 12, does it developer have any plans to positively influence the owners of the block of maisonettes front and burnt Ash road to improve their frontage?

## **Adam Johnston**

So I guess this refers to the immediate neighbour to the No. 77 to 81 and I suppose it could refer to that's one of many very similar buildings that go north up Burnt Ash Rd. Um, I mean, everything that's outside of that site boundary is also outside of my control. I really don't have any influence on those are the people and what they do with the building anymore than any of you guys do, really. Yeah, I. I could, yeah. I don't actually this. There's not really much I can do about other buildings beyond my own.

## **Thomas Simnett**

Thank you. Question 13. Will the developer and the stated sustainable plans influence the rebuild at Leegate where, to date, I have not noticed any reference to sustainability.

I don't think this question really has much of bearing on this specific case as it references another development which the applicant is not part of, but it will give Adam a chance to add anything if he wanted to.

## **Adam Johnston**

Yeah, there's not much to add. I can't speak on behalf of Lee Gates and their plans, but I think it's just worth bearing in mind that anything built today is built in terms of energy efficiency to a much, much higher standard than 10 years ago, 20 years ago, just by being new buildings, they're going to

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be subject to these really high standards. And so in terms of energy use are kind of much more sustainable than what was there before.

**Thomas Simnett**

Question 14, there are serious problems with overlooking neighbouring properties, the green wall is not adequate to protect privacy. Given this, why are you not respecting the 21m rule between buildings, instead choosing to build as close as possible to the pavement of Dorville Road?

**Adam Johnston**

Okay, I'm going to bring back up the diagram that I had before. Not this one. This one here.

Um, yeah, so the. The small site SPD, that's a document that the Council have published which summarises guidance on designing for small sites and this is considered to be a small site and that includes guidance on what are appropriate overlooking distances. And the small site SPD, which I was referring to as I designed this, gives a distance of 16 metres as an appropriate.

And then between facing windows. Said the 21 metres could be from, you know, elsewhere. Other boroughs are the situations, but it's not the guidance that is applicable in this situation. I mean, I think it's also worth I've highlighted on this diagram here existing overlooking distances um between 77 to 81 burnt ash road and 1 Dorville road, that's that 15 metres at the moment. So in that case that's an existing arrangement of Windows and what I'm proposing is of course a lot more than that. And when it comes to Burnt Ash Rd, that's even greater. It's 44 metres over here um, so that's the overlooking distance. I would say it's greater than what's recommended um, and in terms of being as close to the pavement as possible.

Actually, not as close to the pavement as possible. That would be to put the building out at the Red Line, pulled back to create a little side garden that will be planted. That's where the green Wall Trellis will grow up, and there's space behind that for the windows to open, the shutters to open.

This is not actually shown on this diagram, but the line of this building is in line with the building on the opposite corner with Leyland Rd. It's the same distance from the edge of Dorval Rd as that one is, and that's something I think I've put into my design access statement. So you may have seen that diagram there.

**Thomas Simnett**

Thank you, Adam. The last question from the ones that have been pre submitted already is given the repetitive layouts of your flats and location of stairs, could your development turn into apartments?

**Adam Johnston**

Yeah, it could turn into apartments. The repetitive layout is I guess it's supposed to be flexible and it's, um, I'm following principles that I sort of picked up on in my career in in our in architecture and in particular studies that are about what makes for good quality long term housing, what makes it just stainable.

Sorry this is a bit of a digression but I think it might be helpful a look at studies that analyse housing types from all over the world and sort of score them on different ratings for a house suitability are for a home. How suitability office sustainability and one of the really well scoring types is just a Georgian terraced house. And one of the build big benefits over Georgian terraced house is where the stair is positioned at the entrance to one side, the simple. Where the room is front and back because they

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create such flexibility. And of course that does mean that it's flexible and it can be turned into something else in the future, just like lots of the fabric has been across London.

Yeah, the main thing for me is that this is my home. So that's what that's the first thing I was considering in designing it.

### **Thomas Simnett**

And in terms of procedural point there in terms of potentially being converted to flats in the future that would be a you know that be subsequent, subsequent to a separate application and they wouldn't be able to do that.

Without planning permission, so no of the future owner came forward and wanted to turn it into a enter flats. Then they would have to seek planning permission and that would be judged upon the local plan policy that the time.

