

PLANNING COMMITTEE A

Date of Meeting: **WEDNESDAY, 24 AUGUST 2022 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Peter Bernards (Chair)
Oana Olaru (Vice-Chair)
Natasha Burgess
Liam Curran
Ayesha Lahai-Taylor
Hilary Moore
John Muldoon
John Paschoud
James Rathbone
Rudi Schmidt**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 16 August 2022**

**For further information please contact:
Sarah Assibey Committee Co-ordinator
2nd Floor Civic Suite
Catford Road SE6 4RU**

**Telephone No:
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|--------------|------------------------|---------------------|
| Committee | PLANNING COMMITTEE (A) | |
| Report Title | MINUTES | |
| Ward | | |
| Contributors | | |
| Class | PART 1 | Date 24 August 2022 |

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 8 June 2022.

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**LEWISHAM COUNCIL
PLANNING COMMITTEE A
WEDNESDAY, 8 JUNE 2022 AT 7.35 PM
MINUTES**

IN ATTENDANCE: Councillor Peter Bernards (Chair), Councillors: Oana Olaru (Vice-Chair), Natasha Burgess, Liam Curran, Ayesha Lahai-Taylor Hilary Moore, John Muldoon, John Paschoud, James Rathbone Rudi Schmidt

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)

OFFICER(S) ALSO JOINING THE MEETING VIRTUALLY: Planning Officers and Paula Young, Senior Planning Lawyer

Clerk: Committee Officer

Apologies were received on behalf of Councillors: N/A

**Item
No.**

1 Declarations of Interest

Councillor Paschoud advised the Committee that his spouse was a director of Phoenix and on this basis, he would recuse himself from the consideration of Item 3 on the meeting's Agenda.

2 Minutes

RESOLVED that the minutes of the Planning Committee A meeting held on the 17 March 2022 be agreed.

3 56-60 Farmstead Road, SE6 3ED

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

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

Following the Officers presentation, questions put to the Officer, by Members related to: cycle storage, accessibility, judgement and pre-application process.

The Officer advised Members that cycle storage space beside the proposed play space was not considered by officer to be appropriate. The location proposed would be appropriate to serve both blocks on the scheme.

The Committee were advised by the Officer that housing providers allocated accessible units based on tenant requirements. The TL advised Members that the 10% accessibility policy was a London Plan guideline, not a set standard.

Members were advised by the TL that in making recommendations, officers considered benefits against trade-offs to make a proposal acceptable.

The TL confirmed that the pre-application process was conducted between the local authority and applicants.

The agent and architect addressed the Committee.

The agent described the application and discussed: consultation, height, design, ecological issues and parking.

The architect discussed the design, character, ecological issues and scale.

Questions put to the agent and architect by the Committee related to: accessibility.

The architect advised the Committee the desire to maintain symmetry of the proposal, therefore 2 separate buildings on either side of the entrance. The design meant the proposal was too small to include lifts.

The Members were also advised that viability was a critical consideration.

The TL advised the Committee that the application site was in a very densely built suburban area and the applicant had found a balance to maximise the application site.

A resident addressed the Committee with objections.

The resident discussed: decision-making, parking, privacy, and ecological concerns.

Before Members' questions, the Chair assured the resident that the officers made recommendations to Committee that were considered and then voted upon.

Questions then put to the resident by the Committee related to: parking, privacy, and ecological concerns.

The Officer advised Members that a parking survey had been conducted, which concluded there was sufficient vehicle space.

The TL advised the Committee that the London Plan objective was to move away from schemes with parking. The TL detailed the parking survey process and reiterated the Officers advice that the report conclusion conveyed sufficient space for vehicles on the neighbouring road. The TL noted the report was reviewed by the local authority highways officer and deemed satisfactory.

Members were advised by the Officer that an assessment of privacy, found that in some cases privacy was adequate. In other instances screening would be required, secured by condition.

The TL confirmed that a condition could be put to the applicant to prevent development at ecologically sensitive times.

During the applications consideration, Members raised concerns with regard to accessibility. A Member felt the proposal was a trade-off of accessibility rights, which set a precedent for future developers, that was not acceptable. Another Member stated their dissatisfaction with the proposals tenure mix, which conveyed a lack of family sized wheelchair accessible units.

Members considered the submissions made and

RESOLVED - unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of all existing buildings and comprehensive redevelopment to provide residential units (Use

Class C3), with associated access works, landscaping, refuse storage, cycle parking and the installation of a sub-station at 56-60 Farmstead Road, SE6.

Subject to conditions and informatives outlined in the report and,

- A planning condition precluding development at ecologically sensitive times, with the final wording to be agreed with the Ecological Regeneration Manager and the Chair
- An informative expressing the committee's disappointment with the unit mix and lack of family sized wheelchair units.

4 Land To The Rear Of 105a & 107, Honor Oak Park, SE23

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

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

Following the Officers presentation, questions put to the Officer, by Members related to: ecological concerns, conditions, parking, traffic and gardens.

The Officer provided reassurances and clarification to the ecological concerns and noted the mitigation measures that would be taken, as set out in the Officers' report.

The TL advised the Committee that maintenance of the landscaping scheme and boundary walls would be secured by condition to ensure a high-quality landscape.

Members were assured that with regard to soft landscaping, a plan for management and maintenance of the landscaping, covering a five year period, would be submitted by the applicant to the local authority for approval.

Members were assured by the TL that conditions imposed by officers onto the applicant, would be enforceable by the local authority, if the applicant failed to comply with them.

The Officer acknowledged that applications submitted by the applicant prior to the current under consideration, had been refused due to parking concerns raised. However, it was noted that the current application proposed a car free scheme.

The agent addressed the Committee. The agent described the applications' history and then discussed: architecture design inspiration, rear gardens, ecology, housing, consultation, amenities and benefits to the local community.

Questions put to the agent by the Committee related to: design, the Construction Management Plan (CMP), parking and back gardens. The agent described the design of the proposal and made comparisons to another similar scheme.

Members were assured by the agent that a CMP had been submitted to the local authority for approval.

The agent also assured Members that vehicles would not enter the scheme after completion, a loading bay would be provided for servicing purposes.

The TL advised the Committee that the space to the rear of the scheme, was unused as garden space since the 1980's and in the local authorities view, almost fit the Small Sites SPD criteria as a 'small site', as discussed and accepted in principle, in the Officer's report.

No individuals with objections attended the meeting.

During the consideration of the application, the Members discussion raised concerns regarding traffic risk due to vehicles entering and exiting the application site. Members were assured a CMP would be submitted to the local authority before work on the development began. A fellow Member commended the proposals design and noted the traffic risk mitigation measures, as outlined in the Officer's report.

Members considered the submissions made and

RESOLVED - unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the construction of 6 two storey, three bedroom houses on the land to the rear of 105A and 107 Honor Oak Park SE23, together with the provision of cycle and refuse stores and associated landscaping. (Please note amended description 6 proposed dwellings, not 7)

Subject to conditions and informatives outlined in the report.

5 272 Brockley Road, London, SE4 2SF

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

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

Following the Officers presentation, questions put to the Officer, by Members related to: back gardens.

The Officer advised Members the paving of the garden space by the applicant is a permitted development. It was advised that consideration should be applied to the change of usage of the garden space.

The agent addressed the Committee. The agent/applicant described the application site and discussed: the pre-application advice, design, cycle storage, parking, overlooking, daylight and sunlight report, materials and enforcement action regarding a nearby property.

Questions put to the agent by the Committee related to: screening. The agent advised Members that the proposal originally included screening, but the additional bulk that resulted was viewed as unacceptable. In addition the screening created confusion with regard to the location of the front and rear of the scheme. Members were assured soft screening would be implemented, which would be preferable to complete screening.

A resident addressed the Committee with objections. The resident discussed: positive increase in housing stock, proposals garden shape, loss of natural light to various parts of their property, pollution, biodiversity, traffic and validity of presentation and report images used by Officers.

Questions put to the by the Committee to the resident related to: light impact and validity of presentation images.

The resident described the impact of the loss of natural light to their own property noting their kitchen and living room. The resident also described the loss of natural light due to the proposals position in relation to their property.

The Officer advised the Committee that the Daylight and Sunlight Assessment (Daylight/Sunlight report) submitted with the application,

was fully compliant with the relevant BRE guidance and conducted by a professional assessor.

The Officer advised Members that in the CGI images used by officers only the proposal was accurately represented. It was acknowledged that the property of the resident present at the Committee meeting with objections, was not accurately represented in the CGI presentation images provided. However, the Committee were assured the plans for the proposal were accurate.

During consideration of the application, the Members raised concerns that the Daylight/Sunlight report submitted, did not include an assessment of the amenity space for one of the flats near to the proposal.

The Officer advised that although the Daylight/Sunlight report submitted had not included that information for the property, the omission would not be reasonable grounds for refusal of the application.

The TL supported the Officers advice that the Daylight/Sunlight report had been conducted professionally. Members were also directed by the TL to view planning documents that were available for the application under consideration.

The agent also confirmed the Daylight/Sunlight report submitted had been conducted by a professional assessor.

Members reiterated their views and advised that due to the lack of information for their decision-making on the matter, it was felt the application should be deferred with a Daylight/Sunlight report to be submitted for the omitted property in question.

Standing Orders were suspended at 9.50 pm.

Legal advice provided confirmed the Members were within their rights to request a deferral and to request a Daylight/Sunlight report be submitted for the property missed from the original Daylight/Sunlight report assessment.

Members considered the submissions made and

RESOLVED

That it be noted that the Committee agreed:

Application would be **DEFERRED** to allow an update to Daylight/Sunlight reporting addressing impacts to an adjoining amenity space at 274 Brockley Road.

The Chair called for an adjournment of the meeting at 9.58pm.

A Member of the Committee left the meeting at 9.59pm.

The Committee meeting was reconvened by the Chair at 10.07pm

6 324 Brockley Road, London, SE4 2BT

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:
Urban Design • Impact on Adjoining Properties

Following the Officers presentation, questions put to the Officer, by Members related to: changes proposed.

The Officer used their slide presentation to provide further clarification of the proposed changes as outlined in the Officers' report.

The agent addressed the Committee. The agent described the application site and discussed: design and the proposals impact on adjoining properties.

No questions were put to the agent by the Committee.

A resident addressed the Committee with objections. The resident discussed: applicant's decision to paint the flue installation black, misleading pictures provided at the Committee meeting, internal and external space issues for flue installation, impact of flue installation on neighbouring properties, fire safety issues across 2 building levels and emergency exit issues with flue installation in place.

Questions put to the by the Committee related to: plans, fire safety and change of property use.

The Officer advised Members concerns had been expressed in prior meetings with the applicant and the plans conveyed new revisions in place to change the current situation. Conditions were put in place that

required works to be put in place within 3 months of the application being granted, if approved.

The Officer stated that fire safety was not a material consideration. This would be the responsibility for building control regulations, which would be addressed by the local authority.

The Committee were advised by the Officer that the property was previously in use as a bar. It would be required to make a separate application to the local authority regarding the change of use of the property.

During the Members discussion, concerns were raised regarding the unauthorised change of use of the property by the applicant. The TL appreciated that the Committee did not approve of the unauthorised change of use by the applicant. The TL advised Members the issue of change of use was however, a separate matter from the current application under consideration. It was agreed that an informative would be included in the approval notice on the matter.

Members considered the submissions made and

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the part retrospective planning permission for the installation of an external ventilation flue to the rear of 324 Brockley Road SE4

Subject to conditions and informatives outlined in the report

AND two additional informatives:

- The applicant is advised to contact the Council's building control department in order to certify that the extraction equipment is installed in compliance with building and fire safety regulations.
- The applicant is advised that an application for planning permission is required for the change of use of the premises to a restaurant.

The meeting closed at 10.28 pm.

Chair

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|--------------|---------------------------|----------------------|
| | PLANNING COMMITTEE (A) | |
| Report Title | DECLARATIONS OF INTERESTS | |
| Class | PART 1 | Date: 24 August 2022 |

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Planning Committee A

272 Brockley Road, London, SE4 2SF

Date: 24 August 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Ladywell

Contributors: Alfie Williams

Outline and recommendations

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

Application details

Application reference number(s): DC/21/124199

Application Date: 5 November 2021

Applicant: Mr Fraser Steele

Proposal: Alterations and conversion of the existing dwelling and construction of a lower ground floor rear extension with a roof balcony at 272 Brockley Road SE4 to create two self-contained flats, with alterations to front boundary and front garden area, refuse and cycle storage, together with the demolition of outbuildings and structures in the rear garden and redevelopment to provide a partially sunken two storey dwelling with refuse and cycle storage.

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

Designation: Air Quality Management Area
Local Open Space Deficiency
PTAL 4

1 INTRODUCTION

- 1 This report sets out Officers recommendation in regard to the proposed subdivision of the existing property and construction of a house in the rear garden to provide three residential units in total.
- 2 The report has been brought before members as the application was deferred at the previous meeting of Planning Committee A held on 8 June 2022. The original committee report is attached at Appendix A. It was resolved that the decision be deferred due to concerns with the impact of the proposed garden house to light levels at the adjacent upper ground floor terrace at No.274 Brockley Road, as the impact was not considered in the Daylight and Sunlight Assessment (T16 Design, September 2021). The drawings submitted with the application did not provide a clear indication of the position of the proposed garden house relative to the balcony.
- 3 In response the applicant has submitted a revised Daylight and Sunlight Assessment (T16 Design, July 2022) and a street elevation drawing (0161.P.206 Rev F). The Daylight and Sunlight Assessment considers the impact of the garden house to the balcony and the revised drawing showing the proposed garden house within the context of the Arabin Street Elevation, which includes the upper ground floor terrace.

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2 POLICY CONTEXT

2.1 LEGISLATION

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

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

2.2 MATERIAL CONSIDERATIONS

6 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.

7 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.

8 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

9 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)

2.5 SUPPLEMENTARY PLANNING GUIDANCE

10 Lewisham SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)
- Small Sites SPD (October 2021)

11 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- Housing (March 2016)

3 PLANNING CONSIDERATIONS

12 The main issues are :

- Living Conditions of Neighbours

3.1 LIVING CONDITIONS OF NEIGHBOURS

General Policy

13 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.

14 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

3.1.1 Daylight and Sunlight

Policy

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

16 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.

17 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

18 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).

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19 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).

20 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

21 At the previous committee meeting members identified that they did not have sufficient information to assess the impact of the proposed garden house to light levels at the upper ground floor terrace at No.274 Brockley Road. The new street elevation drawing confirms that the first floor of the garden house would be located approximately 6m from the rear elevation of No.274 as stated in the previous Committee Report. The drawing also shows that the roof of the garden house would sit just above the top of the terrace door.

22 Additionally, the Daylight and Sunlight Assessment has now been updated to consider the impact to light levels at the upper ground floor terrace. BRE guidance advises that the impact to external amenity spaces should be calculated using Annual Probable Sunlight Hours (APSH) and Winter Probably Sunlight Hours (WPSH). The report finds that the garden house would not have any impact to levels of sunlight for the terrace as it would retain 100 per cent of the existing levels of APSH and WPSH. The report also goes beyond the BRE requirement to include assessments for all spring and summer months rather than just March. The report concludes that there would no impact to sunlight levels for all months tested and that therefore the terrace would retain 100 per cent of existing levels throughout the period tested.

23 The Daylight and Sunlight Assessment was modelled in accordance with BRE 209 (2011) (2nd Edition) guidance, which at the time of the submission of the application was the up to date industry guidance. In June this guidance was superseded by BRE Report 209: Site Layout Planning for Daylight and Sunlight (3rd Edition). The new guidance does not change the standards for daylight and sunlight levels in respect to neighbouring sites and therefore the conclusions of the Daylight and Sunlight Assessment (T16 Design, June 2022) are accepted.

3.1.2 Impact on neighbours conclusion

24 No significant adverse impacts to light levels at the upper ground floor terrace at No. 274 have been identified and therefore the development would be compliant with the relevant policies of the Development Plan.

4 LOCAL FINANCE CONSIDERATIONS

25 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).

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

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27 The CIL is therefore a material consideration.

28 £7,161.33 Lewisham CIL and £4,731.59 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.

5 EQUALITIES CONSIDERATIONS

29 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.

30 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.

31 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.

32 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>

33 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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34 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>

35 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.

6 HUMAN RIGHTS IMPLICATIONS

36 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

37 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.

38 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.

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

7 CONCLUSION

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

41 The application was deferred at the previous meeting of Planning Committee A as members expressed concern that they did not have sufficient information to assess the impact of the garden house to light levels at the upper ground floor terrace of No.274 Brockley. In response, the Daylight and Sunlight Assessment has been updated to consider the impact to light levels at the terrace in accordance with the relevant BRE

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standards. The report concludes the proposed garden house would not have any impacts on existing levels of sunlight to the terrace.

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

8 RECOMMENDATION

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

8.1 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:

0161.OS; 0161.P.110 C; 0161.S.100; 0161.S.102 received 8 November 2021;
0161.P.100 E; 0161.P.101 E; 0161.P.105 E; 0161.P.106 E; 0161.P.200 E;
0161.P.201 D; 0161.P.202 D; 0161.P.205 D; 0161.P.300.E; 0161.P.301 D received 1
March 2022;

0161.P.107 received 16 May 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 Logistics

All construction activity, including servicing, deliveries and access, shall be undertaken from the rear of the site via Arabin Road and no construction servicing, deliveries or access whatsoever shall be undertaken from Brockley Road.

Reason: In order to ensure satisfactory vehicle management and pedestrian safety and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4 Materials and Design Quality

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

- i.* brickwork, mortar and pointing;
- ii.* roofing and panelling materials;
- iii.* dormers
- iv.* fascias, soffits and roof junctions;
- v.* windows, external doors and reveals;
- vi.* rainwater goods;
- vii.* boundary treatments and balustrades

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

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

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the 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.

5 Refuse & Recycling Facilities

(a) The development shall not be occupied, until details of the refuse and recycling facilities (including the design of the stores) for each residential unit hereby approved laid out in accordance with approved drawings 0161.P.101 E and 0161.P.105 E, 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 DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011).

6 Cycle Parking

(a) Prior to the occupation of the development, full details of the cycle parking facilities (including the design of stores) for 6 cycles laid out in accordance with approved drawings 0161.P.101 E and 0161.P.105 E, 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), Policies 14:

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Sustainable movement and transport and 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).

7 Hard Landscaping

- (a) Prior to the occupation of the development drawings and product specifications (including details of permeability) showing the 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), Policies 10 Managing and reducing the risk of flooding and 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).

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

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

9 Living Roofs

- (a) Prior to installation, details of the proposed extensive biodiverse living roof systems and their maintenance (including a section drawing demonstrating a minimum substrate depth of 100-150mm), to be laid out in accordance with drawing 0161.P.107, shall be submitted to and approved in writing by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

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

Reason: In order to maximise the contribution to urban greening and deliver high design quality and to comply with Policy G5 Urban greening in the London Plan (2021), Policies 10 managing and reducing flood risk, 12 Open space and environmental assets and 15 High quality design of the Core Strategy (June 2011), and DM Policies 24 Biodiversity, living roofs and artificial playing pitches, 30 Urban design and local character and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

10 **Removal of Permitted Development Rights**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no external alterations or extensions shall be constructed to the new garden building hereby approved other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

11 **Construction Hours**

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 174 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

12 **Water Saving**

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

Reason: In order to minimise the use of mains water and to comply with Policy S15 Water infrastructure of the London Plan (March 2021)

13 **Gas Boilers**

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

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verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

14 **Roof Terrace Screening**

The brick screen for the rear roof terrace shown on drawings 0161.P.101 E and 0161.P.201 D hereby approved shall be constructed prior to the occupation of the development and retained thereafter.

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

8.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) 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.

9 **BACKGROUND PAPERS**

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses

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10 REPORT AUTHOR AND CONTACT

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APPENDIX 1



Planning Committee A

272 Brockley Road, London, SE4 2SF

Date: 8 June 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Ladywell

Contributors: Alfie Williams

Outline and recommendations

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

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Application details

Application reference number(s): DC/21/124199

Application Date: 5 November 2021

Applicant: Mr Fraser Steele

Proposal: Alterations and conversion of the existing dwelling and construction of a lower ground floor rear extension with a roof balcony at 272 Brockley Road SE4 to create two self-contained flats, with alterations to front boundary and front garden area, refuse and cycle storage, together with the demolition of outbuildings and structures in the rear garden and redevelopment to provide a partially sunken two storey dwelling with refuse and cycle storage.

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

Designation: Air Quality Management Area
Local Open Space Deficiency
PTAL 4

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a three storey mid-terrace Victorian property located on the western side of Brockley Road. The site is close to the junction with Arabin Road and has access onto Arabin Road at the rear. The property is constructed from London stock bricks with a stuccoed lower ground floor level and stucco detailing to the front entrance. The front entrance is raised above the front garden and accessed by steps and there is a two-storey bay aligned to the opposite side of the façade. The bay and the other openings accommodate timber sash windows with arched heads. The property has a London roof concealed behind a front parapet with cornicing.
- 2 At the rear, the property has a relatively large garden that wraps around the rear of the neighbouring 274 Brockley Road. The rear garden has historically been used for car parking and consequently is predominately covered in concrete hardstanding and features a garage and car port. The garden is in poor condition with areas of vegetation growing between gaps in the concrete. There is vehicle access onto Arabin Road via rusted steel gates.

Figure 1. Site plan

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Character of area

- 3 The surrounding townscape is characterised by three storey Victorian properties. On the western side of Brockley Road these are mainly in residential use with parades of shops directly opposite. This mixed character continues to the north and south on Brockley Road with areas of shopping parades interspersed with residential terraces and blocks of flats. The parades feature a mix of uses including retail, cafés, restaurants and bars, typically with residential uses above. The roads that adjoin Brockley Road to the east and west are predominantly residential, including Arabin Road.

Heritage/archaeology

- 4 The site does not fall within any designated conservation area, however the Brockley Conservation Area is located opposite the site with its boundary running along Brockley Road. The Grade II Listed St Andrews Church is located approximately 50m to the north-east of the site.

Local environment

- 5 Brockley and Ladywell Cemeteries are located approximately 180m south of the application site, whilst Hilly Fields Park is located approximately 300m east of the site. The site is within an area with a Local Open Space Deficiency and is also within an Air Quality Management Area.

Transport

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- 6 The site has a Public Transport Accessibility Level (PTAL) score of 4, which indicates a good level of public transport accessibility. Local footways offer access to key public transport facilities, with bus stops staggered along Brockley Road. The closest bus stops to the site are located within 65m (that is approximately 1 minute walk) to the north of the site and 150m (that is a 2 minute walk) to the south of the site. Both bus stops are equipped with a bus shelter and bus times/information. The buses that serve these bus stops are Route No. 171,172 and N171. The closest railway and overground station is Brockley 0.5km to the north (that is a 7 minute walk).

2 RELEVANT PLANNING HISTORY

- 7 DC/91/33516: The erection of a car port over the existing car parking space to the rear of 272 Brockley Road SE4 the rebuilding of the boundary garden wall – granted 28 February 1992.
- 8 DC/02/050403: The variation of Condition (4) of the planning permission dated 28/2/1992 for the erection of a car port over the existing car parking space to the rear of 272 Brockley Road SE4, together with rebuilding of the boundary wall fronting Arabin Road, in order to allow the retention of the car port - refused and allowed at appeal on 18 September 2003
- 9 DC/20/119567: Lawful Development Certificate (Existing Use) in respect of the use of 272 Brockley Road, London, SE4 2SF, as three separate residential units – refused 22 January 2021.
1. *Insufficient evidence has been provided in support of the application to demonstrate on the balance of probability that 272 Brockley Road, SE4, has been used as three (3) self-contained residential units (Class C3) for a continuous period of four years or more from the date of this application, as set out in Section 171B and Section 191 of the Town and Country Planning Act 1990 (as amended).*

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 The proposed development would see the alteration, extension and conversion of the existing property to provided two self-contained flats. In addition, the outbuilding and car port in the rear garden would be demolished to facilitate the construction of a two-storey house.
- 11 The existing property would be subdivided to provide two self-contained flats: one arranged at lower ground floor level and one arranged over the upper ground and first floors. The lower flat would be a two bedroom four person unit with access to a courtyard created within the rear garden. The upper flat would have three bedrooms with access to a roof terrace. Both flats would be accessed via the front elevation. For the upper flat this would be via the main entrance and for the lower flat via an existing door in the side of the front steps.
- 12 The conversion would require the construction of a single storey extension at lower ground floor level measuring 2.8m deep x 6.4m wide x 3.2m high. The roof of the

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extension would form an external terrace for the upper flat and would feature 1.2m high metal railings and a 1.7m high section of wall aligned to the northern side providing screening. The extension would be constructed in London stock brickwork to match the existing.

- 13 The front boundary of the property would be replaced by a corten steel bin and cycle store with integral planter above. The front garden would be landscaped to provide a new street level deck to provide access to the store and new areas of planting to replace those lost from the creation of the deck. The store would accommodate bin and cycle storage for the upper flat. The lower flat would have bin and cycle storage in the rear yard with an access onto Arabin Road.
- 14 The structures in the rear garden would be demolished to facilitate the construction of a new two storey two bedroom house. The house would have a maximum height of 4.4m at the Arabin Road frontage facilitated by the excavation of a half basement 1.2m below the existing ground level. The roof would slope down towards the rear and sides and the first floor level would be set in from the sides and rear. The house would be constructed from cream fair faced brickwork with two aluminium dormers in the street elevation and aluminium windows in the ground and first floor level openings. The roof levels at first and ground floor levels would accommodate biodiverse living roof systems.
- 15 The house would be accessed via Arabin Road from a new entrance in the boundary. Cycle and bin storage would be provided within the two courtyards created to the east and west of the house.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 16 Site notices were displayed on 8 December 2021 and again on 23 March 2022 following the submission of revisions.
- 17 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 7 December and again on 23 March.
- 18 Six responses were received to the two periods of consultation, comprising five objections and one neutral comment.

4.1.1 Comments in objection

| Comment | Para where addressed |
|--------------------------|----------------------|
| Loss of back garden | 43-44 |
| Overdevelopment | 45 |
| Inappropriate design | 70-76 |
| Increased parking stress | 90-91 |
| Loss of outlook | 99-102 |
| Loss of privacy | 104-106 |
| Loss of light | 113-114 |

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| | |
|---------------------------------|-----|
| Increased noise and disturbance | 119 |
| Security impacts | 121 |

19 The objections also raised the following matter that is not held to be a material planning consideration in this case: the impact to ventilation extracts at neighbouring properties is not a material consideration as these matters are suitably addressed by party wall legislation.

4.1.2 Neutral comments

20 One neutral comment was submitted requesting that the development contributes street trees to Arabin Road. This request would not be proportionate to the scale of development particularly given that the development would make a positive contribution to urban greening and biodiversity, subject to conditions.

21 The comments raised in relation to the approved development at 270 Brockley Road are not material to this application.

4.2 INTERNAL CONSULTATION

22 The following internal consultees were notified on 7 December 2021.

23 Highways: raised no objections to the development.

5 POLICY CONTEXT

5.1 LEGISLATION

24 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).

25 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

26 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.

27 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.

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

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5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

29 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

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)
- Small Sites SPD (October 2021)

31 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

32 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

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

Policy

35 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average.

36 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.

8 DMP 3 states the following with regard to the conversion of a single family house into flats:

i. The Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the single family house is not suitable for family accommodation due to any factor listed below:

a. adjacent to noise generating or other environmentally unfriendly uses

b. lack of external amenity space suitable for family use.

ii. Any single family house considered suitable for conversion according to point 1 of this policy will need to have a net internal floorspace greater than 130 sq. m.

iii. All conversions must meet the general design requirements and housing standards in DM Policy 25 (Landscaping and trees), DM Policy 29 (Car parking), DM Policy 30 (Urban design and local character), DM Policy 31 (Alterations and extensions to existing buildings including residential extensions) and DM Policy 32 (Housing design, layout and space standards).

9 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area. The policy accepts that some sites will not squarely into one definition.

10 DM Policy 33, Part A, sets out the criteria for assessing infill development and states the development will be permitted on those sites provided that the development meets the following:

a. make a high quality positive contribution to an area

b. provide a site specific creative response to the character and issues of the street frontage typology

c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens

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- d. provide amenity space in line with DM Policy 32
- e. retain appropriate garden space for adjacent dwellings
- f. repair the street frontage and provide additional natural surveillance
- g. provide adequate privacy for the new development and
- h. respect the character, proportions and spacing of existing houses

11 Section 29 of the Small Sites SPD is relevant to this proposal.

Discussion

37 The proposed development includes the subdivision of the existing property and the construction of a house in the rear garden. The principle of both elements of the development will be assess in turn below.

Subdivision of the property

38 The South East London Strategic Housing Market Assessment identifies a local need for family sized dwellings within Lewisham. Family sized dwellings are defined as 3+ bedrooms. Therefore, DMP 3 is considered to be relevant to this proposal. DMP 3 states that developments that would result in the loss of a single family house will be refused planning permission except where environmental conditions mean that the house is unsuitable for family accommodation due to proximity to noise generating uses or lack of external amenity space.

39 Taking environmental conditions first, no evidence has been submitted to substantiate that the environmental conditions are unsuitable for family living though there is some merit to the argument that the location on a busy classified road is not ideal for family housing due to the traffic and pollution levels. However, many of the properties within the adjoining terrace remain as single family dwellings with some examples where the properties have been converted into flats. Nonetheless, the western side of Brockley Road has retained a residential character.

40 Turning to the rear garden, at present it is not suitable for family living due to the car port and garage combined with the hardstanding and general condition. However, the garden is an appropriate size for a family dwelling and could be reconverted to provide a higher quality amenity space. This would take a significant amount of work although this is not insurmountable.

41 Thirdly, in order to compensate for the subdivision of the property, the development would include the provision of a three bedroom flat (upper flat) as part of the unit mix. The flat would not be ideal for family living as it would not have access to a genuine garden. However, the flat would benefit from a roof terrace, which would exceed the London Plan space standard. The quality of the roof terrace for the upper flat would be an improvement on the quality of the existing garden, taking into account the amount of work that would be required to re-establish a garden.

42 None of the above three points are in themselves determinative and sufficient alone to overcome the policy position; however, when taken together, the conversion of the property is considered acceptable. Regard to the overall planning balance is also crucial and in this case the development would deliver two net additional units (including the garden house, discussed below) towards both the overall and small sites housing

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targets, which is a planning merit. Furthermore, no significant planning harms have been identified in the following assessment.

Garden house

- 43 The proposal site is located in the rear garden of 272 Brockley Road. Therefore, the site has characteristics of a back garden site as defined in DMP 33. DMP.33.C states that development of back gardens for separate dwellings on a wholly undeveloped garden of an existing and retained dwelling will not be granted permission. In this case the rear garden has been converted to provide ancillary car parking and features a car port and garage, but remains a back garden for the purposes of this application.
- 44 DMP 33 recognises that some sites will not fit squarely into one site typology. This site also exhibits characteristics of an infill site given the street frontage on to Arabin Road. These sites are identified for development within Section 29 of the Small Sites SPD as side street typology. The Small Sites SPD describes the side street typology as occurring where existing garages, other outbuildings or rear amenity space directly faces onto a secondary street where the distance from the rear of a house on the primary street is sufficient to allow new dwellings to be developed in place of existing structures. As such, the principle of a separate dwelling here is supported subject to an assessment against the criteria set out at DMP 33.A and the guidance in the Small Sites SPD.
- 45 The objections to the scheme allege that the scale of development proposed would overdevelop the site. The following assessment within this report does not identify any adverse impacts that would indicate that the proposals would overdevelop the site. In summary the new built form is considered subservient to the host property and would not harm the living conditions of neighbours. Furthermore, the residential accommodation is fully compliant with the relevant standards and there is adequate external space to service the development.

6.1.1 Principle of development conclusions

- 46 On balance, the principle of the subdivision of the property is considered acceptable given that the existing property is not entirely suitable as a family dwelling, taking into account the condition of the garden and environmental conditions, the scheme would reprovide a three bedroom dwelling of broadly equivalent quality to the existing dwelling and the scheme overall would provide a net increase of two dwellings in a sustainable urban location. The construction of a separate dwelling within the garden is supported as the garden would have a street frontage onto Arabin Road. The provision of two additional residential units would make a modest contribution to local housing targets, which is attributed weight within the overall planning balance.

6.2 RESIDENTIAL QUALITY

General Policy

- 47 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).
- 48 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; and (v) noise and disturbance;

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Internal and external space standards

Policy

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

Discussion

- 51 The table below sets out proposed dwelling sizes.

Table 2: Internal & External space standards

| Flat No. | Unit size | Required GIA (m²) | GIA (m²) | External amenity space (m²) |
|-----------------|------------------|-------------------------------------|----------------------------|---|
| Lower Flat | 2b3p | 61 | 63 | 19 |
| Upper Flat | 3b5p | 93 | 94 | 12 |
| Garden House | 2b4p | 79 | 80 | 22 |

- 52 All of the proposed units would exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height for the garden house would meet the 2.5m target as required by LPP D6. All of the dwellings would benefit from external amenity space exceeding the London Plan requirement. Therefore, the development would be fully compliant with the London Plan space standards thereby ensuring a high standard of residential quality.

Outlook, Privacy & Ventilation

Policy

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

Discussion

- 54 All of the proposed residential units would be dual aspect as a minimum with the allocation of windows providing good levels of outlook. The provision of windows would also provide passive cross ventilation providing mitigation against overheating and relief from the main road. In privacy terms there would be an element of intra-development overlooking from the windows and terrace of the upper flat towards the external amenity space of the lower flat and the garden house. Overlooking of this type is typical of urban environments such as this, where there are windows and balconies in close proximity to neighbouring gardens, as is the case for the adjoining roof terrace at No.274. As such, privacy levels are considered adequate and appropriate for a development in this location.

Daylight and Sunlight

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Policy

- 55 DMP 32 expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 56 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 57 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2% for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

Discussion

- 58 A Daylight and Sunlight Assessment (T16, September 2021) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the residential accommodation against the BRE standards. The results confirm that development would be fully compliant with the relevant BRE guidance.

Noise & Disturbance

Policy

- 59 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 60 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

Discussion

- 61 The proposed development would see the provision of additional residential development within an existing residential property. As such, noise impacts for the proposed accommodation would be no worse than for the existing house. The existing single glazed windows would be replaced with double glazed units as part of the development, thereby improving the acoustic performance. The garden house would also feature double glazed windows and is located in the rear garden, away from the most significant source of ambient noise, which is likely to be traffic and commercial activity on Brockley Road. Details for the replacement windows would be secured by condition.

Summary of Residential Quality

- 62 The proposed development would provide three good quality residential units in accordance with the requirements of the Development Plan.

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6.3 URBAN DESIGN

General Policy

- 63 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 64 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

Policy

- 65 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.
- 66 Further to this, 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.
- 67 DMP 31 requires development proposals for alterations and extensions to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 68 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.
- 69 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 29 is directly relevant to this site and requires that new houses be subservient to those fronting the primary street.

Discussion

- 70 As discussed above, the site is considered to be infill development of the side street typology as defined within Section 29 of the Small Sites SPD. The SPD requires new houses to be subservient to the primary street and advises that the highest point of the new house should be below that of the property on the corner. The garden house is sunken and two storeys with a flat roof and is therefore sufficiently subservient to the primary houses fronting Brockley Road and the adjacent properties on Arabin Road. The 5.6m distance to 274 Brockley Road and 14m distance to the side of 2 Arabin Road would ensure adequate visual separation providing stature to the new property and preserving views to the rear of the properties across the rear gardens.
- 71 The house would feature brickwork in a similar tone to the existing properties. This would be a contextual approach and as such is not objectionable. Details for the bricks, mortar and pointing would be secured by condition to ensure that the building would be of high

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quality. The roofs would accommodate biodiverse living roof systems thereby softening the appearance of the building and making a vital contribution to urban greening.

- 72 The dark coloured aluminium dormers would contrast with the brickwork providing a strong design element and with it visual interest to the building. The dark coloured aluminium fenestration is repeated throughout the building resulting in a coherent design response. This is most apparent in the design of the western side elevation, which features a high proportion of glazing. The proportion of glazing would assist in breaking up the massing when viewed from western viewpoints on Arabin Road. The specification of the windows and doors, the depth of the reveals and junction details would be secured by condition in order to deliver a high standard of design and detailing.
- 73 The existing stock brick boundary wall fronting Arabin Road would be retained, which is supported. The existing openings would also be retained but with the gates removed and porous gates and treatments installed to enhance the buildings presence within the streetscene. The new gates would provide a legible entrance from the public realm as required by Standard 8 of the London Plan Housing SPG. The boundary treatments will also be secured by condition.
- 74 The proposed single storey extension with terrace above would replicate the form of the neighbouring extension at no.274 and is therefore not objectionable. The extension would utilise matching brickwork with black metal railings, which is an appropriate design response. The height and scale of the extension are consistent with the neighbouring extensions forming a subservient and proportionate addition to the three storey host property. Full details of the materials and design features for the extension would be secured by condition.
- 75 The front garden would be altered to accommodate accessible bin and cycle storage for the upper flat. These works include the installation of a corten steel cycle and bin store in place of the existing boundary treatment and associated hard and soft landscaping. Corten is a high quality material and is therefore considered suitable given that the front boundaries within the terrace do not exhibit consistency in terms of form, scale or materials. The store would feature a planter in order to green the front boundary. Conditions are recommended securing final details for the design of the store as well as hard and soft landscaping schemes. The hard landscaping should include permeable materials to assist in mitigating flooding risk.
- 76 The alterations to the front of the property are relatively modest and as such would not introduce any significant impacts to the setting of the Grade II Listed St Andrews Church nor the Brockley Conservation Area.

6.3.1 Urban design conclusion

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

6.4 TRANSPORT IMPACT

General policy

- 78 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport

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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.

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

6.4.1 Local Transport Network

Policy

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

Discussion

- 81 The application site has a PTAL of 4, which is a good level of public transport accessibility. It is close to a number of bus stops and to Brockley train station. The site is therefore considered a sustainable urban location for intensification that could accommodate the relatively modest scale of development without any significant mitigation to the surrounding transport infrastructure and network.

6.4.2 Servicing and refuse

Policy

- 82 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 83 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.
- 84 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

- 85 Each residential unit would be provided with a dedicated bin store. For the lower flat and the garden house the stores would be located within the rear yards, which share an access onto Arabin Road. The upper flat would have a combined bin and cycle store within the front garden. Officers are satisfied that the stores could accommodate separate bins for recycling and general waste. It would then be the responsibility of the occupants to put the bins out on collection day consistent with the existing arrangement. This is an acceptable arrangement given that the stores are within 10m drag distance of the footway. A condition is recommended to secure details of the design of the stores and the provision of the stores prior to the occupation of the development.

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6.4.3 Transport modes

Walking and cycling

Policy

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

Discussion

87 Six long-stay spaces are required to comply with Table 10.2 of the London Plan. For the lower flat and the garden house the stores would be located within the rear yards with a shared access onto Arabin Road. The upper flat would have a combined bin and cycle store within the front garden. Each store would have capacity for two cycles in accordance with the London Plan requirement. These stores would also be covered, secure and accessible in compliance with TfLs London Cycle Design Standards, as required by LPP T5. As such, the cycle facilities are supported subject to a condition securing details of the design prior to the occupation of the development.

Private cars

Policy

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

89 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

Discussion

90 The proposal does not include any off-street parking, which is supported given the good PTAL rating. There are no parking restrictions or CPZs in operation in the surrounding area so it is not possible to restrict cars from being parked on the streets. Therefore, there is potential for overspill parking within the surrounding streets. A parking stress survey has been undertaken to provide an indication of parking capacity in the surrounding area. The survey has been reviewed by the Council's Highways Officer who has confirmed that the survey was undertaken in accordance with the accepted Lambeth Methodology. The survey covered a 200m radius from the application site, which includes the following roads:

- Arabin Road
- Braxfield Road
- Foxberry Road (east of Howson Road/ Harcourt Road)
- Howson Road (between Braxfield Road and Foxberry Road)
- Brockley Road (between Braxfield Road and Foxberry Road)

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91 The results of the survey are included within the Transport Statement (Transport and Traffic, September 2021). The surveys indicate an average parking stress of 75% from overnight surveys, which show there are on average 67 kerbside spaces to park. The daytime surveys indicate a similar level of parking stress when comparing to the night time surveys. This is below the 85% that would indicate high levels of parking stress. There results indicate that the potential overspill parking generated by the development could be accommodated within the surrounding area without the need for mitigation.

