

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 14 DECEMBER 2023 TIME 7.00 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Jack Lavery (Chair)
Billy Harding
Liz Johnston-Franklin
Aliya Sheikh (Vice-Chair)
Hilary Moore
John Muldoon
Oana Olaru
John Paschoud**

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

**Jeremy Chambers
Monitoring Officer
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 5 December 2023**

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 14 December 2023

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 19th October 2023 and 9 November 2023

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**LEWISHAM COUNCIL
PLANNING COMMITTEE B
THURSDAY 19 OCTOBER 2023 AT 7PM
MINUTES**

IN ATTENDANCE: Councillor Jack Lavery (Chair) Councillor Aliya Sheikh (Vice-Chair) Councillors, Billy Harding, Liz Johnston-Franklin, Hilary Moore, John Muldoon, Oana Olaru and John Paschoud.

OFFICERS: Development Management Team Leader, (DMTL) Planning Officers and Committee Officer.

ALSO PRESENT: Paula Young (Legal Representative)

**Item
No.**

1 Minutes

RESOLVED that the minutes of the meeting of Planning Committee B held on 24 August 2023 be confirmed and signed as an accurate record.

2. Declaration of Interests

Councillor Muldoon said that he would be recusing himself for the determination of item 4, Garages to the rear of Creeland Grove SE6 4LE, because his employer had a professional relationship with one of the project team. He intended to leave the meeting before consideration of this item.

3 Rear of 14 Wickham Road, London, SE4 1PB

3.1 The Planning Officer gave an illustrative presentation recommending the grant of Temporary planning permission for the change of use from garden land to holiday let accommodation, comprising three shepherds' huts, together with comprehensive landscaping works and community accessible forest garden on land to the rear of 14 Wickham Road SE4.

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

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

- Planning Obligations

3.3 In response to questions asked, members were advised that:

- Temporary planning permissions were rare. The reason why they were granted was that a trial run was required to test the impacts of a development. This was an unusual application in the context of a residential area. Along with the management plan, officers considered it to be sufficient to prevent any harm to residents. If an application was received for permanent planning permission, officers would have the benefit of knowing the effects of the management plan and how they co-existed with the residential properties.
- If, at the end of the temporary planning permission, an equal number of complaints/support for the application were received, officers would weigh up the benefits of the community scheme with any harm experienced by neighbours. Officers would also have the benefit of knowing about the enforcement of the management strategy and whether the management plan should be strengthened.
- It was noted that there was only one entrance/exit to the site. Officers considered this to be sufficient for the small number of people expected to use the site.
- Highways officers had reviewed the scheme and agreed that the development would not have an unacceptable impact on parking stress in the surrounding roads. There would be cycle parking on the site to encourage active travel; one per person for those using the holiday accommodation.
- Within the management plan there several ways in which residents could contact the applicant. There would be a phone number, email address and a website where noise nuisance could be logged. The applicant was also committing to installing noise monitors and would be secured within the management plan.
- Previous planning applications had been refused for the site because the plans were more intensive in terms of the use and the scale. This application was more in keeping with the character of the area, respecting the scale of the garden area and had the benefit of community use and landscaping with the planting of trees which would enhance the verdant character.

3.4 The agent Paul Webster and the applicant Joe Bradby attended the meeting. Mr Webster said that they were proud to present a new, innovative mixed-use concept that bridged the divide between public and private. He outlined the reason for application and said it would bring back an unused site into beneficial use. He raised the following points:

- The proposal would open the site up to community partners on a programmed basis Monday to Wednesday. Accommodation would be open to short stay guests Thursday to Sunday.
- The gated area would be ideal for educational and wellbeing use.
- Three shepherd's huts would provide small scale, short stay holiday lets. Only 6 people would be accommodated at any one time, and this would

restrict impact on the local area. The huts were designed to be self-sufficient. They would be manufactured off site, wheeled into place, and connected to services. A video camera entry system would enhance security.

- Hot tubs would not be part of the proposal.
- Site boundaries would be enhanced with trellises and planting.
- The majority of the site would be dedicated to green open space.
- Guests would only be able to access the site via public transport links, bicycle and foot.
- A thorough management plan accompanied the application. It outlined the management steps that would be taken to mitigate any noise or disturbance. The rules for staying on site were outlined.
- A robust method for managing and handling complaints had been set out in the plan which detailed contact information and how issues would be addressed comprehensively.
- This innovative scheme had been created in response to a need for accommodation. Unlike other holiday lets, there had not been loss of housing stock through change of use.

3.5 Members asked questions of the applicant and the following points were raised:

- There would be 3 shepherd huts accommodating 6 people and would be single storey structures. There would be comprehensive landscaping of the site. There would not be any impact on privacy for local residents.
- Noise issues had been considered in great detail and there would be active noise monitoring on the site; residents would have access to someone 24 hours a day.
- Community use would not be open to the public. There would be defined community groups accessing the site with defined times between 9am to 5pm. There would be limited scope for a noisy environment.
- Housing stock had been lost to Airbnb uses. The shepherd huts would fill a need for tourist accommodation without the loss of housing stock.
- The needs of children coming to the site would be accommodated. There would be benches, plaques, and boards for the children so that they could learn about Brockley and nature. They would attend on days when the shepherd huts were not in use so bathroom facilities would be available. The applicant would be working with community groups to ensure that it was used in an appropriate manner and fit for purpose.
- The shepherd huts were purpose built for short stay accommodation made of oak and good quality materials; they were not temporary structures. This was a unique application, and the potential success of the site was not yet known. If it did not cause undue disturbance to neighbours, an application for permanent planning permission would be made.
- Schools would not be charged to use the site, but the applicant did not want to engage with community groups until the application was

granted. He had ideas about possible partners he would like to work with and if successful would contact local schools.

- The applicant wanted to re-create a tranquil retreat that was usually associated with the countryside. Guests would have all the benefits that London had to offer. Airbnb's were prevalent in London in properties that should be people's homes. The shepherd huts were being offered for a specific use rather than making quick, short-term gains.
- The Lewisham Local Plan specifically encourages the use of tourist accommodation. There was a need for holiday lets because there was a prevalence of Airbnb's across London. Houses and flats were being used as Airbnb purposes rather than for residential, family accommodation. This scheme would redress that balance.
- There had been concerns about noise nuisance. All potential patrons would be vetted, and they would be sent rules of stay. The site would have a security code and video entry system and the applicant would be able to see who was coming onto the site and that the people were expected. The huts were double glazed, and sound proofed; each hut would have a sound monitor and staff would be able to log on to the App to make sure any noise nuisance levels were low. If there were any problems, staff could be contacted by email, phone or their website. The applicant wanted to work with neighbours and ensure that the site was managed correctly.

3.6 Three residents addressed the Committee. Two were in the room and one online. The first person to address the Committee, said that she was not an objector but wished to raise the following points.

- the landscaped plan was misleading because the pale green block in an 'L' shape was a single storey home which could hardly be seen and was about 2 ½ feet from the first shepherd hut.
- The success of the huts would depend on good management.
- 7/8 trees would be felled to make way for the shepherd huts.
- The first hut beside the window to the single-story timber building should be moved because it would block out light.
- There was concern about potential late night noisy parties.

3.7 The second person to make a representation said that the first hut would be uncomfortably close to her home. She was concerned that this application, if granted, could lead to further similar schemes and there had been little concern for the community in the previous two applications. She had found it difficult to contact this company so this resident had concerns about whether she would receive timely responses to complaints about noise or anti-social behaviour.

3.8 The third person to address the Committee, said that this was an unusual application because it was not suitable for a residential area.

- The management plan was not robust; there was no on-site management or clarity regarding who the person was who would address any problems on a 24-hour basis.
- She had serious concerns about bringing members of the public onto private land on a code basis.
- There had been a number of burglaries on Manor Avenue and Wickham Road through the mews and the Police had recommended secure access through the mews.
- This application was a commercial venture hidden behind a 3 day a week adventure garden and it was questioned whether it was needed.
- Although there were several references to community, there was a contempt for residents who were the community. There was clear objection to this application and there would not be any benefits for neighbouring residents.

3.9 In response to residents' comments, the planning officer made the following points.

- There would be some impact on the outbuilding. Outbuildings did receive as much weight as main residential dwellings. He did not believe the impact would be too great particularly because it was at the rear of the garden where main amenity space was not generally considered to be used.
- Security – Currently the site was empty with a timber fence. A new brick wall would improve security as would more activity on the site and passive surveillance.