### **Cllr Rathbone**

That comes to the end of the pre submitted questions. Um, I'll now move on to the ones that have been submitted into the chat. So if you do want to ask any questions, please can you put them in the chat function and then I'll get round to asking those to add them. Now before you start Thomas, I've just been going through them. There's some which aren't phrased as questions but are instead general comments or just commentary in general if you're intending it to be a question, but it's not clearly worded as such and Thomas appears to skip It please try wording it as an actual question for the applicant rather than as a comment on the application in general. Obviously, we can't reasonably expect Adam to respond to general commentary rather than clear questions.

### **Thomas Simnett**

I'll ask the first one, then it says I noticed no mention of how the building will impact on the light to #1 Dorville Rd. Surely existing buildings that knows access to natural light suppresses surpasses that of the proposed new building. Anything you'd like to add to that?

### **Adam Johnston**

Um, the impact on the light of no. 1 Dorville Rd. Well, I'd say it's, it's further away from #1 Dorville road than the existing neighbouring building. I guess that's. I guess that's the main point and it's not directly opposite #1 driver road or any of the windows at #1 driver Rd. Um. So yeah, that would be my initial response to that.

### **Thomas Simnett**

And the next question is has the applicant seen the comments by the Council's Conservation Officer? These are damning of the project. It does not respond well to the host architecture presented. Generous landscaping is integral to the character, at least state.

### **Adam Johnston**

Yes, I have seen those comments recently. Yeah. I would say I just have a different point of view from that Conservation Officer and I come from coming from a different perspective that conservation Officer is thinking primarily about conservation.

And their role in this is to think about the impact on the conservation area, which of course this site isn't part of, but it's part of the setting of the conservation area. I did see that the Conservation Officer, I think there's summary was this, the impact on the setting would be at the very low end of less than

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substantial impact or less it's essential harm which I think means the most minimal level of less than substantial harm that you can get.

Um, so yeah, I I've done my own sort of analysis, historical analysis of the estate, what happened. And I mean I found it very interesting looking back that before that estate was built in the 1960s, back in the Victorian times when all of Lee or most of Lee was built out, the streets that we now have like Dorville road and both sides are burnt ash Rd, they would have looked a lot like what's in the conservation area. And at that time there was a house right on the corner where I'm proposing to build my house.

So I think, I mean my perspective on this is that that London is sort of a mix of things that happened at different times and different eras and that's partly what makes it interesting.

[The 1960s estate planning often was done very quickly. I mean, it was a mission to build homes and build them very quickly. And my analysis of it was that a lot of these spaces is green spaces at the ends of buildings where there's no windows overlooking them. But I think they're often there for expediency rather than sort of deliberate design move. A lot of that is left over space. The buildings don't line up with one another. And I think. If there was room to put another unit there but continue the existing block of flats by one more because it's in three sort of modules, then they would have done it because elsewhere there are four modules together. This is a case where there's only three because you couldn't fit four and so you end up with left over space. I mean it's hard to know exactly what they're thinking without being able to talk to them, but. But I think the I think there's a strong case for what I'm proposing, which is to strengthen the corner with the building and make it more similar to the way the Victorian streets were.

### **Thomas Simnett**

Next question is could the applicant respond to the issues that the tree officer has raised in respect of the lovely walnut tree? The tree incidentally more than twice the height described by the applicant?

### **Adam Johnston**

But on the height I hired a tree surveyor to survey the tree, so I haven't actually measured the height myself. I mean, I'd assume that it's accurate, the expert at doing this kind of measurement. So yeah, I'd be surprised. I'd be surprised if it's as far out as being half the size that that it is in reality. I guess this is a case where I wish I could ask this question if there's anything in particular that the tree officer has said that that I should respond to. I mean the tree as surveyed as a category B, it's semi mature walnut.

And um, I guess one of the things we haven't touched on about this tree is that I did actually, um. Have some discussions about relocating the tree, transplanting the tree. Um, I talked about that with the Arboriculturalist who wrote the tree report. Um, and he recommended against it because, relocating trees, after a certain age, I've got quite a low chance of survival. His recommendation was what I followed, which was plant new trees in in compensation.

Even so, I did actually talk to some inquire, make some enquiries with tree relocation specialists. You know, they also didn't think it would be an easy job, and one of them actually reminded me that walnuts.