Construction impact

Policy

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

Discussion

93 No details have been provided for the construction phase of development. This is typical for development of this scale, however, the proximity to Brockley Road presents concerns given that Brockley Road is a classified road serving several bus routes. Obstruction to Brockley Road would therefore not be acceptable so a condition is recommended ensuring that all construction, including servicing, deliveries and access, is undertaken from Arabin Road.

6.4.4 Transport impact conclusion

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

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

95 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.

96 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

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

6.5.1 Enclosure and Outlook

Policy

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

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Discussion

- 99 In order to prevent enclosure of neighbouring windows and gardens, Figure 152 of the Small Sites SD recommends that new properties within rear gardens should be located a minimum distance of 10m from the rear of the existing house. The proposed garden house would fall short of this distance being located 5.6m from the rears of Nos 272 and 274.
- 100 The garden house has been designed to respond to these constraints. Firstly, by being sunken below the existing ground level and also in the design of the first floor level which is set in from the sides and rear and also slopes towards the rear. These measures would result in a building significantly lower than a typical two storey building. Finally, the roofs would accommodate living roof systems providing higher quality outlook from the upper floors. These design measures would be sufficient to prevent harm to No.274 given that the property does not have amenity space or rear windows at ground floor level and the existing garden already features built form. The lower flat within the application site does feature windows and an amenity space at ground floor level. However, the first floor of the garden building is orientated so that the elevations do not directly face the host building, thereby reducing the massing of the building when viewed from the rear windows and yard and allowing adequate levels of outlook.
- 101 To the west the garden building would adjoin the rear section of the garden of 270 Brockley Road, which accommodates a single storey metal structure. The presence of the structure would ensure that the garden building would not enclose this space. The garden house would be located approximately 12m from 2b Arabin road located to the north of the site, which is a sufficient distance to prevent a materially harmful loss of outlook taking into account the scale and design of the garden house.
- 102 The single storey extension would adjoin existing extensions at Nos 270 and 274 Brockley Road thereby preventing any material impacts to outlook and increased enclosure at the neighbouring properties.

6.5.2 Privacy

Policy

- 103 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The Small Sites SPD revises this figure to 16m and is therefore considered more relevant. Figures 30 and 31 of the Small Sites SPD advise that new directly facing windows should be located a minimum of 6m from the private garden zone of neighbouring properties, defined as 10m from the rear elevation of the property.

Discussion

- 104 The garden house features first floor windows in the southern and western elevations. The southern elevation faces the street so would not introduce any material impacts to the privacy of neighbours. The western elevation directly overlooks the rear section of gardens of Nos 268 and 270 Brockley. These areas of gardens were not identified as being main amenity spaces during a site visit and would not be included within the 10m private garden zone as defined within Figures 29 and 30 of the Small Site SPD. Accordingly, the impact to privacy is considered acceptable.

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- 105 At 14m, the first floor western elevation window is within 16m of the flank elevation at No.2 Arabin Road, contrary to the SPD guidance. However, the first floor window in the flank elevation of No.2 is below conventional size and at a 14m distance is unlikely to permit intrusive views. The western window would permit views toward 2b Arabin Road (rear of 266 Brockley Road), but these would not be direct given the oblique angle coupled with the distance. As such, this overlooking is not assessed to be harmfully intrusive.
- 106 The provision of the roof terrace for the upper flat has the potential to introduce overlooking towards the neighbouring gardens. The most intrusive views would be towards the gardens directly to the north. These views would be screened by a brick wall preventing a harmful loss of privacy. A condition is recommended securing the provision of the screening prior to the occupation of the development. A condition would also be imposed preventing the use of the flat roofs of the garden house as an amenity space.

6.5.3 Daylight and Sunlight

Policy

- 107 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 108 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 109 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 110 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).
- 111 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).
- 112 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

- 113 A Daylight and Sunlight Assessment (T16, September 2021) has been submitted with the application. The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:

- 270 – 274 Brockley Road

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- House to the rear of 266 Brockley Road

114 The report confirms that all of the windows modelled would be fully compliant with the BRE standards for daylight and sunlight. The same is true of the neighbouring amenity spaces. As such, the proposed development is considered acceptable in regard to the impact to light levels at the neighbouring properties.

6.5.4 Noise and disturbance

Policy

115 The NPPF at para 174(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

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

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

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

118 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.

Discussion

119 No long-term impacts are likely to arise from the provision of a residential development within a residential area. However, there is considerable potential for short-term impacts during the construction phase of development given the proximity to neighbouring gardens. Therefore, a condition is recommended limiting the time of works and deliveries relating to the construction phase.

6.5.5 Security

Policy

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

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Discussion

- 121 The proposed development would introduce an additional entrance into the boundary wall fronting Arabin Road. This is considered to have a positive impact on the security of neighbours given that the development would introduce additional passive surveillance in this location through the addition of the garden house.

6.5.6 Impact on neighbours conclusion

- 122 No significant adverse impacts to the living conditions of the neighbouring properties have been identified and therefore the development would be compliant with the relevant policies of the Development Plan.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 123 Para. 153 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 124 The policies within the London Plan “Sustainable Infrastructure” chapter are relevant.
- 125 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham’s approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

6.6.1 Energy and carbon emissions reduction

Policy

- 126 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 127 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

Discussion

- 128 The proposed development falls below the threshold for a major development and as such, the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, the conversion of an existing building is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.

6.6.2 Urban Greening

Policy

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- 129 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 130 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

- 131 The construction of the garden house would result in the loss of a significant proportion of the garden. The rear garden of the property has historically been used for private car parking so is covered with concrete hardstanding with few areas of planting. Therefore, the living roof systems proposed for the house and stores would deliver a net increase in urban greening. The specification, including substrate depth, would be secured by condition in order to ensure that the living roof system would maximise biodiversity benefits and would be durable. The provision of the living roof is required to soften the appearance from elevated positions
- 132 At the front of the site the garden features a narrow planting strip close to the front boundary that is not fully utilised. This strip would be lost as a result of the works to the front garden. However, the landscaping of the garden would include the provision of planting at lower ground floor level and the combined bin and cycle store on the front boundary would incorporate a planter. Therefore, there would be no loss of soft landscaping within the front garden. A condition is recommended securing the details and provision of the soft landscaping prior to the occupation of the development.

6.6.3 Sustainable Infrastructure conclusion

- 133 The proposal is acceptable in terms of sustainable development, subject to the conditions detailed above.

6.7 NATURAL ENVIRONMENT

General Policy

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

6.7.1 Ecology and biodiversity

Policy

- 137 NPPF 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. NPPF para 179 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

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138 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.

139 CSP 12 seeks to preserve or enhance local biodiversity.

140 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

141 The proposed biodiverse green roofs would enhance the contribution the site makes to biodiversity given the lack of soft landscaping at present. The specification for the green roofs will be secured by condition to ensure that the contribution to biodiversity is maximised.

6.7.2 Air quality

Policy

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

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

Discussion

144 The site lies within an AQMA. The application was not accompanied by the submission of an Air Quality Assessment. Since this scheme does not introduce new sensitive uses this is considered acceptable, taking into account the proposed scale of development would not generate significant construction traffic, and therefore further information and mitigation would not be necessary.

6.7.3 Natural Environment conclusion

145 Officers are satisfied that there would not be any significant adverse impacts to the natural environment, nor impacts from environmental conditions on future occupiers.

7 LOCAL FINANCE CONSIDERATIONS

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

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- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

148 The CIL is therefore a material consideration.

149 £7,161.33 Lewisham CIL and £4,731.59 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

150 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

152 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

153 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making

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- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

155 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

157 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

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

159 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

10 CONCLUSION

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

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- 162 The principle of the proposed development is supported given that the existing environmental conditions are sub-optimal, the subdivision of the property would include a three bedroom unit broadly commensurate with the quality of the existing house and the weight given to the merit of the net increase in homes. The rear garden of the property has been developed and has a street frontage so is considered an infill site appropriate for development. The provision of two additional residential units would contribute to local housing targets and as such would carry weight within the overall planning balance.
- 163 The standard of the accommodation provided by the residential units is considered to be high quality. In design terms, the scale and massing of the building and extension are assessed to be appropriate for the context. Furthermore, the development would feature high quality materials and detailing, ensuring that the proposal would make a positive contribution to the surrounding townscape.
- 164 The application proposal would not produce any harmful impacts in terms of sustainable development and the natural environment and would deliver a net increase in urban greening and biodiversity, subject to conditions. The proposed conditions are considered to ensure that any potentially adverse impacts to the local transport network and the living conditions of neighbours would be mitigated.
- 165 Therefore, subject to the imposition of conditions, the development is judged acceptable and would accord with the Development Plan.

11 RECOMMENDATION

- 166 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:

0161.OS; 0161.P.110 C; 0161.S.100; 0161.S.102 received 8 November 2021;
0161.P.100 E; 0161.P.101 E; 0161.P.105 E; 0161.P.106 E; 0161.P.200 E;
0161.P.201 D; 0161.P.202 D; 0161.P.205 D; 0161.P.300.E; 0161.P.301 D received 1
March 2022;
0161.P.107 received 16 May 2022;

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

3 **Construction Logistics**

All construction activity, including servicing, deliveries and access, shall be undertaken from the rear of the site via Arabin Road and no construction servicing, deliveries or access whatsoever shall be undertaken from Brockley Road.

Reason: In order to ensure satisfactory vehicle management and pedestrian safety and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4 **Materials and Design Quality**

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

- i.* brickwork, mortar and pointing;
- ii.* roofing and panelling materials;
- iii.* dormers
- iv.* fascias, soffits and roof junctions;
- v.* windows, external doors and reveals;
- vi.* rainwater goods;
- vii.* boundary treatments and balustrades

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

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

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the 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.

5 **Refuse & Recycling Facilities**

(a) The development shall not be occupied, until details of the refuse and recycling facilities (including the design of the stores) for each residential unit hereby approved laid out in accordance with approved drawings 0161.P.101 E and 0161.P.105 E, 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

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of neighbouring occupiers and the area in general, in compliance with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011).

6 Cycle Parking

- (a) Prior to the occupation of the development, full details of the cycle parking facilities (including the design of stores) for 6 cycles laid out in accordance with approved drawings 0161.P.101 E and 0161.P.105 E, 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), Policies 14: Sustainable movement and transport and 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).

7 Hard Landscaping

- (a) Prior to the occupation of the development drawings and product specifications (including details of permeability) showing the 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), Policies 10 Managing and reducing the risk of flooding and 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).

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

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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 Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

9 Living Roofs

- (a) Prior to installation, details of the proposed extensive biodiverse living roof systems and their maintenance (including a section drawing demonstrating a minimum substrate depth of 100-150mm), to be laid out in accordance with drawing 0161.P.107, shall be submitted to and approved in writing by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roofs have been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved and maintained thereafter.

Reason: In order to maximise the contribution to urban greening and deliver high design quality and to comply with Policy G5 Urban greening in the London Plan (2021), Policies 10 managing and reducing flood risk, 12 Open space and environmental assets and 15 High quality design of the Core Strategy (June 2011), and DM Policies 24 Biodiversity, living roofs and artificial playing pitches, 30 Urban design and local character and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

10 Removal of Permitted Development Rights

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no external alterations or extensions shall be constructed to the new garden building hereby approved other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

11 Construction Hours

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 174 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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12 Water Saving

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

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

13 Gas Boilers

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

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

14 Roof Terrace Screening

The brick screen for the rear roof terrace shown on drawings 0161.P.101 E and 0161.P.201 D hereby approved shall be constructed prior to the occupation of the development and retained thereafter.

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

11.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before

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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) 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.

12 BACKGROUND PAPERS

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses

13 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

Email: alfie.williams@lewisham.gov.uk

Telephone: 020 8314 9336

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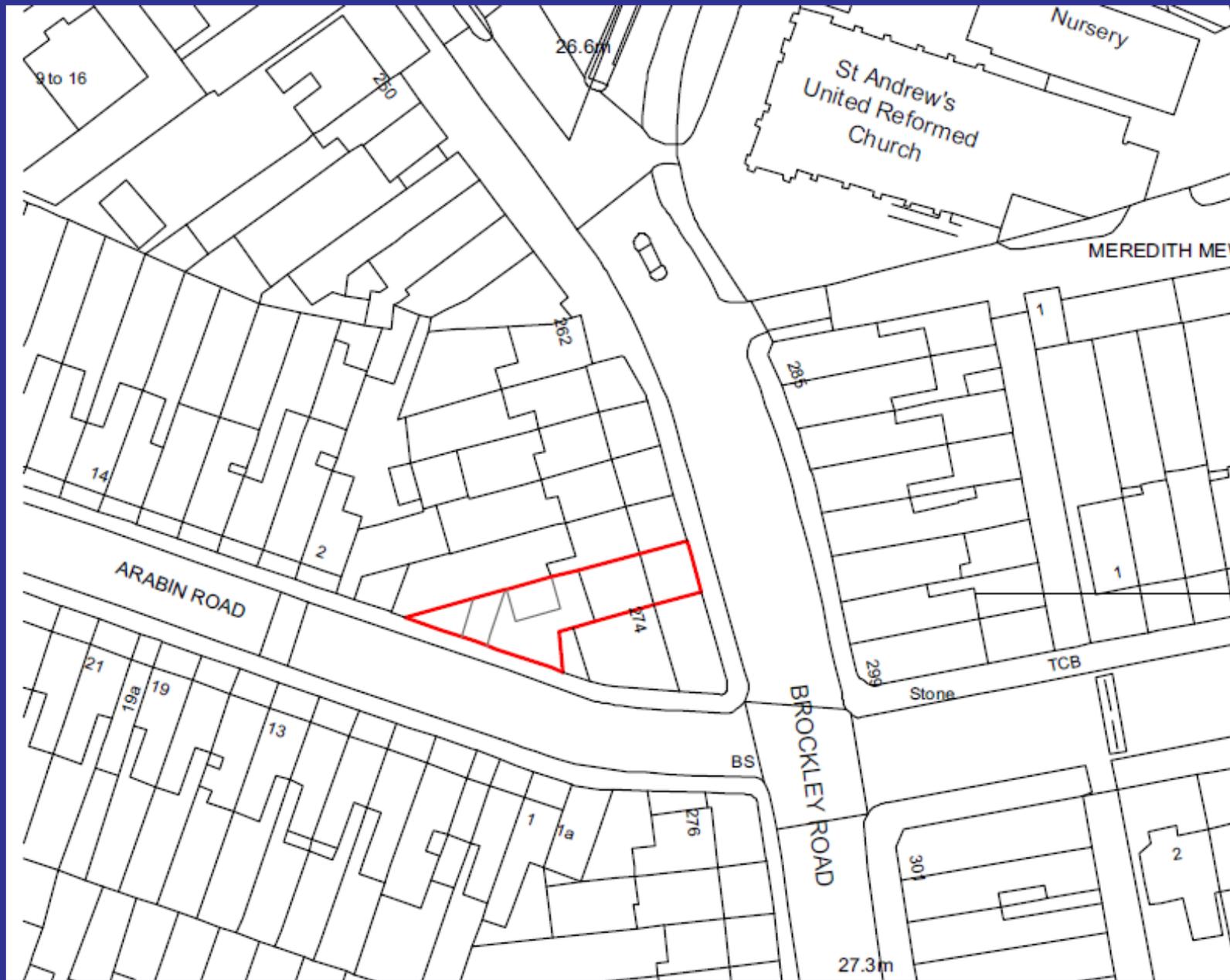
Application No. DC/21/124199

272 Brockley Road

London SE4 2SF

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

Alterations and conversion of the existing dwelling and construction of a lower ground floor rear extension with a roof balcony at 272 Brockley Road SE4 to create two self-contained flats, with alterations to front boundary and front garden area, refuse and cycle storage, together with the demolition of outbuildings and structures in the rear garden and redevelopment to provide a partially sunken two storey dwelling with refuse and cycle storage.



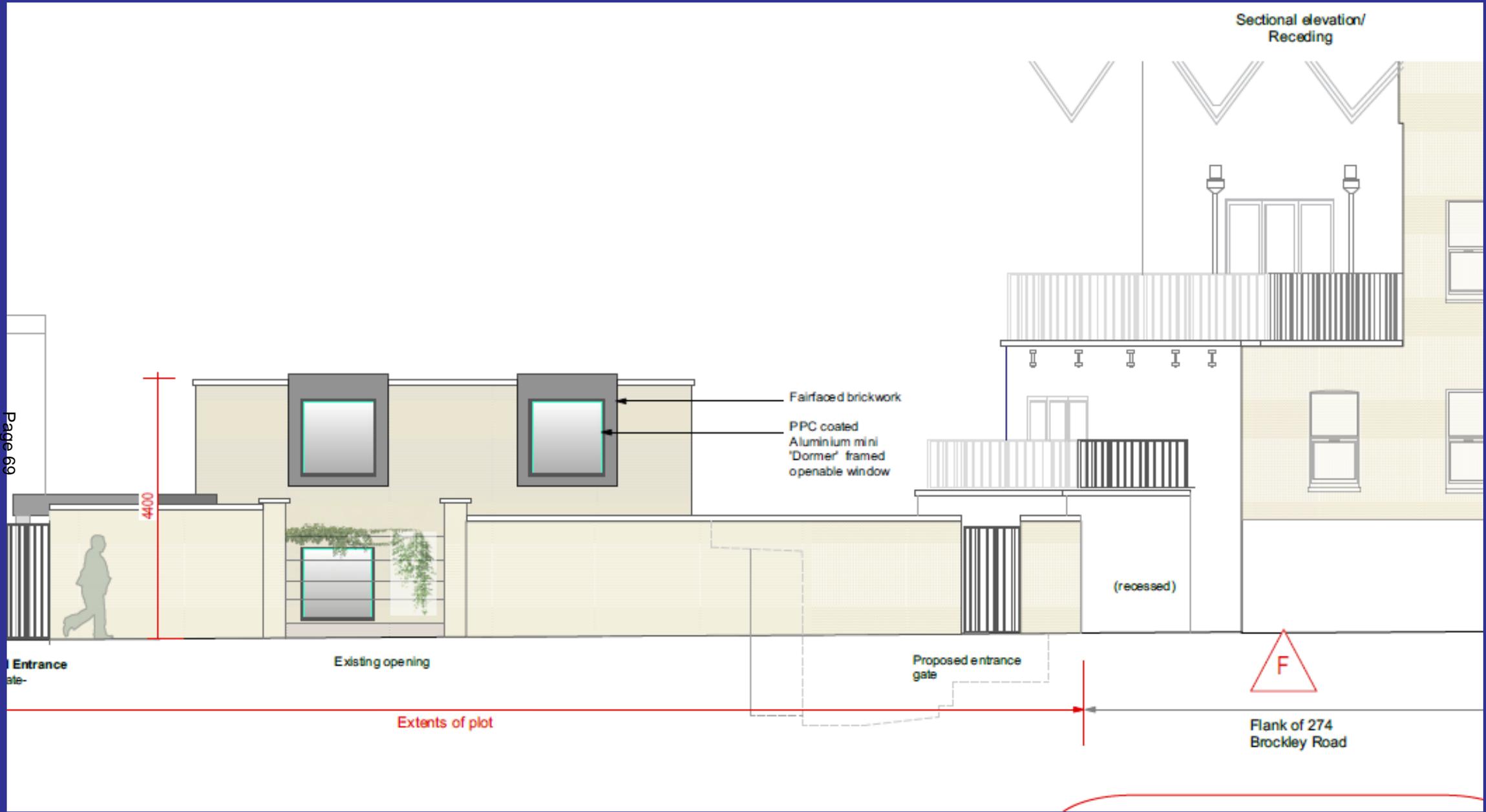


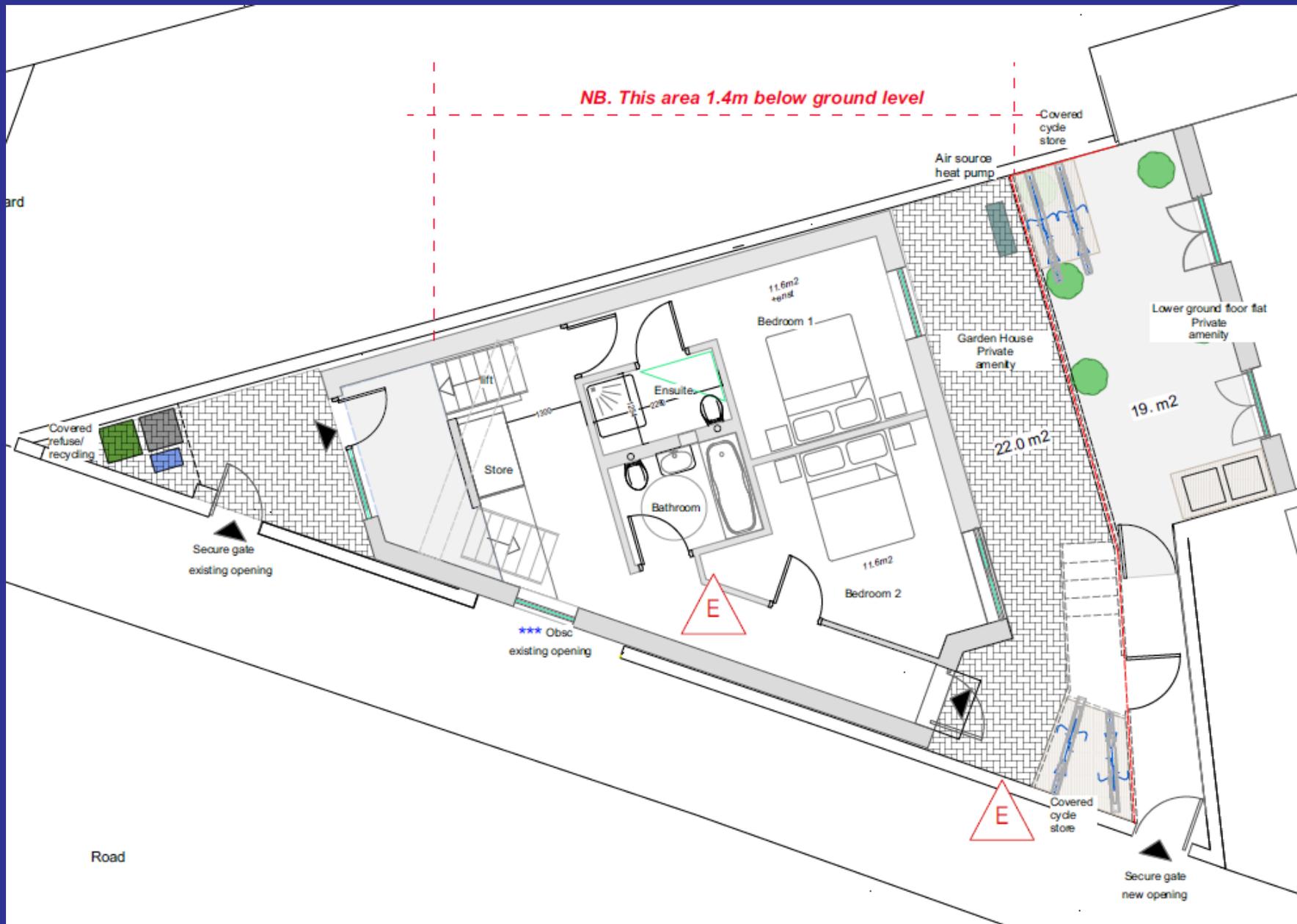


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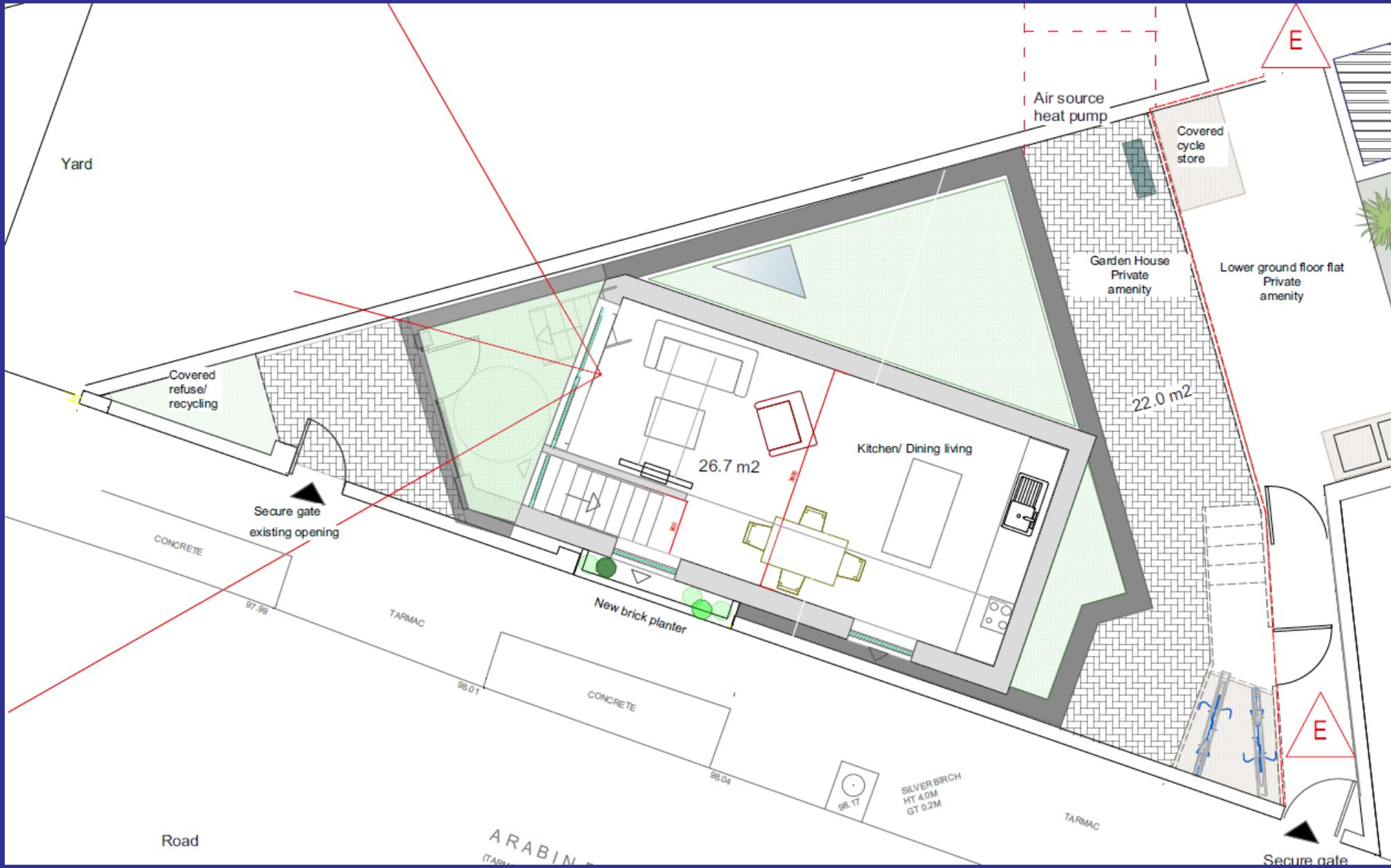








Proposed Ground Floor Plan (Garden House)

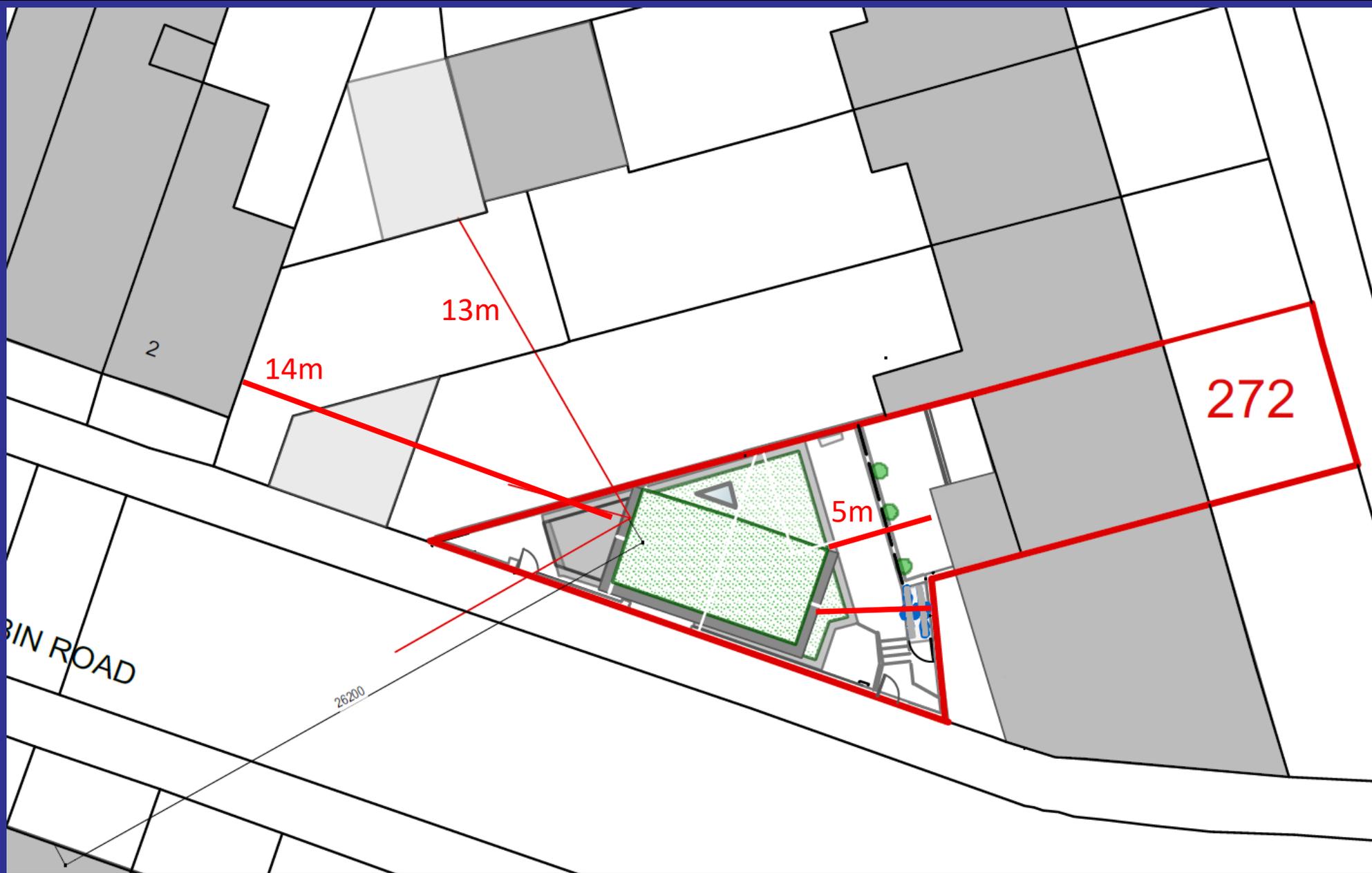


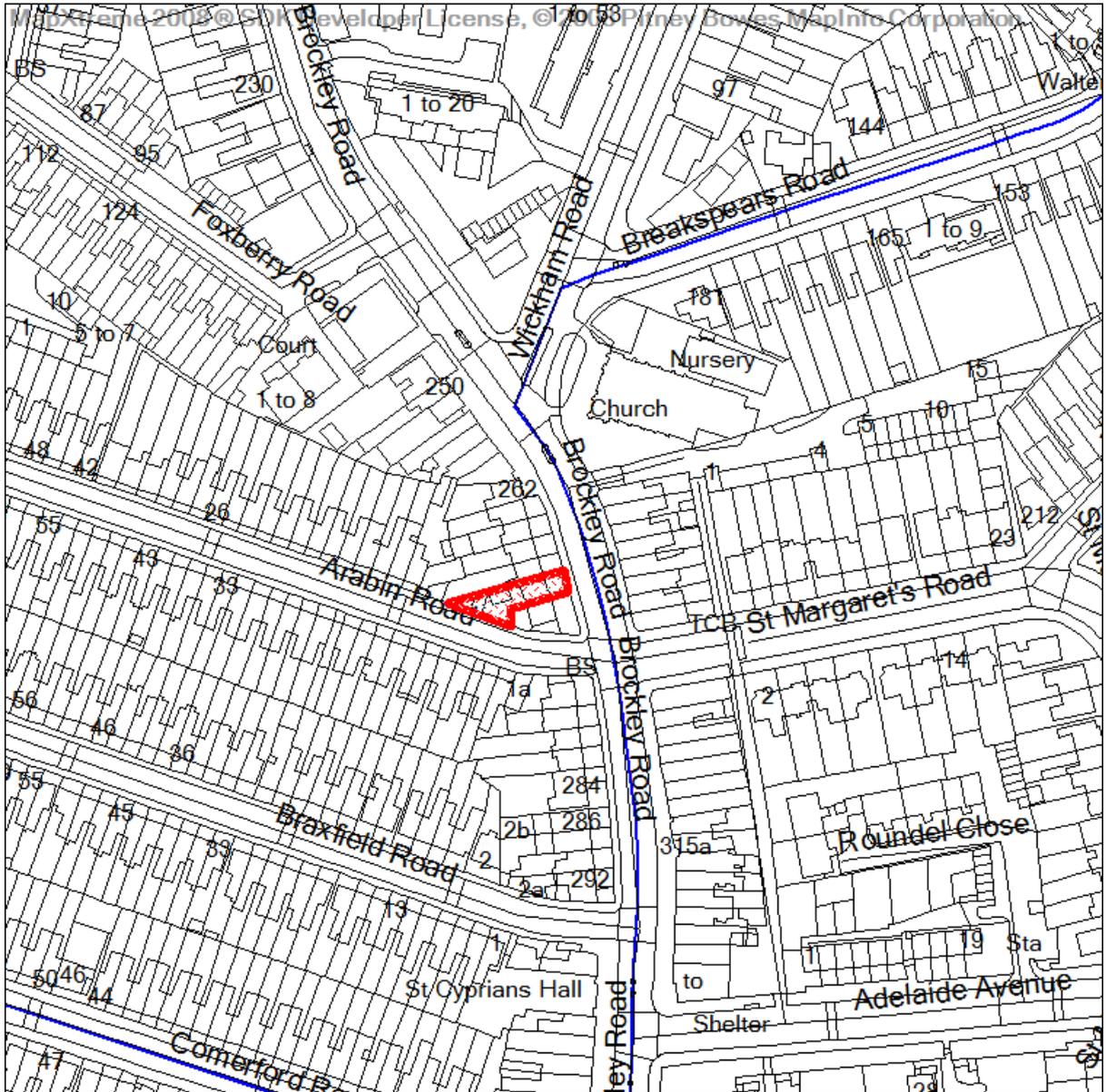
Proposed 1st Floor Plan (Garden House)

MAIN PLANNING CONSIDERATIONS

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

End of Presentation





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Planning Committee A

Report title: Hesper House, Wells Park Road, SE26 6RQ

Date: 24th August 2022

Key decision: No

Class: Part 1

Ward(s) affected: Forest Hill

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

Application reference number(s): DC/21/120262

Application Date: 29 January 2021

Applicant: The Edition Group Ltd.

Proposal: Demolition of existing buildings on site and the construction of a 5-storey residential building (plus lower ground) (Use Class C3) at the site known as Hesper House, Wells Park Road, SE26, incorporating off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and documents
(3) Internal consultee responses
(4) Statutory consultee responses
(5) *Appendix A: Local Meeting Minutes*

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The site is located on the northern side of Wells Park Road and is currently occupied by a 2-storey, single family dwellinghouse located towards the west of the site. The remainder of the site forms the private garden of the dwelling.
- 2 The site has a varied topography, and slopes up steeply from street level towards the rear boundary, as well as from east to west (following the topography of Wells Park road. The existing house sits well above street level.
- 3 The site area is 0.07ha and is therefore a Small Site for the purposes of LP H2 and Lewisham's Small Sites SPD.

Character of area

- 4 The immediately surrounding area is predominantly residential in character. To the immediate north and west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats and accessed from Sydenham Hill, with a residential estate to the north of that. Sydenham Hill Wood is approximately 300m to the North and West, with Dulwich Golf Course and Park to the North and West of that.
- 5 Directly adjoining to the east is a 5-storey block of flats (Greyfriars), which is accessed from Wells Park Road. Further to the east are the larger 6-storey residential blocks of the Sydenham Hill Estate.

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6 To the south are the residential properties on Longton Avenue, which are predominantly larger detached dwellings; Sydenham Wells Park is to the Eastern side of Longton Avenue. To the West of Longton Avenue is Hillcrest Wood, which has a public footpath leading down to Upper Sydenham, and towards Crystal Palace Park.

Heritage/archaeology

7 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.

8 The site is not within a known area of archaeological interest.

Surrounding area

9 Kirkdale, a large local shopping parade is approximately 700m to the east of the site.

10 Sydenham Wells Park, a large public park is located opposite the site.

11 The site falls within a designated 'Area of Special Character' known as 'Sydenham Ridge'.

Local environment

12 The site is in flood zone risk area 1 meaning the risk of river flooding is low.

Transport

13 The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is below average for London areas.

14 Wells Park Road is a public highway with a speed limit of 20mph, and speed humps.

15 The existing property benefits from a vehicular crossover to the highway.

2 RELEVANT PLANNING HISTORY

16 **DC/19/133716:** Demolition of existing buildings on site and the construction of a 5-storey building (plus basement for parking) consisting of 7x three bedroom and 3 x two bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 10 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities. **Granted 13 January 2021.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

17 The proposal is for the demolition of the existing two-storey dwelling known as Hesper House, and the construction of a five storey, plus a partial lower ground floor level, building. The proposal would provide fifteen new self-contained dwellings: 5x three bed, 8x two bed and 2x one bedroom.

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18 The proposal includes 6x off-street car parking spaces, landscaping of the wider site and the provision of bicycle and refuse storage.

3.2 COMPARISON WITH PREVIOUSLY APPROVED SCHEME

19 The scale of the proposed building is similar to the building approved previously (DC/19/133716). The height is the same, as is the depth, and the current proposed building is marginally wider.

20 The key difference is the current proposal is for 15 dwellings, an additional five dwellings above the previously approved scheme. This is facilitated through internal alterations to amend the dwelling mix: two fewer 3-bedroom dwellings, five additional 2-bedroom dwellings and two additional 1-bedroom dwellings.

21 Furthermore, the current proposal would provide 6 parking spaces instead of the 10 previously approved, and these would no longer be within a fully enclosed basement level, rather they would be on the forecourt and within a small undercroft at the front of the building. As a consequence, the soft landscaped area is reduced.

22 Since the previous scheme was approved, the following policy changes have occurred:

- The new London Plan (March 2021) was published on 2nd March 2021
- The NPPF was revised in July 2021
- The Lewisham Small Sites SPD was adopted in October 2021

4 CONSULTATION

4.1 APPLICATION PUBLICITY

23 Site notices were displayed on 17th February 2021 and a press notice was published on 17th February 2021.

24 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 10th February 2021. On 1st October 2021, following revisions to the proposed plans, further letters were sent to neighbours again.

25 26 number responses received, comprising 21 objections, 4 support and 0 comments.