3.10 The planning officer then addressed points raised by members.

- Some of the detail of the access plan had not been provided at this stage but secured by a planning obligation. An access plan would have to be sent to officers to discharge that obligation. The detail would be approved through that process.
- Need for holiday accommodation – The London Plan Policy E10 states that there is a requirement for 58,000 bedroom spaces by 2041. The plan supports new applications for holiday lets.

3.11 The Chair invited members to ask further questions of residents.

- Consultation - There were initial conversations with Park Hill, three neighbours attended. Apart from the Council planning meeting, there was no consultation with residents.
- Management Plan – when asked how the management plan could be tightened up to address residents' concerns, the response was that it could not be managed unless a member of staff was on site 24 hours a day. It was considered disingenuous to state that a number would be available somewhere that would alleviate residents' concerns. If there was noise, there was no clarity as to how this would be managed.

- 3.12 Final questions for clarity were asked by members and addressed by officers as follows.
- Trees – existing trees had been surveyed and seven were category C. The trees could not remain if the application was granted. Seven trees would be planted to replace these trees and officers would want to see a variety of species. Condition 12 would ensure that the development was carried out in accordance with the tree protection plan.
- 3.13 The Chair suggested that an extra informative be added so that if the developer applied for the extension of this temporary planning permission or applied for future permanent planning permission, that they be encouraged to engage in wider consultation with local residents.
- 3.14 The Committee considered all written documents and the submissions made at the meeting and

It was MOVED, SECONDED and RESOLVED that temporary planning permission for the change of use from garden land to holiday let accommodation, comprising three shepherd huts, together with comprehensive landscaping works and community accessible forest garden on land to the rear of 14 Wickham Road SE4. Be GRANTED subject to the completion of a S106 Legal Agreement and to the conditions and informatives set out in the report. In addition, an extra informative be added so that if the developer applied for the extension of this temporary planning permission or applied for future permanent planning permission, that they be encouraged to engage in wider consultation with local residents.

At this point, Councillor Muldoon left the meeting.

4 Garages to the rear of Creeland Grove SE6 4LE

- 4.1 The Planning Officer gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing garages and construction of 3 x part one/part two storey dwellings and 3 x two storey plus roof space dwellings, together with associated landscaping, refuse storage and 14 cycle spaces on the garages to the rear of Creeland Grove SE6.
- 4.2 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

- 4.3 In response to questions asked, members were advised that:
- The applicant was not required to provide accessible parking spaces; no parking spaces were proposed in this application. This was in line with the London Plan principles for this type of development.
 - There would not be access to the flat green roofs from any windows or doors.
 - One of the bins stores was 40 metres away from the pickup point. There was a management agreement in place, secured by a condition, so that the management company would drag all the bins to the pickup point for Lewisham's waste operatives to empty. The management company would then place the bins back in the store.
 - The design of the proposed buildings would sit comfortably with the existing street scene.
 - The layout of the buildings had been considered to ensure that it did not impact on neighbours. Separation distances were shown on slides to those present.
- 4.4. The planning agent Max Plotnek addressed the Committee. He outlined the history of the application and said that reasons behind the appeal refusal had been carefully considered. The scale of the development had been reduced, separation distances between blocks had been increased, houses were proposed instead of flats, parking had been removed in favour of landscaping and the TPO trees would be retained. Mr Plotnek believed this new application addressed all of the reasons for refusal; officers supported the application, and the proposed development would have minimum impact on neighbouring properties.
- 4.5 Visual impact was considered acceptable. Windows along Exbury Road would be obscured at first floor level and above. The line of protected trees along the site frontage had been respected with the development framed around them.
- 4.6 The scheme was car free with sufficient parking along Creeland Road and within 200 metres of the site. A comprehensive landscaping proposal had been submitted despite this being a minor development and demonstrated a commitment to improving biodiversity and environmental quality. This would be achieved by bringing back into use land that was regularly used for fly tipping and anti-social behaviour.
- 4.7 Mr Plotnek said that plans for the development of the site had been challenging due to its small, constrained shape, yet he considered the design to have been successful in providing high quality residential accommodation, including much needed family units. A positive pre application engagement process had been carried out and a further public meeting during the application determination. Complaints from residents had been covered in their submission.

- 4.8 Mr Plotnek clarified that all the properties would be wheelchair accessible in accordance with building regulations. The London Plan required all units to be wheelchair accessible unless there was good reason for them not to be.

Objection

- 4.9 The first objector addressed the committee. He expressed concern about privacy for his property which adjoined the site. He was pleased to note that there would not be any access to the flat roofs. Plans had been changed to save the trees with the TPO orders, however, the Council's tree expert had concerns about how they would survive.

- 4.10 The objector also had concerns about the impact that building works would have on the existing mature trees and the wildlife close to the boundary with Exbury Road. He asked that any foundations/ new development be set back from the shared wall boundary. Originally, the developer mistakenly claimed that he owned the party wall, but it was half owned by the residents and half by the developer. He requested that this wall should remain, and everything pushed back approximately one foot. Residents would then have less concerns about the development because they would retain a brick wall at the end of their garden instead of a slatted wooden fence which would not be secure or as nice to look at.

- 4.11 The Chair explained that members of the committee would be making a decision on the application before them. He asked for clarity regarding the objector's concerns about possible future alterations. The Development Management Team Leader said that officers had recommended condition 9 in the agenda pack. It removed the ability for any of the occupiers to extend or alter their homes under permitted development. It did not prevent them from submitting an application for planning, if they wanted to extend their property, a full planning application would need to be submitted.

- 4.12 In response to a member's question about whether the trees on the site would survive, members were advised that Lewisham's tree officer had raised concerns but was grateful that the trees would be kept on site. There was a tree protection plan in place which would mean that the developers would need to protect trees and tree roots from the development. The pathway and soft landscaping around the trees had been considered with the trees and tree root protection zone in mind. Although there were some concerns, a balanced decision had been made and officers believed that the application was acceptable in terms of the two TPO Ash trees.

- 4.13 The Committee considered written submissions and the submissions made at the meeting and it was:

It was **MOVED**, **SECONDED** and **RESOLVED** that planning permission be granted for the demolition of the existing garages and construction of 3 x part one/part two storey dwellings and 3 x two storey plus roof space dwellings, together with associated landscaping, refuse storage and 14 cycle spaces on the garages to the rear of Creeland Grove SE6. subject to a S106 Legal

Agreement and to the conditions and informatives set out in the report, subject to the conditions and informatives outlined in the report.

The meeting ended at 8.45 pm.

Chair

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Committee	PLANNING COMMITTEE (ABC)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 14 December 2023

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Planning Committee: B

LAND TO THE REAR OF 14-48 GEOFFREY ROAD, LONDON, SE4

Date: 14 December 2023

Key decision: No.

Class: Part 1

Ward affected: Brockley

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal subject to the completion of a S106 Legal Agreement and to the conditions and informatives

This report has been brought before Committee for a decision due to the submission of 42 valid letters of objection from the neighbouring residents.

Application details

Application reference number(s): DC/23/131277

Application Date: 26 April 2023

Applicant: Q Square Group Ltd on behalf of Skillcrown Limited

Proposal: Demolition of existing structures on the site rear of 14 - 48 Geoffrey Road, SE4 and construction of a development comprising of 8no residential two-story dwellings (Class C3), with associated landscaping and ecological enhancements, refuse and recycling storage and cycle storage

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

Designation: PTAL 4
Air Quality
Local Open Space Deficiency
Brockley Article 4 Direction
Brockley Conservation Area
Not a Listed Building
Unclassified Road

Screening: N/A

1 SITE AND CONTEXT

- 1 The site is located within the Brockley Conservation Area, which is subject to an Article 4 Direction, the Direction removes permitted development rights of dwellinghouses for development within the following: Part 1, Classes A, C, and F and Part 2 Classes A, B and C.
- 2 The site also does not contain any statutory listed buildings, nor is it in the vicinity of one. It has a good PTAL rating of 4, is within an Area of Local Open Space Deficiency and Air Quality Management Area and adjoins a Green Corridor and Brockley to St John's Site of Importance for Nature Conservation ("SINC") to the south which is designated at the local level.

Site description and current use

- 3 The area comprises an area of private open space at the rear of 14-48 (evens) Geoffrey Road. The site is long and narrow, bordered by the gardens of the Geoffrey Road houses to the north and a railway line running between Lewisham and Nunhead stations to the south. Access to the site is via a private road between 32 and 34 Geoffrey Road that also serves four lock-up garages. The concrete paved access road varies between 3.5m and 4m in width. It has recently been widened by 80cm.