There is something particularly for the walnut species is they exude chemicals which suppress or stop the growth of other plants. So keeping the walnut or relocating the walnut would actually be detrimental to the goals of trying to increase the amount of habitat supporting wildlife on the site. Because if the where the world that's there it's very hard for other things to grow plants that you know the bees use the climbing plants and so on.

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Um, so, yeah, I think my approach is that it's to put to it, it is sad to lose a tree, to lose any tree. But my proposal is to make the site better than it was, even with the tree, because they'll be more trees, more greenery, more wildlife.

### **Thomas Simnett**

Next question is again about the trees. Has the applicants in the comments on the tree officers from the Council's tree officer. This puts this puts a much higher value on the walnut tree than the applicant has stated in their tree report.

### **Adam Johnston**

I assume this is to do with the CAVAT value. Yes, uh, I did see those comments today. Um, I think that's to do with there's a multiplier that can get applied to the CAVAT value depending on where it is. And I think that's the difference between the different ones. I think this, I, I assume I'm not an expert in it, but I assume the assessment of the tree itself is the same. It's just a multiplier for the borough that is providing the difference.

### **Thomas Simnett**

Thank you again. Can we can ensure that any comments put into the chat are solely questions and not comments based on the responses that we received tonight.

In terms of what Adam just said, in terms of the CAVAT value, is correct. From what I recall from my discussion with tree officers, there's a community index which is slightly higher in Lewisham than it is elsewhere, and that's the reason for the inaccurate reporting, I believe, elsewhere in the true report.

At elsewhere it's accurate apart from that figure which I'm sure Adam will get corrected to make sure it is reflects the correct value.

I'm going to move on to the next question now and down pipe is not accessible at ground floor. How can this be replaced/maintained?

### **Adam Johnston**

Yes, that's a good point. I guess one thing we could do and these are details that I'd be happy to work out. But I'd say you we could put a kink in it so it then comes out in between because there will be a projecting. Hold on, let me bring up the plan. This is why am I making shapes with my hands.

Let's bring up the plans, okay so. This is what I was zooming in at before. And yes, what we could do is probably put a kink in or a bend in it so that it comes out. Once we're below the line of the entrance to the neighbouring flat, we then bring it out and then down to it comes, it terminates to the ground at a place that's a lot closer to.

The path and therefore more accessible, I mean that's an initial thought about something we could do a simple sort of change part way down the wall so that it's always a similar distance from the frontage of the building at either the upper level or the lower level.

### **Thomas Simnett**

Moving on to the next question, is the applicant aware the value of Lewisham's draft local plan attaches to linear network green infrastructure in the east of the borough of which this site is a part of?

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Before we move on to you Adam, I just wanted to see your point there. We've yet to move on to Reg 19 consultation as part of the local plan process and this does mean that Lewisham's draft local plan at the moment does not contain carry any weight in terms of planning decisions that we make at the moment and there will be an opportunity when Reg 19 does start that some policies carry limited weight in the overall planning assessment, but what we are looking for on this application is the current Local planning framework that we have adopted at the moment.

Adam, if you wanted to add any points to the question, if you wanted me to repeat it in case you forgot?

**Adam Johnston**

I remember it because the answer is quite simple, which is I haven't looked deeply into the draft new local plan and not at this point about structure either. So the answer is I'm not really up to speed on the draft new local plan.

**Thomas Simnett**

And the next question is, is the applicant aware how irrelevant is his observation that only one person walked across the green on a sunny spring day? It is its contribution to the local greenery that matters.

**Adam Johnston**

This is because when I was trying to um. Look at how the site was currently used, you know, whether it is used recreationally or not. I went and looked and looked at the site, sort of visited it and just observed what happened on the site over the course of a most of the day. And my observation was that nobody used it like recreationally. Almost nobody stops on the site or did anything to the site. One person walked across the site which was I think referenced in that question, but they weren't doing anything with the site. It was simply a shortcut. They were just cutting the corner, so. So that's what that's about in terms of whether it's irrelevant or not relevant and whether the most relevant thing is sort of the greenness of it. Um. Well, I I'd say in that case if that is really the most relevant thing about it then.

What I'm proposing should be an improvement in because I am proposing more greenery. Then what is there right now mean? Green wall the climbing plants that that area will look. Very green and lush. And after a number of years, and of course I'm proposing more, more trees.