4.1.1 Comments in objection

| Comment | Para where addressed |
|---|----------------------|
| Overdevelopment / density too high | 61 |
| Reduction in family sized units compared to previous approval | 94 |
| No affordable housing + viability assessment | 75 |
| Scale of development and height of building | 148 |
| Impacts to Sydenham Ridge area of local character | 133 |
| Parking stress, proposed on-site parking inadequate | 209 |

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| | |
|---|--------------------|
| Safety of vehicular entrance | 186 |
| Deliveries | 199 |
| Overlooking | 239 |
| Visual impacts + loss of light | 260 |
| Noise and disturbance | 261 |
| Impacts to bats and other wildlife | 324 |
| Nearby ancient woodland | 323 |
| Loss of greenery on site | 295 |
| Old disused railway Tunnel near site | Condition 7 Piling |
| Impacts to groundwater / ground stability due to excavations | 314 |
| Impact to surrounding infrastructure (i.e. schools hospitals) | 357 |
| Carbon footprint of new building | 279 |

4.1.2 Comments in support

| Comment |
|--|
| New building appears high quality and would improve street |
| The area desperately needs more high quality housing like this application, homes that will attract a mix of aspirational professionals and families of all ages. |
| Existing property in desperate need of expensive maintenance |
| I believe that the setback from the street coupled with a comprehensive landscaping scheme will help the somewhat confrontational condition that currently exists |
| Replacing the single dwelling on this plot with 15 apartments catered to families and couples would be beneficial to the borough of Lewisham, which is in much need of more new homes being built that are well-designed, modern, and affordable. |
| The development is well located and close to amenities such as Sydenham Wells Park and Sydenham Station close-by and would be perfectly located on Wells Park Road which accommodates a variety of apartment blocks, therefore this development will certainly not detract from the character of area, and in my opinion seeks to enhance it - particularly with its attractive landscaping and elegant modern design. |
| The floor plans are generous and provide considerate design features such as large windows, ample landscaping and onsite car parking. |

4.1.3 Local Meeting

- 26 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 14th October 2021. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Leo Gibbons, and followed a webinar format. The Local Meeting was held in accordance with temporary changes to Lewisham's Statement of Community Involvement.

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- 27 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 were submitted via text on the Zoom web application.
- 28 The meeting was attended by nine local residents, Councillor Gibbons, Councillor Davis, the developer's planning agents representing Craftworks, and Planning Officers James Hughes (South Area Team Leader) and Samuel James (case officer).
- 29 The key concerns raised by objectors largely mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area, highways, ecology and the impact on neighbouring amenity. The notes of the Local Meeting are included at Appendix A.

4.2 INTERNAL CONSULTATION

- 30 The following internal consultees were notified on 8 February 2021.
- 31 Highways: Concern was initially raised that the proposed parking represented an over-provision, and that the submitted transport statement contained out of date London Plan policies. Following receipt of revised details and reduction in parking, no objections are raised, subject to conditions. See from para 1726.4.1 for further details.
- 32 Ecology Officer: Concern was initially raised regarding the Preliminary Ecological Survey that had been submitted and further information regarding landscaping and the proposed living roof was requested. Following receipt of additional information, no objections are raised, subject to conditions. See from para 317 for further details.
- 33 Flood Resilience Manager: Requested revised and additional information, and when this was submitted no objections were raised, subject to a standard condition requiring compliance with the details. See para 301 for further details.
- 34 Environmental Health: No comments received.

4.3 EXTERNAL CONSULTATION

- 35 The following External Consultees were notified on 8 February 2021:
- 36 Metropolitan Police: Made several comments and recommendations, which they recommend are secured by condition. See para 176 353 for further details.
- 37 Thames Water: Raised no objections, subject to several informative notes.
- 38 BPS (Viability Consultants): comments outlined from paragraph 75

5 POLICY CONTEXT

5.1 LEGISLATION

- 39 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).

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5.2 MATERIAL CONSIDERATIONS

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

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

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

43 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

44 Lewisham SPG/SPD:

- Small Sites Supplementary Planning Document (October 2021)
- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

45 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)

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- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

46 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

47 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.

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

Policy

49 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.

50 LPPH2 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes on these kinds of sites.

51 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.

52 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.

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53 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.

6.1.1 Principle of development conclusions

54 The proposal would include the demolition of the existing dwelling-house, and the provision of fifteen new dwellinghouses. There would be an increase of 14 homes to the housing stock, five of which would be family housing with three bedrooms.

55 The existing house is not considered to be of any architectural merit, and therefore its demolition is acceptable, considering fifteen new homes would be provided by the proposal.

56 The site would make a valuable contribution towards meeting housing needs as identified in the London Plan to increase housing supply and optimise housing potential. The proposal would make more efficient use of the land and officers therefore support the principle of development.

57 It is also noted that it is a material consideration that the principle of residential redevelopment of the site for 10 dwellings has been recently approved on the site under application DC/19/113716 dated 13 January 2021.

58 The acceptability of the proposed development is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided.

6.2 HOUSING

59 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

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

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

62 LPP D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity.

63 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

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connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

Discussion

64 Table 6.1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Table 6.1: Measures of Density

| Criteria | Value | Extant permission | Criteria/area | Extant permission |
|-----------------|--------|-------------------|---------------|-------------------|
| Site Area (ha) | A 0.07 | | n/a | n/a |
| Units | 15 | 10 | 214 U/Ha | 143 U/Ha |
| Habitable rooms | 47 | 37 | 671 Hr/Ha | 529 Hr/Ha |
| Bedrooms | 32 | 27 | 457 Br/Ha | 386 Br/Ha |
| Bedspaces | 54 | 44 | 771 Bs/Ha | 629 Bs/Ha |

65 Table 6.2 below sets out the measures of height and scale of each building or major component in the development required by the supporting text to LPP D3 (para 3.3.23 of the LP) for all major proposals.

Table 6.2: Additional Major criteria

| Criteria | Value | Extant permission |
|--|-------|-------------------|
| Site Area | 0.07 | 0.07 |
| Floor Area Ratio (GEA of all floors/site area) | 2.2 | 1.6 |
| Site Coverage Ratio (GEA of ground floors/site area) | 0.41 | 0.3 |
| Maximum height (m above ground level)* | 12.6m | 12.6m |

Summary

66 Policy D6 of the London Plan states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites. The design of the development must optimise density.

67 The proposed development would be of a greater density than the extant permission, and this is shown in table 6.1 and 6.2 above. The London Plan states density measurements should be provided for monitoring purposes, and does not set out prescriptive levels of density for residential developments.

68 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 additional dwellings would be accommodated in a building only

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marginally larger than that granted planning permission earlier this year. As such, Officers conclude this proposal would optimise the site capacity in a way compliant with the London Plan.

6.2.2 Affordable housing

Percentage of affordable housing

Policy

- 69 The NPPF expects LPAs to specify the type of affordable housing required (para 63).
- 70 The Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance 2017, Core Strategy Policy 1 and DM Policy 7 - Affordable rented housing require that new residential development provide on-site affordable housing. Core Strategy Policy 1 requires that that a maximum provision of affordable with a strategic target of 50% affordable housing be secured unless it can be demonstrated through viability that a lower provision is appropriate.
- 71 LPP H4 Delivering affordable housing sets a strategic target of 50% genuinely affordable housing for all new homes delivered across London and states that this should be provided on site. Major developments which trigger affordable housing requirements should provide affordable housing through the threshold approach in line with Policy H5 Threshold approach to applications.
- 72 Policy H5 states that, unless a development is qualified for the Mayor's Fast Track Route
- 73 Where an application does not meet the requirements set out in Part C it must follow the Viability Tested Route.
- 74 CSP1 and DMP7 requires sites capable of providing 10 or more dwellings to provide contribution of affordable housing with a strategic target of 50% affordable housing from all sources. This contribution (50% affordable housing) is the starting point for negotiations and it is subject to financial viability assessment. The affordable housing component is to be proposed at 70% social rented and 30% intermediate housing.

Discussion

- 75 It is noted that the extant planning permission DC/19/113716, resolved to be granted by Committee A on 4 November 2020 and subject to a Section 106 Agreement dated 12 January 2021, would not provide any affordable housing.
- 76 The current proposal would also deliver 0% affordable housing.
- 77 In February 2022, following revisions made to the proposal in October 2021, the applicant submitted an updated Financial Viability Appraisal (JLL, February 2022) for the current proposal. The submitted document concludes that the proposed development of a 15 unit scheme would result in a viability deficit of -£907,000 using their projected residual land value of £342,298 minus the benchmark land value (BLV) of £1,250,250. A 20% level of developer profit has been assumed in the appraisal.
- 78 The Planning Service instructed BPS to undertake a review of the applicant's FVA, who have reviewed and appraised the document in their Independent Viability Review (dated 8th March 2022). The report noted the following:

Benchmark Land Value

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- JLL (the applicant's viability consultants) have approached the Benchmark Land Value on an Existing Use Value (EUV) basis, adopting the same BLV as in their report of January 2021 of £1,250,250. This reflects a £1m EUV, plus a 20% landowner premium and purchaser's costs added to this figure. We note that the site was in fact purchased in February 2021 for £1.1m, some £150,250 below JLL's proposed BLV.
- BPS have reviewed recent comparable evidence and consider it is reasonable to agree JLL's EUV of £1m. This represents an increase from BPS's EUV of £950,000 from May 2021. BPS maintain, as at May 2021, that it is not reasonable to attach a landowner premium to this figure because the property is a single dwelling house and the open market value of such properties coincides with their EUV, there being no higher value available than open market value and is itself a level at which it would be reasonable to assume the property would trade on the open market.

Development Costs

- BPS contracted Cost Consultant has reviewed the Cost Plan for the proposed scheme prepared by the applicant, dated 7th February 2022, and considers the inclusion of an OHP rate of 10% is excessive. BPS have reduced this allowance to 6%, reducing the overall cost to £4,065,000, representing a deduction of £235,000.
- BPS consider that the other costs outlined appear reasonable and consistent with JLL's January 2021 report.
- JLL have maintained a profit target of 20% on GDV. BPS maintain, in consistence with their May 2021 report, that this rate is overstated given the risks associated with a development of this kind and scale. On this basis JLL's stated requirement for a 20% on GDV profit target is considered to be overstated. Alternatively, if it argued that a higher profit is required, then this would question the scheme's deliverability.
- BPS have adopted a 15% on GDV profit target in consistence with their report dated May 2021.

Recommendations

- BPS conclude that the scheme produces a surplus of £12,000, which is considered a breakeven position. The scheme would therefore not be able to effectively contribute towards or provide affordable housing. There is a clear rationale for incorporating late stage review provisions within any S106 Agreement to capture any improvements in viability over the life of the development.
- It is noted that JLL have provided a breakeven appraisal within their updated FVA for the purposes of the review mechanisms. This breakeven appraisal has been calculated by increasing the GDV until their viability position reaches a breakeven.

- 79 Based upon BPS's independent review of the viability position of the scheme, officers consider the proposal would not be able to viably deliver affordable housing. Though there is a clear difference between the viability deficit output from the applicant of approximately £900k, and the Council's independent consultants' minor surplus (which is considered a break-even position) of £12k.
- 80 The applicant has stated they will pay a financial contribution of £12k towards off-site affordable housing, which is considered acceptable in this case, due to the relatively low figure.

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81 Further reviews are recommended to be included in the Section 106 Agreement. If the build costs and gross development value changed in the time between the grant of permission and the early or late-stage reviews, then details of this would be expected to be contained the reviews, and the Council would have the opportunity to reassess the viability of the development. If it showed a surplus at this time, then contributions towards affordable housing would be sought.

82 The applicant has submitted a Breakeven Appraisal, in line with the Mayor of London's Viability Review Mechanisms Procedural note (2019). BPS were consulted on this, and have confirmed that because the scheme has a demonstrated deficit, this is the correct approach. They have recommended that there is a clause within the Section 106 which to ensure total transparency within any future review mechanism.

83 In light of the above, the proposal is considered policy compliant with regards to the proposed provision of affordable housing.

Review mechanisms

Policy

84 Taking account of London Plan Policy H5 and the guidance in the Mayor's Affordable Housing and Viability SPG, officers recommend that s106 obligations require the proposed level of affordable housing is subject to review.

85 An early stage (delayed implementation) and late stage (when 75% of the units are sold) review mechanism would be secured in accordance with Policy H5 of the London Plan and the Mayor's SPG.

86 The early stage review means that if the ground floor slab has not been completed within 2 years of the permission being granted, a review of the viability of the scheme would be triggered.

87 The late stage review means that once 75% of the proposed dwellings have been sold, but prior to the sale of the whole of the development, the viability of the scheme would be reappraised.

88 This reappraisal would be based on the sale values and costs incurred throughout the development, therefore addressing the economic uncertainty over the lifetime of the development.

89 There will be a clause in the review mechanism, to ensure total transparency in the developer's future submissions relating to this matter.

90 While the scheme cannot viably deliver affordable housing, if the early or late stage review finds that the scheme can provide a contribution to affordable housing while remaining financially viable, the outcome would likely be a financial contribution towards off-site affordable housing provision. Officers would assess this as part of the early and late stage reviews.

6.2.3 Dwelling Size

Policy

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

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- 92 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.
- 93 London Plan Policy H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 94 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.
- 95 Development Management DM Policy 32 sets out how to achieve high quality design and internal layout of new development.

Discussion

- 96 The proposal includes two x one bedroom; eight x two bedroom dwelling; and five x three bed dwellings. This is considered to be a good mix of dwelling sizes, including five (33%) family sized dwellings for which there is an identified need, and is in considered to be in line with the above policies, despite the reduction in number of family sized dwellings compared to the extant permission.

6.2.4 Residential Quality

General Policy

- 97 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).
- 98 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

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

Discussion

- 101 The table below sets out proposed dwelling sizes.

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

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| Unit No. | Unit type (<i>min req GIA</i>) | Unit size (GIA) (sqm) | Floor to ceiling heights (metres) | Amenity space (m. squared) | Compliance |
|-----------------------|-------------------------------------|-----------------------------|--------------------------------------|-------------------------------|------------|
| 1 (gf) | 1b1p (50) | 54 | 2.4 | 14 (5) | Yes |
| 2 (gf) | 2b3p (61) | 64 | 2.4 | 43 (6) | Yes |
| 3 (gf) | 3b6p (95) | 97 | 2.4 | 112 (9) | Yes |
| 4 (1 st) | 2b3p (61) | 65 | 2.4 | 7 (6) | Yes |
| 5 (1 st) | 2b3p (61) | 64 | 2.4 | 9 (6) | Yes |
| 6 (1 st) | 3b5p (86) | 97 | 2.4 | 7 (8) | Yes |
| 7 (2 nd) | 2b3p (61) | 65 | 2.4 | 7 (6) | Yes |
| 8 (2 nd) | 2b3p (61) | 64 | 2.4 | 9 (6) | Yes |
| 9 (2 nd) | 3b5p (86) | 97 | 2.4 | 7 (8) | Yes |
| 10 (3 rd) | 1b2p (50) | 59 | 2.4 | 11 (7) | Yes |
| 11 (3 rd) | 2b3p (61) | 64 | 2.4 | 9 (6) | Yes |
| 12 (3 rd) | 3b5p (86) | 88 | 2.4 | 9 (6) | Yes |
| 13 (4 th) | 1b2p (50) | 52 | 2.4 | 8 (5) | Yes |
| 14 (4 th) | 2b3p (61) | 69 | 2.4 | 9 (6) | Yes |
| 15 (4 th) | 3b5p (86) | 88 | 2.4 | 8 (8) | Yes |

- 102 The proposed units would all exceed the minimum requirements in terms of overall floor areas, and in terms of the sized of individual bedrooms. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

Outlook & Privacy

Policy

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

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

Discussion

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

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

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

Daylight and Sunlight

Policy

108 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

109 The proposed flats would all be provided with good levels of glazing, and they would all have windows on at least 2 elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight.

Overheating

Policy

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

Discussion

111 All of the proposed dwellings would be dual aspect, and the number of and size of opening windows and doors to balconies would ensure dwellings receive good levels of ventilation. The amount of heat entering the building in summer is also proposed to be reduced through use of shading measures including internal/external blinds or curtains.

112 Further measures to reduce overheating risk are outlined in the submitted energy statement, with further discussion provided from paragraph 257 of this report.

113 Officers consider the design acceptable with regards to overheating risk.

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Children's Play Space

Policy

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

Discussion

- 115 Using the GLA's Population yield calculator, an estimated 62sqm of play space is required for future residents of the proposed development.
- 116 Unit 3, the three bedroom family sized dwelling at ground floor level would have a large private amenity space, well in excess of the minimum requirement, to the side and rear of the building which would be suitable for stimulating children's play.
- 117 The remainder of family sized dwellings would be provided with a balcony, which may be considered unsuitable for children's play due to their limited size.
- 118 However, the proposed wooded communal amenity space to the rear of the site has an area of approximately 80sqm. Officers consider this space would provide good opportunities for future children residents to play, and as it is in excess of the requirement of LPPS4, officers consider this to be an acceptable provision.

Accessibility and inclusivity

Policy

- 119 DLPP D5 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.
- 120 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users. Whilst this is not a major scheme, an assessment of the level of accessibility proposed follows.

Discussion

- 121 Unit 1 (2b3p) at ground floor level has been designed as a M4(3) wheelchair accessible dwelling, and all dwellings are designed as M4(2) wheelchair adaptable. Officers note the policy requirement would be for 2 M4(3) dwellings, and it is therefore considered reasonable to seek further details through a suitably worded condition for two of the dwellings to be wheelchair accessible.
- 122 One of the basement car parking spaces would be an accessible space, and a lift provides access to every level of the building from the car park. This is acceptable, as 10% of parking spaces are required to be suitable for wheelchair users.
- 123 Two of the fifteen units would be provided as a wheelchair accessible dwelling, and all other dwellings would be wheelchair adaptable it is considered a policy compliant level of accessible housing would be provided, in line with the above policies. This would be secured through condition.

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External space standards

Policy

- 124 LPP D6.H requires all new one bedroom dwellings to be provided with at least 5m² private external amenity space, and another 1m² for each additional occupant.

Discussion

- 125 A large majority of the dwellings would be provided with an excess of the minimum required private amenity space in the form of terraces or balconies.
- 126 Two of the three bedroom units (6 and 9) would fall short by 1m² in terms of the size of their private balconies. This is acceptable in this case because additional communal external amenity space would be provided at the rear of the property (approx. 80m² in total), and furthermore these units both exceed the minimum internal floor area for a 3b5p flat by 10m³, which makes up for the minor shortfall on balance.

Summary of Residential Quality

- 127 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.

6.2.5 Housing conclusion

- 128 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 five family sized for which there is an identified need.

6.3 URBAN DESIGN

General Policy

- 129 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.
- 130 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.
- 131 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.
- 132 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.
- 133 The proposal site is within the Sydenham Ridge Area of Special Character. The Sydenham Ridge forms the south-western boundary of the borough and is visible from within the borough. It forms a wooded skyline feature that the Council would wish to preserve.

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134 CS18 Tall buildings states: Sydenham Ridge Area of Special Character, which comprises a topographical feature where tall or bulky buildings would affect the skyline and have an adverse effect on the landscape and local residential amenity. The proposed building is not by definition a tall building and therefore CS18 is not relevant.

135 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

6.3.1 Appearance and character

Policy

136 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.

137 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.

138 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.

139 DM Policy 32 expects new residential development to be attractive and neighbourly

Discussion

140 Firstly it is noted that the external appearance of the proposed building is very similar to the extant planning permission (DC/19/113716). The main difference is the removal of the enclosed lower ground parking area, which would now be a combination of surface level open parking and a small undercroft.

141 The width of the proposed building would be increased by approximately 1m. The height would remain unchanged. The front and rear building lines at ground level would also remain unchanged. There would be increased massing at the front of the building on the upper floors as the extant permission included a small set back at second floor level, and further set backs for each of the floors above. This stepping has been removed from the current proposal. The increased massing of the upper floors is considered to be acceptable and would not harm the appearance of the surrounding area.

142 The character and appearance of buildings in the surrounding area are varied in style. To the immediate north and west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats with a residential estate to the north of that.

143 Directly adjoining to the east is a 5-storey block of flats (Greyfriars), which is accessed from Wells Park Road. Further to the east are the larger 6-storey residential blocks of the Sydenham Hill Estate.

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- 144 To the south are the smaller residential properties on Longton Avenue, which are predominantly larger semi and detached dwellings; Sydenham Wells Park, a public amenity space is to the Eastern side of Longton Avenue.
- 145 When travelling along Wells Park Road, glimpses of the large 5 and 6 storey flatted developments can be seen through the front boundary vegetation, and access openings.
- 146 The proposed building would have a flat roof, with small projecting balconies to the front. It would be more visible than the existing neighbouring flatted developments along the street. Offices consider it would appear as a high quality addition to the streetscene and have a positive impact on the appearance of the surrounding area.
- 147 In terms of the impact to the Sydenham Ridge area of special character, this is considered to be minimal. The proposal is not a tall building, and it would therefore not be visible as part of the wider skyline when viewed from within the borough.
- 148 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition to the street, which would have a positive impact on the character and appearance of the area.

Layout

Policy

- 149 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.
- 150 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

Discussion

- 151 The building would have a north-south orientation, with the front elevation running parallel to the road. It would be well set back from the boundaries to allow for sufficient space between the adjoining properties.
- 152 The proposed dwellings would be accessed from the front of the building at ground floor level from a single central stair core. The lower ground level parking area would also include an access via lift into the building.
- 153 The submitted landscaping scheme is indicative at this stage, and is considered acceptable as it indicates significant planting of hedgerows, shrubbery, vegetation and trees within the site curtilage, and there is minimal hardstanding proposed, only where necessary. Biodiverse living roofs are also proposed to the roof.
- 154 The northern corner of the site is proposed to be a communal wooded area, and bicycle and bin stores are proposed to have green roof systems.
- 155 Overall the proposed layout makes good use of the site, and the proposed landscape scheme would be a high quality addition, subject to assessment of the final scheme of landscaping, which would be secured as a pre-commencement condition in consultation with the council's arboricultural officer.

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Form and Scale

Policy

- 156 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape.
- 157 The Small Sites SPD (2021) at para.12.3.2 states where streets are of varied character, applications with a height relating to the tallest existing building in relative close proximity will generally be supported. In some locations, depending on the site, size and context, it may be appropriate to build more than one storey taller than the context, subject to the scheme being of exceptional design quality.

Discussion

- 158 There are varying forms and scales of buildings in the immediately surrounding area, including three-storey flatted development to the north fronting Sydenham Hill, semi-detached and detached dwellings to the south on Longton Avenue, and the five and six storey flatted developments to the east.
- 159 Hesper House is a two-storey dwellinghouse, which sits above street level, due to the existing gradient of the site.
- 160 The proposed building would be significantly larger and taller than existing, at five stories. An area towards the front would be excavated, and developed as the frontage / lower ground undercroft car parking area, but the height of the building is five stories above ground level.
- 161 The front elevation of the building would be set back significantly from the street, where the parking entrance gate would be flush with the pavement, and replace the existing retaining wall.
- 162 Although the building is significantly larger than existing, the scale and massing to Wells Park Road is acceptable, as it would respect the massing and heights of buildings in close proximity, particularly those to the east. The proposed building would relate more with the surrounding estates than the suburban houses located in the south on Longton Avenue and therefore, scale and form are considered appropriate for this location.
- 163 It is also noted that the overall form and scale of the proposed building is largely commensurate with the building that has been previously approved at the site (the extant permission). Although the stepping has been removed from the front elevation, officers do not consider this would harm the appearance of the building, and would have an acceptable appearance.

Detailing and Materials

Policy

- 164 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

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- 165 The proposed elevation treatment and materials would appear modern and well considered. There would be a good level of detailing, and this would have a positive impact in terms of contributing to the local distinctiveness, as there is currently no real, prevailing established character along the street.
- 166 The general palette of materials is mostly similar to the extant permission, similar brickwork and stone cladding for the main faces of the building is proposed, as well as bronze coloured metal detailing.
- 167 Notable alterations include the use of metal railings for the first and second floor balconies, in place of solid screens. As well as the use of aluminium framed windows instead of timber. The proposed brickwork appears to be high quality, with areas of detailing and perforations.
- 168 The proposed aluminium framed windows, and metal balcony balustrades are considered acceptable in this context, and would not erode the design quality compared to the extant permission.
- 169 The proposed material palette is considered to be modern and high quality and would age well. This would have a positive impact on the appearance of the surrounding area. Final details of materials are to be secured by condition.

6.3.2 Urban design conclusion

- 170 In summary, the proposed building is considered to be a high quality, site specific response that would create interest at this currently under optimised site. It is of an appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.
- 171 It is also a relevant material consideration that a building of a very similar design has been recently previously approved at the site.

6.4 TRANSPORT IMPACT

General policy

- 172 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.
- 173 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'.
- 174 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.
- 175 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.

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6.4.1 Access

Policy

- 176 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.
- 177 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is be supported.

Discussion

- 178 Pedestrian accessibility to the site is considered to be good, as Wells Park Road is paved on both sides of the street. The pedestrian access would be in the south western corner of the site. The additional dwellings would have no significant impact on the existing pedestrian infrastructure, and therefore no contributions are sought in this respect.
- 179 The pedestrian access would be separate from the vehicle access, and would provide a step-free route from the existing footway to a communal entrance in the lower ground floor. A lift to all floors would be also provided. Separate access to the cycle store would be provided adjacent to the pedestrian entrance. Access to the rear communal gardens would be provided to the west of the building.
- 180 Wells Park Road is an adopted highway with a 20MPH speed limit. The existing house benefits from a vehicular access point, and so does the adjacent Greyfriars.
- 181 Objections have been raised relating to existing safety issues on Wells Park Road.
- 182 The proposed vehicular access would be in the centre of the site, in a relatively similar position to the existing access, and similar to the recently approved extant permission. The closure of the existing access would be secured by legal agreement. Therefore the principle of vehicle access to the site is acceptable, however it is acknowledged that six parking spaces would generate a higher number of vehicle movements than the existing single dwelling.
- 183 Section drawings have been submitted which show how the access point would be constructed, and site lines from the access have been provided, which demonstrate the visibility of vehicles exiting the space would be good. Notwithstanding the acceptable levels of visibility, for added safety, initial details of a light and sound signal warning system have been submitted, which would warn oncoming pedestrians of vehicle accessing and egressing the parking area.
- 184 Officers also recommend the proposed development be approved subject to the following off-site highway works, that would be secured by S278 legal agreement, to ensure the access is safe:
- Closure of existing crossover, and creation of new crossover, and installation of tactile paving either side.
 - Waiting restrictions on Wells Park Road to manage loading adjacent to the site.

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- Road signs / markings on the approach to the site access to reinforce the 20mph speed limit.

185 Final details of the parking and access management plan would also be secured by condition, including details of management of the entrance to ensure there would be no vehicle queuing on the highway. Notwithstanding as there are 6 spaces proposed, which is a relatively small number, it's unlikely the proposal would result in harmful levels of quieting on the highway to access the site.

186 It is considered the proposed vehicular access would have acceptable impacts on highway safety, subject to submission of the final parking and access management plan and the off-site works, which would be the subject of a S278 agreement.

187 Highways officers consider the access to be acceptable.

6.4.2 Local Transport Network

Policy

188 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

189 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.

190 The site is not in a controlled parking zone. The proposed provision of on-site car parking would be 0.5 space per dwelling, which is the maximum allowance, in line with Policy T6 of the London Plan.

191 A parking survey has also been submitted to the Lambeth methodology, which confirms there would be capacity for any overspill parking within 200m of the site.

192 A preliminary construction management plan has also been submitted, and a full Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

193 Highways officers consider the impact to the local transport network would be acceptable.

6.4.3 Servicing and refuse

Policy

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

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

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196 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

197 Refuse storage would be provided towards the front boundary of the site within a communal refuse store. This location is acceptable, and would allow Lewisham waste operatives to collect and return bins to the store once they have been emptied.

198 To ensure the final details of the refuse store, as well as management of collection are acceptable, final details of these are recommended to be secured by condition.

199 In terms of residential deliveries, 15 units could result in significant deliveries compared to the single dwelling, and therefore details of a residential delivery and servicing plan would be secured by condition.

6.4.4 Transport modes

Walking and cycling

Policy

200 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.

201 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

202 Secure bicycle storage would be provided at lower ground level. 30 spaces would be provided over 2-tier racks, and 2 wider Sheffield stand spaces would be provided. This exceeds the minimum provision set out in table 10.2 by 3 spaces. A further 2 visitor spaces would be provided.

203 The provision of cycle parking is in line with LPP table 10.2. Officers note that as currently proposed, the cycle parking is not fully compliant with the London Cycle Design Standards. However, there is scope to make the cycle parking compliant through an appropriately worded condition, as the parking area is larger than required. Officers therefore recommend further details of cycle parking to be secured by planning condition, to ensure that it would comply with these requirements.

204 The site is accessible by walking, and the access through the site would be fully DDA compliant. This would be secured by planning condition.

Public transport

Policy

205 LPPT4 states development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. The cumulative impacts of development on public transport and the road network capacity including walking and

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cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

- 206 There are a number of local bus services running close to the site, two of which run along Wells Park Road, with the closest sheltered bus stop 60m away. Sydenham Hill is the closest rail station, with links into London and Kent, which is an approximate 15 minute walk to the site.
- 207 It is considered that the scale of development (15 units) would have an acceptable impact on the local public transport network, and that the site is suitably accessible for residential development of this scale.
- 208 Regarding the cumulative impacts of development on the local transport network, CIL would be chargeable on this scheme, which in the future could be used to contribute to development of the local transport network.

Private cars (include disabled and electric charging points

Policy

- 209 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are well-connected by public transport with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

Discussion

- 210 The proposal includes 6 parking spaces, which is equivalent to 0.4 spaces per dwelling. These would be located to the front of the building and in an undercroft. As originally submitted with the current application, the proposal included 10 parking spaces. The Council's highways officer recommended this be reduced to no more than 7 spaces, in line with Policy T6 of the London Plan.
- 211 Officers note that the proposed parking provision is a material difference to the extant permission, which included 10 parking spaces within a full basement.
- 212 Since the extant permission were granted, the London Plan (2021) has been adopted. This means that greater weight is now given by officers to the policies it sets out, than when the previous decision was made in January 2021.
- 213 Table 10.3 of the London Plan (2021) sets maximum parking standards. For sites in inner London Boroughs with a PTAL rating of 2, the maximum level of parking provided should be 0.5 spaces per dwelling. This would equate to a maximum of 7 spaces provided on site.
- 214 The proposal would therefore deliver slightly less than the maximum provision of parking. This is considered acceptable provision to meet the expected needs of the development but with a clear intention to only provide for essential use, disabled use and Electric Vehicle parking (100% spaces will be EV capable with charging points included). Officers consider this would avoid any overprovision but would also avoid any harmful overspill parking onto Wells Park Road. This is in line with the aims of Policy T6 of the London Plan.

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- 215 The application has been submitted with an on-street parking survey, which is included in the applicant's transport statement; it indicates the number of available parking spaces on the surrounding residential roads.
- 216 The Statement concludes there would be sufficient space to accommodate any additional or overspill parking that would be generated by the proposed residential development.
- 217 The surveys, carried out over two nights in July 2021, found parking stress of 25.9% within the 200m walking distance of the site. It found for Longton Avenue only the parking stress was 48%, with an average of 33.5 spaces free overnight.
- 218 Considering the amount of parking available on surrounding streets, and the minimal overspill parking that would be expected to be generated, officers do not consider the proposal would result in harmful increased parking stress in the local area.
- 219 Highways officers have not disputed the findings of the parking survey.
- 220 Each of the proposed parking spaces would be provided with an electric vehicle charging point, and these would be secured by condition.
- 221 Highways officers also requested a parking management condition be added to any permission, which should outline management of the entrance, as well as ownership and enforcement of the use of spaces.
- 222 Highways officers have also requested a review mechanism on the use of the parking spaces, whereby they could be used for additional cycle parking, or resident storage should the parking spaces become redundant in the future. This would form part of the Section 106 agreement.

6.4.5 Transport impact conclusion

- 223 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian and vehicular accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies. Highways officers have raised no objections to the proposal.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 224 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).
- 225 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.

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6.5.1 Enclosure and Outlook

Policy

226 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

227 Greyfriars (adjoining to the east): There are two windows at each floor level which face the proposed development site. These windows would be a minimum of 11m, and a maximum of 15m from the proposed building, accounting for the off-set orientations.

228 A 45 degree test taken from these windows suggests that whilst the direct outlook would be affected at the distances outlined above, there would still be rearwards outlook past the building. It is also noted that there are existing large trees on the boundary, which would currently restrict the outlook of these windows.

229 The impact on outlook is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure to occupants of Greyfriars.

230 Bath Court (adjoining to north-west) has rear facing windows and inset balconies which face south, and would not directly face the proposed building. The separation distance between the proposed building and the south-eastern corner of the closest property on Bath would be 18m. In light of this, the proposal would have no significant impact on the outlook, or sense of enclosure experienced by residents of Bath court properties.

231 The Hill House adjoins to the north east, and is considerably uphill to the host property. Furthermore, the separation distance between the buildings would be at least 29m, and therefore there would be no significant impact on outlook or sense of enclosure experienced by residents of this property.

232 The garden of the closest property on Longton Avenue is approximately 21m south of the proposed building, and therefore it would have no significant impact on levels of enclosure felt by this property. No Longton Avenue properties would have their outlook affected.

233 In light of the above, the impact of the proposal on neighbouring outlook and sense of enclosure would be acceptable, and in line with the relevant aforementioned policies.

6.5.2 Privacy

Policy

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

235 The Small Sites SPD (2021) states that in general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.

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236 It also states there should be no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way.

Discussion

237 All proposed side elevation windows would be obscure glazed and therefore there would be no direct overlooking to Greyfriars or Bath Court properties or amenity areas. This is noted on the plans and would be secured by condition. Furthermore, these windows are at oblique angles to the windows of adjoining properties, and there wouldn't be any directly facing windows due to this. A privacy screens would be installed over one half of the side facing amenity space opening of Unit 12 at third floor level.

238 The minimum distance between the proposed rear facing windows, and the rear boundary of Hill House to the north would be 13.5m, and at least 31m window to window distance. This is a sufficient distance to ensure no harmful overlooking to Hill House.

239 The distance between the balcony amenity areas to the front of the proposed building, and the garden of 125 Longton Avenue would be at least 19m. The distance to the closest windows in the rear elevation of No.125 would be at least 23m, and this would be at an oblique angle.

240 The distance of 19m to the nearest residential amenity area, and 23m (minimum and an oblique angle) to the nearest window is considered sufficient to ensure there would be no unreasonable loss of privacy to Longton Avenue properties. This greatly exceeds the minimum distances set out by the Small Sites SPD.

241 In light of the above, the impact to neighbouring privacy would be acceptable, in line with the relevant policies and guidance set out above.

6.5.3 Daylight and Sunlight

Policy

242 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'. In June 2022 this guidance was superseded by BRE Report 209: Site Layout Planning for Daylight and Sunlight (3rd Edition). There is no guidance on the transition period between the two guidance regimes, however retrospective testing against the new standards would not be necessary, in keeping with the industry-wide approach.

243 The methods for calculating impact on daylight and sunlight within the report are as follows: (i) Vertical Sky Component (VSC); (ii) Annual Probable Sunlight Hours (APSH); and (iii) No Sky Line (NSL).

244 The VSC is the amount of skylight received at the centre of a window from an overcast sky. VSC assessments are influenced by the size of obstruction, and NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

245 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual

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probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants.

246 The report also assesses the impact of overshadowing to neighbouring properties.

247 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.' (GLA, 2017, Housing SPG, para 1.3.45).

Discussion

248 Again it is noted that the massing of the building would only marginally change in the current proposal, compared to the extant permission, and the daylight and sunlight impacts of the proposal are therefore very similar to that proposal.

249 The application has been submitted with an updated Daylight and Sunlight Assessment (dated January 2021) prepared by Rapleys. This assessment has identified the following residential properties as relevant for Daylight and Sunlight Assessment:

250 159 Wells Park Road: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

251 125 Longton Avenue: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

252 13-18 Bath Court: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

253 1-6 Leamington Court: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

254 The Hill House: The proposed development satisfies the BRE criteria in respect of all relevant factors for this properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

255 1-16 Greyfriars: six windows (W3 and W4 in the diagrams within the DaS Assessment report), on the western elevation, at ground, first and second floor level of this property would fall below the BRE guidelines for the Vertical Sky Component (VSC) test, and for the Daylight Distribution (NSL) test. These are the same six windows identified as falling below the guidelines as a result of the previously approved building, and this was considered acceptable.

256 These windows are currently obstructed by the existing projecting wing on the property itself. The BRE guidance states that where a window has a projecting wing on one or both sides of it, a larger relative reduction in VCS may be unavoidable, as the building itself contributes to the poor daylighting. An alternative VSC test was undertaken with the wings removed, and this suggested that the existing building does result in the majority of the poor daylight factor of these affected windows, and the first and second floor

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windows would surpass the BRE criteria with regard to VSC. The ground floor windows would continue to fall short of the BRE criteria, but only marginally.

- 257 The impact on daylight distribution (NSL) to the six most affected windows would not become compliant with BRE guidance as a result of the alternative test (with projecting wing removed), and these would be affected by minor or moderate adverse loss.
- 258 APSH results showed that satisfactory level of sunlight amenity would be experienced by all living rooms, and the proposal would pass the BRE criteria in this respect for these properties. The results of the overshadowing test showed that sunlight availability to this garden after the development would be no less than 0.82 times the former value and therefore passes the BRE overshadowing to gardens and open spaces test.

Summary

- 259 The submission has been accompanied by a comprehensive Daylight and Sunlight assessment in relation to the Proposed Development. The technical analysis has been undertaken in accordance with BRE 209 (2011) (2nd Edition) guidance, which at the time of testing was the up to date industry guidance. In June 2022 this guidance was superseded by BRE Report 209: Site Layout Planning for Daylight and Sunlight (3rd Edition). Retrospective testing against the new standards would not be necessary, in-keeping with the industry wide approach. Officers are satisfied with this approach given the strong performance when tested against the previous standards. Accordingly, the policy test to demonstrate a satisfactory standard of daylight and sunlight levels has been appropriately demonstrated.
- 260 The impact of the proposed building would be within the BRE guidance for all windows of all tested properties, except for six windows in the western side elevation of Greyfriars. It is acknowledged however that these most impacted windows already suffer from restricted light due to the existing overhanging wing of the building, as well as existing trees on the boundary. It is considered therefore that the harm to Greyfriars dwellings would be less than significant, and overall the impact on neighbouring daylight and sunlight would be acceptable, in line with the above mentioned policies.

6.5.4 Noise and disturbance

Policy

- 261 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

- 262 15 residential dwellings are likely to generate a higher level of comings and goings and general residential activity than the existing single family dwellinghouse, and the additional noise and disturbance that would come with this. However, as this would be a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

6.5.5 Impact on neighbours conclusion

- 263 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and although some harm, in terms of loss of daylight marginally

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exceeding the BRE recommendations to six windows has been identified, this harm would be less than significant. It is therefore not considered the proposal would give rise to unreasonable impact on neighbours that would warrant refusal of the planning application, particularly when considering the planning merits of the scheme that are outlined elsewhere in this report.

264 Officers also note the impacts to neighbouring amenity that would result from the proposal, are largely the same as those that would result from the extant planning permission.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

265 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.

266 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.

6.6.1 Energy and carbon emissions reduction

Policy

267 CSP8 seeks to minimise the carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

268 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.

269 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

270 The application is accompanied by a Sustainability and Energy Statement prepared by Syntegra Consulting (January 2021). The report sets out that the Target Emission Rate (TER) for the building would be 17 tonnes of CO₂/yr. This constitutes the baseline. London Plan policy is to reduce this by 35% via Be Lean, Be Clean and Be Green measures. To achieve net zero carbon, the remaining 65% is offset by mitigation measures funded via the carbon offset fund, managed by Lewisham Council.

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Be Lean

- 271 Passive design measures such as enhanced building materials, orientation, natural ventilation, solar shading and use of the cooling hierarchy will be utilised as specified in the energy statement.
- 272 Active design measures are proposed to include high efficiency lighting and high efficiency boilers. It is noted that the statement states the boiler specification is provisional at this stage. During the Local Meeting, the applicant confirmed they will not be using gas boilers, and that the intention is currently to use electric boilers.
- 273 Combined, these measures would reduce emissions by 10% from the TER, according to the Statement.
- 274 Officers note that the previous application was granted subject to the condition that full details of the proposed strategy to minimise carbon dioxide emissions and maximise energy efficiency would be submitted for approval prior to completion of the building shell. These details were to include: Details of the proposed mechanical background ventilation and under floor heating strategy, including smart heating control system; Details on how the heating system could be retrofitted to a low carbon source in the future; Detailed drawings of any venting locations on the elevations; Details of the proposed LED internal lighting specification.
- 275 Considering the condition on the previous consent, and that the Energy statement states the specifications are provisional, officers consider it reasonable to recommend the current proposal be subject to the same condition.