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- 4 There are four structures and a caravan on site (currently vacant), including stables, with possibly an ancillary element of B8 storage. Historically the use was stables with allotments, it is understood that this use ceased in July 2018. Since this the garages have been used intermittently for personal storage of the landowner. All of the structures are single storey and appear to be relatively modern and are of no architectural or historic interest.
- 5 The site is shown as the location of Lane Station on the map of Brockley in William Booth's Survey of London dated 1890. As the site is level with the railway it is possible that Booth's map may have captured a moment in time when it functioned as the Brockley Lane station before the subsequent station at Brockley Road was constructed. However, it is equally possible that the position of the station is wrongly shown on the Booth map.

Character of area

- 6 This area is located on the boundary of the Conservation Area and is chiefly characterised by a road layout featuring a double mini roundabout.
- 7 Currently, the only buildings of note within Brockley Cross are the two storey Station Master's House of c1870 at 11 Brockley Cross (within the Brockley Conservation Area) and the 1930s (with recent modern addition) Tea Factory at 100-106 Endwell Road (not within a Conservation Area). Towards the southwest of the site is Brockley Station (London Overground line between London and West Croydon).
- 8 The houses on the other side of Geoffrey Road are two storeys with basement and arranged in short terraces and semi-detached pairs with short front gardens. The mixed use commercial and residential on the north side of Brockley Cross are three storeys with dormer windows to the front and shop units to the ground floor street frontage.

Heritage/archaeology

- 9 As outlined above the application site is located within Brockley Conservation Area, it is located within Character Area 3a.
- 10 The Conservation Area Appraisal notes that '*All the historic buildings in the conservation area make a positive contribution to its character*'. This identification (itself assessed against the criteria in the precursor to HE's CA assessment, designation and management guidance) leads to the Council considering all of the frontage properties along Geoffrey Road as non-designated heritage assets in NPPF terms.

Surrounding area

- 11 Brockley Cross is identified as a 'Local Hub' in the Core Strategy (Adopted June 2011). Local Hubs are areas which will be managed to enhance their identity and distinctiveness and 'development sites will be capitalised to secure physical and environmental improvement and integration with the surrounding neighbourhoods including local shopping parades'.

Local environment

- 12 The application site is located within Flood Risk Zone 1. It is also located within an Air Quality Management Area.

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- 13 The application site is adjacent to a green corridor and the Brockley to St Johns Railside Site of Importance for Nature Conservation (SINC) to the south.

Transport

- 14 The site is well connected to both Central and South London by both rail and bus links. Brockley Station is approximately two-minute walk from the site, with Southern Rail and London Overground services to London Bridge, Victoria Station and North London.
- 15 The application site has a good Public Transport Accessibility Level (PTAL) rating of 4, where on a scale of 1 to 6, 1 is the lowest and 6 is the highest.

2 RELEVANT PLANNING HISTORY

- 16 **DC/22/126149:** Demolition of existing buildings on the site rear of 14 - 48 Geoffrey Road SE4 and the construction of 1, two storey two bedroom detached house and 8, two storey plus roof space three bedroom semi-detached houses, together with associated landscaping, refuse/recycling storage, cycle and car parking. **Refused on 23 June 2022**, it is subject to an appeal which has not been decided yet. The reasons for refusal were as follows:

- (a) *The proposed development, by virtue of the size and arrangement of the private amenity spaces which are unsuitable for family sized accommodation, would result in a poor standard of accommodation to future occupiers of units 2 to 8 contrary to Paragraph 130 of the National Planning Policy Framework (2021); Policy D3 'Optimising site capacity through the design-led approach' and D6 'Housing quality and standards' of the London Plan (March 2021); Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014) and the London Plan Housing SPG (March, 2016) and the provisions of the Small Sites SPD (October 2021).*
- (b) *As a result of insufficient and contradictory information and due to the lack of an appropriate ecological assessment taking into account the subject site given the trees that exists, the Brockley to St John's Railside SINC and potential for protected species, the applicant has failed to show that the proposal will not adversely affect the integrity of the habitat at the site or the adjoining SINC, being contrary to para 174 of the NPPF (2021), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character and DM 33 Development on infill sites, backland sites, back gardens and amenity areas of the Lewisham Development Management Local Plan (November 2014) and Policy G6 Biodiversity and access to nature of the London Plan (March 2021).*
- (c) *The proposed development by reason of its height, proportions, design and space between the buildings and around the site would fail to successfully relate and be sensitive to the existing style, character and appearance of the frontage properties as well as the setting on the heritage assets and of the adjacent SINC, green corridor and highly vegetated belt along the railway, it would therefore fail to optimise the use of the site resulting in overdevelopment of the application site and fails to preserve or enhance the character and appearance of this part of Brockley conservation area and its significance. As such, the proposal is contrary to paragraphs 126, 189 and 197 of the NPPF (2021); Policies D3 'Optimising site capacity through the design-led approach' and HC1 'Heritage conservation and growth' of the London Plan (March 2021); Policies 15 'High quality design for*

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Lewisham' and 16 'Conservation areas, heritage assets and the historic environment' of the Core Strategy (June 2011); DM Policies 30 'Urban design and local character', 31 'Alteration and extensions to existing building including residential extensions' and 36 'New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the Development Management Local Plan (November 2014) and the provisions of the Small Sites SPD (October 2021).

- (d) *The proposed development would considerably increase the intensity of use of the narrow site access road to the detriment of vehicle and pedestrian safety and would result in uncontrolled overspill parking and further compounded by the loss of four on-street parking spaces that would place additional demand for on-street parking in Geoffrey Road, which is already very heavily parked, thereby further prejudicing vehicular and pedestrian safety in the local area, contrary to Policy 15 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan, (2014) and the provisions of the Small Sites SPD (October 2021).*
- (e) *The proposed development, by way of the loss of seven on site trees without adequate replacement, would result in the loss of the green treed character of the railway corridor and would significantly alter the garden setting of the frontage buildings of Geoffrey Road and have a detrimental impact on the adjacent green corridor and Brockley to St Johns Borough SINC. The retained T1, T4 and T21 trees would, as a result of the proposed development, be at risk of post-development pressure to be felled in the future which would be significantly detrimental to the treed character of the rear of Geoffrey Road and the positive contribution it makes to the local amenity and wider Brockley conservation area. The landscaping statement fails to adequately address the impact of the proposed development on the adjacent green corridor and Brockley to St Johns Borough SINC and mitigate the impacts on biodiversity as result of the development. Therefore it would be contrary to Paragraph 131, 174 and 180 of the NPPF (2021), Policy G7 'Trees and Woodlands' of the London Plan (March 2021), Policy 7 and 12 of the Core Strategy (June 2011) and Policy 25 'Landscaping and Trees' of the Development Management Local Plan (November 2014) and the provisions of the Small Sites SPD (October 2021).*

17 **DC/13/084754:** Demolition of three buildings at the land to the rear of 32 Geoffrey Road SE4 and the construction of 4 two storey, 3 bedroom houses and a single storey bike/refuse store building, associated landscaping and provision of four on-site parking spaces. **Refused on 19 December 2013** – reason for refusal:

- (a) *the proposed development would considerably increase the intensity of use of the narrow site access road to the detriment of vehicle and pedestrian safety while service vehicles, unable to use the site access road, would place additional demand for on-street parking in Geoffrey Road, which is already very heavily parked, thereby further prejudicing vehicular and pedestrian safety in the local area, contrary to Policy 15 Sustainable movement and transport of the Core Strategy (June 2011), Saved Policy HSG 8 Backland and In-fill Development of the Unitary Development Plan (July 2004) and DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan, Proposed Submission Version (August 2013).*

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Pre-application engagement

- 18 There has also been a number of pre-application meetings following the 2022 refusal as set out below:
- 19 **PRE/22/129162:** Pre-application (detailed) meeting to discuss the demolition of existing structures and construction 9no 2B/4P dwellings with associated landscaping, refuse and recycling storage and cycle and car parking.
- 20 **PRE/23/130164:** Pre-application (follow-up) meeting to discuss the demolition of existing structures and construction 2no 3B/5P and 6no 2B/4P dwellings with associated landscaping, refuse and recycling storage and cycle and car parking.
- 21 There has also been a number of pre-application meetings prior to the 2022 refusal as set out below these schemes were undertaken by different architects. This proposed scheme (DC/23/131227) is not an iterative design of the below earlier pre-application schemes:
- 22 **PRE/15/002077:** Pre-application (detailed) to discuss the construction of 2no x 4 bed houses and 2no x 4 flats to the rear of 14-48 Geoffrey Road, SE4
- 23 **PRE/17/102729:** Pre-application (detailed) meeting to discuss the construction of nine, two dwellings with associated landscaping, parking and refuse storage (Self-build) to the rear of 14-48 Geoffrey Road, SE4
- 24 **PRE/18/110174:** Pre-application (follow-up) meeting to discuss the demolition of the existing buildings and 5 garages and the construction of nine, 2b4p dwellings with associated landscaping, parking and refuse storage (Self-build) to the rear of 14-48 Geoffrey Road, SE4.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 25 The application proposes the demolition of existing structures on the site and construction of a development comprising of 8no. residential two-story dwellings (Use Class C3), with associated landscaping and ecological enhancements, refuse and recycling storage and cycle storage
- 26 The scheme would provide a mix of two and three-bedroom self-contained dwellings, with all benefitting from private amenity spaces in the form of rear gardens, each dwelling would have their own refuse and cycle store. A central communal space for all occupiers would also be provided.