So the overall effect in terms of appearance, if you aren't going to use it, you know, if you're not going to actively sit there and be on the side is as an observer and as an observer. I think what I'm proposing is. It's similar or more than what is there in terms of greenery and green appearance.

**Thomas Simnett**

The next question is why does the applicant require such a large house with multiple bathrooms to one person?

**Adam Johnston**

Well, I mean. That is a funny, funny question I guess because the questioner doesn't know me or doesn't know you know my situation and my about my family and so on and so.

I don't know the house is supposed to be big enough to have a family in in future. But. I mean the. I've lived in very small spaces pretty much the whole time I've been in in London, where I am now I work from home in my bedroom. Would be nice to have a separate room which can be a home office

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instead be nice to have a room in which you could have a guest over this day, you know when my mum comes to visit so. I mean it in terms of the size of it. I actually also looked at this as part of the process of submitting my application and It's actually very similar in size to other houses that support the same sort of number of people. When you take off the top floor like I've done now, it's actually quite a bit smaller than the average for this size of house. So that's in the area, I'm not talking about new building talking about what is available that would include a course bigger Victorian houses over the road and that kind of thing. So I don't think it's, it's sort of out of the ordinary really.

**Cllr Rathbone**

You want to deal with the final question, Thomas, and then we can wrap the meeting up.

**Thomas Simnett**

Have any plans to turn this into a house and more multiple occupancy?

**Adam Johnston**

So has multiple occupancy I believe is where you sort of let things out by the room. So, no, I don't have any plans to. To. Yes, to do that, turn into a House of multiple occupancy. Um, if there's no further questions, then I'll hand back over those chair to close off the meeting for tonight.

**Cllr Rathbone**

OK. Thank you, Thomas. I don't think we've got time for any more questions at this point either as it's just turned 8 according to my clock. So thank you very much everyone for coming. This is the end of our meeting now. Residents who've made comments on the application will be notified of the date of the Planning committee. When this comes to committee for decision, we be able to answer all the questions. So there's no need for Richard responses to anything else, but a copy of the minutes will be retained and will be included in.

The uh pack of documents which go to committee for decision to be made. Thank you very much for your time and I hope you all have a good evening and a good weekend.

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**Site Location Plan – DC/22/127810: Land N/T 81 Burnt Ash Road**



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# LAND N/T, 81 BURNT ASH ROAD, LONDON, SE12 8RF

Application No. DC/22/127810

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

**The construction of a three-storey, four-bedroom dwelling house on land at the corner of Burnt Ash Road and Dorville Road, SE12, together with bin and bike shed, replacement street trees and associated landscaping.**