Be Clean

- 276 The proposal is designed to meet the requirements of the building regulations part L1A policy for 35% carbon reduction on site. It is accepted that the proposed scheme is too small for a traditional communal heat system and is not in the vicinity of a district network. Sustainability Officers have requested further information on how the heating system could be retrofitted to a low carbon source in the future. The applicant has confirmed they will not be using gas boilers, and that the intention is currently to use electric boilers. Further details of the strategy to reduce energy consumption would be secured by condition.
- 277 As such there is currently no reduction to emissions from Be Clean measures, but further reductions would be expected through the submission of further details which would be secured by condition.

Be Green

- 278 The proposal includes provision of 66 Photovoltaic panels and this is acceptable in principle, and the final details of the PV panels are recommended to be secured by condition. According to the Statement, this would contribute a further 25% reduction in emissions. Overall, the Be Lean and Be Green measures would provide a 35% reduction to the TER, which complies with LPP SI 2.

Carbon Offset

- 279 A contribution towards Carbon Offset Fund of £19,927 has been calculated for the remaining 65% of emissions to meet net zero carbon. This would be secured through a legal agreement.

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6.6.2 Overheating

Policy

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

Discussion

281 The energy statement sets out the following: Firstly, internal heat generation would be minimised through energy efficient design in the course of design development. It would include minimising pipe lengths (particularly lateral pipework in corridors) and adopting pipe configurations which minimise heat loss, e.g. twin pipes.

282 Moreover, the amount of heat entering building in summer would be reduced through use of shading measures including internal/external blinds or curtains. Next, the internal layout provides the passive ventilation via openable windows.

283 Lastly, this natural ventilation would be adopted with extract fans in wet rooms (toilets, bathroom, and kitchen) to remove the hot humid air and help free cooling.

284 These measures follow the hierarchy set out by PLLSI4 and are considered to be acceptable.

6.6.3 Urban Greening

Policy

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

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

Discussion

287 The proposal includes several measures to contribute to urban greening, including green roofs, new and improved landscaping and significant planting of a number of species of plants, shrubs, hedges and trees on site.

288 The proposal would retain the minimal amount of hardstanding required on site, with soft landscaping and planting proposed over the majority of the site not covered by the building.

289 The final details of the proposed living roof system, and soft landscaping scheme would be secured by condition, and subject to final details of these, the proposal is considered to comply with the above policies relating to urban greening.

Urban greening factor

290 Policy G5 requires development to meet the target score of 0.4 UGF for residential developments. For example, semi-natural vegetation has a score of 1, extensive green

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roofs of 0.7, hedges and trees of 0.6, amenity grassland / lawn of 0.4. The Urban Greening Factor for a proposed development is calculated in the following way:

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

291 Officers have used the submitted site plan to estimate the following: Wooded area: (1 x 110) X Extensive green roof (0.7 x 202) X lawn (0.4 x 157) X hedges/shrubs (0.6 x 43) X permeable paving (140 X 0.1).

292 Officers estimate the urban greening factor to be approximately 0.5, which would be acceptable. Officers note however that an Urban Greening Factor plan and calculation has not been submitted in line with the Urban Greening Factor London Plan Guidance Draft document (September 2021) and this is why this is an estimate only.

293 Based upon the above estimate, officers consider the development can achieve the target score of 0.4, and it is therefore reasonable and necessary to impose a condition, requiring submission and approval of an Urban Greening Factor Plan and calculation, prior to completion of above ground works in line with LPPG5.

Living roofs

Table [6.3]: Living Roof Provision

| Type of Living Roof/Wall | Size of Living Roof/Wall (m2) | Size of Living Roof (as % of total roof space) |
|---------------------------------|--------------------------------------|---|
| Extensive living roof | 202 | 70% |

1 The Council's Ecology Officer has been consulted on the living roof proposal and asked for additional information including details on substrate depth and coverage and management. Following receipt of this additional information, the ecology officer has confirmed the living roof details to be acceptable, subject to a condition requiring confirmation it has been installed correctly and would be maintained for the lifetime of the development.

6.6.4 Flood Risk

Policy

294 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.

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

Discussion

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

6.6.5 Sustainable Urban Drainage

Policy

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

Discussion

- 300 The application supported by a Sustainable Urban Drainage Solutions report.
- 301 The Council's Flood Resilience Manager has been consulted on the submission, and originally raised concern that insufficient measures were proposed.
- 302 Following receipt of these comments, and to cover the amendments that occurred during the application period, the applicant submitted an updated Sustainable Drainage Assessment (GeoSmart dated 08 September 2021).
- 303 The Flood resilience manager has confirmed the updated document is acceptable to ensure compliance with the above policies, subject to the condition that the measures and recommendations of the report are followed.
- 304 A Basement Impact Assessment (Cooper Associates, January 2022) has also been submitted, at the request of the Council's Flood Resilience Manager, to assess the impact of proposed excavation works on local soil strata and flood risk. This structural report describes the investigation and construction method for the proposed basement.
- 305 The Flood Resilience Manager has been consulted on the submitted document, and confirms they are satisfied with the submission and have raised no objections. They have recommended a condition requiring the developer to conduct a 10m deep borehole to confirm the soil type and any groundwater in the location of the proposed building prior to works as stated in the Basement Impact Assessment. This is recommended as a condition of development.

6.6.6 Sustainable Infrastructure conclusion

- 306 The proposal has been designed to reduce carbon emissions through an enhanced fabric and the use of PV panels, and it has been demonstrated that the reduction is policy compliant. A condition is proposed to secure these benefits. Through its enhanced soft landscape scheme and use of green roof the proposal would contribute to urban greening in accordance with LP policies and furthermore it would not result in harmful additional surface water run-off, subject to the suggested conditions. A planning obligation is proposed to secure a carbon offset payment.

6.7 NATURAL ENVIRONMENT

General Policy

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

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

6.7.1 Ecology and biodiversity

Policy

- 310 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.
- 311 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.
- 312 CSP 12 seeks to preserve or enhance local biodiversity.
- 313 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on the natural environment.

Discussion

- 314 The proposal is similar to the extant permission on this site, and the impacts to ecology are likely to be similar.
- 315 The application was submitted with the same preliminary ecological appraisal as the previous application (Syntegra dated September 2019).
- 316 The council's ecology officer recommended the ecology report be updated as it was 24 months old and therefore out of date.
- 317 Following receipt of the revised Ecology Appraisal, the ecology officer requested several revisions to the proposal. They requested the proposed planting schedules be revised to include a greater provision of native tree species and native woodland planting (taking inspiration from the Great North Wood). Updated planting schedules have been submitted, and the ecology officer has confirmed these to be acceptable.
- 318 They also asked for additional information regarding the proposed bat and swift bricks. Details of these have now been submitted, and the positions are indicated on revised side elevation plans. The ecology officer has confirmed this to be acceptable.
- 319 The ecology officer also noted that the Preliminary Ecological Appraisal identified three trees on the site, which had moderate potential to support roosting bats. They stated that surveys of these trees would need to be carried out if they were proposed to be removed, prior to removal.
- 320 As these trees are proposed to be removed, the applicant had a qualified ecologist survey these trees to assess the potential for roosting bats on 25th November 2021. The

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results of the survey indicate a low potential for roosting bats in these trees, however it has been recommended the trees are surveyed again a maximum of 1 week prior to their removal to ensure no bats have moved into any of PRFs during the time between this inspection and their scheduled removal. This is recommended as a condition of development. They also recommend that all the trees are soft felled under a watching brief from an ecologist. Each cut section should be gently lowered to the ground so it can be inspected. This is recommended to be included as an informative note.

- 321 The ecology officer has also requested further details of a sensitive external lighting scheme to be secured by condition.
- 322 It is also noted that the site is in relatively close proximity to a number of designated sites of nature conservation importance. The ecological assessment identified 11 statutory and non-statutory sites of nature conservation importance within 1km of the site, and concluded that none of these would be indirectly impacted by development of this scale, provided the recommended precautionary measures outlined in the report are followed.
- 323 The Council's ecology officer also recommends contributions are sought towards maintenance and tree planting in the Sydenham Wells Park or Hillcrest Wood. A contribution of £2,750 has been agreed by the applicant, and this would be included in the Section 106 legal agreement.
- 324 Considering the conclusions of the ecology report, it is considered that the impact on ecology and biodiversity on the site would be acceptable, provided the mitigation measures outlined in the report are followed.
- 325 Furthermore full details of the proposed ecological enhancements, and final details of the proposed planting and landscape maintenance scheme would be secured by condition, as would the proposed external lighting plan.

6.7.2 Green spaces and trees

Policy

- 326 Paragraph 131 of the NPPF (2021) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 327 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.
- 328 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. DMP 25 sets out the required information to support development affecting trees

Discussion

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- 329 The extant permission proposal was submitted with an arboriculture impact assessment (Indigo dated September 2019). The approved tree works are shown in the table below, which has been lifted from the previous committee report.
- 330 The site is the subject of a group TPO, which was made in November 2019, in response to tree works on site which were carried out by the applicant and reported by neighbours. This TPO was confirmed unmodified on 06 May 2020. Planning permission is therefore required for the removal of or works to any tree on site.
- 331 The extant planning permission granted the removal of all the trees on the site to facilitate the proposed development.

| Tree | Observations (from Arboricultural Statement) | Proposed Works |
|----------------|---|----------------|
| T1 (off site) | Yew, Category B , 14m height | None |
| T2 | Apple tree, Category C , 4m height | remove |
| T3 | Ash, Category U , 11m height | remove |
| T4 | Sycamore, Category U , 14m height | remove |
| T5 (off site) | Wild Cherry, Category B , 16m height | None |
| T6 | European Lime, Category C , 16m height | remove |
| T7 | Holly, Category C , 11m height | remove |
| T8 | European Lime, Category U , 16m height | Remove |
| T9 | European Lime, Category C , 17m height | Remove |
| T10 | Sycamore, Category C , 17m height | Remove |
| T11 (off site) | Sycamore, Category B , 18m height | None |
| T12 | Holly, Category C , 6m height | Remove |
| T13 | Yew, Category C , 4m height | Remove |
| T14 | False Acacia, Category U , 7m height | Remove |
| G1 | Group, Category C , 6m height | Remove |
| G2 | Group, Category C , 5m height | Remove |

- 332 T2, T6, T7, T9, T10, T12, T13, G1, G2, G3, G4 and G5 were approved to be removed to facilitate the previously approved scheme.
- 333 Trees T3, T4, T8 and T14 were approved to be removed due to arboricultural reasons, as these are 'U' class trees.
- 334 T1, T5 and T11 are off-site trees and are proposed to be retained. No works are proposed to these trees.
- 335 The arboriculture report recommended further investigations prior to commencing work to ensure the root protection areas of the off-site trees (T1, T5 and T11) are not detrimentally impacted by the proposed development. In light of this it is considered appropriate to add a condition requiring submission of a tree protection plan prior to commencement of development. This is also a condition of the extant permission.
- 336 The preliminary landscaping proposal includes the planting of significant numbers of new trees on site. The exact locations and numbers of these have not been finalised, so a

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condition requiring final details to be submitted for approval, prior to commencement of above ground works would be added to the permission if granted. The ecology officer has advised on the appropriate species to be included and has not objected to the submitted planting schedule submitted in response to their advice.

- 337 Considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, the loss of trees on site is considered acceptable on a balance, subject to discharge of the relevant conditions. It is also noted that the applicant's fall-back position (the extant planning permission) would allow the loss of the same number of trees.

6.7.3 Ground pollution

Policy

- 338 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.

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

Discussion

- 340 Considering the residential use of the site, it is unlikely to meet the definition of contaminated land. 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.

6.7.4 Air pollution

Policy

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

Discussion

- 342 The proposed scheme has been designed to minimise the generation of air pollution and mitigate against increased exposure to poor air quality. This would include low NOx heating systems and nontoxic building materials where feasible.
- 343 An air quality management plan and air quality (neutral) assessment is recommended to be secured by condition to ensure the impacts to local air quality are acceptable.

6.7.5 Noise pollution

Policy

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

Discussion

345 The mitigation measures would be incorporated to the proposed building at construction stage to reduce sources of noise – insulate and soundproofing doors, walls, windows, floors and ceilings, and seal air gaps around windows. The scheme of residential sound insulation is recommended to be secured by condition. It is also noted this is a residential area, and there are no known sources of noise pollution in the vicinity.

6.7.6 Light pollution

Policy

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

Discussion

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

6.7.7 Natural Environment conclusion

348 The impact on ecology and biodiversity on the site would not be harmful, subject to the final details of the proposed on-site ecological enhancements as mitigation.

349 On balance, whilst a number of lower quality trees on site would be lost, this is mitigated by proposed replanting and considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, their loss is acceptable, subject to final details of the proposed soft landscaping. A planning obligation is proposed to secure a financial contribution towards maintenance and/or new tree planting in Sydenham Wells Park and/or Hillcrest Wood Nature Reserve in mitigation.

6.8 PUBLIC HEALTH, WELL-BEING AND SAFETY

General Policy

350 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).

351 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy

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lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.

352 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Discussion

353 The Metropolitan Police were consulted on the submission, and they made several comments and suggestions that should be incorporated into the proposal, to ensure it meets secured by design principles. These comments were forwarded to the applicant, and following this, revisions and confirmations were given in response:

- Audio visual control at pedestrian access gate on street and at front door. At entrance level stair and lift are secured by fob access door. Lift features tertiary resident fob entry and audio visual control panel for visitors.
- Post boxes within communal lobby, access is controlled via secure lift to upper floors
- Stair core secured by door at entry level
- Visitor bike stand now located outside of the resident bike store
- No perforated brick is below 3.5m. Access to rear communal garden is now also further secured by a gate
- Appropriate planting will be considered during detail design and development of planting strategy with the landscape architect. Currently specified with low level native species planting.

354 To ensure the final details of the proposed scheme are in line with secured by design principles, the Metropolitan Police request details to be approved in writing, in consultation with them, prior to occupation of the development, and this is therefore recommended as a condition of development.

7 LOCAL FINANCE CONSIDERATIONS

355 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).

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

357 The CIL is therefore a material consideration.

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358 £94,000 Lewisham CIL (£70pm²) and £47,040 MCIL (£35pm²) 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

359 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.

360 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.

361 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.

362 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>

363 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

364 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

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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>

365 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

366 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

367 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.

368 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.

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

10 LEGAL AGREEMENT

370 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable

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- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

371 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.

Housing

- Affordable Housing Early and Late stage Review Mechanisms.
- £12,000 contribution towards off-site affordable housing

Transport and public realm

- Offsite Highway works to include:
 - Closure of existing crossover, and creation of new crossover, and installation of tactile paving.
 - Waiting restrictions on Wells Park Road to manage loading adjacent to the site.
 - Road signs / markings on the approach to the site access to reinforce the 20mph speed limit
- Car Parking review mechanism

Natural Environment / Greenspaces

- Financial contribution of £2,750 towards maintenance, enhancements and/or new tree planting in Sydenham Wells Park and/or Hillcrest Wood Nature Reserve.

Carbon Offset Payment

- Financial contribution of £19,927 payable upon commencement of development.

Monitoring and Costs

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

372 The monitoring costs in this instance would be payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.

373 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

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

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- 375 The proposed residential 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 an underused residential site;
 - Providing a range of type and sizes of new homes, including family housing;
 - Comprising an appropriate scaled and high quality building that takes account of the existing context;
- 376 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.
- 377 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents.
- 378 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.
- 379 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy
- 380 In light of the above, the application is recommended for approval.

12 RECOMMENDATION

- 381 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

12.1 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 Develop in Accordance with Approved Plans

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

118-P201 Rev.01; 118-P203 Rev.02; 118-P409; 118-P410 Rev.01; 118-P411; 118-P412; 118-P501 Rev.01; 118-P502 Rev.02; 118-P503 Rev.02 Received 1 November 2021;

Updated PEA Brief (Syntegra, Aug 2021); Dawn and Dusk Activity Survey Report (Syntegra, Aug 2021) Received 23 September 2021;

118-X001; 118-X080; 118-X100; 118-X101; 118-X102; 118-X200; 118-X201; 118-X202; 118-X203; 118-X210; 118-X300; 118-P001; 118-P070 Rev.01; 118-P080

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Rev.01; 118-P099 Rev.01; 118-P100 Rev.01; 118-P101; 118-P102; 118-P103; 118-P104; 118-P105; 118-P200 Rev.01; 118-P202; 118-P210 Rev.01; 118-P300 Rev.01; 118-P301; 118-P302 Rev.01; 118-P400; 118-P401; 118-P402 Rev.01; 118-P403 Rev.01; 118-P404; 118-P405; 118-P406 Rev.01; 118-P407 Rev.01; 118-P408 Rev.01; 118-P500 Rev.01; 118-P504; 118-P505; 118-P900 Rev.01; Sustainable Drainage Assessment (GeoSmart, 8 Sep 2021); Transport Statement (Craftworks, Sept 2021) Received 14 September 2021;

Dusk Activity Survey Report (Syntegra, Oct 2020); Updated Daylight & Sunlight Study (Rapleys, Jan 2021) Received 2 February 2021.

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

3 Site Contamination

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

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

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

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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).

4 **Construction Management Plan**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) 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.

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

5 **Architectural details and materials**

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until a full specification of all external materials to be used, as well as detailed plans at a scale of 1:20 showing windows, doors, balconies, entrances, and important joints 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.

6 **Surface Water Management**

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The development shall be carried out in accordance with the submitted Sustainable Drainage Assessment (GeoSmart dated 8 September 2021) and thereafter 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).

7 Piling

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority, in consultation with Thames Water.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land. And because the proposed works will be in close proximity (within 15m) to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

8 Air Quality and Air Quality Neutral Assessments

- (a) No development shall commence until an Air Quality Assessment and an Air Quality Neutral Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The Air Quality Assessments should be prepared in accordance with best practice guidance, and 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.

9 Refuse Storage

- (a) Full details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the completion of above ground works of development hereby approved.

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- (b) The approved details shall be carried out in full prior to occupation of the development and retained thereafter.

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

10 Cycle Parking

- (a) Prior to first occupation, further 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 London Plan policy T5, Policy 14: Sustainable movement and transport of the Core Strategy (2011) and the London Cycling Design Standards.

11 Hard Landscaping

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

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

12 Tree Protection Plan

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

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25

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

13 **Soft Landscaping and Urban Greening**

- (a) The full scheme of soft landscaping (including details of any trees or hedges to be retained and proposed planting 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 commencement of above-ground works. The scheme shall include provision of native tree species and native woodland planting (taking inspiration from the Great North Wood).
- (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 Policy G5 Urban Greening of the London Plan (2021); Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

14 **Boundary Treatments**

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

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

15 **Ecological Enhancements**

- (a) No above ground works shall commence until full details of the ecological enhancements to be provided as part of the development hereby approved have first been submitted to and approved in writing by the local planning authority. The ecological enhancements shall include as a minimum:
 - Bird boxes on suitable trees and/or within the fabric of the building
 - Vincent Pro bat boxes on suitable trees and/or within the fabric of the building
 - Log piles placed on site
 - Wildlife-friendly planting scheme
 - Maintenance and enhancement of western and northern boundaries

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- Lighting plan that is direct and of low light spill, with dark corridors in place
- (b) The development shall not be occupied until the works have been carried out in accordance with the details approved under (a) and the enhancements shall be retained for the lifetime of the development.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

16 Electric Vehicle Charging Points

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

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

17 Residential Soundproofing

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (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).

18 Living Roofs

- (a) The proposed living roof system shall be installed in accordance with the details included in submitted documents hereby approved: Proposed Green Roof Technical Note (Craftworks dated October 2021); Green Roof Detail, Plan

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

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

19 External Lighting

- (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority. This shall include provision of dark corridors as recommended by the submitted Preliminary Ecological Appraisal (Syntegra dated August 2021).
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 24 Biodiversity and Living Roofs and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

20 Delivery and Servicing

- (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, 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).

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21 Construction of Vehicular Access

The development hereby approved shall not be occupied until the existing vehicular access has been removed, and the proposed vehicular access as shown on plan nos. **118 P403 Rev.01; 118 P406 Rev.01; 118 P407 Rev.00** has been constructed in full accordance with the said plans.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

22 Energy & Sustainability

(a) Prior to completion of the building shell, full details of the proposed strategy to minimise carbon dioxide emissions and maximise energy efficiency of the development shall be submitted to the local planning authority and approved in writing. This shall include:

- Details of the proposed electric boilers, mechanical background ventilation and under floor heating strategy, including smart heating control system;
- Details on how the heating system will be fitted to a low carbon source, or how this would be retrofitted in the future;
- Detailed drawings of any venting locations on the elevations;
- Details of the proposed LED internal lighting specification.

(b) The works must be implemented in full accordance with the measures, as approved under part (a), and retained for the lifetime of the development.

(c) The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority demonstrating that the measures identified within part (a) have been implemented in full. The measures identified shall be retained for the lifetime of the development.

Reason: To maximise the energy efficiency of the scheme, and ensure the development would comply with Policies SI1 Improving Air Quality, SI2 Minimising Greenhouse Gas Emissions of the London Plan (2021) and Lewisham Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

23 Wheelchair homes

(a) Two (2) M4(3) wheelchair accessible dwellings, and 13no. M4(2) wheelchair adaptable dwellings shall be provided within the approved scheme. These must be constructed in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012).

(b) Prior to commencement of above ground works, written confirmation from the appointed Building Control Body shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with (a).

(c) The development shall be carried out in accordance with the approved details under part (b).

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

24 **Obscure Glazing**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the eastern and western elevations of the building, as well as all proposed screening measures as shown on plan nos. **118 P201 Rev.00 and 118 P203 Rev.01** hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, 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).

25 **Amenity Space**

The whole of the amenity space (including the communal area and balconies) hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

26 **Provision of parking spaces**

The whole of the car parking accommodation shown on drawing no. **118-P099 Rev.01**, hereby approved with six car parking spaces shall be provided prior to the occupation of any dwelling and retained permanently thereafter, unless approved otherwise in writing by the local planning authority.

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

27 **Secured by design**

- a. Prior to commencement of above ground work, full details of the security measures in line with the standards set out by 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.

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- b. The measures must be implemented prior to occupation of the building in accordance with the details approved under part (a).
- c. Prior to first occupation, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is safe, secure and appropriately accessible in accordance with Policy D11 Safety, security and resilience to emergency of the London Plan (2021), and the principles of 'Secured by Design'.

28 PV Panels

The development shall not be occupied, until full details of, and evidence that the proposed photovoltaic array, as indicatively shown on Plan Nos.118-P105 Rev.00 and 118 P501 Rev.00 has been installed and approved in writing by the Local Planning Authority. The photovoltaic array shall be retained for the lifetime of the development in accordance with the approved details.

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).

29 Demolition and tree works supervision

- a. All demolition and tree removal works must be carried out under the supervision of a suitably qualified ecologist with a bat licence.
- b. A maximum of 1 week prior to the removal of trees T3, T4 and T9, as identified in the submitted Updated PEA Brief (Syntegra, August 2021) as having low potential to support roosting bats, these trees must be inspected by a suitably qualified ecologist.

Reason: To ensure no harm is caused to protected species, and to comply with Policy G5 Biodiversity and access to nature conservation in the London Plan (2021), 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).

30 Parking access and safety management plan

(a) The development shall not be occupied until a parking access and safety management plan has been submitted to the Council and approved in writing. The plan shall include as a minimum:

- Further details of how the off-street spaces within the development will be allocated and managed.
- Further details of how access to the car park will be controlled and managed, including sensors and warning signals.

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- The Plan should confirm the off-street parking spaces will be leased to residents of the development only and not sold off.
- Include a monitoring and review mechanism to determine whether a reduced demand for parking could be accommodated in the future

(b) The development shall be managed in accordance with the plan approved under part (a) for the lifetime of the development.

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policy T6 Car Parking of the London Plan (2021), Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

31 Soil and groundwater Investigations

a) Details of soil investigations, consisting of (as a minimum) a 10m deep borehole, to confirm the soil type and location/nature of any groundwater on or beneath the site must be submitted to and approved in writing by the local planning authority prior to the commencement of groundworks.

b) Should it be determined that structural mitigation works are required as a result of the investigations, groundwork must not begin until details of such mitigation has been submitted to and approved in writing by the local planning authority.

Reason: As recommended by the submitted Basement Impact Assessment (Cooper Associates, January 2022), to prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

32 Urban Greening Factor

(a) No above ground works shall commence until an Urban Greening Factor landscaping plan and calculation table (set out in line with the London Plan Urban Greening Factor Guidance Draft document) demonstrating compliance with policy G5 of the London Plan (UGF of 0.4) has first been submitted to and approved in writing by the local planning authority.

(b) No part of the development of the development shall be occupied until evidence that the UGF works have been completed in accordance with the details approved under part (a) has first been submitted to and approved in writing by the Local Planning Authority.

(c) The UGF works shall be retained for the lifetime 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 Policy G5 Urban Greening of the London Plan (2021); 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).

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33 **Mains water consumption**

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

Reason: In order to minimise the use of mains water and to comply with Policy S15 Water infrastructure of the London Plan (March 2021)

34 **Unit mix**

The residential building hereby approved shall consist of 15 self-contained dwellinghouses comprising 5 x three bedroom, 8 x two bedroom and 2 x one bedroom.

Reason: in the interests of proper planning

12.2 **INFORMATIVES**

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. **Asbestos:** It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- C. **CIL:** As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- D. **Construction:** 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.
- E. **Site Contamination:** Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

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Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- F. **Drainage:** You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- G. **Dust minimisation:** In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- H. **Lighting:** The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- I. **Street numbering:** The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- J. **S106 Agreement:** You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk.
- K. **Thames Water**

Waste Comments

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!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$) .

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!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZvriIFGAA\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZvriIFGAA$)

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The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage 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.[developer.services@thameswater.co.uk](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6I55PfZs8tqP91w$. Should you require further information please contact Thames Water. Email: <a href=) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via [As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device \(or equivalent reflecting technological advances\), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing](https://urldefense.com/v3/_http://www.thameswater.co.uk_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6I55PfZuau5OcLw$. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p></div><div data-bbox=)

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trade.effluent@thameswater.co.uk . Application forms should be completed on line via [https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6I55PfZuau5OcLw\\$](https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6I55PfZuau5OcLw$) .

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

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, 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!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6I55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6I55PfZs8tqP91w$)

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- L. **Tree Works:** You are reminded that it is a condition of development that all trees are felled under a watching brief from an ecologist, and that they should be 'Soft-felled'. Each cut section should be gently lowered to the ground so it can be inspected for evidence of roosting bats.

13 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses
- (5) Appendix A: Local Meeting Minutes (see below)

14 REPORT AUTHOR AND CONTACT

382 Samuel James, Samuel.james@lewisham.gov.uk, 020 8314 3742

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Hesper House Local Meeting

Monday 14th October 2021 – 19:00 – 20:00 @ Virtually held on Zoom

Meeting Opened at 19:00

8 Local residents, and Councillor Sophie Davis attended the meeting.

Councillor Leo Gibbons (Meeting Chair) introduced themselves, James Hughes (Planning South Area Team Leader) and Sam James, the lead planning officer; and on behalf of the applicant, the planning agents John Smart and Jonas Brayz of Craftworks.

The reason for the virtual meeting was outlined: to discuss planning application DC/21/120262. The purpose of this meeting was to allow residents to ask questions of, and put their views to, the developer and Council officers. The meeting format was explained, including how the questioning process would work, following the Planning Agent's presentation.

The planning agent gave a short opening statement and presentation of the proposal, and summarised the design intent of the scheme.

Following the presentation, the meeting proceeded in 'themes' which broadly covered each of the main material planning considerations, main concerns raised during the consultation period were read out the planning officer, followed up by comments or questions in the text chat function.

Concern was raised by a resident regarding the standard of amenity that would be provided. Planning officer explained that officers considered the standard of accommodation to be acceptable, as all dwellings would exceed the minimum floorspace requirements.

Concern was raised regarding the design and whether this was appropriate for the area. It was stated by one resident that there is nothing that matches the proposal in the surrounding area and that reconstituted stone and timber are not used in this area. Concern was raised that the large window that would emit light, which wildlife will fly into. Planning officer explained that officers considered the design to be acceptable and policy compliant, as a result of its high quality and appropriate scale and massing. It was also noted that the building proposed is very similar to that approved previously.

Concern was raised regarding overlooking from the proposed balconies to Longton Avenue. Planning officer explained that the distances were considered to be acceptable, and the balconies would not result in a harmful loss of privacy to Longton Avenue properties as a result.

Concern was raised that Wells Park Road is dangerous. Planning officer noted the access arrangements are similar to others along the street, and that highway officers did not object to the proposal.

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A resident asked whether the proposed density was still considered acceptable, as the permission was at the upper end of acceptable density. Planning officer explained that the density was considered acceptable, and would optimise the site in line with new London Plan Policies.

A question regarding the type of heating that would be used was raised. The applicant advised that they were proposing to use electric boilers, rather than gas. Further they were proposing other methods to reduce energy usage, and using renewables, as set out in the energy report that was submitted.

Concern was raised that the landscaping scheme did not appear to include native planting. The applicant showed their ecology and landscaping strategy, and confirmed they were proposing native landscaping, as well as other ecological enhancement. Planning officer confirmed the landscaping and ecological enhancements would be secured by condition if approved and that the ecology officer raises no objections subject to this. It was also noted that Section 106 financial contributions would likely be sought for enhancement to local nature reserves.

Concern was raised regarding the amount of parking that could be generated by the proposal, and questioned where residents not allocated a parking space would park. Planning officer advised that the provision of parking was in line with adopted London Plan policies, and that a parking survey had been submitted, demonstrating sufficient capacity on surrounding streets for any overspill parking that might be generated.

A question regarding affordable housing viability was raised. Planning officers confirmed the applicants financial viability review had been reviewed independently, and the Council's consultants concluded that the proposal could not viably contribute affordable housing. However there would be provision for early and late stage viability reviews in any future 106 agreement if permission was granted.

Concern was raised that there is a lot of new development in the surrounding area, and that there was not capacity in local schools or doctor surgeries. Planning officer explained the development would be CIL liable, meaning financial contributions were payable for local infrastructure support, which is expected to cover the costs of additional residential units using these services etc.

Councillor Gibbons gave a brief summary of the points that had been covered, and thanked all for their attendance. He 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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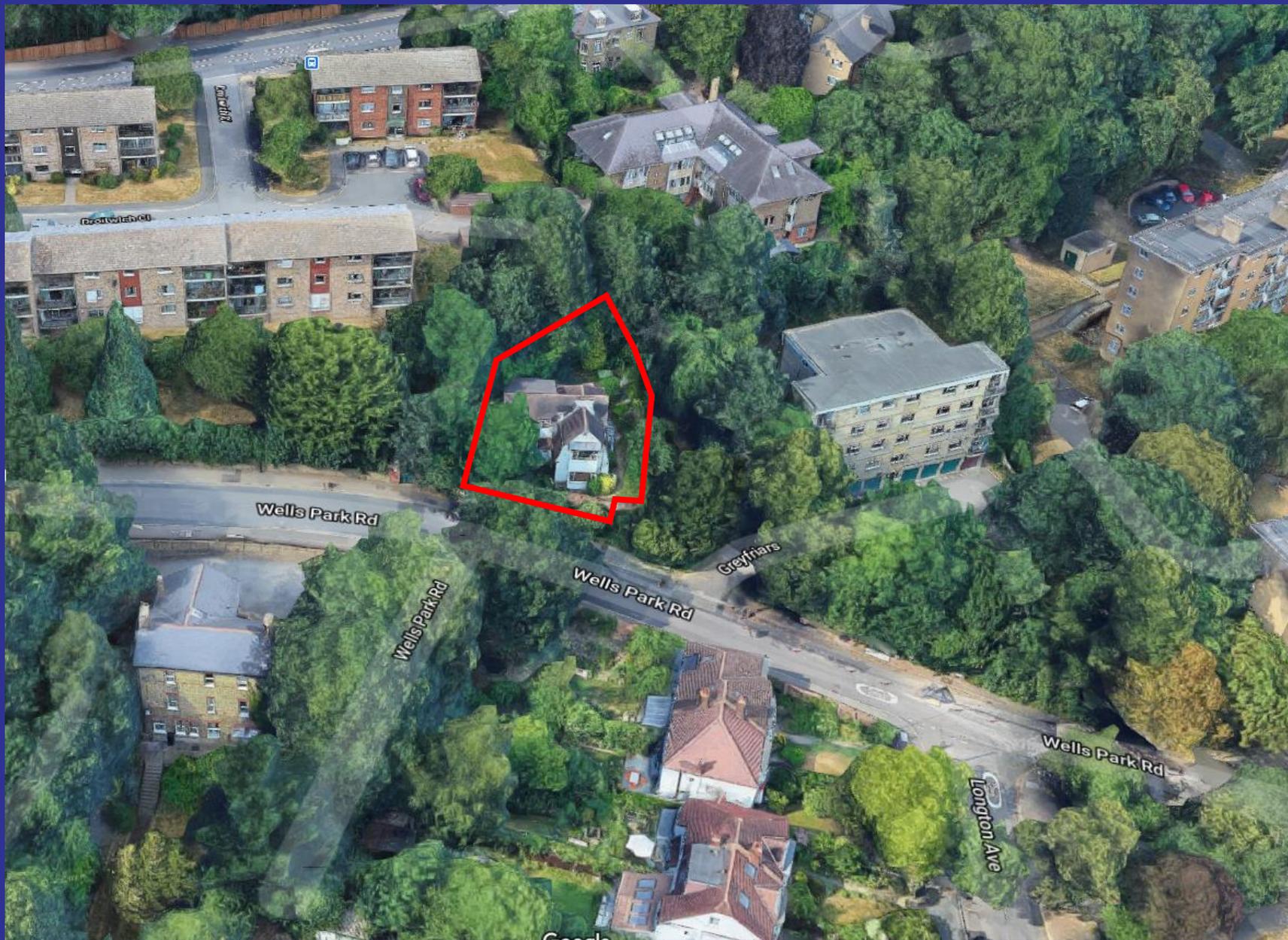
Hesper House, Wells Park Road, SE10

Application No. DC/21/120262

Demolition of existing buildings on site and the construction of a 5-storey building (plus lower ground) consisting of 5 x three bedroom, 8 x two bedroom and 2 x one bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 6 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities.

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





Site Location Aerial view from south





Current proposal:

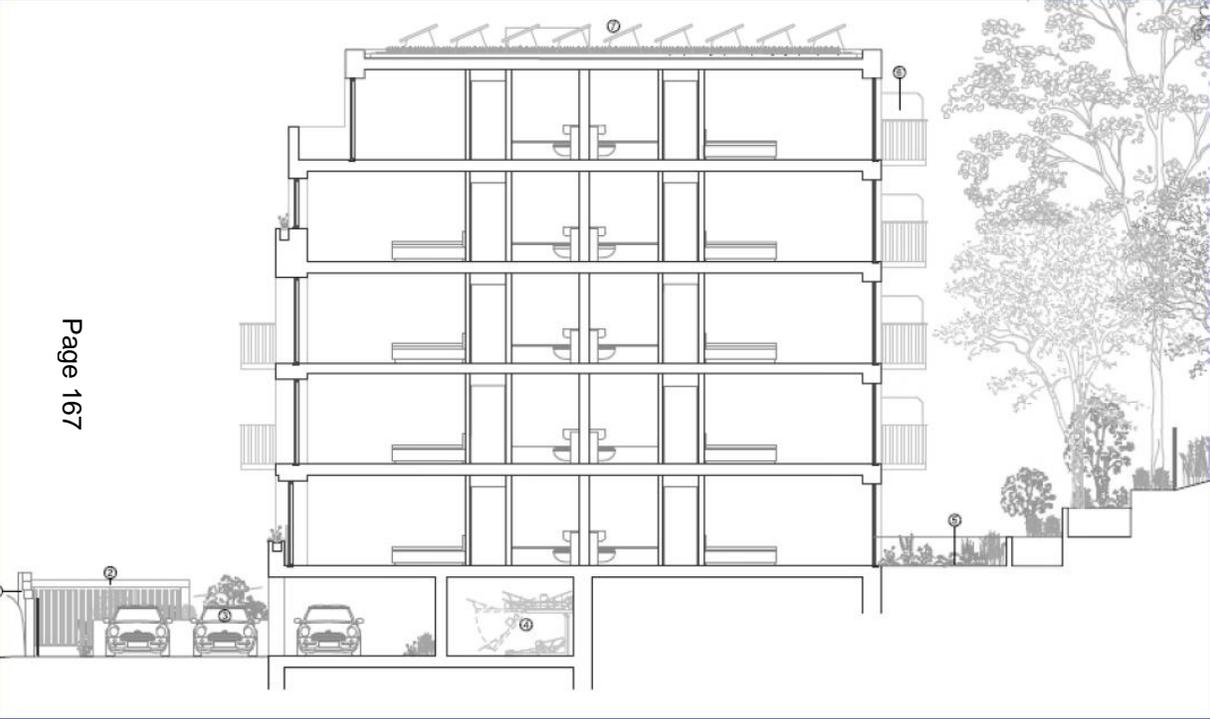
Previous approval (DC/19/113716):

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Rendition of front elevation

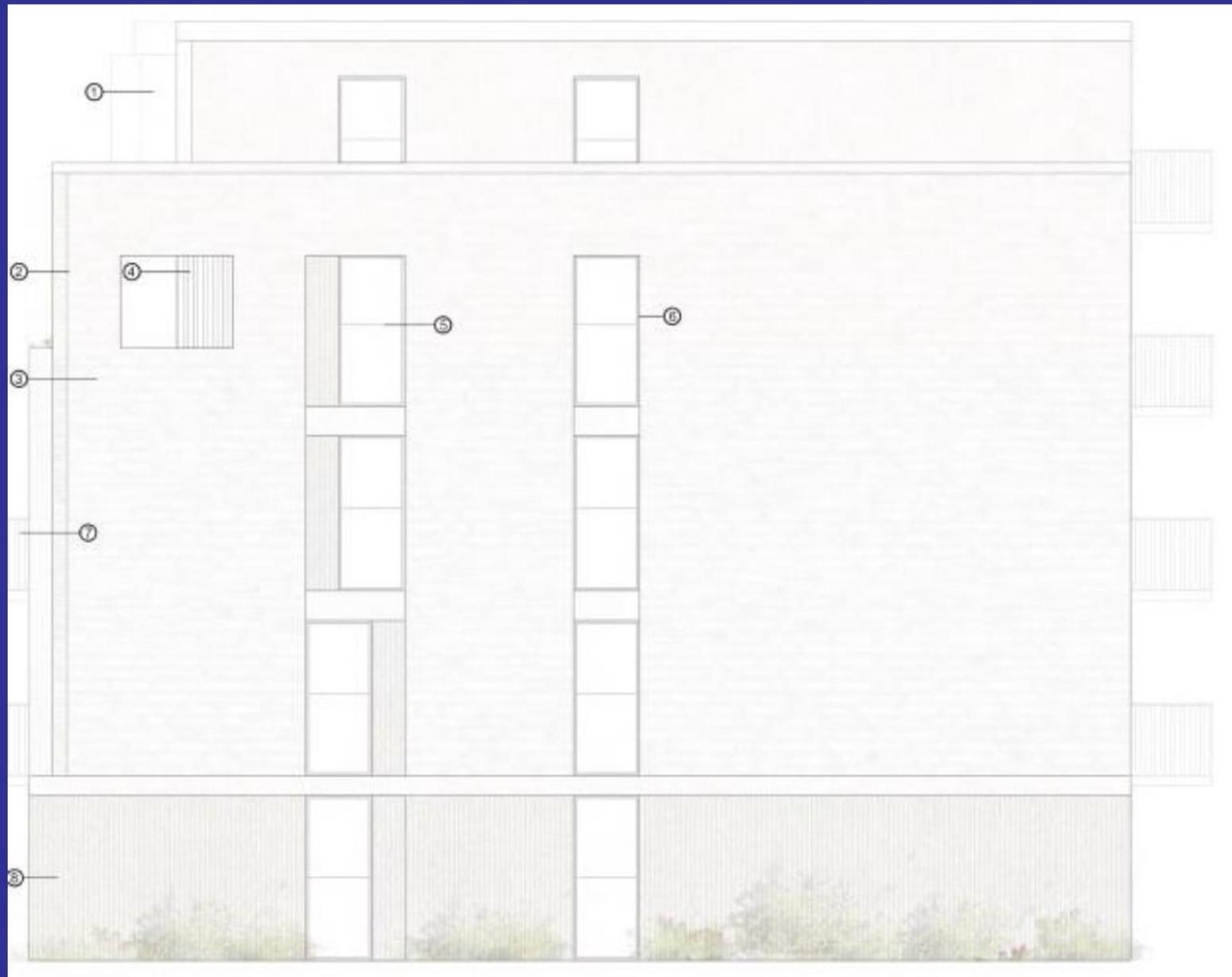
Current proposal:



Previous approval (DC/19/113716):



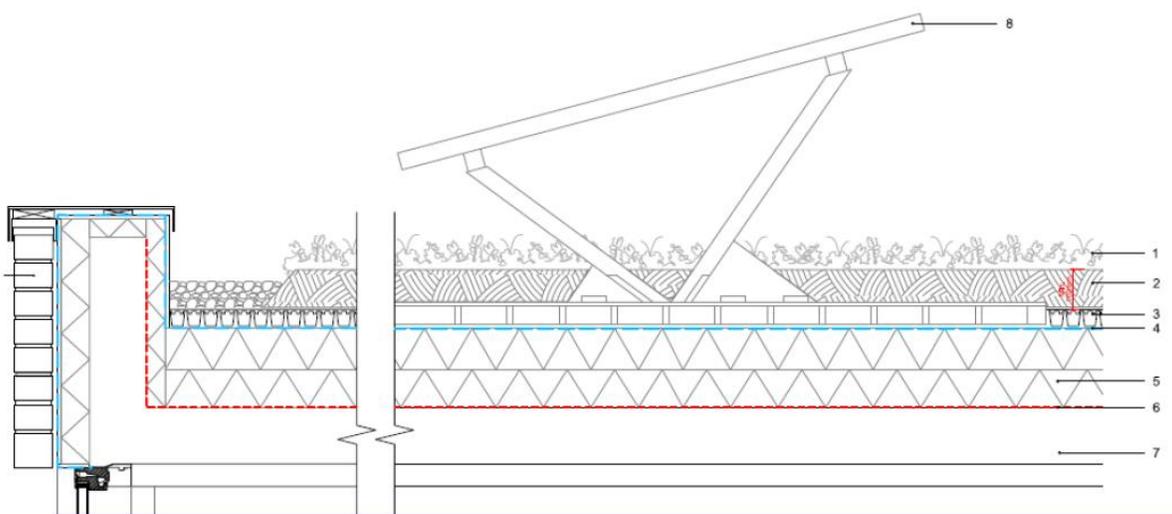
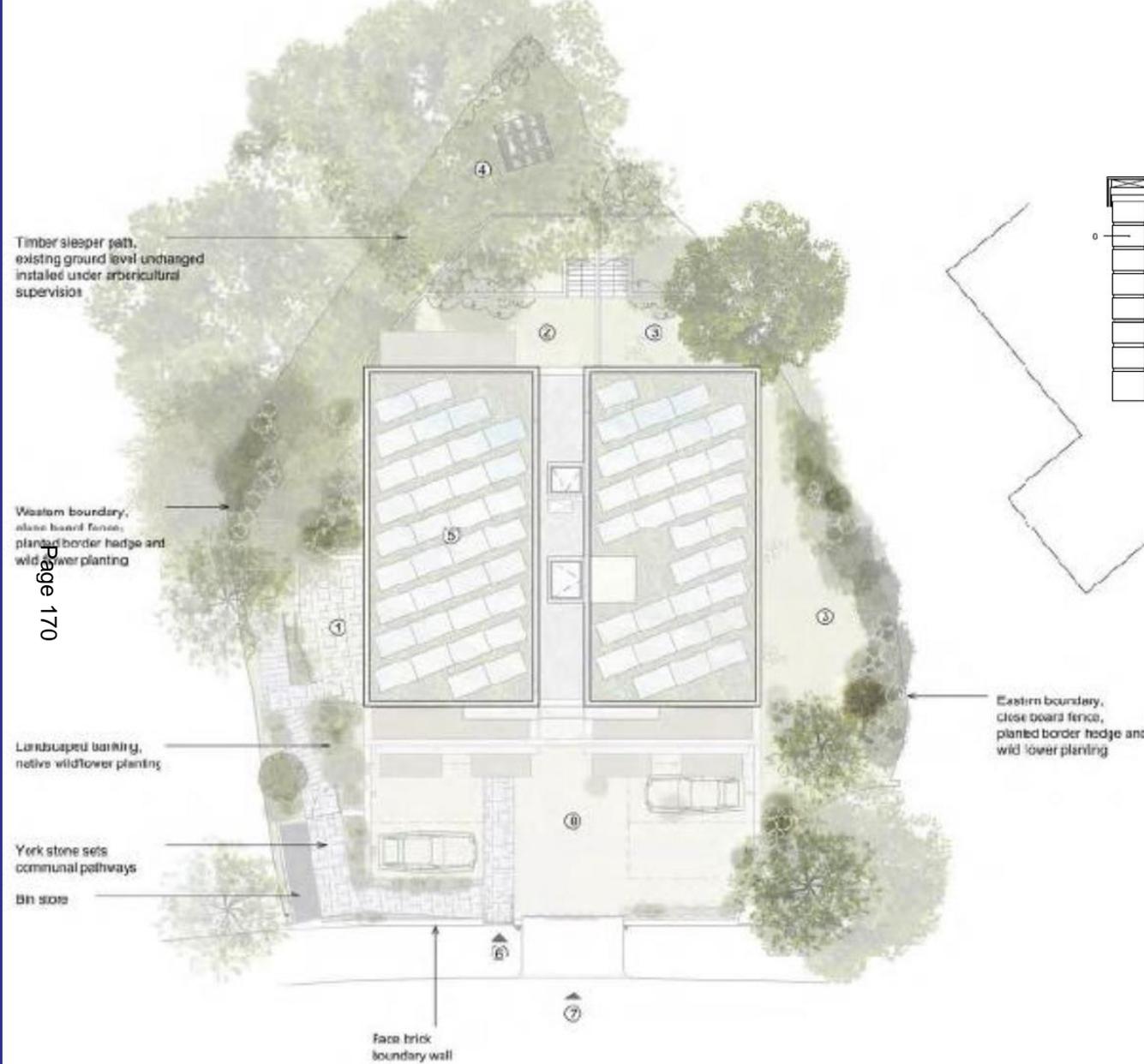
Proposed Section through building



Proposed East Side Elevation



Proposed rear Elevation



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Trees:

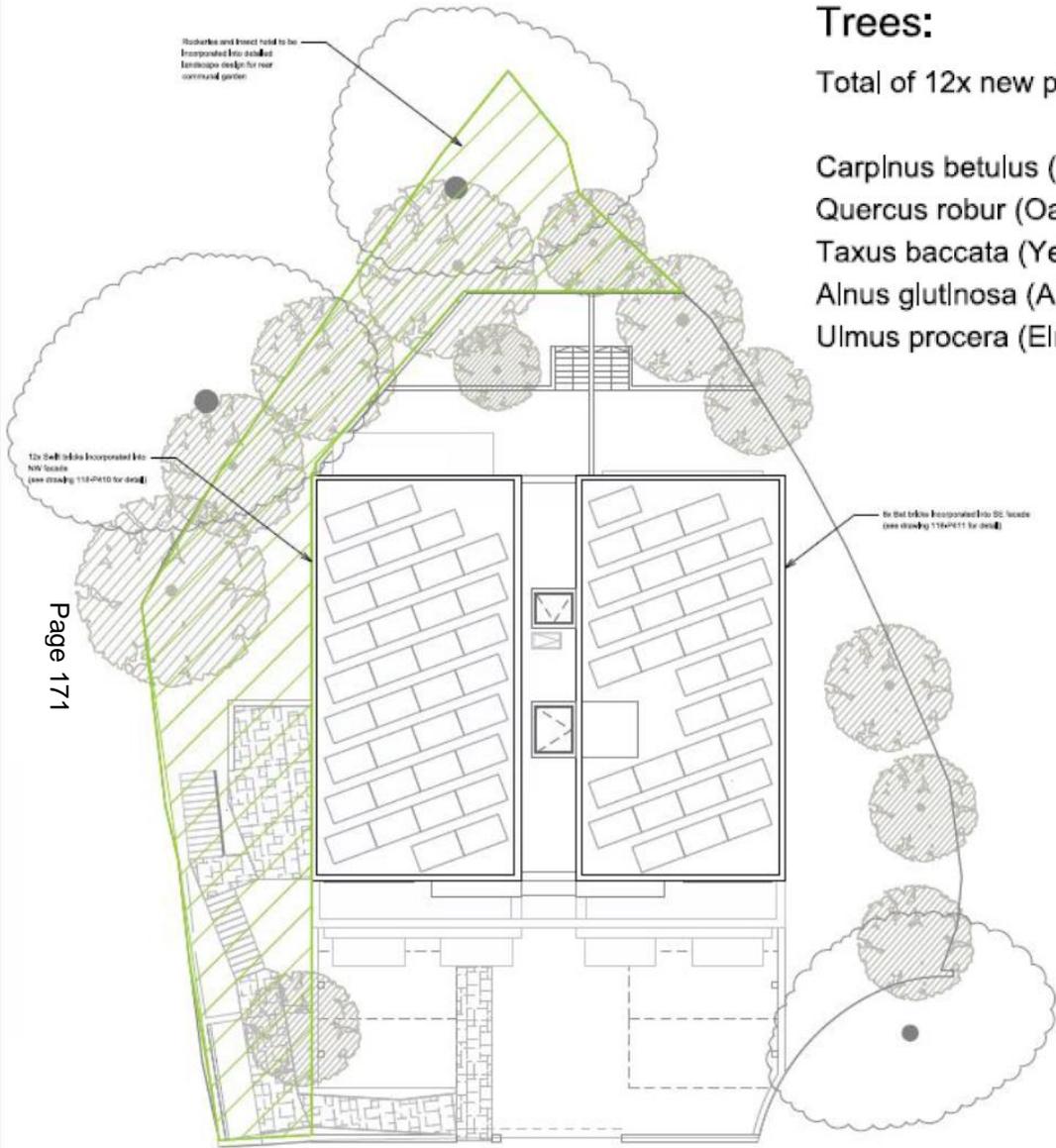
Total of 12x new planted trees to include:

- Carpinus betulus (Hornbeam)
- Quercus robur (Oak)
- Taxus baccata (Yew)
- Alnus glutinosa (Alder)
- Ulmus procera (Elms)



Ecology:

- Rockeries
- Insect Hotel
- 12x Swift Bricks (see drawing 118-P410 for detail)
- 8x Bat Bricks (see drawing 118-P411 for detail)



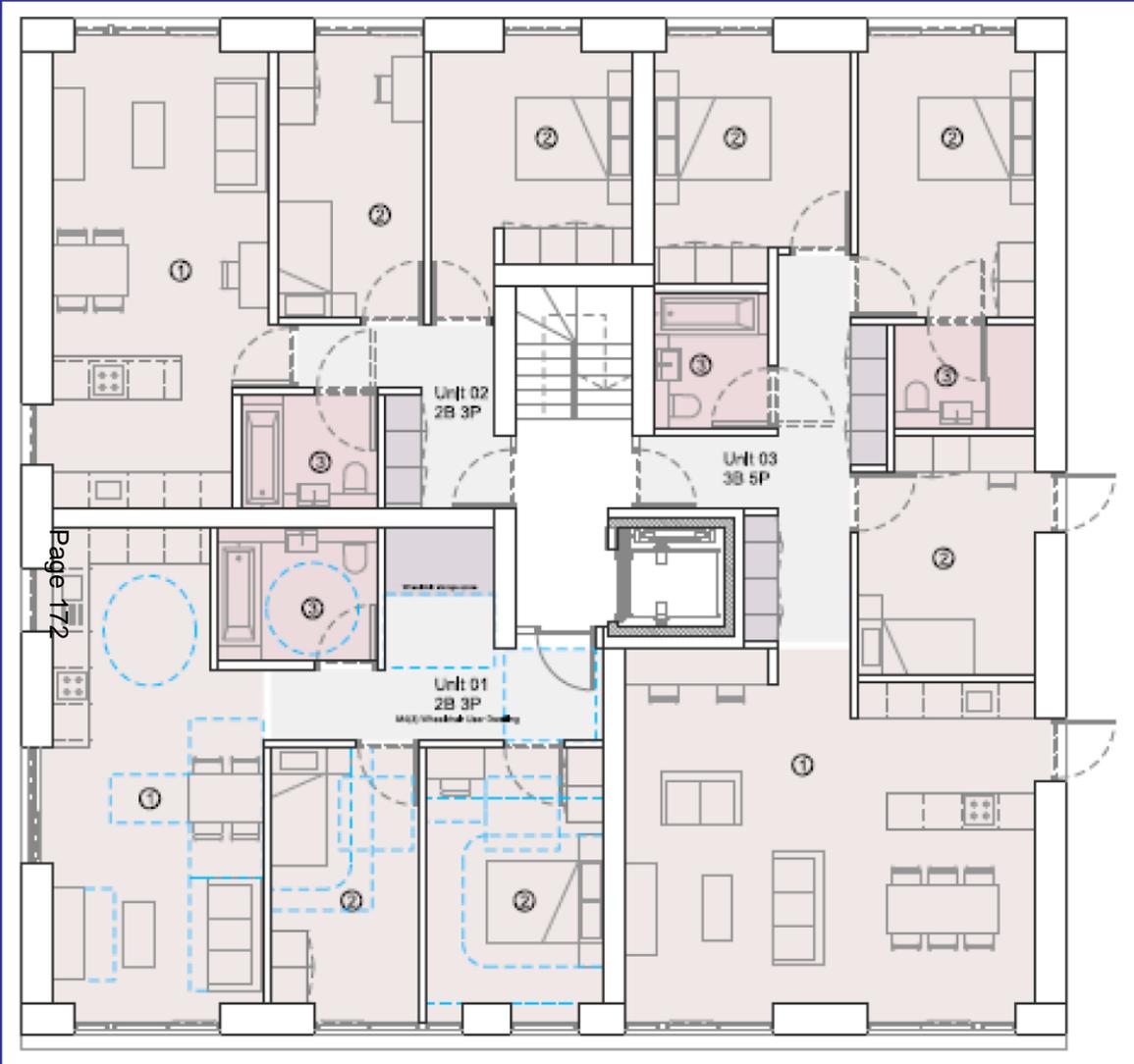
Page 171

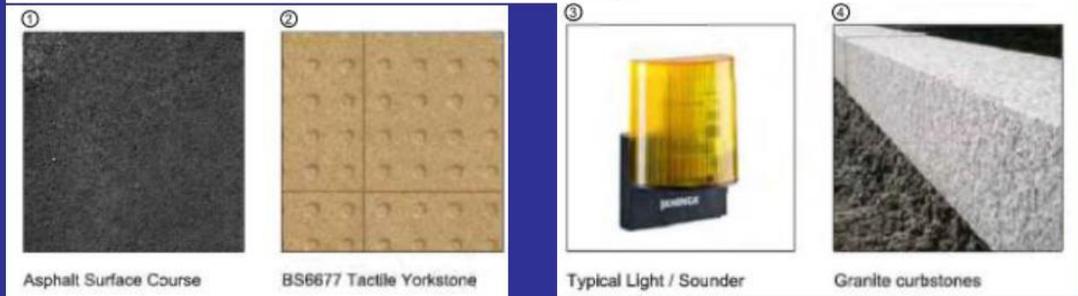
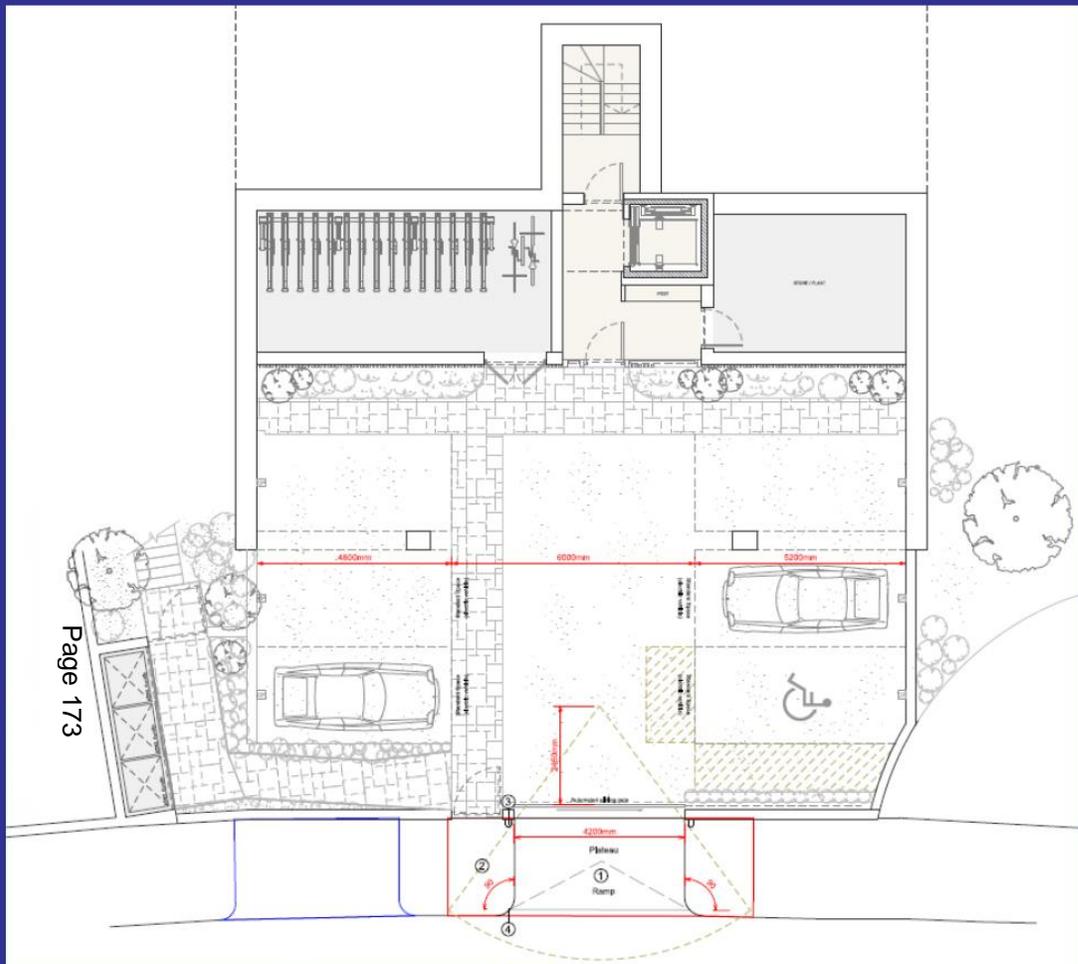
Communal Area Planting Schedule:

Planting schedule consists of native plants once found in the Great North Wood (GNW) an ancient landscape of woodland and wooded commons which once covered the high ground between Deptford and Selhurst.

- Fog grass (Holcus lanatus)
- Native fern (Blechnum spicant)
- Male Fern (Dryopteris affinis)
- Wood crane's-bill (Geranium sylvaticum)
- Wild Garlic (Allium ursinum)
- Wood Anemone (Anemone nemorosa)
- Dog's Mercury (Mercurialis perennis)
- Cow Parsley (Anthriscus sylvestris)





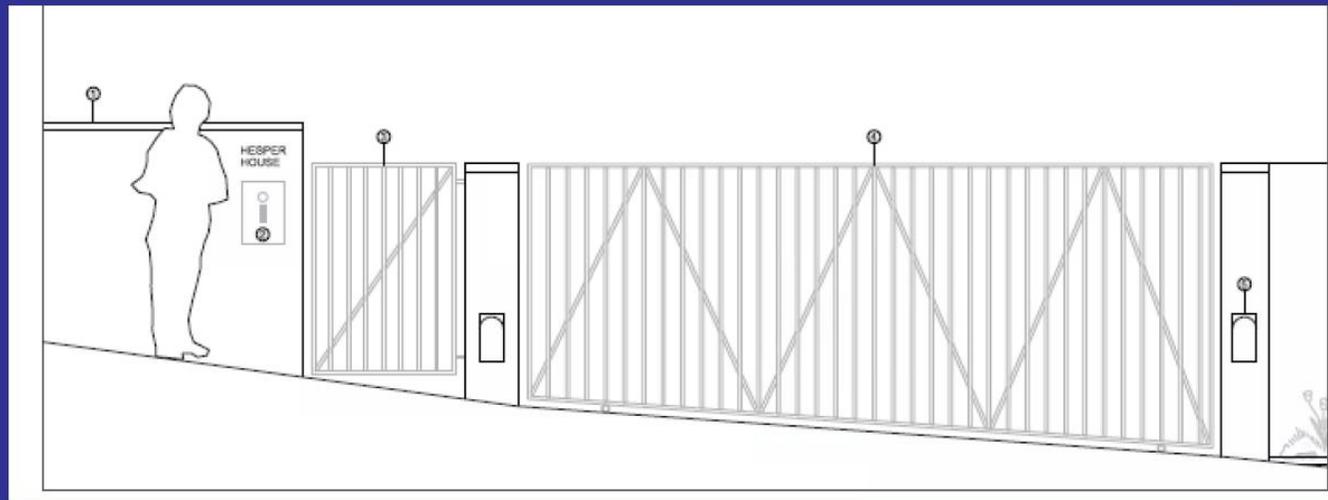
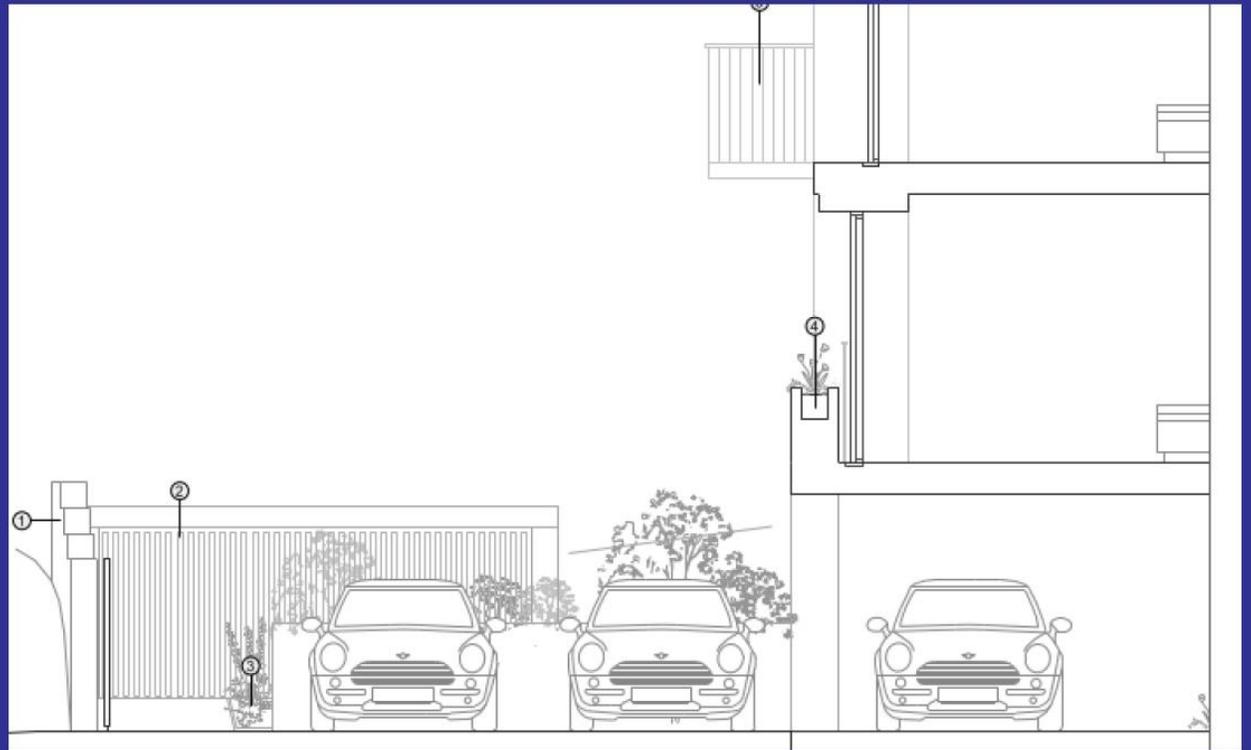


Asphalt Surface Course

BS6677 Tactile Yorkstone

Typical Light / Sounder

Granite curbstones

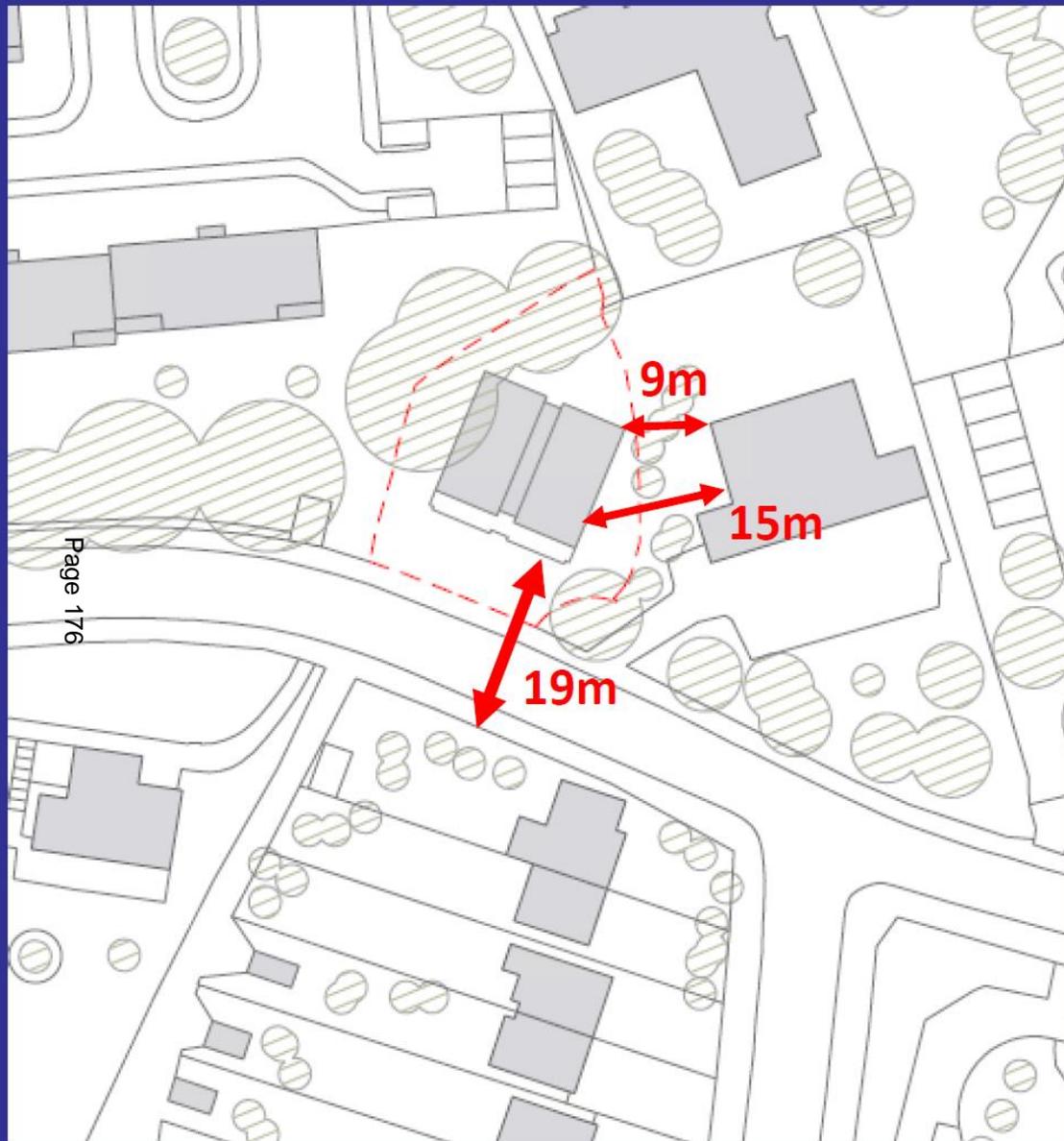


Key planning considerations

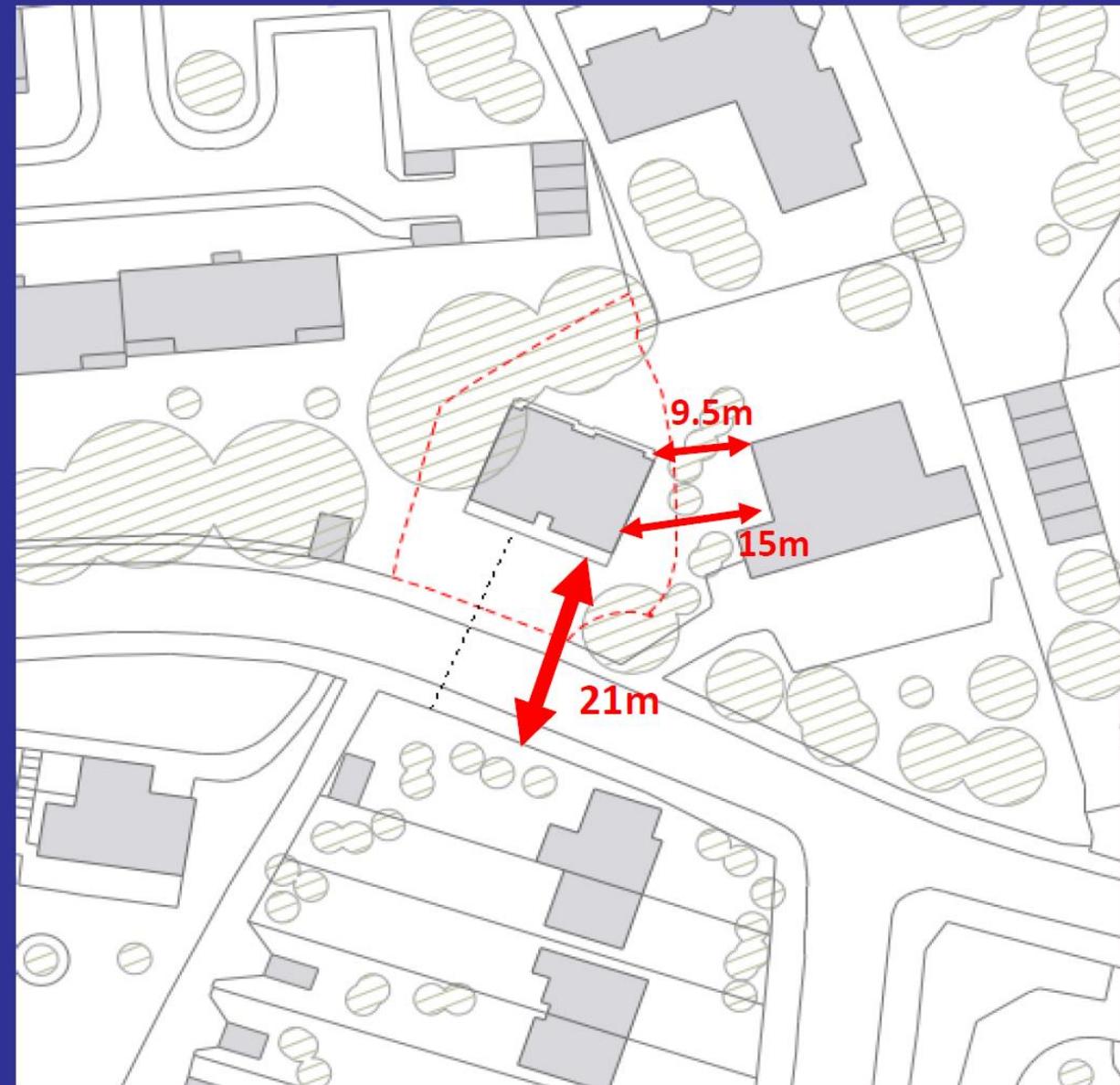
- Principle of Development
- Housing Provision
- Standard of Residential Accommodation
- Design and impact to appearance of surrounding area
- Impact on Living Conditions of Neighbours
- Impact on Highways
- Natural Environment

END

Current proposal:

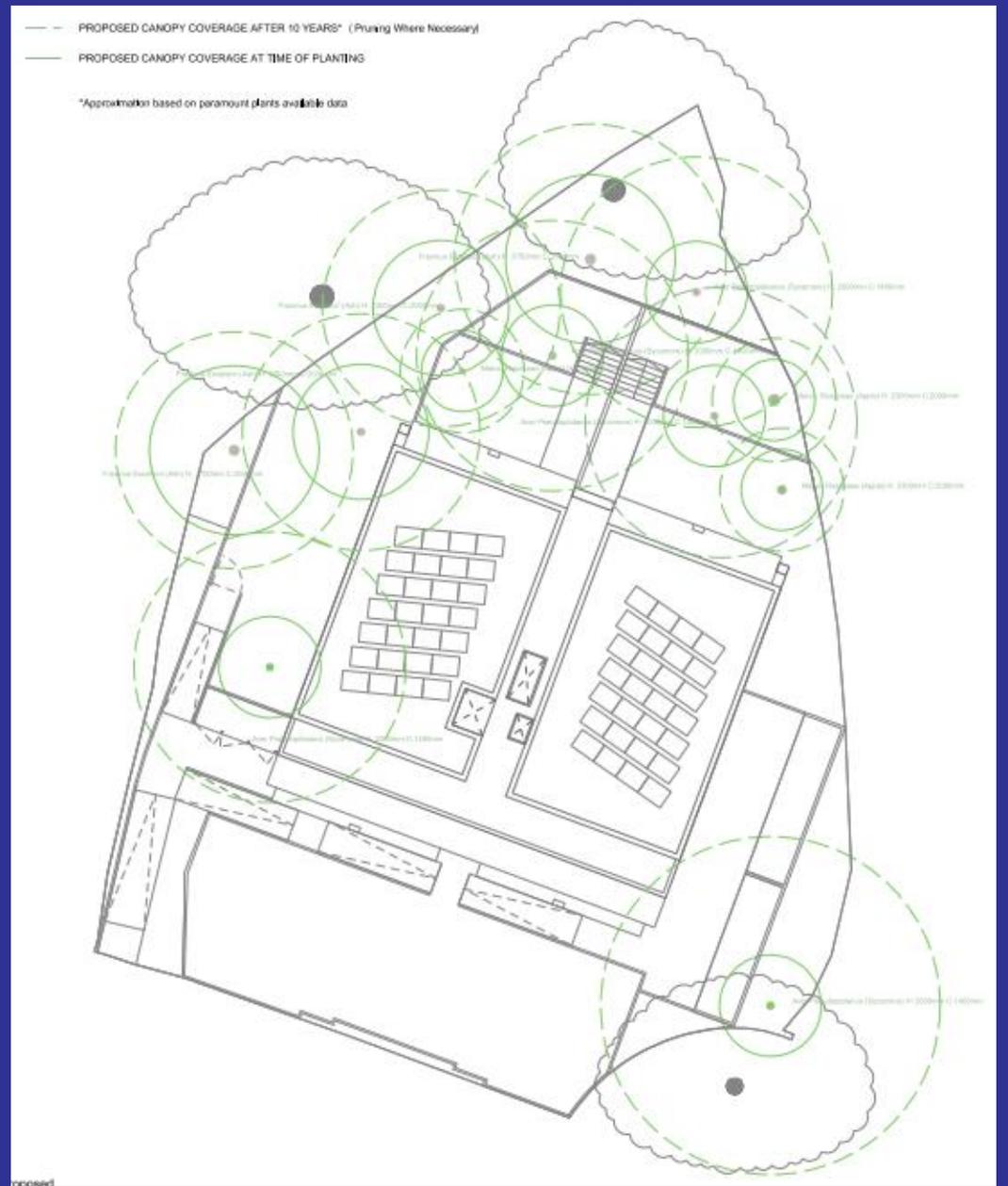
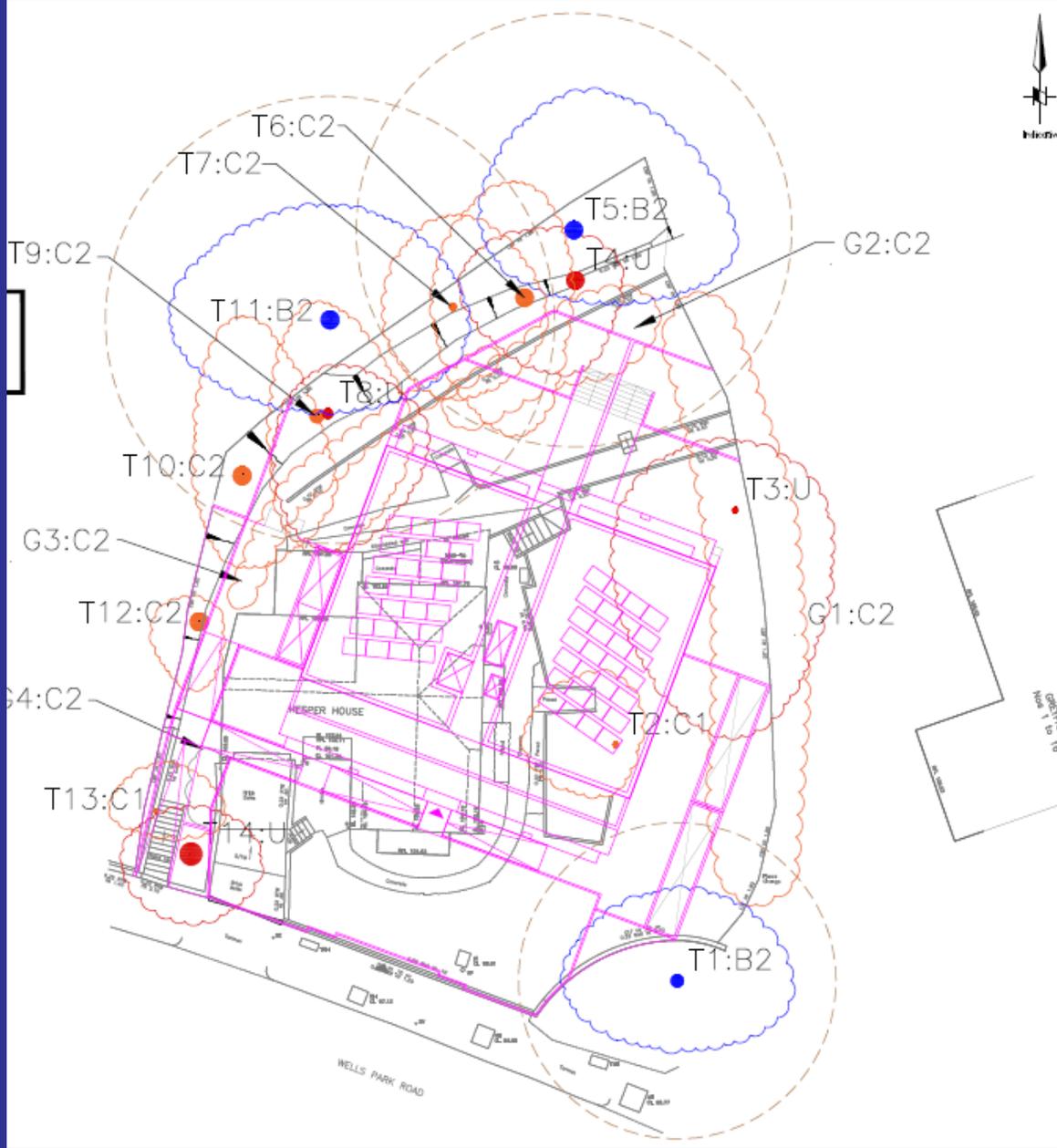


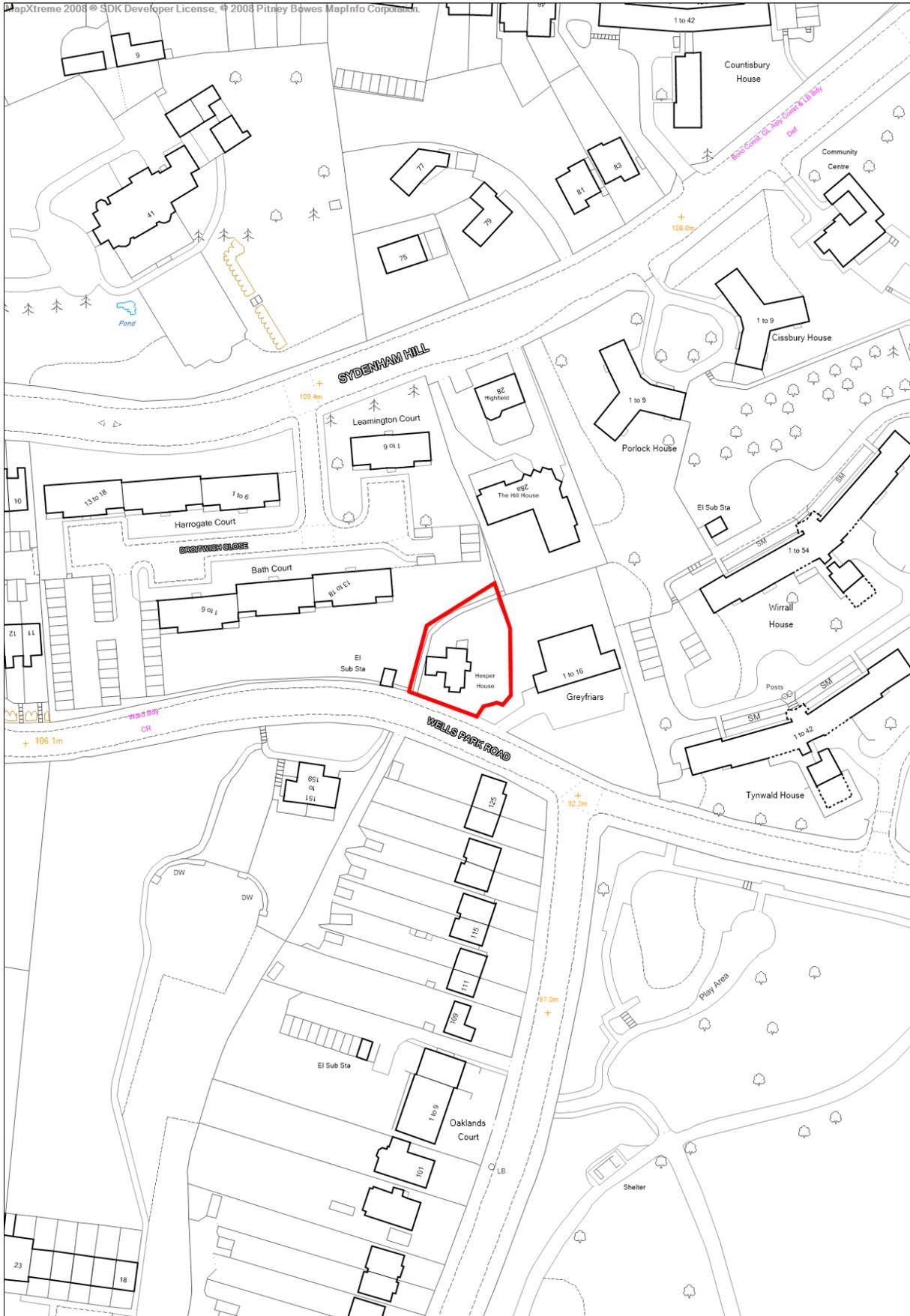
Previous approval (DC/19/113716):



Comparison of distances to neighbours







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Planning Committee A

Report title:

1 Liphook Crescent, SE23 2BN

Date: 24 August 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Forest Hill

Contributors: Georgia McBirney

Outline and recommendations

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

This case has been brought before members for a decision as 11 objections have been received from local residents.