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Figure 1 - Proposed CGI Visuals of the Revised Scheme

- 27 All dwellings would be ‘accessible and adaptable dwellings’ which meet the requirements of Part M4(2).
- 28 The proposal seeks the removal of 7no. on-site trees which would be replaced with a minimum of 24no. new trees; there would also be a number of biodiversity improvements with the provision of integrated bird bricks, integrated bat bricks, hedgehog highways, log piles and bug hotels.

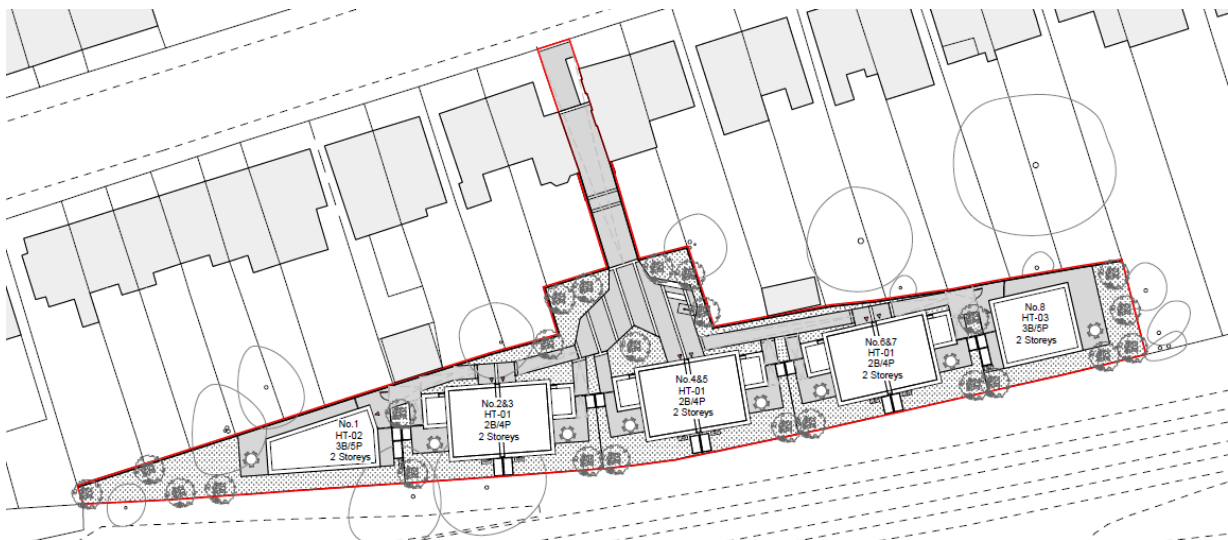


Figure 2 – Proposed Site Layout Plan

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3.2 COMPARISON WITH PREVIOUS SCHEME

29 This scheme follows an earlier application (DC/22/126149) which was refused planning permission in 2022 as discussed in para 16. Following this refusal, the applicant in engaged in two productive pre-application meetings alongside Urban Design and Conservation Officers which resulted in the reduction of one dwelling on-site and the reduction in the size and simplification of the design.



Figure 3 - Previously Refused Site Layout Plan

30 This allowed for further separation distance between dwellings and enabled the dwellings to appear more subservient to the three-storey and basement frontage properties, it also allowed for the garden size to each dwelling to be increased so they were more in keeping with being suitable for family dwellings.



Figure 4 – CGI of the Previously Refused Scheme

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31 Further information was submitted which dealt with the highways, tree and ecology concerns of the previous application, as discussed in Section 6.4 and Section 6.7 respectively.

32 Officers are satisfied that the revisions secured through robust pre-application engagement has addressed all previous reasons for refusal as the report will set out.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

33 The applicants Planning Statement states that they engaged with local residents prior to the submission of this application, however no information was provided which set out how they addressed any local residents concerns or how their views were incorporated into the design process.

4.2 APPLICATION PUBLICITY

34 Site notices were displayed on 28 April 2023 and a press notice was published on 28 April 2023.

35 Letters were sent to residents and business in the surrounding area and the relevant Ward Councillors on 28 April 2023.

36 43no. responses received, comprising 42no. objections and 1no. amenity society comment

4.2.1 Comments in objection

Comment	Para where addressed
Principle of Development	
Site is not allocated for development	Para 101
Additional development within a close vicinity	Para 103
Lack of affordable housing	Para 102
Reasons for refusal have not been resolved	Para 105
Housing	
Noise, dust and vibration from trains: 24hr measurements for NIA	Para 165
Poor internal standard of accommodation	Para 0
Small gardens	Para 0
Urban Design and Impact on Heritage Assets	
Overdevelopment of the site	Para 207

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Inappropriate design for conservation area	Para 205
Impact on setting of gardens to Geoffrey Road	Para 209
Poor design quality	Para 214
Inappropriate bulk and mass	Para
Transport	
Impact on parking stress: occupiers likely to have cars	Para 280
Poor access to site inc. for emergency vehicles	Para 242
Impact of construction on access to the site and pedestrians	Para 293
Poor servicing arrangements and impacts on neighbours	Paras 260 and 261
Refuse arrangements: block Geoffrey Road and management company	Para 258
Narrow access road – already causes damage to properties, issues turning left	Para 235
Provision of a turning circle encourages on-site parking and how no parking would be enforced	Paras 263 and 264
Cumulative impact of other developments	Para 282 and 283
Increased Traffic Congestion	Para 249
Highway safety – turning into Geoffrey Road	Para 241
Insufficient short-stay cycle parking	Para 268
Future CPZ consultation (Council's Sustainable Street Consultation)	Para 284
Impact on Adjoining Neighbours	
Overlooking neighbour gardens	Para 304 to 307
Loss of privacy	Para 304 to 307
Overhearing impact in terms of height	Para 303
Increased noise and disturbance	Para 321
Impact of sunlight/daylight	Para 317
Natural Environment	
Felling of mature trees	Para 395
Impact on protected species – bats etc	Para 371
Increased pollution/ impact on air quality	Para 426 to 428
Impact on biodiversity and wildlife (biodiversity net gain)	Para 370 to 382

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Insufficient landscaping plan and replacement tree provision	Para 398
Impact on green corridor and adjacent SINC	Para 381
Increased lighting from construction and dwellings will impact bats	Para 384 and 385

- 37 A number of other comments were also raised as follows:
- 38 Location of the SINC: concerns were raised that suggested that the application site itself is part of the SINC and also separately that given the adjacency to the SINC the application site should be afforded the same protections by default. **Officer comments:** the application site does not form part of the Brockley to St John's SINC or Green Corridor therefore it has no formal protections of a SINC under policy. Officers have had regard to the impact of the proposed development on the adjacent SINC as outlined in Section 6.7.
- 39 Compensations payments: local residents raised suggestions that the applicant should adequately compensate local residents as a result of the impacts it would have on residents. **Officer comment:** this is not a planning consideration. LPAs do not have the ability to request the applicant compensate residents for the impacts of the proposal. The applicant may need to enter a Party Wall agreement with adjacent neighbours, this is not a planning matter and is a private matter between the applicant and those residents.
- 40 Network Rail tree clearance: concerns were raised regarding the recent tree clearance along the railway line to the south of the application site. **Officer comments:** Network Rail is a Statutory Undertaker and have the certain rights to remove trees along railways lines without notifying the Council. The trees alongside the application site on Network Rail land have not been removed and as such this concern is not a material planning consideration
- 41 Removal of boundary wall at No. 34 Geoffrey Road: concerns were raised that the applicant had removed the boundary wall to the front of No. 34 Geoffrey Road without planning permission in order to enable future building work on site, concerns were raised that this demonstrates that the site access would be insufficient for construction vehicles. **Officer comments:** the planning agent and applicant have confirmed that neither party had removed the boundary wall (which is outside of the redline drawing), it is unclear whether the site owner had undertaken this work. The Council's Planning Enforcement team are dealing with this enforcement complaint (ENF/23/00012), as this is a separate matter which does not appear to be linked with the applicant or planning agent Officers are satisfied that it has no bearing on this application and is not a material consideration in this assessment. In any case this application has been assessed based on the basis that the wall is in-situ.
- 42 Poor neighbourly behaviour from existing owners of the site: concerns were raised that the existing site owners have previously shown poor neighbourly behaviour and a lack of consideration for their neighbours. **Officer comments:** while it is unfortunate to have heard of alleged poor neighbourly behaviour from existing owners of the site this is not something Members can consider when making a decision on this application.
- 43 Installation of CCTV on fences: concerns were raised that the applicant had installed CCTV to secure the site on neighbouring properties fences and they did not have the

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relevant permission to do this. **Officer comments:** this is a private matter between the applicant and the properties in question and has no bearing on this application, therefore it is not a material planning consideration.