**Site Location Plan**

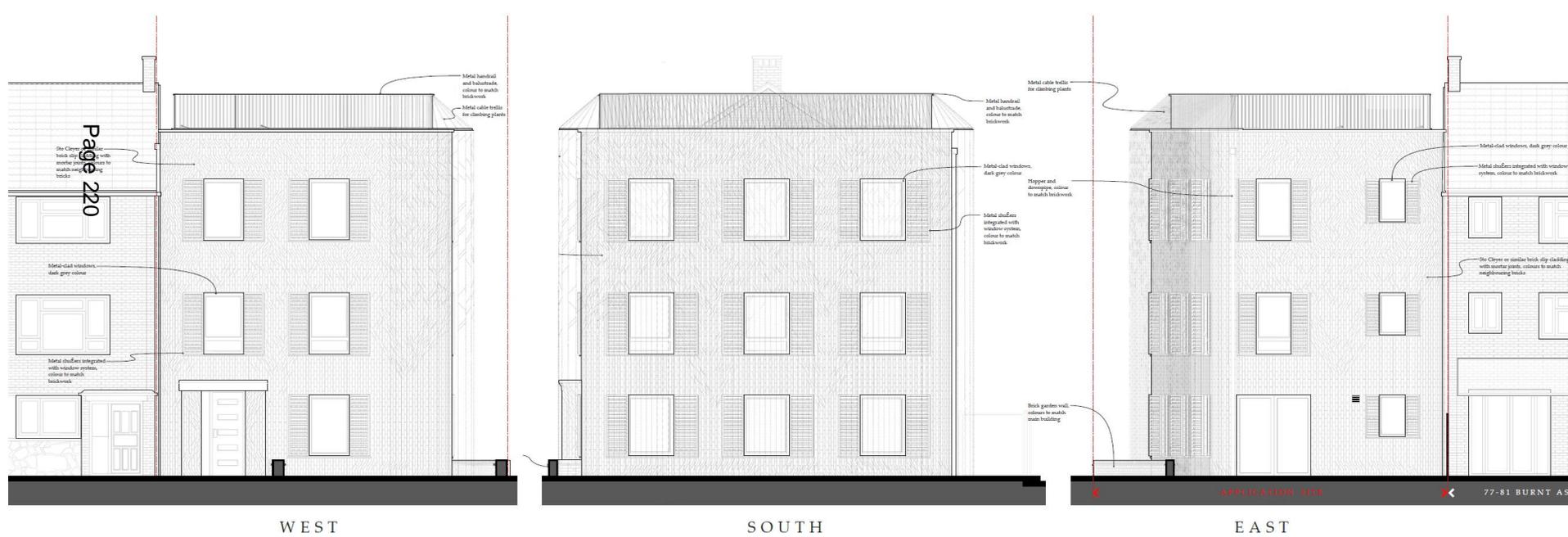
# Existing Site



# Proposed Scheme

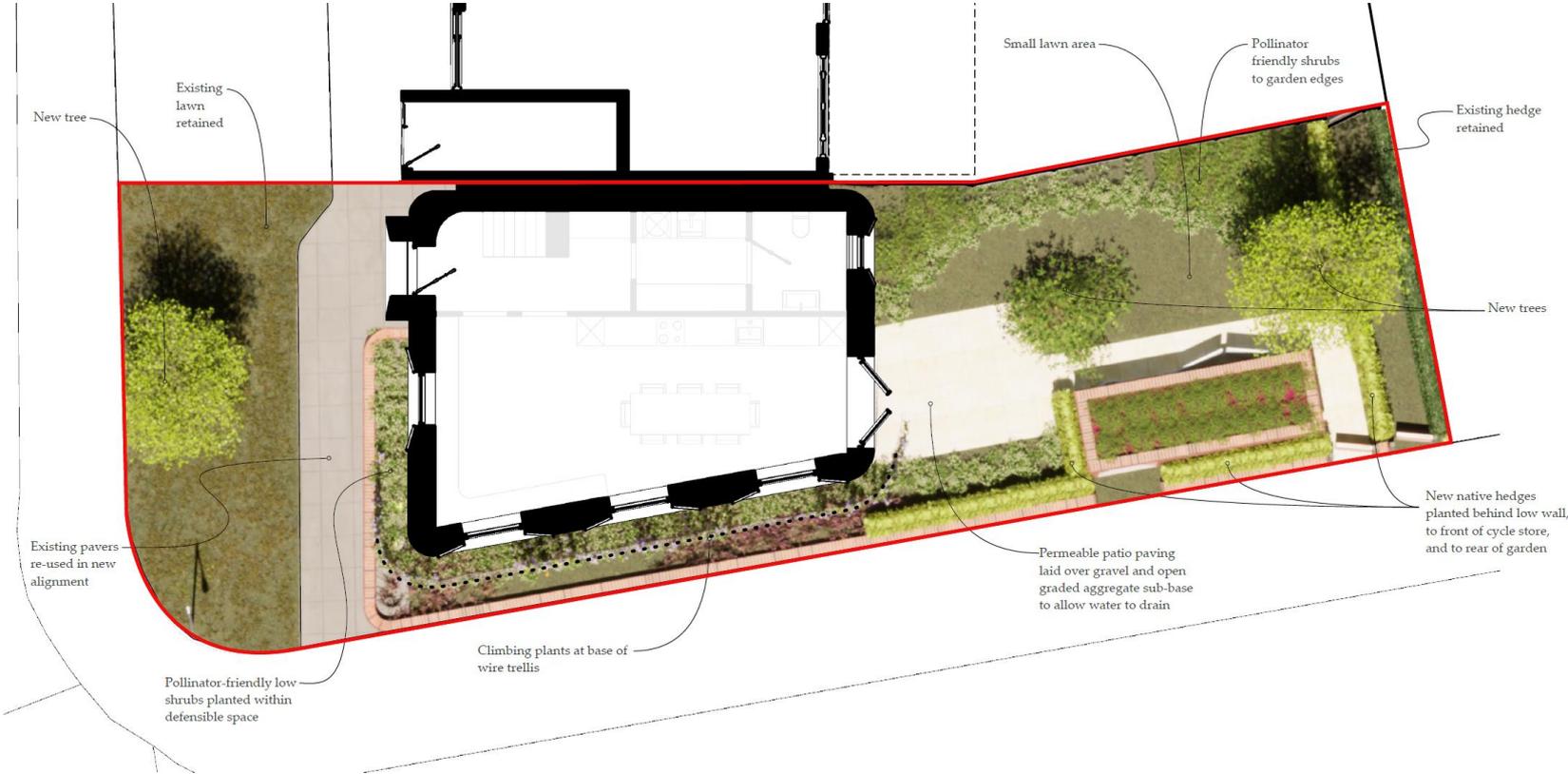


# Proposed Elevations



# Proposed Landscaping

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# Key planning consideration

- Principle of Development;
- Housing
- Urban Design and Impact on Heritage Assets;