Application details

Application reference number(s): DC/22/126132

Application Date: 28 March 2022

Applicant: RDA Ltd on behalf of Mr Green

Proposal: The demolition of the existing garage and the construction of a two storey, two-bedroom dwellinghouse in the rear garden of 1 Liphook Crescent, SE23, together with the provision of 1 cycle space and refuse storage

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

Designation: PTAL 1b and Air Quality

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site comprises of a two storey, semi-detached residential property located on the north-western side of Liphook Crescent and at the junction with Ringmore Rise. As shown in Figure 1 below.
- 2 There is a single storey garage to the rear of the site which is directly accessed via Liphook Crescent.
- 3 The ground level at the application site is sloped downwards from east to west.



Fig 1: Site location plan

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Character of area

- 4 The surrounding area is residential, consisting largely of detached and semi-detached properties.
- 5 The majority of the surrounding properties are single family houses.

Heritage/archaeology

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

Local environment

- 8 The site is within Flood Risk Zone 1 meaning there is minimal risk of river flooding.

Transport

- 9 The application site has a PTAL rating of 1b on a scale of 0 to 6b, with 6b having the highest accessibility to public transport.

2 RELEVANT PLANNING HISTORY

- 10 **DC/20/118836:** Demolition of the existing garage and construction of a two storey, two-bedroom dwellinghouse in the rear garden of 1 Liphook Crescent, SE23. **Refused 7 December 2020**

- 11 The application was refused for the following reasons:

- Refusal reason 1: The proposed development by reason of its position in the back garden of private residential building and proposed building line, would harmfully disrupt the urban perimeter typology of the surrounding area and would introduce development that would fail to complement the established built form. The proposal would also result in a significantly reduced rear garden for the existing dwellinghouse, negatively affecting the urban grain. The proposal is therefore contrary to the National Planning Policy Framework (2019), Policy 7.4 Local character of the London Plan (2016); Policy 15 High quality design for Lewisham of the adopted Core Strategy (2011); DM Policy 30 Urban design and local character, and, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the adopted Development Management Local Plan (2014).
- Refusal reason 2: The proposed development would provide substandard residential accommodation, by way of the lower ground level bedroom being provided with a poor level of outlook. The proposed development is therefore contrary to Policy 3.5 'Quality and design of housing developments' of the London Plan (2016); Policy 1 'Housing Provision, mix and affordability' of the Core Strategy (2011); DM Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014); the Housing SPG of the London Plan (2016); and the Nationally Described Space Standards (2015).

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Refusal reason 3: The proposed raised steps to the rear of dwellinghouse, by reason of their siting and overall height, would result in increased overlooking and loss of privacy to No. 3 Liphook Crescent and Nos. 33, 33a and 35 Ringmore Rise, Policy 15 High Quality Design for Lewisham of the adopted Core Strategy (June 2011), DM Policy 30 Urban Design and Local Character, DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions and 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 (2014).

12 The refusal was appealed by the applicant with the Planning Inspector. **APP/C5690/W/21/3268826** was **dismissed** on 10 December 2021. The full appeal decision is attached at **Appendix 1**.

13 It is highlighted to members that APP/C5690/W/21/3268826 was dismissed only in respect of overlooking and loss of privacy to No. 3 Liphook Crescent from a balcony and steps proposed. This is discussed in greater detail throughout Section 6, below.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

14 The application is for the demolition of an existing garage on the application site and the construction of a two storey, two bedroom dwellinghouse.

15 The proposed dwellinghouse would appear as single storey when viewed from Liphook Crescent due to the land level difference within the site. The upper ground floor plan would host an open plan living, kitchen dining area and a WC. The lower ground floor would host two bedrooms, a bathroom and plant room.

16 One off street car parking space is proposed utilising an existing dropped kerb.

17 Cycle parking and a refuse store are proposed at the front of the site.

3.2 COMPARISON WITH PREVIOUS SCHEME

18 The scheme has been amended from that dismissed at appeal to overcome the concerns raised by the Inspector about overlooking the garden of 3 Liphook Crescent from the raised terrace. For the avoidance of doubt, the Inspector raised no concerns with any other aspect of the scheme. It is therefore appropriate that the changes focus primarily on measures to reduce the likelihood of overlooking the garden of 3 Liphook Crescent.

19 Compared to the proposal considered by the Planning Inspector in appeal decision APP/C5690/W/21/3268826, the removal of rear balcony/stepped area, screening to balcony, alterations to the roof profile, reduction in size of windows at upper ground floor level and alterations to the windows in the side elevation at lower ground floor level. Figure 2 below shows the rear elevation as proposed on APP/C5690/W/21/3268826 and Figure 3 shows the rear elevation as currently proposed, please note in particular the removal of the stairs and the additional of the vertical slats that would form the privacy screen.

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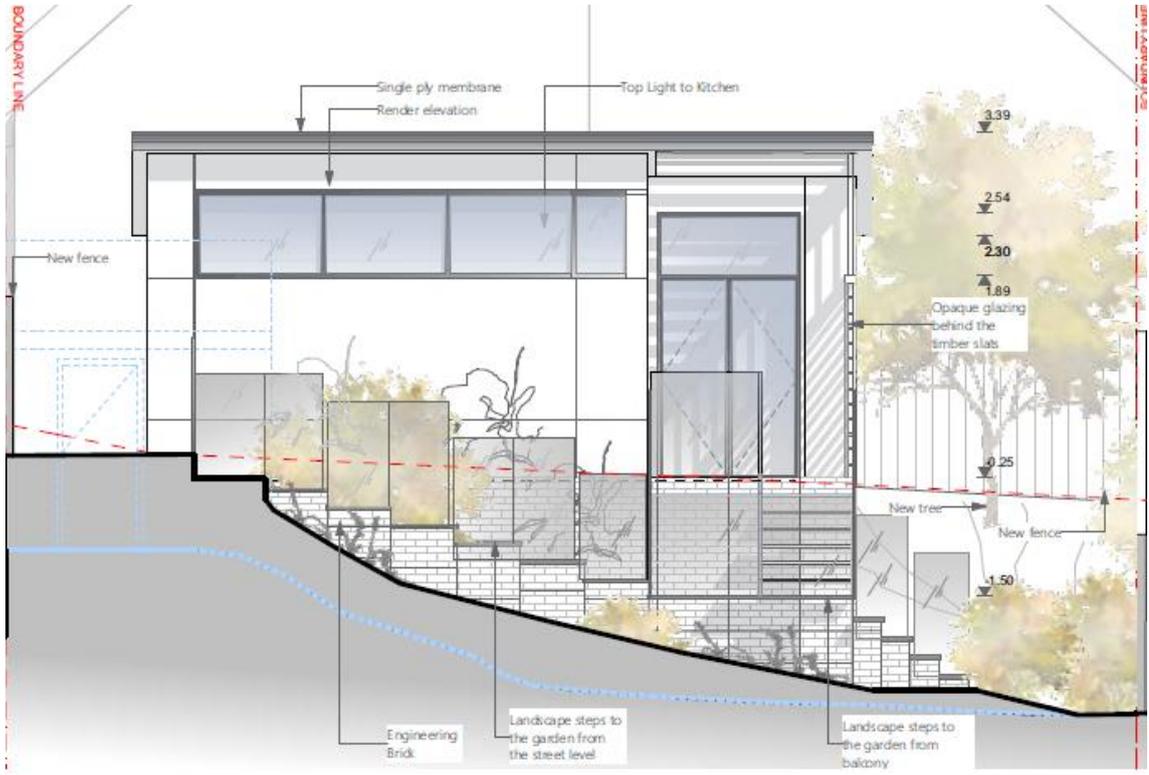


Figure 1 Rear elevation as proposed on APP/C5690/W/21/3268826

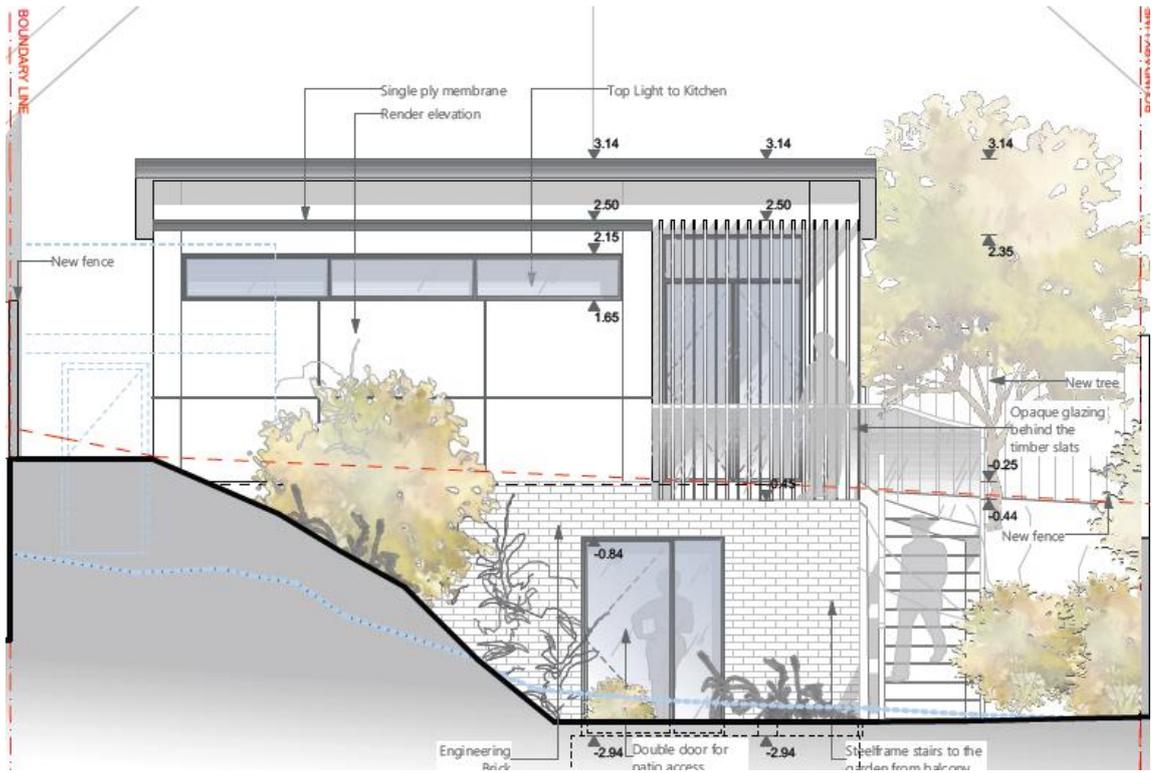


Figure 2 Rear Elevation as currently proposed

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

20 No consultation was undertaken by the applicant prior to the application being submitted. Officer's note that due to the scale of the proposal there is no policy requirement for the applicant to consult with neighbours prior to an application being submitted.

4.2 APPLICATION PUBLICITY

21 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 6 April 2022.

22 11 number responses received, comprising 11 objections, 0 support and 0 comments.

4.2.1 Comments in objection

| Comment | Para where addressed |
|--|----------------------|
| <i>Principle of Development</i> | |
| The proposal for a dwelling in a rear garden would set an alarming precedent | Section 6.1 |
| Loss of back garden land | Section 6.1 |
| <i>Urban Design</i> | |
| The design is not in keeping with the character and appearance of the area | Section 6.3 |
| <i>Impact of Adjoining Properties</i> | |
| Change of outlook | Section 6.5.1 |
| Increase in noise and light pollution | Section 6.5.4 |
| Overlooking | Section 6.5.2 |
| Loss of privacy | Section 6.5.2 |
| Dwellinghouse use is more intensive than a garage | Section 6.5.4 |
| <i>Natural Environment</i> | |
| Loss of wildlife | Section 6.7 |
| Negative impact on street trees | Section 6.7 |

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

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24 The objection from the Tewkesbury Lodge Residents Association is not representative of all members and local residents. Officer's response: All comments are taken into consideration irrespective of who they are received from.

25 The timing of the local meeting during the school holiday and virtually is not appropriate. Officer response: It is the policy of the planning department for meetings to be held online and as planning applications and associated meetings have to be progressed at the time of the year they are submitted and further to this if an application is not progressed applicants can appeal non-determination.

4.3 INTERNAL CONSULTATION

26 The following internal consultees were notified on 4 April 2022.

27 Urban Design: No comments received.

28 Highways: No comments received.

4.4 LOCAL MEETING

29 A Local Meeting was held on the 25 July 2022.

30 The meeting was held via Teams and was chaired by Cllr Sophie Davies.

31 No new material planning considerations were raised at the meeting to those already raised in writing and listed in section 4.2.1 above. A summary note of the local meeting is attached at **Appendix 2**.

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

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

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

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

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planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

36 The Development Plan comprises:

- 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

37 Lewisham SPG/SPD:

- Small Sites SPD (October 2021)

38 London Plan SPG/SPD:

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

6 PLANNING CONSIDERATIONS

39 The main issues are:

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

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6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 40 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.
- 41 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy and Discussion

- 42 The NPPF (2021) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.
- 43 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting underutilised land and buildings, particularly where they would contribute to housing needs and where sites could be used more effectively.
- 44 Policy H2 of the London Plan requires boroughs to proactively support well designed new homes on small sites to help achieve targets set out in Table 4.2. Lewisham has a ten year target to deliver 3,790 new homes on new small sites. Policy H2 sets out that boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 45 Spatial Policy 1 of the Core Strategy defines the location of the application as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for 14% of the boroughs requirements in order to meet local housing need and contribute towards meeting and exceeding London Plan targets.
- 46 DM Policy 33 Infill, backland and back garden and amenity area development sets out the requirements for a variety of sites within residential areas that may come forward for development. The policy recognises that there will be instances where a particular site does not fall squarely within one of the definitions in the policy and in these cases principles to be applied will be taken from the appropriate parts of the policy.
- 47 Due to the nature of the site, it has both back garden and infill characteristic as such parts (a) Infill sites and (c) Back gardens are both relevant.
- 48 Appeal decision APP/C5690/W/21/3268826 is a material consideration in the assessment of this application. In the appeal decision, the Planning Inspector sets out that there would not be significant adverse impact on the urban grain of the road and any harm arising from the conflict with DM Policy 33 would be outweighed by the more recent policy imperatives to promote sensitive infill developments on small sites.
- 49 Given the conclusions of the Planning Inspector, the principle of development is supported.

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6.1.1 Principle of development conclusions

50 The demolition of the existing garage and the construction of a dwellinghouse is supported in principle.

6.2 HOUSING

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

6.2.1 Contribution to housing supply

Policy

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

53 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).

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

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

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

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

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

59 The area is characterised as being suburban.

Discussion

60 The proposal is for one dwellinghouse.

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

Table [1]: Measures of Density

| Criteria | Value | Criteria/area |
|----------------|--------|---------------|
| Site Area (ha) | 0.0185 | n/a |

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| | | |
|-----------------|---|--------------|
| Units | 1 | 54.05 U/HA |
| Habitable rooms | 3 | 162.16 Hr/HA |
| Bedrooms | 2 | 108.10 Br/HA |
| Bedspaces | 3 | 162.16 Bs/HA |

Summary

- 62 Policy D6 of the London Plan states that to accommodate the growth identified in the plan in an inclusive and responsible way, every new development needs to make the most efficient use of land. This means recognising that the character of an area may change.
- 63 Whether the scale of development is appropriate for the site and the surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining the optimum density, and these will be considered in the following sections of the report.
- 64 It is highlighted that in Appeal Decision APP/C5690/W/21/3268826, the Planning Inspector did not raise an objection to the proposed dwellinghouse in this location.

6.2.2 Residential Quality

General Policy

- 65 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).
- 66 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. The Small Sites SPD has an Inside and Out Toolkit at section 15.

Internal space standards

Policy

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

Discussion

- 68 The table below sets out proposed dwelling sizes.

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

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| Layout | Storeys | GIAm ² | B1m ² | B2m ² | Built in Storage | Amenity |
|--------|---------|-------------------|------------------|------------------|------------------|-----------|
| 2B3P | 2 | 72 (70) | 10 (7.5) | 13 (11.5) | 1.5 (2) | 50 (6) |

69 As can be seen from Table 2, the proposed unit would exceed the minimum space standards for the unit and for both bedrooms.

70 As can be seen from Table 2, only 1.5m² of built in storage would be provided. Application DC/20/118836 set out that given that given that the proposed dwellinghouse would incorporate a plant room of 6m², which could be used for storage, the 0.5m² shortfall is not considered to result in an unacceptable standard of accommodation that would warrant a refusal on this ground, this is still considered to be the case. On balance, the shortfall in built in storage is considered to be acceptable.

71 The lower ground floor would have a floor to ceiling height of 2.4m and the upper ground floor would have a floor to ceiling height of between 2.1m to 2.8m; only 4.13m² of the proposed dwellinghouse would have a floor to ceiling height of 2.1m. The London Plan in Policy D6 requires dwellinghouses to have floor to ceiling heights of 2.5m for 75% and it is noted that the Nationally Described Space Standards require a floor to ceiling height of 2.3m or above for 75%. The Inspector found Application DC/20/118836 was in compliance with the Nationally Described Space Standards in respect of floor to ceiling height and this is still considered to be the case.

Outlook & Privacy

Policy

72 London Plan Policy D6 seeks high quality design of housing developments and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP32.

Discussion

73 The proposed dwellinghouse would be triple aspect with windows on the front, side and rear elevations. The rooms on the upper ground floor level are considered to be provided with good standard of outlook.

74 In paragraph 17 of appeal decision APP/C5690/W/21/3268826, the Planning Inspector concluded that the bedrooms at lower ground floor level would have adequate outlook. The siting and size of the window serving Bedroom 1 and separation distance to the boundary treatment is the same as on APP/C5690/W/21/3268826 and as such the outlook of Bedroom 1 is considered to be acceptable. In respect of Bedroom 2, the openings have been amended compared to APP/C5690/W/21/3268826, the window opening in the side elevation has been reduced but there is an additional opening on the rear elevation. The outlook for Bedroom 2 was considered to be acceptable on APP/C5690/W/21/3268826, given that on the current proposal there is an additional opening in the rear elevation, the outlook from Bedroom 2 is still considered to be acceptable.

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75 Given that the siting of the windows and the separation distance to the fence are the same, the outlook from the bedrooms at lower ground floor level is considered to be adequate.

Daylight and Sunlight

Policy

76 DMP 32(1)(b) expect new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promotes access to sunlight and natural daylight as important amenity factors, particularly to living space.

Discussion

77 The dwellinghouse would be dual aspect with all habitable rooms being served by windows, as such the proposed dwellinghouse is considered to receive adequate levels of daylight and sunlight.

Accessibility and inclusivity

Policy

78 Section 12.16 of the Small Sites SPD states for dwellings with an entrance above ground floor level do not require level access from the street, but must be compliant with the Building Regulations Part M4(1) standard, up to a maximum of three floors above ground floor level, although lift access is encouraged where possible.

Discussion

79 The dwellinghouse would have level access from the street. Compliance with Building Regulations Part M4(1) will be secured via Building Control.

External space standards

Policy

80 Standard 4.10.1 of the Mayor's Housing SPG states that a 'minimum of 5sqm of private outdoor amenity space should be provided for 1-2 person dwellings with an extra 1sqm should be provided for each additional occupant'. This is also set out in LPP D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.

Discussion

81 The proposed dwellinghouse would have a private rear garden with an area of 50m². This is exceedance of the minimum requirements set out in LPP D6.

Summary of Residential Quality

82 The proposed dwellinghouse would comply with the required spaces and is considered to provide high quality residential accommodation.

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6.2.3 Housing conclusion

83 The proposal would deliver a 2B3P residential unit which would comply with the required space standards. It would make a minor contribution to meeting the housing targets set out in the London Plan in a predominately residential and sustainable location.

6.3 URBAN DESIGN

General Policy

84 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.

85 Policies D4 and D6 of the London Plan emphasises that the 'scrutiny of a proposed development should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping'.

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

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

88 DMP 33 states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality and relates successfully and is sensitive to the existing design quality of the streetscape.

89 The Small Sites SPD includes a Placemaking Toolkit in section 16.

6.3.1 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.

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93 DM Policy 32 expects new residential development to be attractive and neighbourly.

94 DM Policy 33 relates to sites with infill characteristics, and sets out a number of site specific requirements for development on these sites.

Discussion

95 Compared to the proposal considered by the Planning Inspector in appeal decision APP/C5690/W/21/3268826, there have been alterations to the roof profile a rear balcony/stepped area has been removed, windows at upper ground floor level have been reduced in size, alterations to windows in the side elevation at lower ground floor level and screening is proposed. When viewed from the street, the proposed dwellinghouse would appear the same as that considered by the Planning Inspector APP/C5690/W/21/3268826. Figure 4 shows the section of the dwellinghouse as proposed on DC/20/118386 and Figure 5 shows the section of the dwellinghouse as proposed on the current application; these sections demonstrate the alterations to the roof profile.

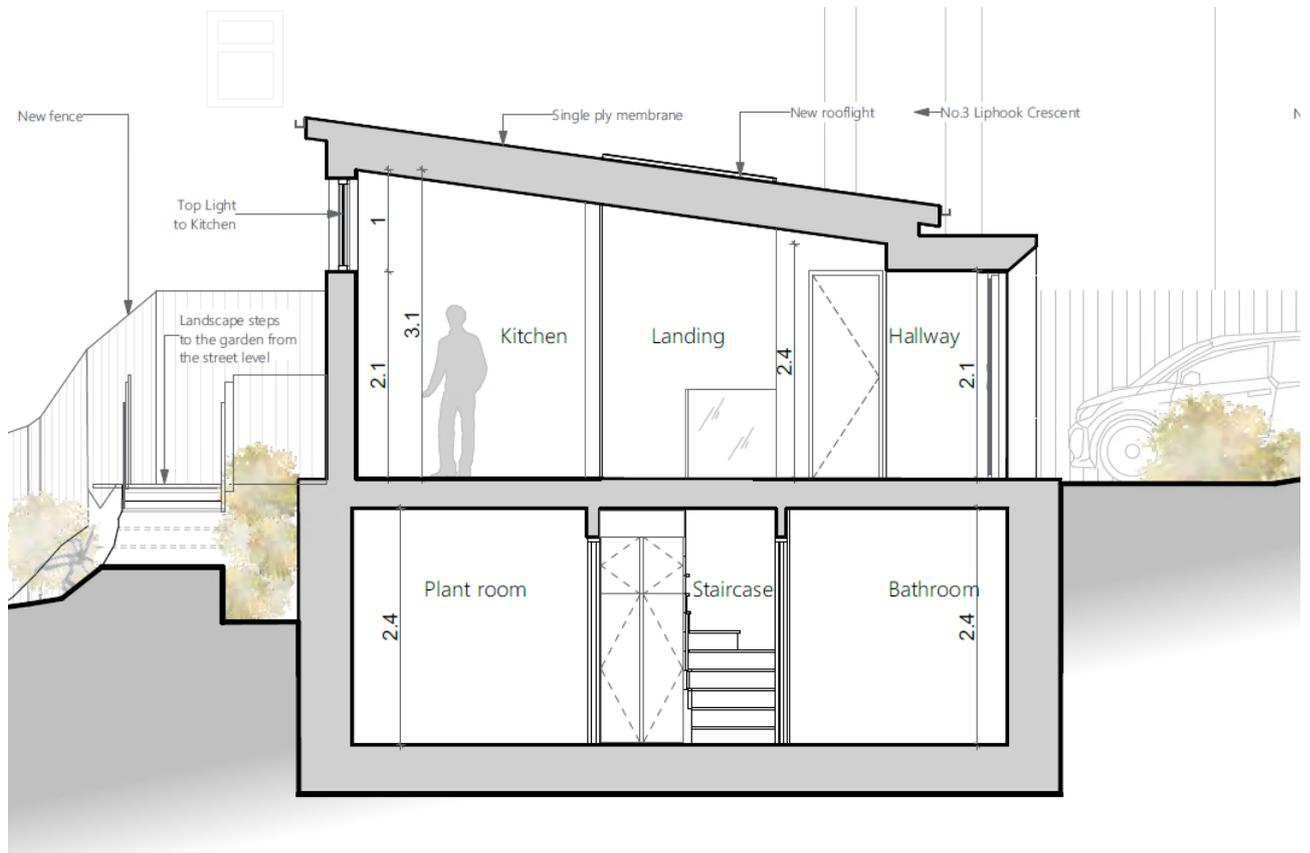


Figure 3 Proposed section from DC/20/118386

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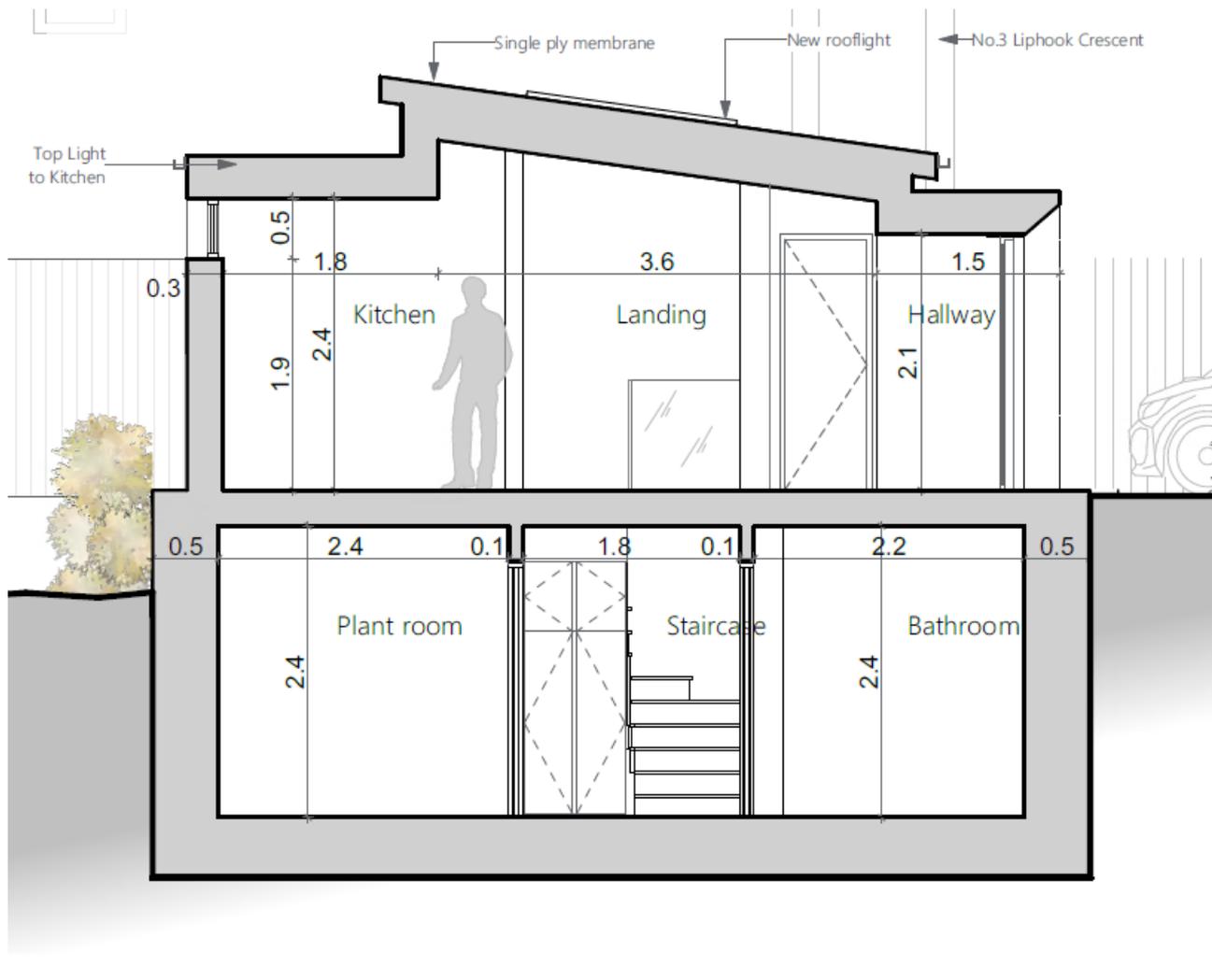


Figure 4 Section as currently proposed

- 96 In paragraph 13 of Appeal Decision APP/C5690/W/21/3268826, the Planning Inspector sets out that the dwellinghouse 'would appear as a subservient structure to the row of houses and a transitional element in the streetscene' and paragraph 16 goes onto state that 'the siting, mass, orientation of the proposed dwelling have followed a design-led approach that have responded to the site's context in accordance with Policy D3'. Members are respectfully reminded that the Council must give appropriate weight to the decision of the Planning Inspector as a relevant material planning consideration. Considering the siting, mass and orientation and scale is the broadly the same as on the scheme considered by the Planning Inspector, the siting, mass, orientation and scale of the dwellinghouse is still considered to be acceptable.
- 97 The drawings are annotated to state that the walls of the dwellinghouse would have a render or brickwork finish. The openings would metal clad timber framed triple glazed units. In paragraph 13 of Appeal Decision APP/C5690/W/21/3268826, the Planning Inspector sets out that local area has 'variation in the design and materials used on dwellings'. The principle of proposed materials is considered to be acceptable and the final details would be secured by condition.

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98 Full details of the new boundary treatment would also be secured by condition.

Layout and Landscaping

Policy

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.

100 DMP 32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as the existing context of the surrounding area. They must also meet the functional needs to future residents.

Discussion

101 The proposed dwellinghouse would have a larger footprint and different siting than the existing garage that is proposed to be demolished, and as such would be built on garden land that is not currently developed. As part of the proposals, some existing soft landscaping would need to be removed and additional soft landscaping is proposed. The full details of the soft and hard landscaping would be secured by condition.

102 The proposed layout of the site is considered to be appropriate for the location of the site and surrounding context.

6.3.2 Urban design conclusion

103 In summary, the proposed development is considered to be a high quality proposal. It would be of an appropriate height and scale and would use suitable materials. The design of proposal is acceptable and in line with the aforementioned policy.

6.4 TRANSPORT IMPACT

General policy

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

105 Paragraph 111 of the NPPF states 'development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

6.4.1 Access

Policy

106 Paragraph 110 of the NPPF states amongst other things that safe and suitable access to the site can be achieved for all users.

107 Core Strategy Policy 14 states that access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

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108 The proposed dwellinghouse would have level access from Liphook Crescent. An existing vehicular access to the site would also be utilised. The access to the proposed dwellinghouse is considered to be acceptable.

6.4.2 Local Transport Network

Policy

109 The NPPF 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 of 1b. Whilst officers note that that site only has a PTAL of 1b, the provision of one additional unit is not considered to have a significant impact on the local transport network in terms of capacity on the road network or on public transport.

111 A Construction Management Plan would be secured by to ensure the short-term impacts of construction vehicles on the local highway network are acceptable.

6.4.3 Servicing and refuse

Policy

112 DMP 31 requires new development to have appropriate regards for servicing of residential units include refuse.

Discussion

113 A bin store is proposed in the front garden area along the front boundary of the site. The full details of the bin store would be secured by condition.

6.4.4 Transport modes

Walking and cycling

Policy

114 LPP T5 states that development plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

115 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

116 Cycle parking for two bicycles is proposed in the front garden area along the front boundary of the site. The full details of the cycle parking would be secured by condition.

Private cars (include disabled and electric charging points)

Policy

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- 117 London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or planned to be) well connected by public transport, with developments elsewhere designed to provide the necessary parking (car-lite).
- 118 Table 10.3 of the London Plan states in areas of Inner London with a PTAL of 1b, the maximum number of car parking spaces is 0.75 spaces per dwelling.
- 119 CSP 14 states that the Council will take a restrained approach to parking provision.
- 120 DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.

Discussion

- 121 One off-street car parking space is proposed and it is proposed that the existing dropped kerb to be utilised. An EV charging point is proposed. As one off-street car parking space is proposed this is a slight over provision of off-street car parking according to Table 10.3 of the London Plan.
- 122 It is noted on Application DC/20/118836, Highways Officers raised no objection to the provision of one off-street parking space due to the space being accessed by the existing dropped kerb where the existing driveway in front of the garage is located. The Inspector also raised no concerns with this aspect of the dismissed appeal.
- 123 Moreover, Officers note that a number of properties in the vicinity of the application site benefit from off-street parking.
- 124 Considering, the low PTAL of the site, the Highways Officers comments on the previous application and that an existing dropped kerb would be utilised, and the EV charging point, the off-street parking space is considered to be acceptable in this instance.

6.4.5 Transport impact conclusion

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

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 126 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 LPP D3, D6 and D14 and DM Policy 30, 32 and 33.
- 127 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. The Small Sites SPD provides general guidance in section 12 (sub-sections 12.2 to 12.4).

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

129 It is highlighted to Members that appeal decision APP/C5690/W/21/3268826 was dismissed in respect of overlooking and loss of privacy only.

6.5.1 Enclosure and Outlook

Policy

130 DM Policy 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings. Small Sites SPD sub-section 12.3 provides further details.

Discussion

131 The siting and scale of the proposed dwellinghouse is broadly commensurate to that considered on DC/20/118836. In the assessment of Application DC/20/118836, neither Officers nor the Inspector considered the proposed dwellinghouse to have an unacceptable impact on neighbouring amenity in terms of increased sense of enclosure or loss of outlook. This is still considered to be the case due to the siting and scale of the proposed dwellinghouse.

6.5.2 Privacy

Policy

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

133 DM Policy 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations. This separation distance will be maintained as a general rule but will be applied flexibly dependent on the context of the development. The Small Sites SPD gives further specific guidance for sites such as this in section 32.

Discussion

134 Appeal APP/C5690/W/21/3268826 was dismissed in respect of overlooking and loss of privacy to No. 3 Liphook Crescent from the balcony and new steps to the rear of the site. Paragraph 20 of Appeal Decision APP/C5690/W/21/3268826 states 'the proximity of the balcony and new steps to the nearer, relatively private, parts of the garden to No.3 would give rise to a sense of being overlooked and a loss of privacy'.

135 It is highlighted that in paragraph 20 of Appeal Decision APP/C5690/W/21/3268826 the Planning Inspector set out that there would not be a material loss of privacy to Nos. 33, 33A and 35 Ringmore Rise.

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136

Figure 6 shows the layout of the balcony and raised steps which were deemed by the Planning Inspector to result in overlooking and loss of privacy to No. 3. Figure 7 shows the balcony and raised steps as currently proposed.

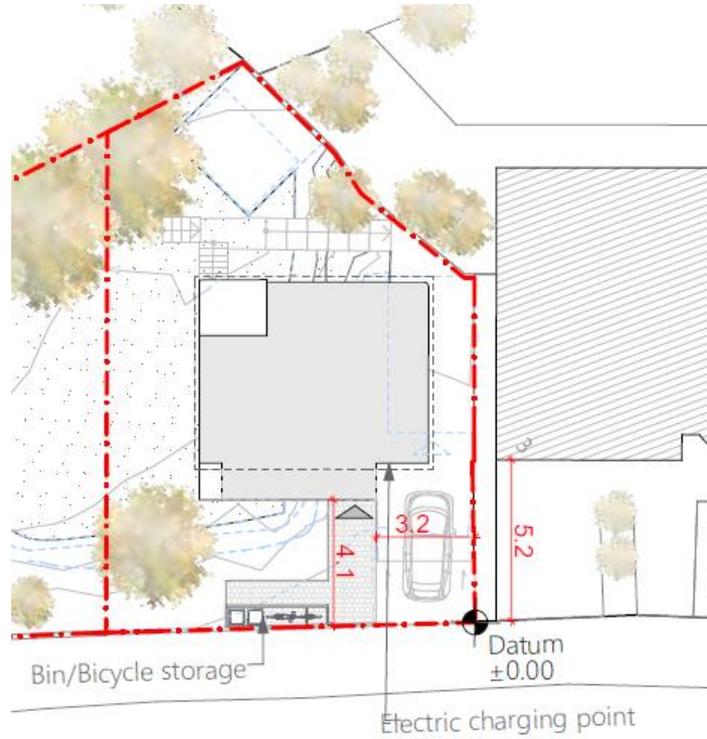


Figure 5 Balcony and raised steps as proposed on DC/20/118836

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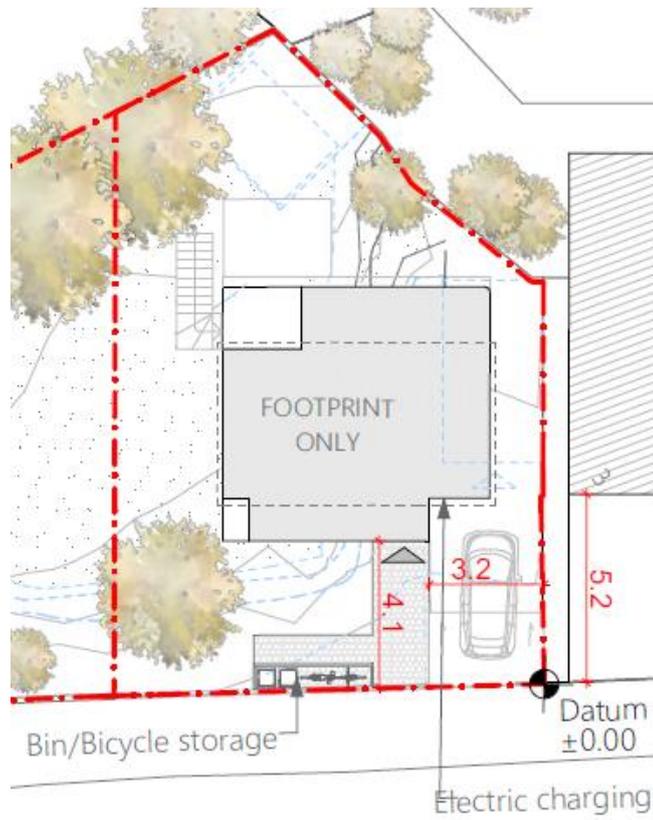


Figure 6 Balcony and raised steps as currently proposed

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- 137 As can be seen on Figure 6 and 7, the steps will not extend beyond the entire rear elevation of the proposed dwellinghouse. It is proposed for the steps to extend from the side of the proposed balcony. The proposed steps would be situated a minimum of 5.2m from the shared boundary with No. 3. Considering the siting of the steps and the separation distance from No. 3, the proposed steps are not considered to result in an unacceptable impact on No. 3 in terms of overlooking and loss of privacy.
- 138 A patio area is also proposed in the rear garden leading from a bedroom at lower ground floor level. The patio would be situated a minimum of 2m from the shared boundary with No. 3 Liphook Crescent. Considering the siting of the patio, that it would not be a raised platform and the boundary treatment, the patio is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy.
- 139 Whilst the Planning Inspector did not consider there to be a material impact on Nos. 33, 33A and 35 Ringmore Rise in terms of overlooking and loss of privacy, due to the alterations to the steps, it needs to be considered if this is still the case. The proposed steps would be sited a minimum of 4m from the shared boundary with No.35, with Nos. 33 and 33A being situated further north of No. 35. Given the separation distance of the steps, combined with tree that would be retained along the boundary, the proposed steps are not considered to have a materially harmful impact on No. 35 in terms of overlooking and loss of privacy. Given the siting of the steps and the separation distance to Nos. 33 and 33A, the proposed steps are not considered to have a materially harmful impact on Nos. 33 and 33A in terms of overlooking and loss of privacy.
- 140 The screening to the balcony would be secured by condition. The condition would require the screening to be retained in perpetuity.