- 44 Impact on existing tenants to access their gardens from the access road off Geoffrey Road. **Officer comment:** this is a matter between the applicant and the freeholders of the land, and there may be additional agreements required before implementing any permission. Boundary treatment details would be secured by way of condition;
- 45 Insufficient public consultation: concerns were raised that insufficient consultation had been carried out. **Officer comment:** The Council is satisfied that the consultation for this application has been carried out in strict accordance with the minimum statutory requirements and the Council's adopted Statement of Community Involvement.
- 46 Existing gas pipes along the boundary walls: concerns were raised regarding existing pipework along the walls on the access road. **Officer comment:** This is not a material planning consideration and is a civil matter between the landowner and those properties;
- 47 Lack of viability report: concerns were raised that the applicant has failed to support this application with a viability report. **Officer comment:** given this application is a minor application the scale of development does not require such a submission;
- 48 Impact on mental and physical health: concerns were raised regarding the impact the proposal would have on local residents physical and mental health due to construction works and loss of green space. **Officer comment:** While it is unfortunate the impact of a development such as this on a person's mental health is not considered to be a material planning consideration
- 49 Lack of start and end dates: concerns were raised that the applicant has not set out the start and end date of the proposed construction. **Officer comment:** this is not considered a planning consideration. LPAs do not have the ability to request this information at planning stage, however a condition imposing a three-year time limit for commencement will be imposed.
- 50 Insufficient pre-application consultation by the applicant: concerns were raised that the pre-application engagement with the community was of a poor quality and did not properly engage local residents in the design process in any meaningful way. **Officer comment:** While Lewisham encourages applicants to consult prior to submitting a planning application, it is not a statutory requirement to undertake this, as such these comments are not considered a planning consideration. Nevertheless, the applicant did undertake a degree of public consultation as recognised in the comments received.

4.2.2 Comments from Brockley Society

Comment	Para where addressed
Improvement over refused scheme	Para 209
Improved relationship between new dwellings and existing	214
Welcome reduction in units	207
More effective turning circle	265
Welcome introduction of living roofs	Para 249

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Water storage for ASHP	Para 137
Disabled on-site parking	Para 277
Private fire hydrant	Para 243
Refuse collection and waste management arrangements	Para 255 to 259
Impact on trees and post development pressure	Para 392 to 413

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

52 Status of applicant: concerns were raised that that evidence online suggestions the developer goes by a different name. **Officers comment:** this is not a material consideration to the proposed scheme as the permission runs with the land and is not personal to the applicant.

53 Preliminary ecology report: concerns were raised that the Preliminary Ecology Appraisal Report (“PEAR”) was not the final version, and that the applicant should provide this prior to the assessment of the application. **Officer comment:** the society incorrectly considered the PEAR is preliminary in the sense that a final report would be produced, this is not the case, and the recommendations will be secured by condition as set out in Section 6.7.1. Therefore, this concern is not a material consideration in the assessment of this application.

54 Consultation on materials: the society had requested that they are consulted on any future application to discharge the materials condition. **Officer comments:** approval of Details applications do not involve public consultation, however should the society wish they can sign up for alert on the Council’s planning website which would alert them in the future of any further applications at this site.

4.3 INTERNAL CONSULTATION

55 The following internal consultees were notified on 28 April 2023.

56 Urban Design: raised no objections subject to conditions. See section 6.3 for further details.

57 Environmental Health (Air Quality): raised no objections subject to conditions. See section 6.7.5 for further details.

58 Environmental Health (Site Contamination): raised no objections subject to conditions. See section 6.7.4 for further details.

59 Environmental Health (Noise): raised no objections subject to conditions. See section 6.2.9 for further details.

60 Highways: raised no objections subject to conditions. See section 6.4 for further details.

61 Conservation: raised no objections subject to conditions. See para section 6.3 for further details.

62 Ecology: raised no objections subject to conditions. See section 6.7.1 for further details.

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63 Tree and Landscaping: raised some concerns but set out conditions should it be approved. See section 6.7.3 for further details.

4.4 EXTERNAL CONSULTATION

64 The following External Consultees were notified on 28 April 2023:

65 Network Rail: raised no objections subject to informatives.

4.5 LOCAL MEETING

66 Due to the number of submissions received, a virtual Local Meeting was held on 20 July 2023. The meeting was chaired by Councillor Sian Eiles and attended by ten members of the public. Also in attendance was Thomas Simnett (Senior Planning Officer) and the planning agent for this application. Notes from the Local Meeting are contained in Appendix 1 of this report.

5 POLICY CONTEXT

5.1 LEGISLATION

67 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).

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

5.2 MATERIAL CONSIDERATIONS

69 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.

70 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.

71 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 2023 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

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5.4 DEVELOPMENT PLAN

72 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

73 Lewisham SPG/SPD:

- Small Sites SPD (2022)
- Planning Obligations Supplementary Planning Document (2015)
- Brockley Conservation Area Supplementary Planning Document (2005)

74 London Plan SPG/SPD/LPG:

- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Sustainable Transport, Walking and Cycling LPG (November 2022)
- Air Quality Neutral (February 2023)
- Housing Design Standards (June 2023)
- Optimising Site Capacity: A Design-led Approach (June 2023)

5.6 OTHER MATERIAL DOCUMENTS

- Biodiversity — Code of practice for planning and Development: BS 42020:2013
- Waste management in buildings- Code of practice: BS 5906:2005
- Brockley Conservation Area Character Appraisal
- Manual for Streets (MfS) (2007)

6 PLANNING CONSIDERATIONS

75 The main issues are:

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

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- Planning Obligations

6.1 PRINCIPLE OF DEVELOPMENT

Policy

- 76 The National Planning Policy Framework (NPPF) 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.
- 77 Lewisham is defined as an Inner London borough in the London Plan and sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.
- 78 The London Plan outlines through Policy H1 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.
- 79 LP Objective GG2 supports the development of brownfield land, particularly in sites within and on the edge of town centres, as well as utilising small sites.
- 80 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.
- 81 Table 4.1 of Policy H1 of the London Plan sets a 10-year housing completion target of 16,610. Part 2 of Policy H1 states that Councils should optimise potential for housing delivery on all suitable and available brownfield sites.
- 82 DM Policy 33(B) sets out the Council's policy regarding backland sites.
- 83 The Small Sites SPD also give further guidance on backland development.

6.1.1 Demolition

Discussion

- 84 The proposal seeks to demolish the existing single storey garages/stables located on the application site, which has access via a private road between 32 and 34 Geoffrey Road.
- 85 The existing buildings are of insufficient architectural merit to warrant consideration as non-designated heritage assets or historical significance within the conservation area.
- 86 The removal of the buildings will enable the comprehensive redevelopment of the application site, therefore for these reasons, officers raise no objections to the proposed demolition, subject to an appropriate form of replacement development.

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6.1.2 Change of Use

Policy

- 87 NPPF para 117 confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 88 NPPF para 120(d) advises that decisions should promote and support the development of under-utilised land and buildings, including service yards that can be used more effectively.
- 89 London Plan Policy T6 sets out that reduced parking provision can facilitate higher-density development and support the creation of mixed and vibrant places that are designed for people rather than vehicles.
- 90 Core Strategy Policy 14 sets out that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction.