- Impact on Neighbouring Amenity;
- Transport;
- Sustainable Development;
- Natural Environment
- Planning Obligations

# Original Submission

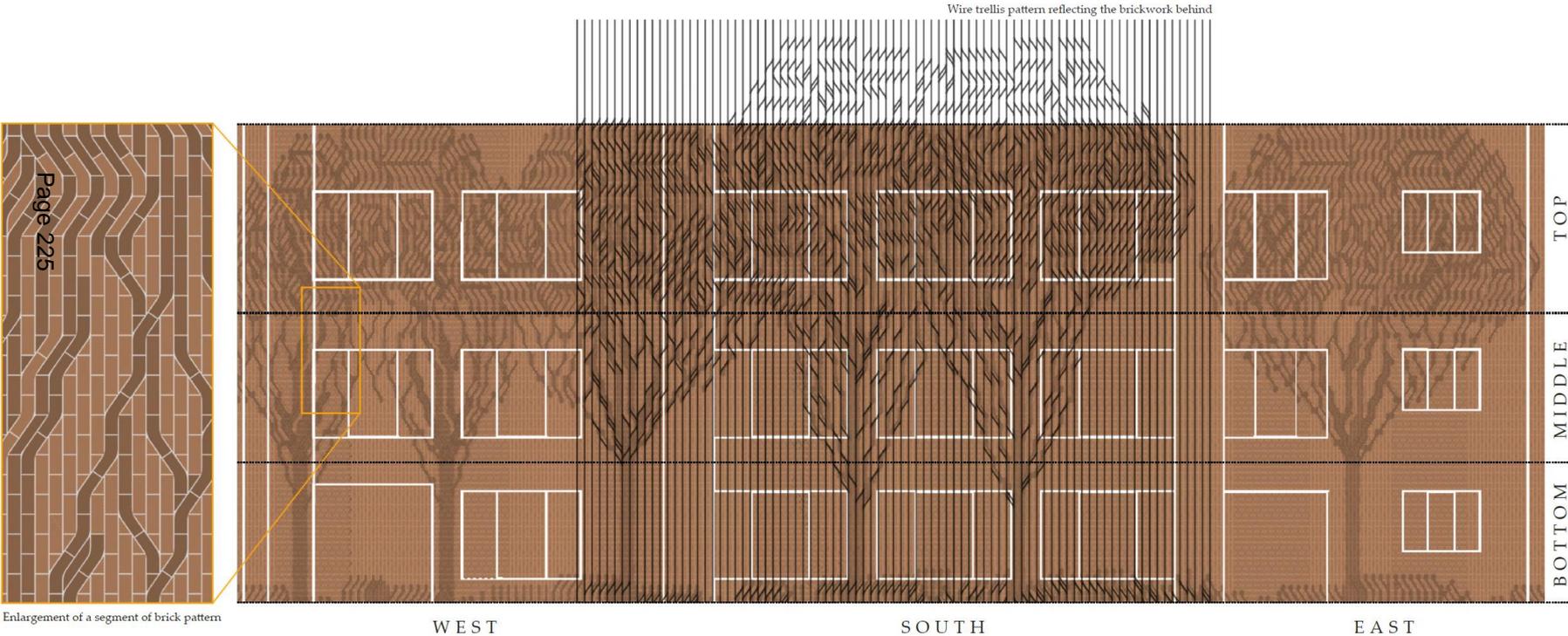
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# Local Amenity Land



# Proposed Mesh and Brick Slip Design



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