6.5.3 Daylight and Sunlight

Policy

- 141 London Plan Policy D6 states that the design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate to its context. DMP 32 is in line with this.
- 142 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards, however, this is not formal planning guidance and should be applied flexibly according to context.

Discussion

- 143 The siting and scale of the proposed dwellinghouse is broadly commensurate to as considered on DC/20/118836. Application DC/20/118836 did not consider the proposed dwellinghouse to have an unacceptable impact on neighbouring amenity in terms of loss of daylight and sunlight. This is still considered to be the case due to the siting and scale of the proposed dwellinghouse.

6.5.4 Noise and disturbance

Policy

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144 DMP 32 requires new development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

145 Neighbours have raised concerns that the introduction of a residential dwelling would result in harmful levels of noise and disturbance, including from the coming and goings from residents.

146 Application DC/20/118836 established that the provision of one new dwellinghouse is not considered to result in such a material increase in noise and disturbance that would result in an unacceptable impact on neighbouring amenity.

6.5.5 Impact on neighbours conclusion

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

6.6 SUSTAINABLE DEVELOPMENT

General Policy

148 Paragraph 153 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

149 CS objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. The Small Sites SPD sections 11 and 21 provide guidance of sustainability.

6.6.1 Energy and carbon emissions reduction

Policy

150 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

151 The application is not a major development (as only 1 unit is proposed) and as such the provisions of the LPP SI2 do not apply.

6.6.2 Urban Greening

Policy

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

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Discussion

- 153 The proposal increases the built footprint on the site as the proposed dwellinghouse would have a larger footprint than the existing garage and would have a different siting. Soft landscaping is proposed at the front and rear of the site; full details of the soft landscaping would be secured by condition.
- 154 No green roofs are proposed on the roof of the main dwellinghouse, nor is there a policy basis on which to secure one. To help mitigate the loss of the soft landscaping, it would be secured by condition that the roof of the bin and cycle store should incorporate a green roof.

6.6.3 Flood Risk

Policy

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

Discussion

- 156 The site lies outside of Flood Zones 2 and 3 and therefore is at low risk of flooding.

6.6.4 Sustainable Urban Drainage

Policy

- 157 LPP SI13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovering from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.

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

- 159 Policy G4 of the London Plan requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs.

Discussion

- 160 The scale of the development does not require a details SuDS scheme to be submitted. However, as hard landscaping is proposed at the front of the site, the full details would be secured by way of condition. Such details shall include a specification to demonstrate the use of permeable surfaces.

6.6.5 Sustainable Infrastructure conclusion

- 161 The proposed development is considered acceptable in terms of sustainable development subject to the imposition of conditions.

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6.7 NATURAL ENVIRONMENT

General Policy

- 162 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 163 The NPPF and NPPG promote the conservation and enhancement of the natural environment (Chapter 15) and set out several principles to support these objectives.
- 164 The NPPF at para 180 states that decisions should ensure that new development is appropriate or its location taking into account the likely effects (including cumulative effects) of pollution of health, living condition and the natural environment, as well as the sensitivity of the site or wider area impacts that could arise from development. The Small Sites SPD provides a Green Toolkit at section 14.

6.7.1 Ecology and biodiversity

Policy

- 165 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purposes of conserving biodiversity.
- 166 NPPF para 174 states that decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 167 CSP seeks to preserve or enhance local biodiversity.
- 168 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivering of benefits and minimising of potential impacts on biodiversity.

Discussion

- 169 Part 2 of DMP 24 states that for non-major development surveys and reports will only be required where appropriate. Whilst officers note that the some garden land would be lost, given the scale of the scheme and the site hosts a garage, it is not considered necessary for surveys to be provided.
- 170 It is noted that no surveys were provided on DC/20/118836 and in Appeal Decision APP/C5690/W/21/3268826, the Planning Inspector raised no objection to this approach.

6.7.2 Green spaces and trees

Policy

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

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Discussion

- 172 As the application site forms part of the rear garden of No. 1 Liphook Crescent some existing soft landscaped garden land would be lost. It is highlighted that the Planning Inspector did not object to this in appeal decision APP/C5690/W/21/3268826. To mitigate the loss of some garden land, full details of the proposed soft landscaping would be secured by condition.
- 173 Concern has been raised by local residents about the impact on street trees, a Tree Protection Plan would be secured by condition. The Tree Protection Plan would also be required to protect retained trees in the site.

6.7.3 Natural Environment conclusion

- 174 The proposed development is considered acceptable in terms of natural environment subject to the imposition of conditions.

7 LOCAL FINANCE CONSIDERATIONS

- 175 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).
- 176 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 177 The CIL is therefore a material consideration.
- 178 The application is CIL liable, however the applicant has applied for a self-build exemption, this would be confirmed at a later date.

8 EQUALITIES CONSIDERATIONS

- 179 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.
- 180 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.

- 181 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.
- 182 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>
- 183 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
- 184 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>
- 185 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 included that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 186 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 :

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- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

187 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.

188 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.

189 This application has the legitimate aim of providing one new residential dwelling. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered unlawfully interfered with by this proposal.

10 CONCLUSION

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

191 The principle of an additional dwelling at this site was supported by the Planning Inspector in appeal decision APP/C5690/W/21/3268826. Officers give great weight to that decision as a relevant material planning consideration. It therefore establishes a firm benchmark and focusses attention on measures to reduce overlooking to 3 Liphook Crescent.

192 The proposed development would provide an additional dwelling which would provide a high standard of accommodation to future occupiers.

193 In urban design terms, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale and would be of appropriate materiality.

194 No adverse impact have been identified to the living conditions of the neighbouring properties.

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

11 RECOMMENDATION

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

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11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) PLAN NUMBERS

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

8348-A3-E_002 Rev A; 8348-A3-E_101 Rev A; 8348-A3-E_102 Rev A; 8348-A3-E_300 Rev A; 8348-A3-E_301 Rev A; 8348-A3-E_302 Rev A; 8348-A3-E_900 Rev A; 8348-A3-P_001 Rev E; 8348-A3-P_100 Rev G; 8348-A3-P_101 Rev G; 8348-A3-P_102 Rev F; 8348-A3-P_200 Rev B; 8348-A3-P_300 Rev C; 8348-A3-P_301 Rev F; 8348-A3-P_302 Rev F; 8348-A3-P_303 Rev D; 8348-A3-P_304; 8348-A4-E_001 Rev A

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 a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

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

4) **MATERIALS**

No development **above ground** shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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.

5) **SCREENING**

(a) Full details of the screening to the balcony shown on drawings 8348-A3-P_101 Rev G and 8348-A3-P_302 Rev F shall be submitted to and approved in writing by the local planning authority prior to its installation.

(b) The approved privacy screen shall be implemented prior to occupation of the dwelling and retained in perpetuity.

Reason: To avoid the direct overlooking of the adjoining properties and consequent loss of privacy thereto and to comply with DMP 31 Alterations and extensions to existing buildings including residential extensions, DMP 32 Housing design, layout and space standards, DMP 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

6) **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

No extensions or alterations to the new and the existing buildings hereby approved, whether or not permitted under Classes A-F of Article 3 to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

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7) REFUSE STORAGE

(a) No development above ground level shall commence until details of proposals for the storage of refuse and recycling facilities (including green roof details) for the residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

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

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

8) CYCLE PARKING

(a) **Prior** to first occupation, full details of the cycle parking facilities (including green roof details) 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).

9) 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

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and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

10) **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. Such details shall include specifications of the materials proposed, which should be permeable, which demonstrates the permeability of the materials.
- (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.

11) **BOUNDARY TREATMENTS**

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

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

12) **CONSTRUCTION AND DELIVERY HOURS**

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

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

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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).

13) **Tree Protection Plan**

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

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

11.2 **INFORMATIVES**

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- 2) 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) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 4) 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

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and Noise from Demolition and Construction Sites" available on the Lewisham web page.

12 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission technical reports
- 3) Internal consultee responses
- 4) Statutory consultee responses
- 5) Local meeting summary

13 REPORT AUTHOR AND CONTACT

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Appeal Decision

Site visit made on 3 November 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/C5690/W/21/3268826

1 Liphook Crescent, London, SE23 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Green against the decision of the London Borough of Lewisham.
 - The application Ref DC/20/118836, dated 16 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is subdivision of the plot and construction of a new build, contemporary two-bedroom house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has updated its refusal reasons to take account of the new London Plan (2021) adopted subsequent to the decision on the application.
3. The application follows a pre-application submission and a withdrawn planning application enabling some prior dialogue with the Council on relevant issues.

Main Issues

4. The main issues are (a) the effect of the development on the character and appearance of the area, (b) the adequacy of living conditions for future occupiers in respect to outlook from lower ground floor bedroom windows and (c) the impact on living conditions of neighbouring occupiers in relation to overlooking and loss of privacy.

Reasons

Character and appearance

5. The appeal relates to a semi-detached house on a triangular shaped plot which faces towards the junction of Liphook Crescent with Ringmore Rise. Land levels fall steadily from east to west such that the back garden is substantially below the adjacent street level in Liphook Crescent. There is a detached garage at the end of the back garden close to the flank boundary with 3 Liphook Crescent. The surrounding area is residential in nature, characterised mainly by two storey, detached and semi-detached houses with some variation in design.
6. The proposal is to demolish the detached garage and construct a low-lying modern dwelling towards the rear northern end of the site. The remaining back garden would be subdivided between the host and proposed dwellings.

7. Policy DM 33 of the Lewisham Development Management Local Plan (2014) (DMLP) directs development on infill, backland and back garden sites, providing definitions for these three development types. As the site has a long frontage to Liphook Crescent, the proposal would not be a backland development. Whilst the appellant argues the proposal could be considered to be infill, it is the definition for back garden development that better fits the circumstances. The policy recognises there will be instances where a particular site will not fall squarely within any one of these definitions, in which case, the principles to be applied will be taken from the appropriate parts of this policy.
8. Section C to DM Policy 33 states "*The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study will not be granted planning permission*". The proposal would involve development of an enclosed rear garden within such an urban typology. It would not be in accordance with this restrictive policy. But it would still be appropriate to examine the policy's wider principles and other relevant development plan policies. The general principles to DM Policy 33 require development to be of the highest design quality and to relate successfully and sensitively to the existing design quality of the streetscape.
9. Policy H2 of the recently adopted London Plan states that planning decisions should support well-designed new homes on small sites, to significantly increase the contribution of small sites to meeting London's housing needs and to support those wishing to bring forward custom led housing. Furthermore, Policy H2 states that Boroughs should recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. The policy is up to date and attracts full weight. It is consistent with Paragraph 119 of the National Planning Policy Framework (the Framework) which states that planning decisions "*should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment*".
10. There is therefore a tension between the protection of back gardens in DM Policy 33 and more recent London wide and national planning policies which recognise that well-designed schemes on small sites in built up areas can make an important contribution to housing need.
11. Policy D3 of the new London Plan advocates consideration of design options to determine the most appropriate form of development that responds to a site's context. Also, that incremental densification should be actively encouraged to achieve a change in densities in the most appropriate way, and that this should be interpreted in the context of Policy H2 on small sites. Similarly, DM Policy 30 of the DMLP on urban design, requires a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relate to the urban typology of the area.
12. The proposed dwelling would be partly located on the site of the present garage which is set below street level and sited just behind the front wall and integral garage to 3 Liphook Crescent. Its mono-pitch roof would be higher than the pitched roof to the garage and the dwelling would be wider, but it would nonetheless similarly present to the street as a single storey structure. It would be sited slightly forward of the frontage to no.3 but would not be closer to the footway than the front wall to 9 Liphook Crescent. Its siting would

- respect the siting of other dwellings following the curvature of the road, resulting in a front garden of comparable depth and width.
13. The proposed dwelling's mass and form would not replicate the predominant two storey house type in the area, but Liphook Crescent includes a bungalow and variation in the design and materials used on the dwellings. It does not have a completely homogeneous character. The proposed dwelling would be at the end of a row of houses, before the long gap to no.1 Liphook Crescent, sited side on to the road and on lower ground. It would appear as a subservient structure to the row of houses and a transitional element in the street scene.
 14. The back garden retained for the host property would be significantly reduced in size. The retention of such gardens as an integral part of the original design of these areas is important to the reasoning behind DM Policy 33. Yet there is considerable variation in the size of private back gardens in the area. The host dwelling has a relatively large back garden supplemented by an elongated front garden area. The division of the remaining back garden between the host and proposed dwellings would result in modest but adequate back garden for both dwellings, comparable in area to some of the smaller back gardens nearby. The retention of a high boundary fence to Liphook Crescent would ensure adequate privacy within these gardens.
 15. The appellant has referred to four nearby sites for new dwellings. Only one of these sites, at 12 Ringmore Rise, is similar to the appeal site, but the two houses constructed relate to the time of a different local planning policy regime. These development sites do not act as precedents for the proposal but do indicate local character changing over time as envisaged by Policy H2.
 16. In my judgement, the proposal would not have a significant adverse impact on the urban grain of the road. Any harm arising from the conflict with the restrictive and protective clauses on DM Policy 33 would be outweighed by the more recent policy imperatives to promote sensitive infill developments on small sites. The siting, mass and orientation of the proposed dwelling have followed a design-led approach that have responded to the site's context in accordance with Policy D3. Its design would be compatible with general principles set out in Policy 15 of the Lewisham Core Strategy (2011) and DM Policy 33 and with the site specified response called for in DM Policy 30.

Outlook

17. Both bedrooms would be located at lower ground level, served by windows set back approximately 3m from the new boundary, where there would be a high fence separating the gardens. The bedrooms' floor level would be below ground level, but their windows would be above it, of appropriate size for the rooms and of suitable height to enable outlook. The south-westerly orientation would ensure that the rooms would benefit from adequate natural lighting. Notwithstanding the proximity of the boundary fence, outlook from the bedrooms across the dwelling's own garden would be satisfactory.
18. There would not be conflict with Policy D6 of the London Plan in relation to the minimum internal space standards or housing quality including in relation to outlook. Similarly, the level of outlook provided would not conflict with Policy 1 of the Core Strategy on housing provision and mix, with DMLP Policy 32 on housing design, layout and space standards, or with the Housing SPG of the London Plan (2016).

Living conditions

19. The proposed dwelling would be sited further from the flank wall to 3 Liphook Crescent than the present garage, would have a similar depth but would have a greater height and width. The rear garden to no.3 is not deep but includes a lower patio to the rear of the proposed dwelling from which its greater mass would be evident. The high level rear facing windows to the kitchen dining room at upper ground floor level would ensure no overlooking of the garden at no.3. However, the rear facing aspect to the corner open balcony would afford views over the boundary fence, as would the top steps to the flight of steps proposed to the rear of the building. There are steps leading to a back door to the garage, which is used for storage rather than parking, so these steps form the main access. It is just possible to see into no.3 from these steps. But the submitted plans indicate that a more significant level of overlooking would arise from the proposal.
20. The proximity of the balcony and new steps to the nearer, relatively private, parts of the garden to no.3 would give rise to a sense of being overlooked and a loss of privacy. There would also be opportunity to look towards the rear upper windows at 33 and 33a Ringmore Rise due to the fall in ground level, but given the greater separation, in my judgment, there would not be a material loss of privacy. Nor would there be a material loss of privacy within the back garden to 35 Ringmore Rise as it would be the rearmost part of the back garden that could be viewed over the lower part of the boundary fence in front of the balcony.
21. In relation to the impact on 3 Liphook Crescent, the proposal would thereby be contrary to clauses within Core Strategy Policy 15 and DMLP Policies 30, 31, 32 and 33 inasmuch as they relate to amenity considerations including overlooking and loss of privacy.
22. The appellant contends the steps would only be used for occasional access, but there can be no assurance that this would be so. The proposal would result in a more intense use of the rearmost part of the site, including the garden area for the new dwelling, which would be of modest proportions. The use of the steps is not a matter that could readily be enforced by a planning condition.

Other Matters

23. Residents have raised concerns on issues other than those I have examined. The proposal would result in additional parking pressures on local streets; but having regard to the length of the site frontage to Liphook Crescent and to the parking survey, this would not result in nuisance or capacity issues. Any noise or disturbance from construction activities would be temporary and could be controlled by a planning condition, as could external lighting impacts.

Conclusion

24. The proposal's benefit in providing one additional dwelling towards housing need would be outweighed by the harm to living conditions at 3 Liphook Crescent. For the reasons given the appeal should be dismissed.

Rory MacLeod

INSPECTOR

Appendix 2 – Local Meeting Summary

Virtual Local Meeting

Proposal: Demolition of the existing garage and construction of a two storey, two-bedroom dwellinghouse in the rear garden of 1 Liphook Crescent, SE23, together with the provision of 1 cycle space and refuse storage.

Panel

Chair: Cllr Davies

Agent/Applicant: RDA Architects

LB Planning: Georgia McBirney (GM)

Cllr Davies opened the meeting at 7:30pm and introduced the panel and explained the reason for the meeting.

The planning agent gave a presentation in respect of the proposed development.

Pre-submitted questions were discussed first.

A question was raised in respect of whether Planning Officers consider that the proposal overcomes the identified in the appeal decision in respect of overlooking and loss of privacy. GM set out that the application is still under consideration and that the assessment in respect of overlooking and loss of privacy would be set out in the officer report for the application.

Concerns were raised that the plans do not show all the street trees and clarification was sought as to whether this was an oversight or whether the trees were proposed to be removed. RDA Architects confirmed that this was an error on the plans and that the trees would be remaining; it was also stated that the trees would not be impacted by the proposal. GM highlighted that a Tree Protection Plan could be secured by condition if required.

Confirmation was sought in respect of the material of the roof and the concern was raised in respect of quality of the proposed materials. RDA Architects confirmed the proposed materials and set out why they consider the materials to be high quality. GM stated that materials can be secured by condition and that if the details submitted at condition stage are not considered to be high quality, the condition application would be refused.

Concerns was raised in respect of the building line and how this was not in keeping with the policy for the Tewkesbury Lodge Estate. RDA Architects explained why the building line is designed the way it is. GM set out that the Planning Inspector raised no objection to the building line in the appeal decision and significant weight has to be given to this in the assessment of the current application.

Cllr Davies set out that all the pre-submitted questions had been discussed and that the meeting would move comments and questions from the meeting.

A local resident outlined that the objection from the Tewkesbury Lodge Residents Association is not representative of all local residents and that residents who live closer to the site should be the only ones who asked their views on the proposal. GM set out that all

comments received have to be taken into consideration in the assessment of the planning application.

A local resident asked why the application has not been refused to date as the building on back garden land is contrary to the adopted policy. GM set out that the previous application was refused and that the applicants submitted an appeal with the Planning Inspector. GM went on to outline that the Planning Inspector found the principle of development to be acceptable and that Planning Officers are bound by this.

A local resident raised concern in respect of overlooking and loss of privacy. GM set out that the application is still under consideration and that the assessment in respect of overlooking and loss of privacy would be set out in the officer report for the application.

Local residents and the representative from the Tewkesbury Lodge Residents Association raised concern in respect of a dwellinghouse being built on garden land and the design of the dwellinghouse. Concern was also raised that approving this application could set a precedent. GM set out that the Planning Inspector did not raise an objection to the principle of development and the design of the dwellinghouse and that Officers have to take this into account in the assessment of the current application. GM set out that any future application on another site would be assessed based on the merits and constraints of each site.

Cllr Davies set out that due to the number of objections that have been received that the application would be determined by a Planning Committee and that those in objection to the application are able to speak at planning committee and that residents in objection would have a shared 5 minutes to speak. Cllr Davies asked GM to outline what can happen if a decision is made contrary to an appeal decision on the site. GM outlined that if officers make a decision contrary to the conclusions of the appeal decision in matters that the Planning Inspector has deemed to be acceptable, the applicant can appeal the decision and it is highly likely that costs would be awarded against the Council.

Cllr Harding asked the Planning Officer to confirm that in the appeal decision that the Inspector considered the proposal to be infill development rather than a back garden development. GM confirmed that this is correct and that this set out in paragraph 12 of the appeal decision.

A local resident asked if the impact on the natural environment and wildlife would be considered. GM set out that an assessment would be made in line with policy.

Cllr Davies closed the meeting at 8:30pm.

1 Lipook Crescent, SE23

Demolition of the existing garage and construction of a two storey, two-bedroom dwellinghouse in the rear garden of 1 Liphook Crescent, SE23, together with the provision of 1 cycle space and refuse storage.

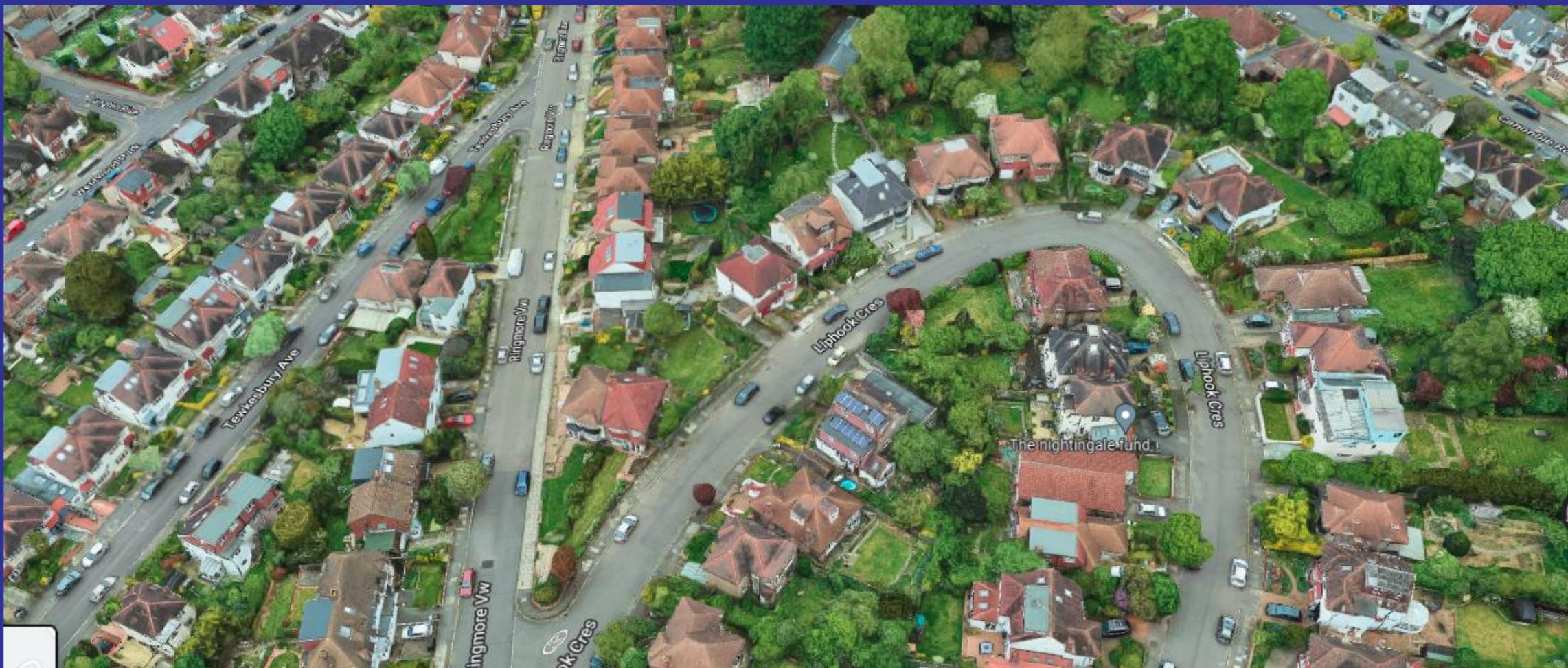
Application No. DC/22/126132

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

Site Location Plan



Existing Context – Aerial view of the site context



Existing Context

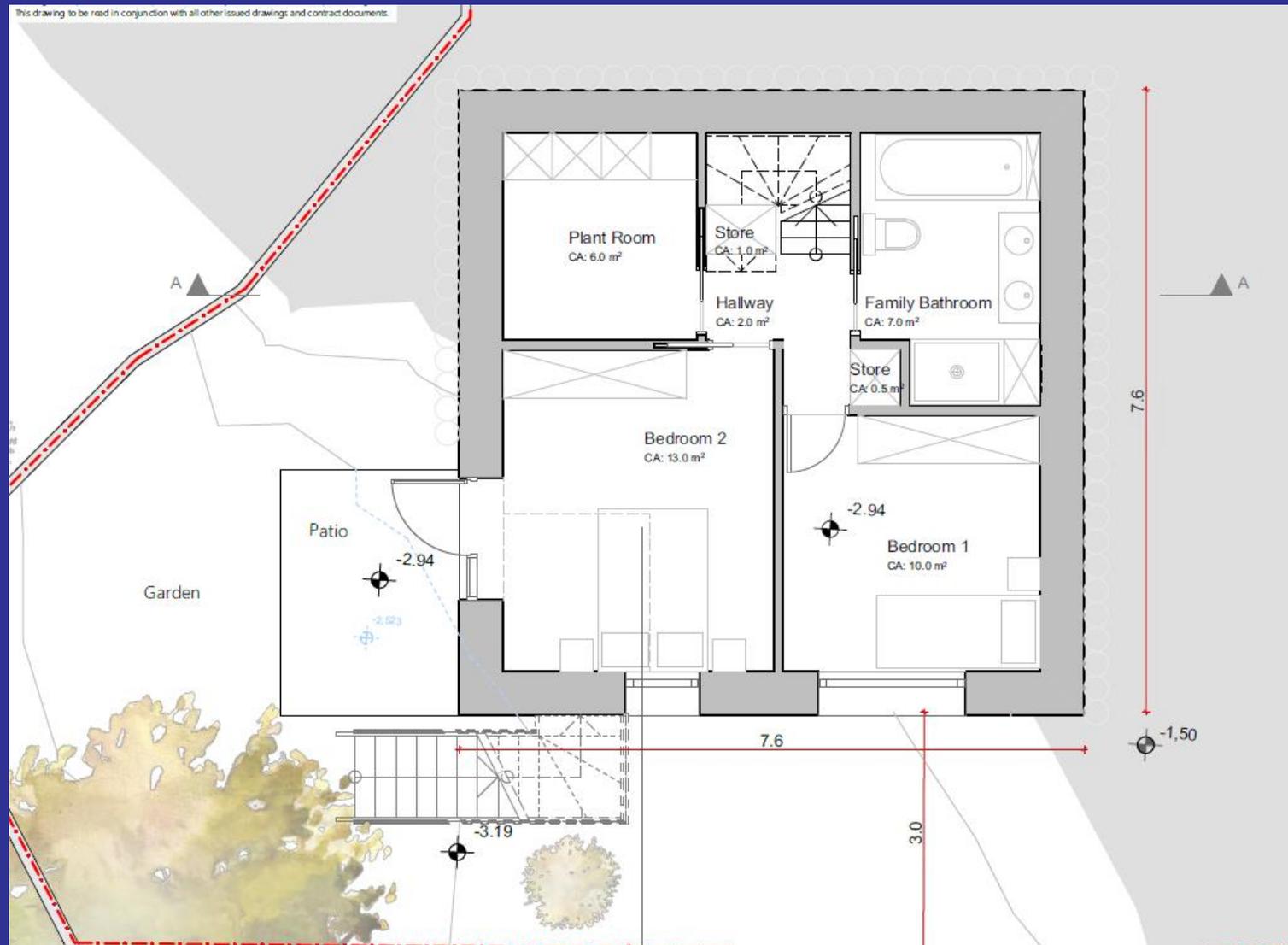


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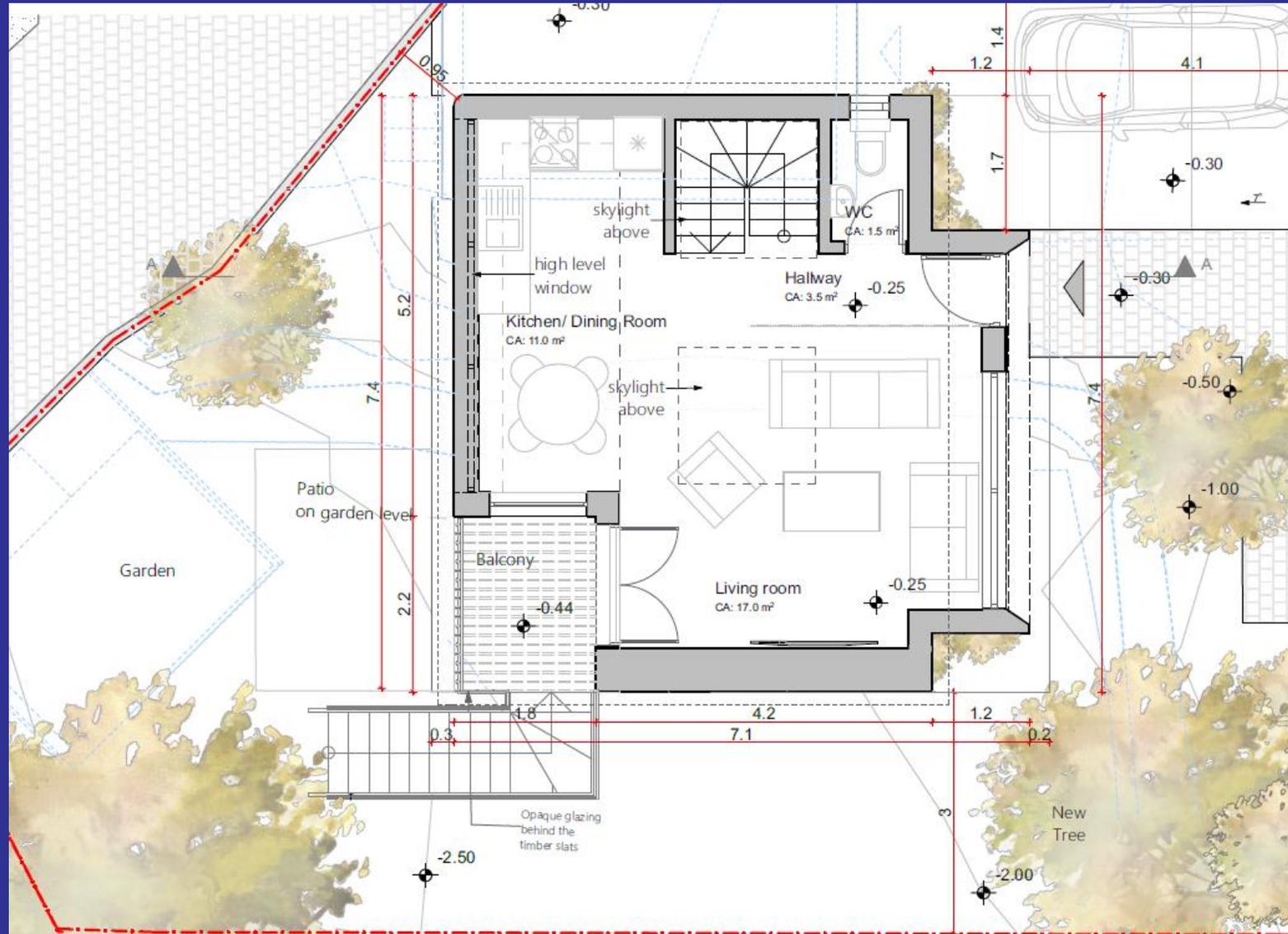
Proposed Site Plan