Discussion

- 91 The redevelopment of the application site for residential purposes has been subject to a number of pre-application meetings with the Council since 2017.
- 92 The site has only been sporadically used for a number of years, it is understood the lawful use of the site is for use as parking and horse stables (Use Class Sui Generis), the site has become overgrown with a number of self-seeded trees since its lawful use ceased a number of years ago. The applicant sets out that the garages are only used for personal storage purposes, as a result the backland site is not well used for parking and horse stables and has become overgrown with vegetation and self-seeded trees.
- 93 The loss of the sui generis use of the site is not resisted in terms of parking, while there could be a loss of car parking in terms of the existing garages, LPP T6 and CSP 14 both set a managed and restrained approach to car parking within areas with good accessibility to public transport. The application site has a PTAL rating of 4, which means there is access to public transport is considered good, therefore a restrained approach to car parking is required by policy.
- 94 LPP T6 also recognises that reduced parking provision can facilitate higher-density development and support the creation of mixed and vibrant places that are designed for people rather than vehicles. Officers therefore recognise that the loss of the garages and the car parking they offer would help to facilitate higher-density development which supports the creation of mixed and vibrant places.
- 95 Officers raise no objections to the loss of the stables on site as these are not a protected under any policies, it would appear that these structures have ceased being used as stables since at least July 2018, as they have no heritage value to the loss of this use would not be detrimental to Conservation Area.
- 96 The change in use of the application site to residential and loss of existing garages is therefore acceptable in principle.

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6.1.3 Principle of Residential

Policy

- 97 The current London Plan outlines through Policy H1 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks.
- 98 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 application site has the characteristics of backland development as such part (b) backland sites is relevant.
- 99 Part (b) of DM Policy 33 sets out that new development on sites of this type will only be permitted where they provided:
- (b) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians;
 - (c) no significant loss of privacy and amenity, and no loss of security for adjoining houses and rear gardens; and
 - (d) appropriate amenity space in line with policy requirements in DM Policy 32 (Housing design, layout and space standards)

Discussion

- 100 The above requirements of DM Policy 33 will be considered in detail later in this report, however officers consider the principle of residential use upon the site would be supportable, subject to matters including design, scale, standard of accommodation and neighbour impact.
- 101 Some local residents had raised objections that the application site is not allocated within the Site Allocations Local Plan, however, LPP H2, DMP 33 and the Small Sites SPD envisage sites such as this being brought forward to development if in accordance with those policies and guidance.
- 102 Objections were received that questioned whether this site is suitable given there is no affordable housing proposed, however Officers note that it is not a planning requirement for developments proposing less than 10 units to provide affordable housing.
- 103 Objections were received that the principle of development on this site is not acceptable due to close proximity to other developments, Officers consider the size of the application site and good PTAL rating and the above discussion justification as to why this site it suitable for development. The impact of the proposed development will be discussed in further detail in the transport section of this report.
- 104 There is a clear need for housing within Lewisham, with the London Plan requiring 1,667 new residential units each year; in order to achieve this target small sites such as the application site need to be developed at suitable densities. Given its close proximity to Brockley Train and Overground Station the application site is clearly suitable for densification to help the Council to achieve its housing delivery target.
- 105 Local residents had raised concerns that the proposed development has failed to address the previous reasons for refusal, Officers are of the view as explained

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throughout this report that all previous reasons for refusal have been fully addressed and resolved.

6.1.4 Principle of development conclusions

106 The proposed residential development accords with the key relevant development plan policies and Small Sites SPD outlined above and is, in principle, an appropriate use of this site that would contribute to Lewisham's targeted housing supply. This is a planning merit to which significant weight is given.

6.2 HOUSING

107 This section covers: (i) the contribution to housing supply, including density; (ii) the standard of accommodation.

6.2.1 Contribution to housing supply

Policy

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

109 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.

110 LPP H1 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

111 The current London Plan identifies a ten-year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, which equates to an annualised average of 1,667 new homes per year.

112 LPP D3 seeks to optimise site capacity through the design led approach, ensuring that development is of the most appropriate form and land use for the site. Outside of the most sustainable locations, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way and with reference to LPP H2. LPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

Discussion

113 The proposed development would deliver eight new dwellings, which would contribute to the annual target for Lewisham, therefore Officers attach significant weight to this in planning terms.

114 The application site has an area of 0.14 hectares and is in a PTAL of 4 in an urban location which is in close proximity to a National Rail and Overground Train Station

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(Brockley Station). **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 in order to help assess, monitor and compare development proposals, it is not intended as a sole measure to determine the acceptability of the proposed development with regards to LPP D3.

- 115 It should be noted that the London Plan does not provide a density matrix to guide density on development sites, LPP D3 requires a design-led approach to optimising site capacity which should be based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site.

Criteria	Value	Criteria/area
Site Area (ha)	0.14	n/a
Units	8	57.14 U/Ha
Habitable rooms	28	200 Hr/Ha
Bedrooms	18	128.57 Br/Ha
Bedspaces	34	242.85 Bs/Ha

Table 1: Measures of Density

- 116 Policy D6 of the London Plan states for London to accommodate the growth identified in the plan in an inclusive and responsible way, every new development needs to make the most efficient use of land. This means developing at densities above those of the surrounding areas on most sites.
- 117 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 the optimum density, and these will be considered in the following sections of the report.
- 118 The form and character of the borough’s buildings and spaces must be appropriate for their location, fit for purpose, respond to changing needs of Londoners, be inclusive, and make the best use the city’s finite supply of land. While the efficient use of land requires optimisation of density, it is also dependant on coordinating the layout of the development with the form and scale of the buildings and the location of the different land uses and facilitating convenient pedestrian connectivity to activities and services.
- 119 LPP D2 advises that density should be linked to the provision of infrastructure for the area and accessibility in terms of sustainable transport modes. The PTAL of 4 and close proximity to Brockley train station indicate that high levels of density can be supported sustainably and as such the proposed density is comfortably within acceptable levels.
- 120 Subject to an assessment of matters in this report, the principle of the proposed density is considered to be acceptable and would not result in an over intensification of the site and would provide eight residential units. The proposed development is considered to result in a more efficient use of land and increase the housing supply in line with the London Plan and help to meet Lewisham’s housing delivery targets.

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6.2.2 Dwelling mix

Policy

- 121 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 122 NPPF para 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 123 LPP H10 details that schemes should consist of a range of unit sizes and sets out several factors that should be considered when determining the appropriate housing mix. The policy sets out the criteria to determine appropriate mix of unit sizes as follows: local evidence of need; requirement to deliver inclusive neighbourhoods; deliver a range of unit types at different price points; mix of use in the scheme; range of tenures; the nature and location of the site; housing potential.
- 124 The recent Strategic Housing Market Assessment 2021/22 Update ("SHMA") (March 2022) suggests that overall in Lewisham:
- 59.6% of dwellings are flats, 40.2% are houses (32% terraced, 7.3% semi-detached and 0.8% detached) and 0.2% are bungalows; and
 - 27.6% of dwellings have one bedroom, 33.1% two bedrooms, 29.7% three bedrooms and 9.6% four or more bedrooms; and
 - Lewisham has proportionally more flats and smaller properties (1 and 2 beds) but less houses, bungalows and larger properties (3 and 4 beds) than London and England.
- 125 Regarding the future need for housing, the SHMA predicts that it can be expected that a number of families living in the borough will increase by around 5,900 between 2020 and 2039.
- 126 The SHMA states that the needs of families should be met through general development, with a particular need for three and four-bedroom dwellings, as expressed in Table 7.5. It should also be recognised that Lewisham is a sanctuary borough with an influx of refugees and migrants anticipated. There is also a specific need to live as larger family units by some BAME groups. Ensuring sufficient family sized units to cater for both of these groups will help to reduce the issue of overcrowding.
- 127 Core Strategy Objective 3, Core Strategy Policy 1, DM Policy 2 and 3 which speaks to the great need to provide family homes within the borough and the loss of family sized accommodation. These policies are supported by the most recent SHMA as discussed above and is clear evidence of the housing need in Lewisham.
- 128 Draft Local Plan (submitted for examination 03 November 2023) Policy H01 – Meeting Lewisham’s housing need at part e states that development proposals must deliver an appropriate mix of housing within the site and local area. Para 7.9 of the explanation text sets out that minor development proposals of less than 10 units incorporating family sized units will be considered favourably. It should be noted that given the draft Local Plan has recently been submitted for examination and that this policy is consistent with existing adopted policy Officers give this draft policy limited weight in the planning balance.

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Discussion

129 The proposed development would provide 8 units only. Table 2 below shows the proposed unit mix.

Unit	No. of units	%	Habitable room	%
2B4P	6	75	18	64
3B5P	2	25	10	36
TOTAL	8	100%	28	100%

Table 2: Proposed unit mix

130 Table 2 above shows the proposed dwelling mix for the development. The proposed dwelling mix provides a range of unit types, it also includes a contribution to family housing (3+ bedrooms) that meets the identified local need, which is a clear planning merit in the planning balance.