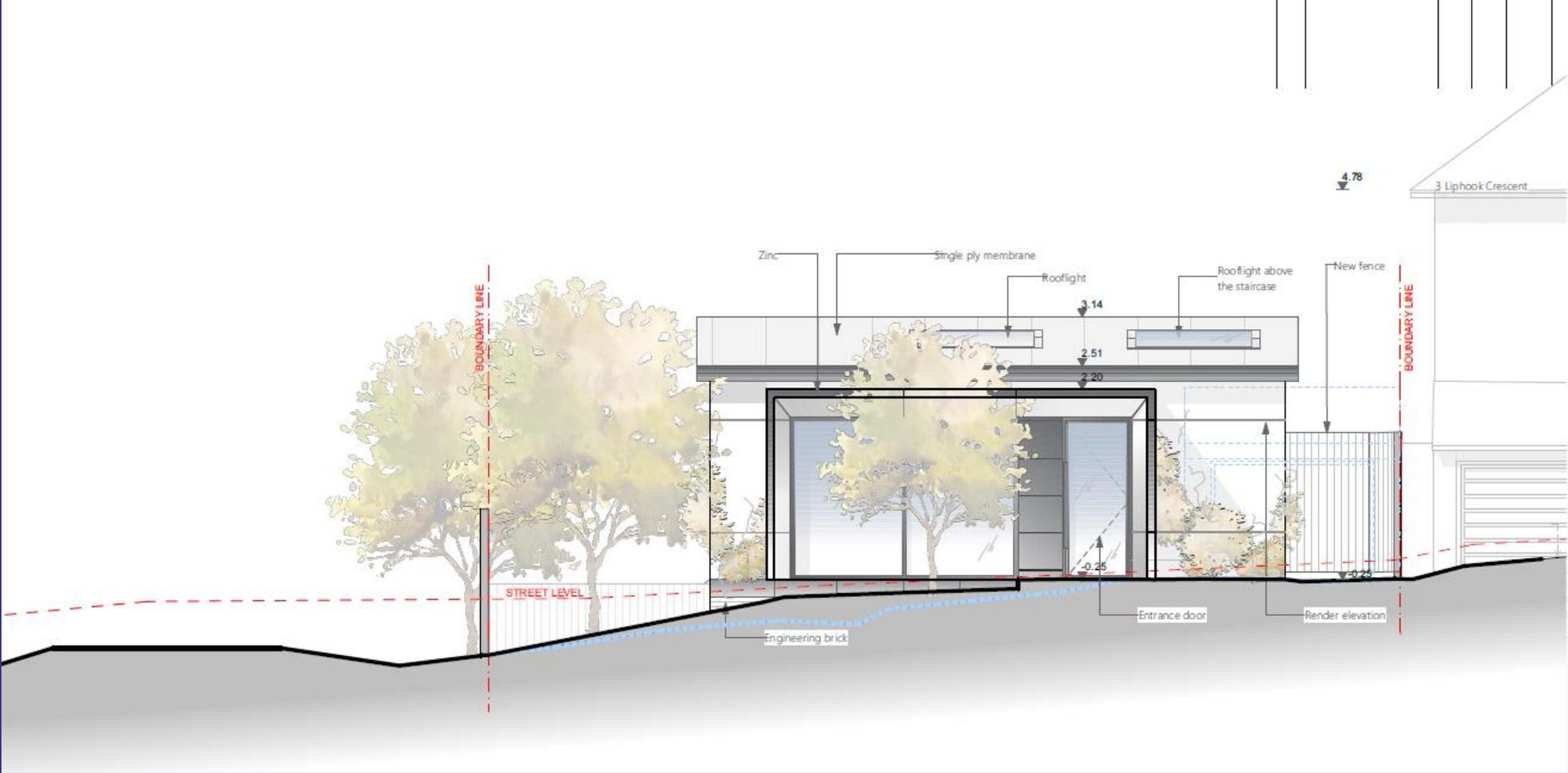
Proposed Lower Ground Floor Plan



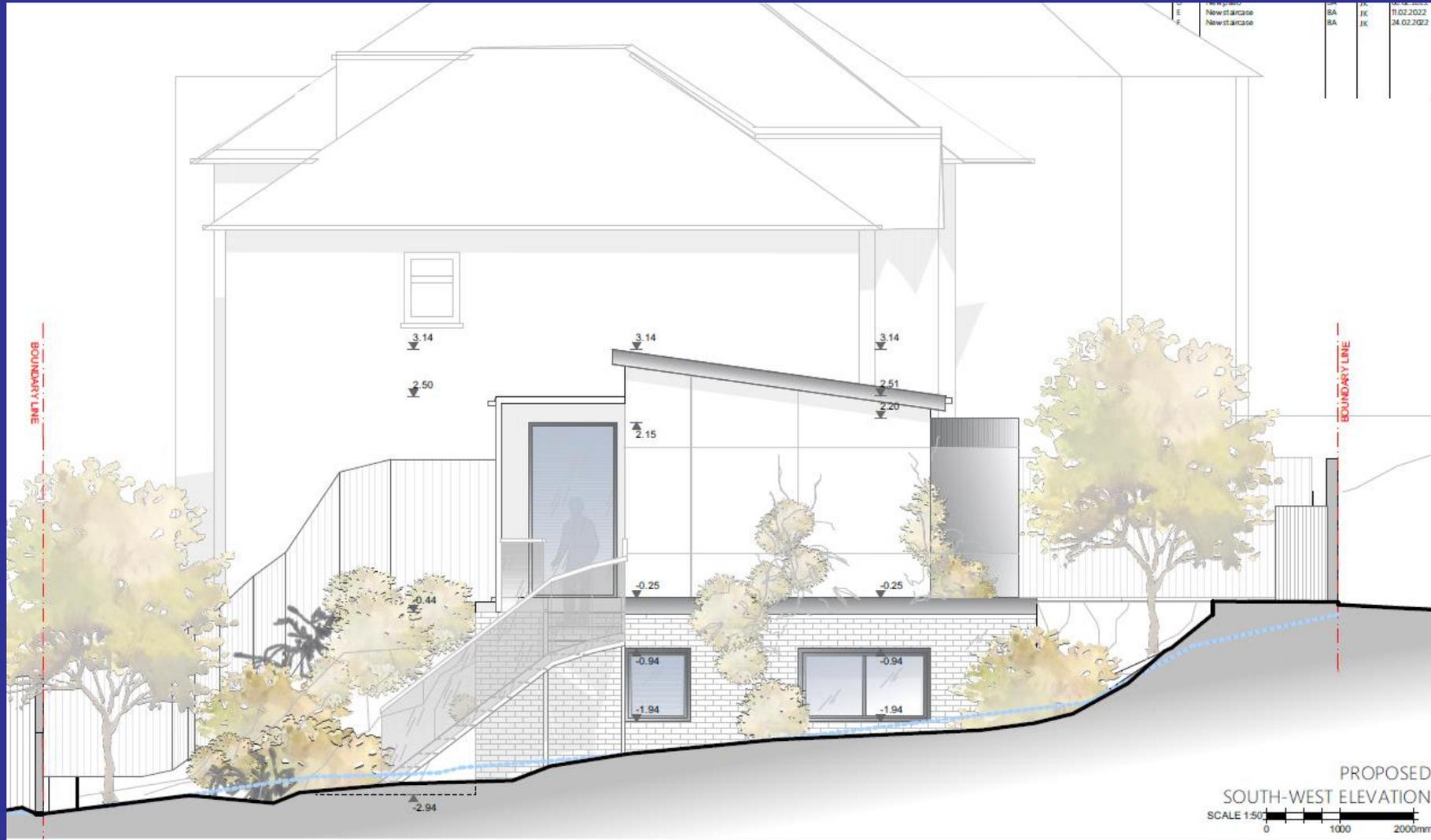
Proposed Upper Ground Floor Plan



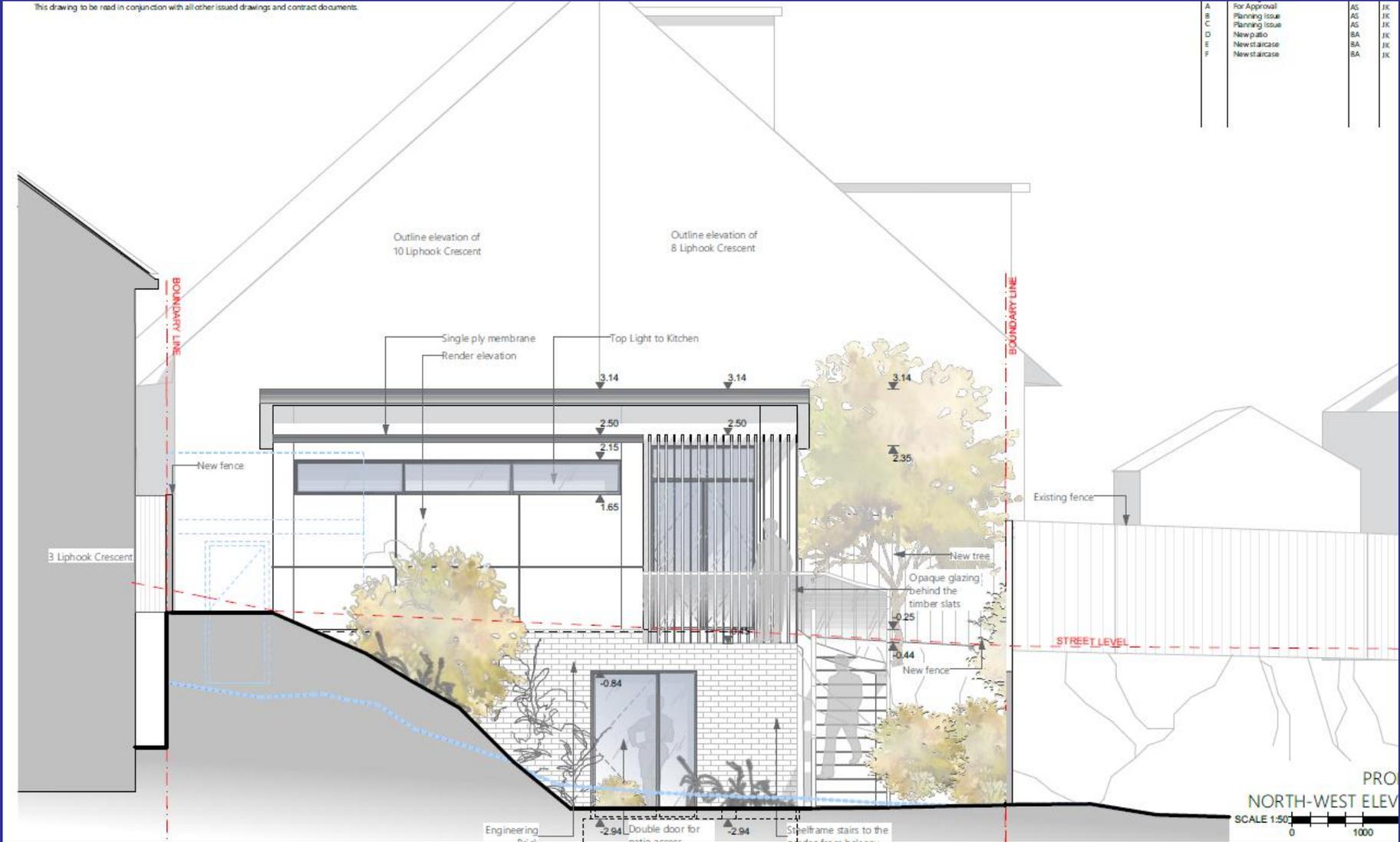
Proposed Front Elevation



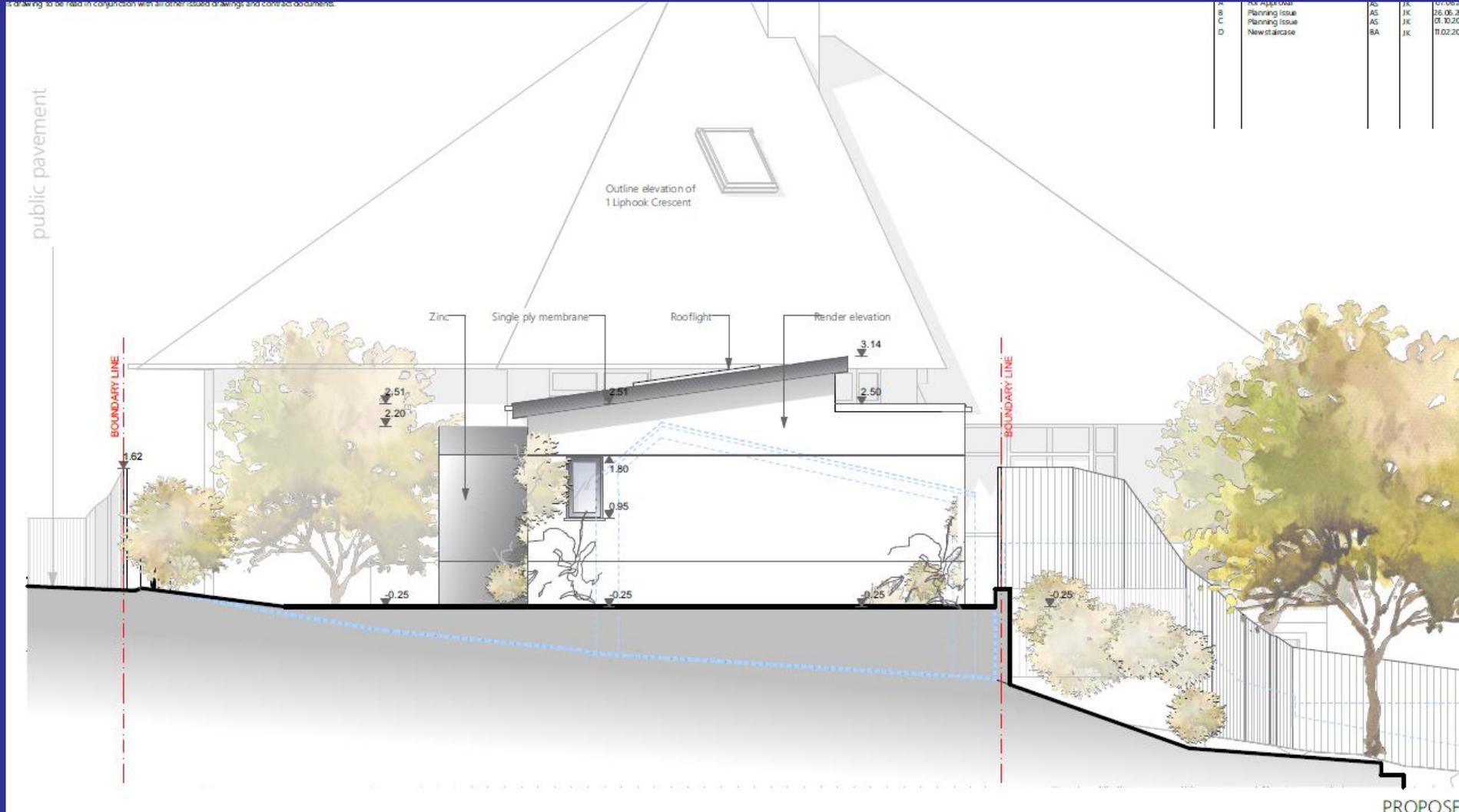
Proposed South-west Elevation



Proposed Rear Elevation



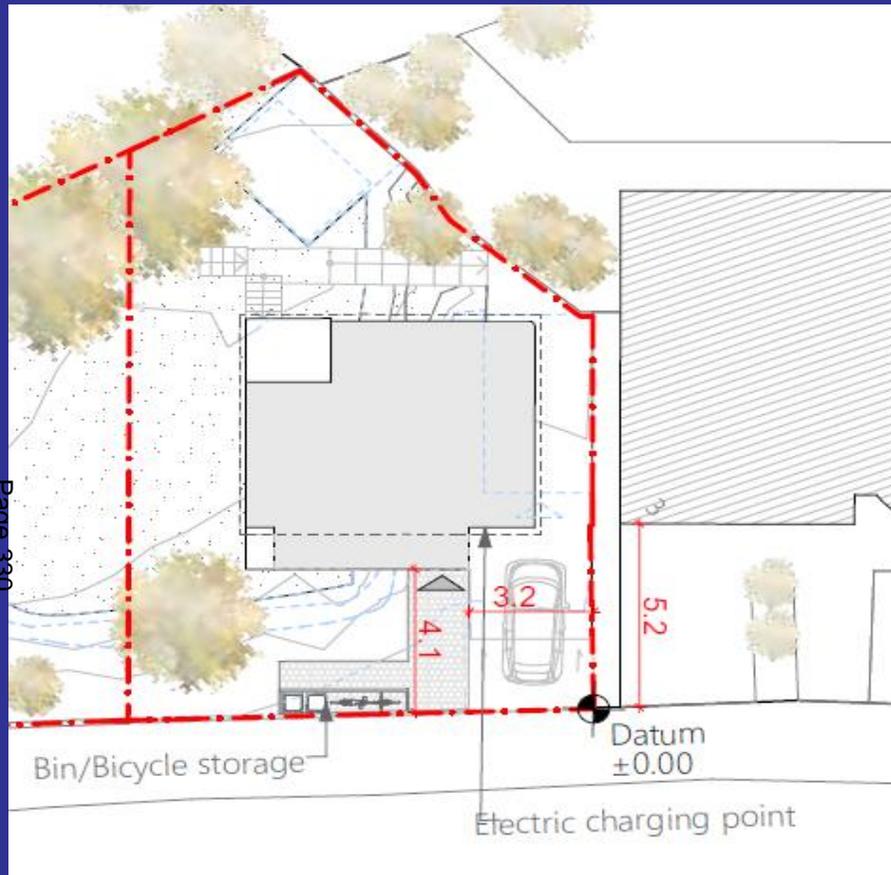
Proposed North-east Elevation



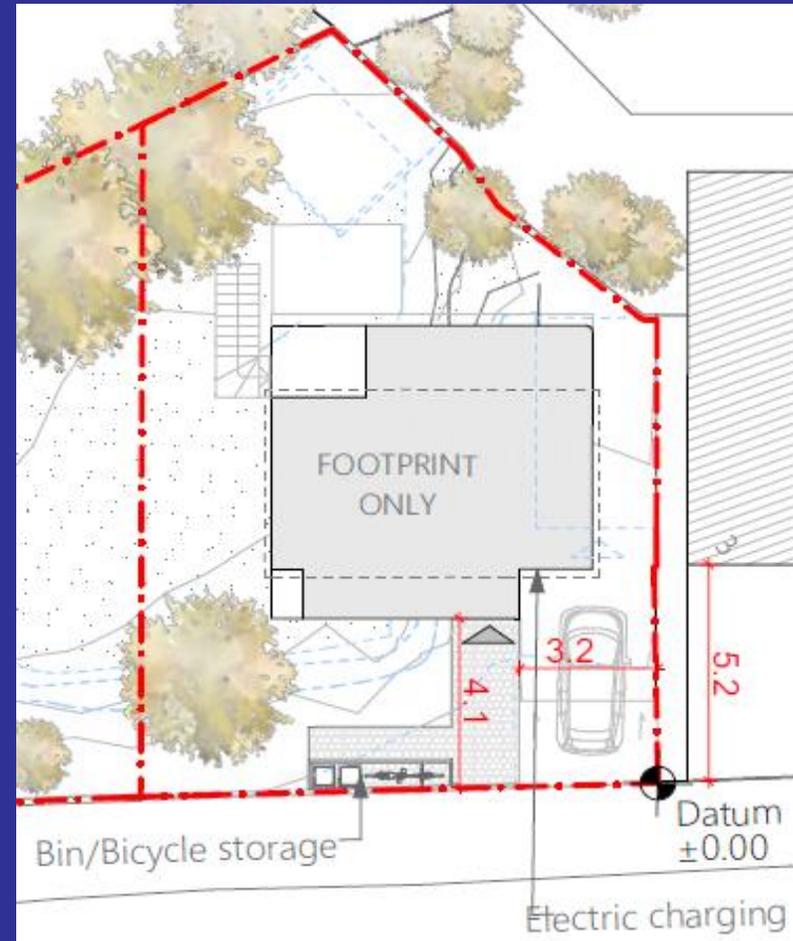
Key Planning Considerations

- Principle of Development
- Housing
- Urban Design
- Impact on Neighbouring Amenity
- Transport and Highways
- Sustainable Development
- Natural Environment

End of Presentation



Balcony and raised steps as proposed on DC/20/118836

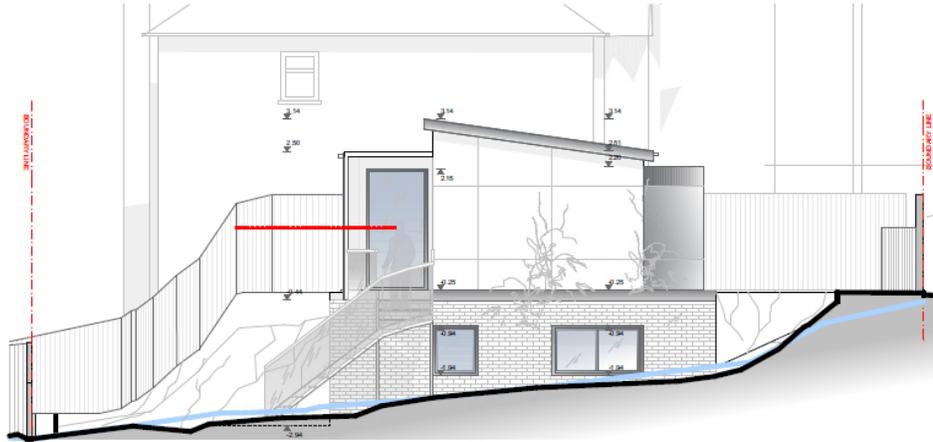


Balcony and raised steps as currently proposed

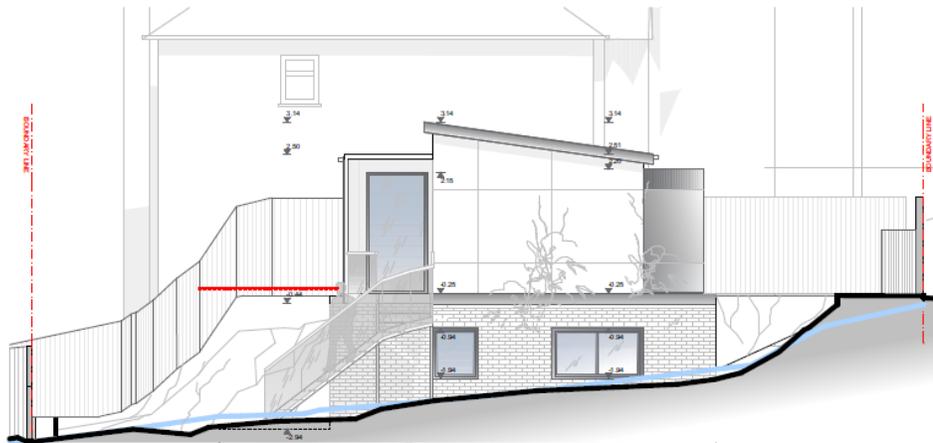
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This drawing is copyright. All dimensions must be checked on site and not scaled from this drawing. Discrepancies must be reported immediately to the architect before proceeding.
This drawing to be read in conjunction with all other issued drawings and contract documents.

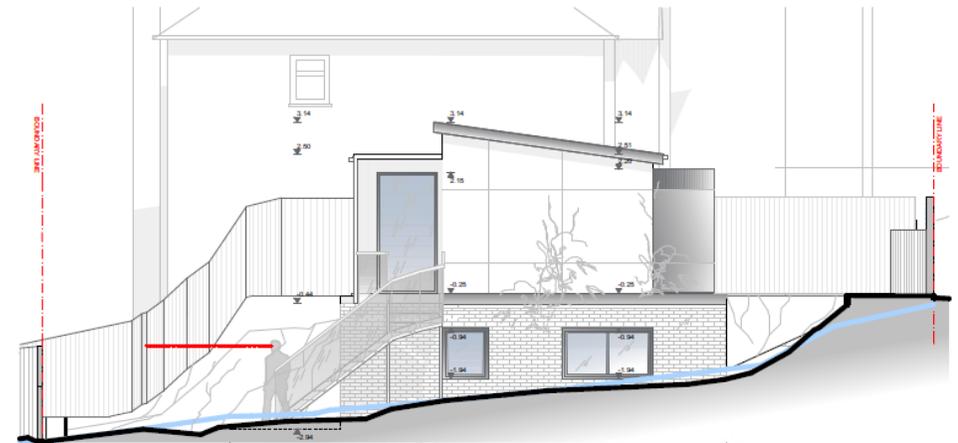
| REVISIONS | | | | |
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| REV. | DESCRIPTION | DRAWN | CHKD | DATE |
| 1st | New staircase | BA | JK | 24.02.2022 |
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Overlooking for adjoining neighbour - View 1



Overlooking for adjoining neighbour - View 2



Overlooking for adjoining neighbour - View 3

PROPOSED

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Planning Committee A

Report title:

156 Erlanger Road, London, SE14 5TJ

Date: 24 August 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Max Curson

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 Telegraph Hill Society has objected to the proposal.

Application details

Application reference number(s): DC/22/125477

Application Date: 14 February 2022

Applicant: MEA Studio Ltd on behalf of Mrs Jones

Proposal: The construction of a rear dormer roof extension together with the insertion of one rooflight to the rear roof slope, two rooflights to the outrigger roof slope and two rooflights to the front roof slope and replacement of the existing roof tiles at 156 Erlanger Road, SE14.

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

Designation: PTAL 3
Air Quality
Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area
Not a Listed Building

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a two storey mid-terrace Victorian single family dwellinghouse located on the western side of Erlanger Road, between the junctions with Kitto Road and Arbutnot Road. It has an outrigger typical of those built during the Victorian period. The rear of the property is not visible from the public realm.

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Figure 1: Site Location Plan

Character of area

- 2 The surrounding area is predominantly residential in nature and characterised by terraces of two storey Victorian dwellings.
- 3 The application site lies within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. It is not a listed building nor located in the vicinity of one.

Surrounding area

- 4 There are a number of shops, takeaways and public houses located within a 500m radius.

Local environment

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5 The site falls within Air Quality Management Area.

Transport

6 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. Nunhead Railway Station is located 515m to the south-west of the application site.

2 RELEVANT PLANNING HISTORY

7 There is no recent relevant planning history for the application site.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

8 The construction of a rear dormer roof extension together with the insertion of one rooflight to the rear roof slope, two rooflights to the outrigger roof slope and two rooflights to the front roof slope and replacement of the existing roof tiles at 156 Erlanger Road, SE14.

9 The proposed roof extension would be 3m in width, 1.7m in height and 3m in depth. The extension would be set up approximately 0.7m from the eaves and set down 0.4m from the ridge of the roof. It would be set in 0.3m from its northern shared boundary and 1.6m from its southern shared boundary. The proposed extension would be clad in anthracite standing seam zinc, with a dark grey Sika single ply roof. Sliding double glazed windows would be inserted into the rear of the roof extension.

10 The front rooflights would be a low profile style and 0.6m in width and height.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

11 No pre-application advice was sought from the council regarding the proposal.

4.2 APPLICATION PUBLICITY

12 Site notices were displayed on 01 March 2022 and a press notice was published on 23 February 2022.

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 24 February 2022.

14 One objection from a neighbouring resident was received.

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4.2.1 Comments in objection

| Comment | Para where addressed |
|------------------|----------------------|
| Loss of privacy. | 55 |

15 The Telegraph Hill Society also objected to the proposal. Their comments in objection are set out in the table below.

| Comment | Para where addressed |
|--|----------------------|
| Heritage impact of front rooflights. | 43-45 |
| The fish-scale tiling should be retained at the roof of the bay. | 47 |
| Rear rooflight is too large. | 46 |
| Heritage impact of the rear dormer. | 41, 42 |
| Heritage impact of rear rooflights | 46 |

4.3 INTERNAL CONSULTATION

16 Conservation: this case falls below the current threshold for conservation input and the heritage matters were considered by the case officer with reference to Policy and Guidance.

4.4 EXTERNAL CONSULTATION

17 No external consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

18 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).

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

5.2 MATERIAL CONSIDERATIONS

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

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

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

23 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

24 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal (2008)

6 PLANNING CONSIDERATIONS

25 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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26 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.

27 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.

6.1.1 Principle of development conclusions

28 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.2 URBAN DESIGN & HERITAGE

General Policy

29 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.

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

31 DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

32 DMP 31.2(b) states rear extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof, or where the extension is not set back into the roof slope, and goes on to say that rooflights on the front roof slope of buildings should be considered in relation to the design of the dwelling and harmonise with the street-scene. DMP 31.3 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area. DMP 31.4 states that, where the roofline or party walls of buildings or terraces are exposed to long views from public spaces, a roof extension in any form that would have an obtrusive impact on that view would not be permitted.

Heritage Policy

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

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

35 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on

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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.

- 36 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.
- 37 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.
- 38 Paragraph 5.8.3 of the Alterations and Extensions SPD sets out that a modern, high quality design is generally more successful when considering a large rear roof extension. A contemporary design is more likely to contrast with the property and maintain the original integrity of the dwelling. The use of high quality materials is expected and the highest quality of design must be employed. In conservation areas, roof extensions should be set in significantly from the eaves, ridge and sides and be no wider than two thirds of the original, unextended roof.
- 39 Para 5.5.4 gives additional guidance for roof lights in Conservation Areas. If site specific circumstances dictate roof lights would be acceptable, they should be set within the middle third of the roof slope, and remain well away from chimneys, gables, ridges, verges and eaves. If more than one rooflight is proposed, they should be set at the same level and evenly spaced or in line with fenestration below.
- 40 Further guidance is given in Telegraph Hill Conservation Area Character Appraisal (2008).

Discussion

- 41 The proposal would comply with DMP 31: the roof extension is not subject to long views from public spaces and would not have an obtrusive impact. It would not harm the architectural integrity of the group nor or be an incongruous element. The proposed extension would also comply with the guidelines set out in the Alterations and Extensions SPD, being appropriately sited and less than two thirds the width of the existing roof. The extension would be sufficiently set it from the ridge, eaves and boundary of the roof to appear subordinate to the host building. The extension would be of typical appearance and finished in high quality zinc cladding. Officers note that there are a number of rear dormers in the surrounding context, with six examples (at Nos.128, 134, 172, 174, 176, 178) on Erlanger Road, and three (Nos. 67, 71 and 73) nearby on Kitto Road. In addition, permission was granted for a rear dormer roof extension at No.150 Erlanger Road in February 2020 (DC/19/114695).
- 42 Officers note that the Telegraph Hill Society objected to the design and materials of the dormer extension. Officers are satisfied that the design and material proposed are of exceptional high quality. The proposed extension would successfully achieve a clear distinction between the historic and contemporary, maintaining the integrity of the original dwelling.
- 43 DMP 31 states that rooflights in the front roof slope of buildings should be considered in relation to the design of the dwelling and harmonise with the street-scene. The Alterations and Extensions SPD states rooflights should be located within the middle third of the roof slope, aligned with windows or other features on the elevations below.

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- 44 Two rooflights would be inserted into the front roof slope. Officers note that the Telegraph Hill Society objected to the proposed front rooflights. During the lifetime of application, the proposal was amended to reduce the width of the rooflights from 1m in width to 0.6m, in order to comply with the guidance of the Alterations and Extensions SPD. The rooflights would be a low profile style and would align with the windows at the front elevation. Officers note that there are numerous properties with front rooflights located in the surrounding context with examples at seven nearby properties (Nos. 178, 176, 174, 172, 134, 132, and 128). Furthermore, permission was recently granted for the insertion of two rooflights into the front roofslope of No.150 (DC/19/114695). In reaching this decision, the Officer's Report noted that the provision of two rooflights would be in keeping with a number of properties within the terrace and as such is not objectionable. Whilst the rooflights would be located in the upper rather than middle third of the roof, this is considered acceptable as the majority of rooflights on the surrounding properties are located on the upper third.
- 45 Officers are satisfied that, given the position, style, modest size, and the prevalence of rooflights on the surrounding properties, the rooflights would not have a material impact on the character and appearance of the host building or Telegraph Hill Conservation Area.
- 46 Two rooflights would be inserted into the outrigger roofslope and two rooflights would be inserted into the rear roof slope. Rear and outrigger rooflights are characteristic of Erlanger Road with examples at 30 properties between Nos. 108 to 184 (evens). Given the prevalence of rear and outrigger rooflights the proposed rooflights are not considered to lead to any harm to the character and appearance of the Telegraph Hill Conservation Area.
- 47 The existing roof would be replaced with Welsh natural slate. The Telegraph Hill Society requested that the fishtail tile pattern on the roof of the bay is maintained and the typical terracotta ridge tiles are retained or replaced like for like. The Applicant was receptive to retaining the fish-scale style tiling and provided amended plans. The property does not have its original decorative terracotta ridge tiles. The fish-scale pattern and Welsh natural slate would be secured via condition.
- 48 Officers consider that the current proposal would lead to no harm to the Telegraph Hill Conservation Area. The Telegraph Hill Society has raised objections on the basis of cumulative harm. As Officers have found no harm would arise from the proposal, DMP 36.4(b), which refers to cumulative harm, is not engaged.

6.2.1 Urban design and heritage conclusion

- 49 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of the Telegraph Hill Conservation Area.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 50 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is

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appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

- 51 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 52 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 53 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

Discussion

- 54 The extension would be set well in from the eaves, ridge and boundary of the roof. This would prevent any impact to the amenity of the adjoining properties through loss of daylight/sunlight, outlook or increased enclosure.
- 55 Officers note that an objection received related to the loss of privacy as a result of increased overlooking to the gardens Waller Road. The extension would be located at least 37m from the rear boundary of the rear gardens at Waller Road. This distance is sufficient to prevent any material impact via increased overlooking to the properties on Waller Road. Aerial imagery suggests that there is tree coverage at the rear of the gardens at both Erlanger and Waller Road which provides further mitigation. Furthermore, the proposed roof extension would not provide a materially different line of sight to those already available from the first floor windows at No.156. The proposed roof lights would face skywards and would not provide a view of any residential properties. As such, the proposal would not impact the privacy of the neighbours.
- 56 The application site would remain a single family dwelling. No material increase in noise and disturbance above a typical family level is expected.

7 LOCAL FINANCE CONSIDERATIONS

- 57 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).
- 58 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 59 The CIL is therefore a material consideration.
- 60 This application does not attract CIL.

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8 EQUALITIES CONSIDERATIONS

61 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.

62 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.

63 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.

64 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>

65 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

66 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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67 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

68 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

69 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.

70 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.

71 This application has the legitimate aim of providing an extension and other alterations to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

73 In reaching this recommendation, Officers have had regard to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building and Telegraph Hill Conservation Area in terms of design. No harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

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

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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) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

2110-XP-010; 2110-XP-020; 2110-XP-100; 2110-XP-101; 2110-XP-102; 2110-XP-200; 2110-XP-201; 2110-XP-202; 2110-XP-203; 2110-XP-300. Received 14 February 2022.

2110-PA-020 (Rev A); 2110-PA-101 (Rev A); 2110-PA-102 (Rev A); 2110-PA-300 (Rev A). Received 13 April 2022.

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

3) MATERIALS

(a) The development shall be constructed in those materials as submitted namely:

- i) Zinc cladding and capping and a single ply roof covering for the dormer extension.
- ii) Low profile "Conservation style" rooflights.
- iii) Welsh natural slate roof tiles and in a fish-scale style on the roof of the bay window.

and in full accordance with drawings: 2110-PA-020 (Rev A); 2110-PA-101 (Rev A); 2110-PA-102 (Rev A); 2110-PA-300 (Rev A). Received 13 April 2022.

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

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

11.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the

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detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

12 BACKGROUND PAPERS

- 75
- 1) Submission drawings
 - 2) Submission technical reports and documents
 - 3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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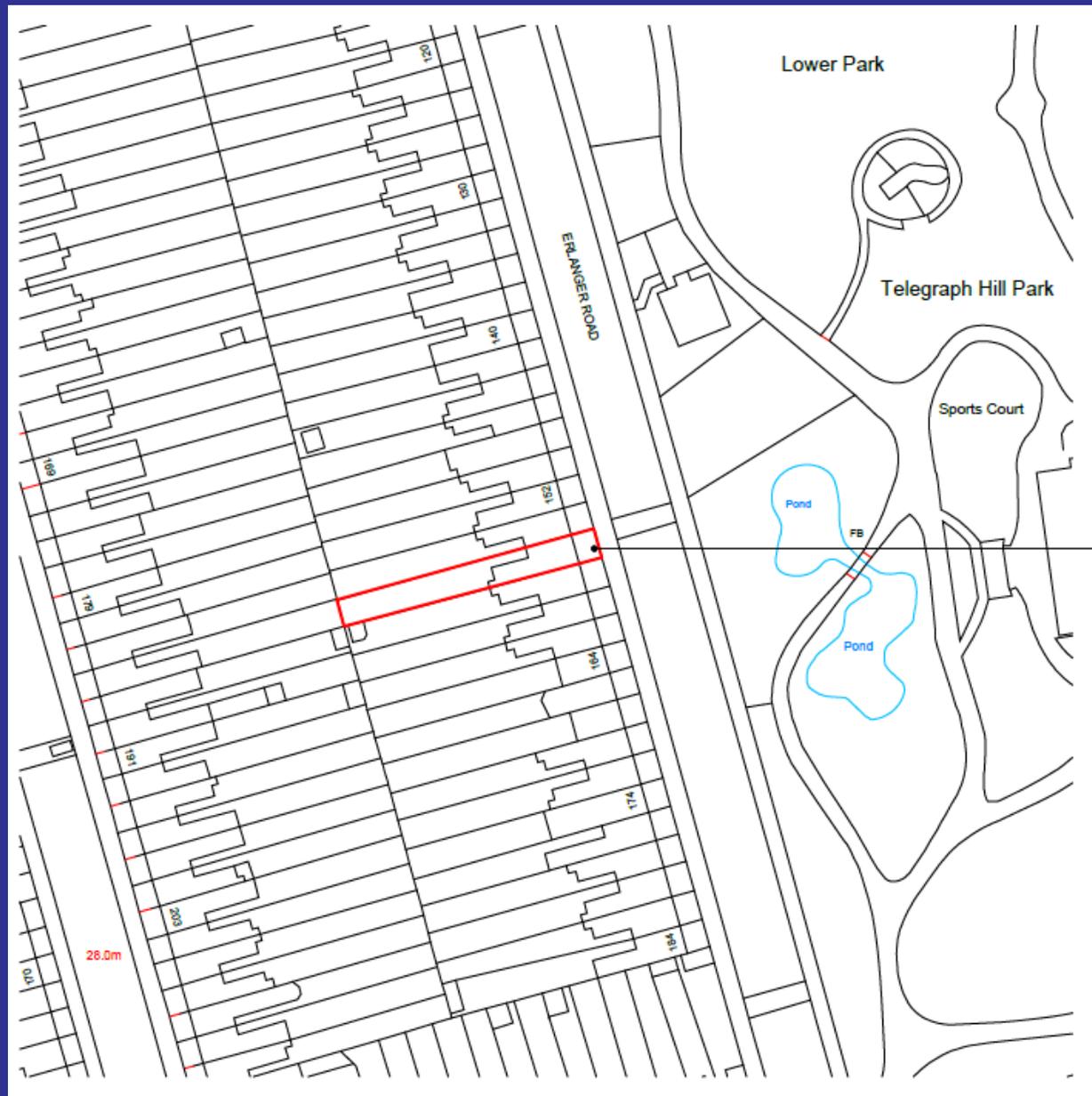
Application No. DC/22/125477

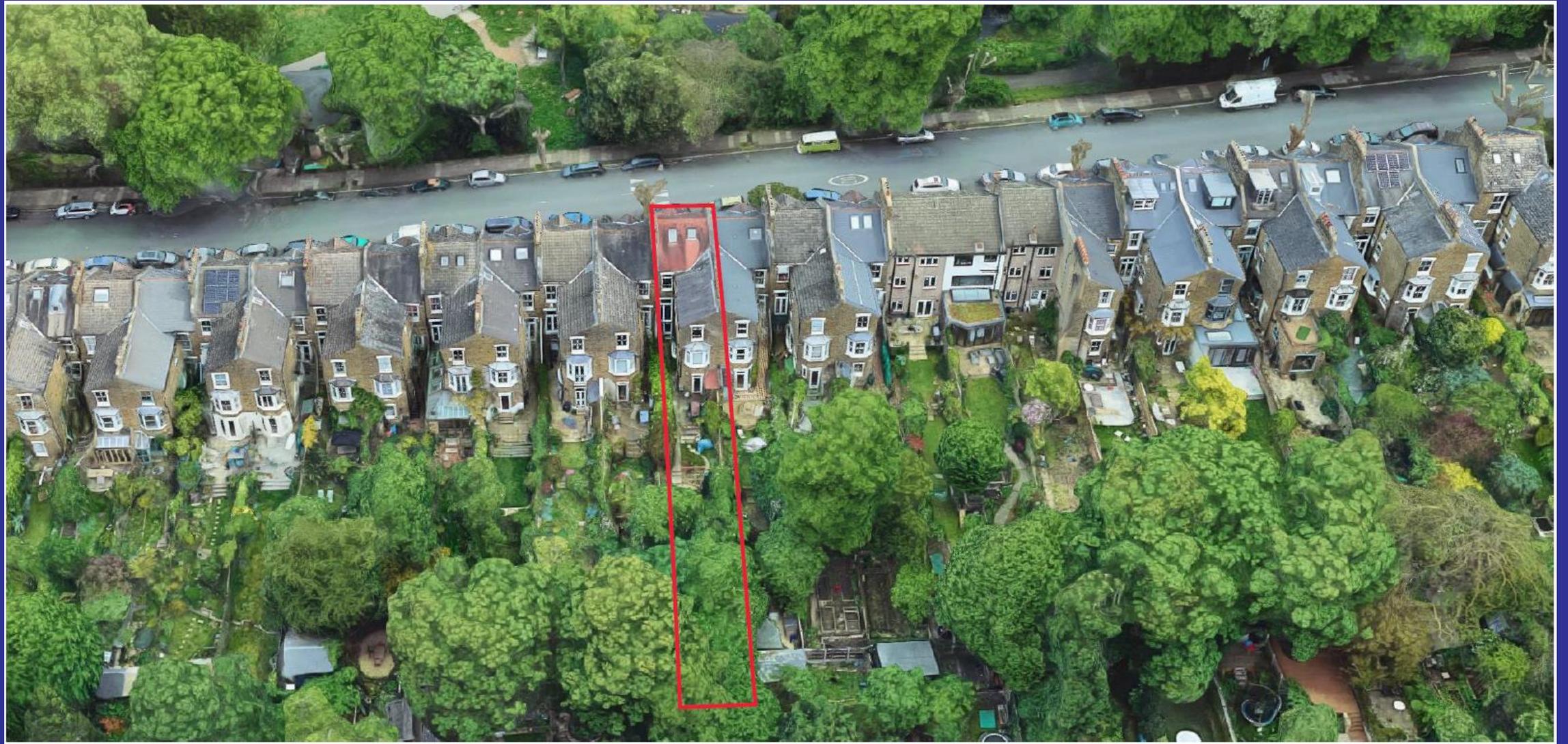
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The construction of a rear dormer roof extension together with the insertion of one rooflight to the rear roof slope, two rooflights to the outrigger roof slope and two rooflights to the front roof slope and replacement of the existing roof tiles at 156 Erlanger Road, SE14.

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





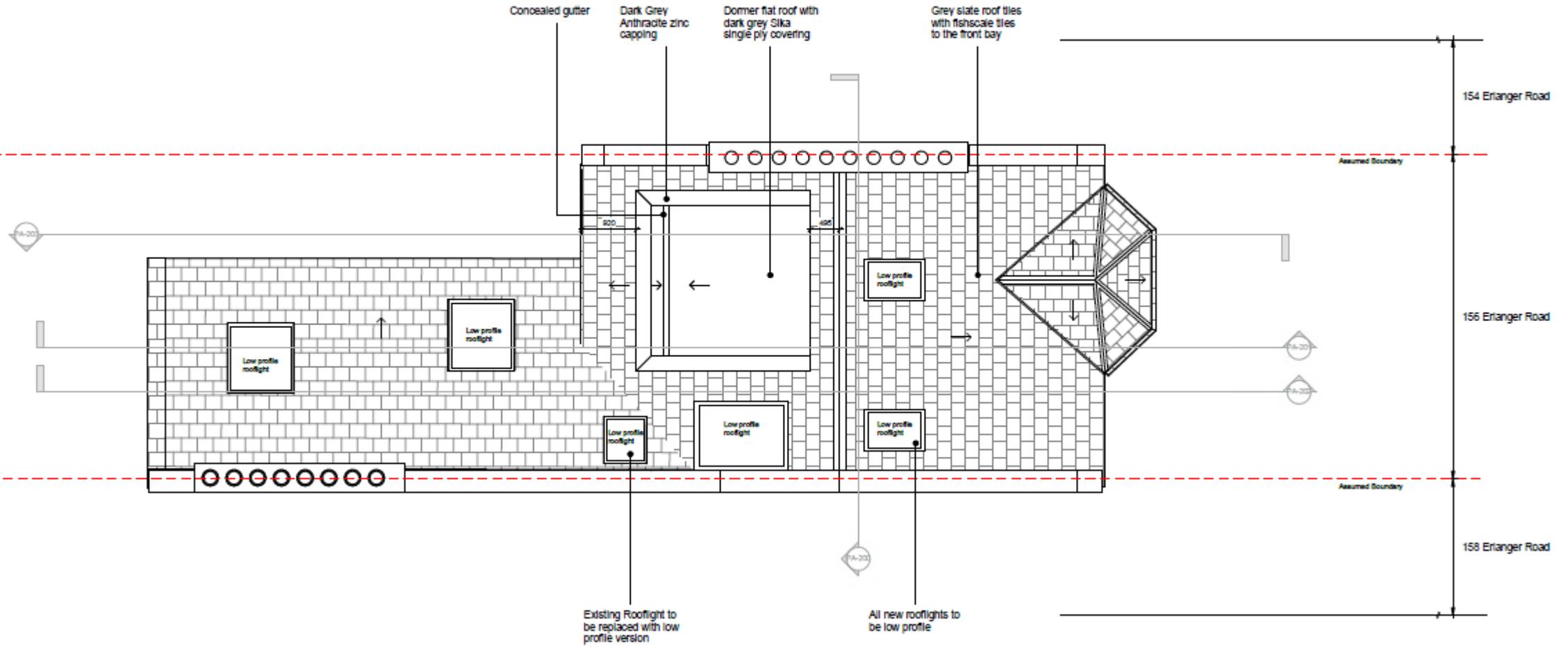




Existing Front and Rear
Elevation



Proposed Front and Rear
Elevation



Proposed Roof Plan



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Key planning considerations

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



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