131 LPP H10 establishes a range of factors that contribute to determining the appropriate mix of units for a development. One such factor is site context including the nature and location of the site. LLP H10 advises that a higher proportion of two-bedroom units can be supported in town centre locations or locations close to a station and/or with a high PTAL. The application site is located in close proximity to Brockley Train Station; therefore, the proposed unit mix with a larger proportion of two-bedroom units and provision of two well sized three-bedroom units is supported.

6.2.3 Residential Quality

General Policy

132 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 Design Standards LPG, 2023, GLA; Alterations and Extensions SPD 2019, LBL).

133 The main components of residential quality are: (i) space standards; (ii) aspect, outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) fire safety.

6.2.4 Internal space standards

Policy

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

Discussion

135 The table below sets out proposed dwelling sizes.

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Unit No.	Unit Size	GIA (proposed (target)) sqm	Bedroom 1 (proposed (target)) sqm	Bedroom 2 (proposed (target)) sqm	Bedroom 3 (proposed (target)) sqm	Built-in storage (proposed (target)) sqm
1	3B5P	97.77 (93)	12.3 (11.5)	7.5 (7.5)	11.5 (11.5)	2.6 (2.5)
2	2B4P	79.63 (79)	12.3 (11.5)	12.7 (11.5)		2.8 (2)
3	2B4P	79.63 (79)	12.3 (11.5)	12.7 (11.5)		2.8 (2)
4	2B4P	79.63 (79)	12.3 (11.5)	12.7 (11.5)		2.8 (2)
5	2B4P	79.63 (79)	12.3 (11.5)	12.7 (11.5)		2.8 (2)
6	2B4P	79.63 (79)	12.3 (11.5)	12.7 (11.5)		2.8 (2)
7	2B4P	79.63 (79)	12.3 (11.5)	12.7 (11.5)		2.8 (2)
8	3B5P	102.2 (93)	12.3 (11.5)	12.2 (11.5)	8.0 (11.5)	3.3 (2.5)

- 136 Local residents have objected that the proposed dwellings would have a poor standard of accommodation; however, all of the proposed flats would exceed the requirements of LP Policy D6 in terms of overall GIA, the majority of which by a significant amount. The proposed development would also be fully policy compliant in terms of bedroom size and the provision of built-in storage. The floor to ceiling height of the dwellings would exceed the required 2.5m as measured from the submitted section drawing. The proposed layout of each individual flat is well considered and efficient ensuring that circulation space is minimised.
- 137 The Brockley Society raised concerns that the proposed floor plans do not demonstrate where the water tank for the ASHP would be located, while officers recognise that ASHP come with additional internal equipment vs a gas boiler there is sufficient space within the floor plan to accommodate this.
- 138 The proposed development would provide two good quality family sized housing with private south facing gardens, set back from the adjacent railway SINC, together with six good sized two-bedroom units.

6.2.5 External space standards

Policy

- 139 Policy 4.10.1 of the Mayors Housing SPG states that a 'minimum of 5sqm of private outdoor amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. This is also set out in London Plan Policy D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m
- 140 DM Policy 32 requires all new dwellings to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. Para 2.246 which gives justification for this policy also states that Family houses should be provided with their own private garden area of a size appropriate to the design and configuration of the housing site, the size of the houses and their intended occupancy.

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Discussion

141 The table below sets out proposed external amenity sizes.

Unit No.	Unit Size	Private Amenity Space (Proposed (<i>target</i>)) sqm
1	3B5P	140 (8)
2	2B4P	41.1 (7)
3	2B4P	43.9 (7)
4	2B4P	46.6 (7)
5	2B4P	45.9 (7)
6	2B4P	42.8 (7)
7	2B4P	39.1 (7)
8	3B5P	107.9 (8)

Table 3: External space standards – proposed v target

142 Local residents raised concerns with the proposed small gardens within this scheme, while the previous application was refused due by virtue of the size and arrangement of the private amenity spaces which were unsuitable for family sized accommodation, Officers are satisfied that the proposed gardens are of a more appropriate size and shape which would support family living.

143 The building footprint of the typical houses has been revised to enlarge the size and width of private gardens and to increase the distance between proposed houses and the SINC on the southern boundary. The width of each dwelling's garden is generally a minimum of 4.5m with a depth of over 5.5m. Areas of soft landscaping have been increased within private gardens with additional planting against the southern boundary and hard landscaped areas reduced while providing sufficient space for outdoor sitting/dining.

144 All of the gardens are in excess of the minimum requirements of LPP D6, with the three-bedroom units having gardens of over 100sqm.

6.2.6 Aspect, Outlook & Privacy

Policy

145 London Plan Policy D6 seeks high quality internal and external design of housing development. Development is required to achieve 'appropriate outlook, privacy and amenity', and should seek to maximise the provision of dual-aspect dwellings (as defined by the Housing Design Standards LPG).

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

147 DMP 32 also identifies that there will be a presumption that residential units should be dual aspect and that north facing single aspect units will not be supported.

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Discussion

- 148 In terms of outlook, house type one would be dual aspect, house type two would be triple aspect and house type three would have windows on all four elevations, there would be no single aspect north facing units proposed. The development would therefore provide sufficient outlook and natural ventilation for all habitable rooms.
- 149 Officers are satisfied that all dwellings within the scheme would have sufficient privacy and adequate provision of defensible space for occupiers, with no direct overlooking from other units within the site, whilst lying a sufficient distance away from existing dwellings.
- 150 Overall, officers are satisfied that appropriate outlook, privacy and ventilation would be provided to future occupiers of the units.

6.2.7 Overheating

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

Discussion

- 152 The proposed development has been designed in accordance with the cooling hierarchy established by LPP SI4 to ensure the building is not vulnerable to overheating. These design measures include best practice insulation, passive ventilation, low solar transmittance glazing, appropriately sized openable windows and a biodiverse living roof.
- 153 The Sustainability Statement (“SS”) (prepared by SRS Surveyors Ltd, ref no. 21/055/SS/06, dated 06 April 2023) sets out the above measures which together reduces the risk of overheating. The SS sets out that it is not expected at this time that a whole house ventilation system would be required, however the statement does state that this would be considered further at the detailed design stage.
- 154 Officers are of the view that that a condition requiring an updated SS is not reasonably related in scale to the development and would therefore fail the tests in respect to condition. Should the applicant consider a mechanical ventilation and heat recovery system (“MVHR”) is required following the detailed design stage the plant noise condition has a provision which would allow for details of such a system to be submitted. This would allow the Council to be satisfied that the MVHR would not cause a significant impact on neighbouring amenity in terms of noise and disturbance.
- 155 On the basis of the information submitted, Officers raise no objection to the proposed development in relation to overheating.

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6.2.8 Daylight and Sunlight

Policy

- 156 DM Policy 32 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

Discussion

- 157 An assessment of daylight and sunlight ("DSR") levels within the proposed residential units and an assessment of overshadowing of the public realm and amenity space that would be provided as part of the development was undertaken by the applicant's daylight and sunlight consultants, CHP Surveyors Ltd (dated 18 April 2023).
- 158 The results of the daylight analysis are set out in the tables attached at Appendix C of the DSR and demonstrate that the full leaf analysis demonstrates that of the 28 rooms analysed, just the kitchen to house No.1 and a bedroom to house No.3 will achieve the target DF for at least 50% of their area. Concerning the two rooms that do not achieve the above, these will both achieve the target DF with the trees in bare branch. Therefore, in accordance with the BRE guidelines, whilst the trees have an effect on the daylight these rooms will enjoy, there will be adequate daylight provision.
- 159 The sunlight results of the analysis are set out in the tables attached at Appendix D of this report and demonstrate that all of the proposed units will have at least one room that enjoys at least 1.5hrs on the 21st March with the trees opaque and in all instances this includes the main living area. In addition, seven of the units have a room that enjoys a high level of sunlight (>4hrs), of the rooms which would not meet the BRE guidelines they are bedrooms, which by their very nature are rooms which are least likely to require sunlight during the day as set out within BRE guidelines.
- 160 Officers are satisfied that an acceptable standard of amenity for future occupiers would be provided in relation to daylight and sunlight within the proposed development.

6.2.9 Noise & Disturbance

Policy

- 161 Paragraph 174 of the NPPF states decisions should amongst other things prevent new and existing developments from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraphs 186 states decisions should mitigate to reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts to quality of life.

Discussion

- 162 A Noise and Vibration Assessment ("NVA") (Prepared by Pace Consult Ltd dated 10 March 2023) has been submitted with the application, which provides an analysis of the external noise environment. The most significant sources of external noise are trains from the adjoining railway line, aircraft noise, and distance traffic from Geoffrey Road.
- 163 The NVA recommends that the dwellings should be designed in accordance with the hierarchy of strategies constituting a "good acoustic design process" for mitigating noise impacts as outlined in Section 7 of the NVA. The NVA provides recommendations for

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the sound insulation performance for the elevations and windows in order to provide effective mitigation against noise from the adjacent railway. The report considers that the internal noise levels can be adequately controlled through the use of appropriate specified glazing, elevation insulation.

- 164 The recommended specifications would be secured by condition and Environmental Health Officers are satisfied with this approach. They have noted that if following the detailed design stage, it becomes apparent to the applicant's noise consultant that the only way to meet the recommended levels as set out in the WHO acoustic guidelines, if the windows were to remain closed the applicant would be required to incorporate a Mechanical Ventilation with Heat Recovery system ("MVHR").
- 165 Local residents raised concerns that the proposed dwellings would be impacted by the railway line to the rear in terms of excess noise and disturbances within the properties and gardens. While it is noted that the noise levels in some private amenity spaces may exceed the World Health Organisations recommended levels of 55dB $L_{Aeq,16hour}$, by between 1 and 2 dBA above the recommended criteria of 55 dBA. However, Officers consider these exceedances are considered negligible, and therefore good external acoustic comfort would be expected.
- 166 The NVA has not considered the potential noise impact stemming from the external Air-Source Heat Pump ("ASHP"), it is likely that additional mitigation would be required due to the proximity to residential accommodation. At this stage a specification for the equipment has not been finalised. Therefore, details of the proposed noise attenuation for the ASHP would be secured by condition and reviewed by Environmental Health Officers before the dwellings could be occupied.
- 167 As a result of noise mitigation measures proposed to address rail and road traffic noise emissions will also be reduced to a minimum and should avoid a significant adverse effect in line with Paragraph 185 of the NPPF.
- 168 The NVA also conducted a preliminary screening vibration survey to determine any potential adverse vibration impacts arising from train movements on the adjoining railway. The assessment indicates a 'low probability of adverse comments'. Environmental Health Officers is satisfied with the NVA with regards to vibration and has not recommended further vibration mitigation is conditioned.

6.2.10 Accessibility and inclusivity

Policy

- 169 LPP D5 seeks to ensure that new development achieved the highest standards of accessibility and inclusive design, and any development should ensure that it can be entered and used safely, easily and with dignity by all.
- 170 LPP D7 requires that at least 10% of new build dwelling meet Building Regulation requirement M4(3) 'wheelchair user dwelling' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwelling must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Wheelchair accessible homes should be distributed across tenure types and sized to give disabled and older people similar choices to non-disabled. This is supported by CSP 1.

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Discussion

- 171 Officers acknowledge that the proposed development would be for less than 10 units, as such there is no requirement to provide an M4(3) unit, instead all of the proposed dwellings have been designed and laid out to be ‘accessible and adaptable dwelling’ (requirements M4(2)) in accordance with LPP D7. This has been achieved by ensuring there is a level entry to each dwelling and WC, together with a 300mm leading edge to all doors and as per the other requires of Building Regulation M4(2).
- 172 A condition will be imposed to secure this compliance with the requirements of M4(2) as per the requirements of LPP D7.

6.2.11 Air quality

Policy

- 173 NPPF para 174 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

Discussion

- 174 The Air Quality Neutral Statement (Prepared by Entran, dated April 2023) (“AQNS”) notes that the heating and hot water demand for the scheme is proposed to be met using ASHP with no localised emissions of NOx or PM10. In accordance with London Plan Guidance on Air Quality Neutral Statements Officers consider that the proposed development would be considered air quality neutral; together with the fact the site is adjacent to other similar sensitive receptors additional mitigation would not be required.

6.2.12 Fire Safety

Policy

- 175 LPP D5 seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users.
- 176 LPP D12 requires all development proposals must achieve the highest standards of fire safety. There is no planning policy requirement however for a non-major development to submit a Fire Statement.

Discussion

- 177 A Fire Strategy Report (“FSR”) (Prepared by AM Pyro LTD dated 10 March 2023) has been submitted in support of the application, it should be noted that this is not a planning policy requirement; however given the distance from Geoffrey Road Officers consider it is proportionate.
- 178 Access for a fire tender vehicle is limited due to the close proximity of the houses on the entry point on Geoffrey Road. The FSR sets out to mitigate the risk of limited access (and hose distances in excess of 45m) to the eight proposed dwellings, they would be provided with a category 2 sprinkler system (BS 9251: 2021) to all dwellings.
- 179 Additionally, as the nearest fire hydrant location (the junction of Geoffrey Road and Manor Avenue) is in excess of 90m of the fire service entrance points to the

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development a private hydrant will be required. These will be secured by condition as requested by Highways.

6.2.13 Summary of Residential Quality

180 Overall, the proposed development would provide a high-quality environment for future occupiers.

181 All residential would either meet or exceed the internal space standards in accordance with the development plan requirements, including internal floor area, floor to ceiling heights, room sizes, and storage space. Officers are satisfied the units would provide generous and well-proportioned accommodation.

182 All units would be provided with private outdoor amenity space in the form of gardens, which would either meet or exceed the minimum requirements in terms of private amenity space provision which would be suitably sized for families. This addresses the previous reason for refusal.

183 In terms of outlook, privacy, daylight and sunlight, a suitable level of amenity would be provided for future occupiers, having regard to the suburban context within which the development lies.

6.2.14 Housing conclusion

184 The proposed development would make a modest contribution to the Borough's housing targets providing eight residential dwellings within a sustainable urban location. The development would provide a good range of dwelling sizes contributing towards the creation of a balanced community, including a mix of 2 and 3 bedrooms.

185 The development would therefore make an efficient use of land and would optimise density, taking into account the constraints imposed by size and shape of the site. The residential accommodation would be high quality either meeting or exceeding all of the relevant standards. These are planning merits of the scheme and are attributed significant weight within the planning balance.

6.3 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

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

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

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

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- 189 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.
- 190 The NPPG encourages decision takers to always secure high-quality design; this includes being visually attractive and functional, however other issues should be considered:
- local character (including landscape setting)
 - safe, connected and efficient streets
 - a network of greenspaces (including parks) and public places
 - crime prevention
 - security measures
 - access and inclusion
 - efficient use of natural resources
 - cohesive and vibrant neighbourhoods
- 191 LPP D3 expects the highest quality materials and design appropriate to context.
- 192 Core Strategy Policy 15 and Local Plan Policies DM 30, and DM 31 set out the detailed considerations and issues that need to be considered and addressed by development applications in order to achieve the high standards of development required.
- 193 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 194 DM Policy 33(B) sets out the Council's policy regarding backland sites.
- 195 Further guidance is given in Brockley Conservation Area Character Appraisal and Brockley Conservation Area SPD and Small Sites SPD.

6.3.1 Appearance and character

Policy

- 196 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 197 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). At para 134, the NPPF states significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area.
- 198 LPP D3 Optimising site capacity through the design-led approach states that development proposals must 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

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- 199 LPP D4 expects development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.
- 200 Development should also be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 201 DM Policy 30 requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape whereby height, scale and mass of the proposed development relates to the urban typology of the area.
- 202 DM Policy 33 relates to sites with infill and backland characteristics and sets out a number of site-specific requirements for development on these sites.

Discussion

- 203 This current scheme reflects changes that were progressed through robust pre-application discussions with the applicant, which included the input of urban design and conservation officers.
- 204 The development would consist of five separate buildings, all of which would be part-one and part-two-storeys in height arranged along the southern edge of the site adjacent to the green corridor and SINC. Units one and two at each end of the site would be detached dwellings and the remaining six dwellings in between would form identical three semi-detached pairs.
- 205 The surrounding area is predominantly residential in character, comprised of three-storey dwellings. Officers consider that height and scale of the proposal would respect the existing setting and would be an appropriate addition that would sit comfortably within the existing built context. Conservation Officers consider that the revised architectural approach of this scheme is more in line with a mews typology that is characteristic of the Brockley Conservation Area, than the refused scheme, although Officers also recognise that the development site itself is more akin to a back land development typology with a single entry/egress point.
- 206 The proposed scale of development represents a significant improvement upon the first planning application that was refused on this site (DC/22/126149). While there are some similarities in terms of the design language, the refused scheme was formed of four identical two-storey plus loft semi-detached dwellings and a two-storey detached dwelling. The scale and height of the refused semi-detached pairs were competing in height with the frontage properties with a ridge height of 8.9m. The refused scheme was also overly dense on the site, leaving little room between the buildings for landscaping, refuse/recycling stores, cycle stores, communal or private gardens. The development was therefore refused due to the excessive scale and plot coverage, and an insufficient provision of private amenity space for family sized dwellings.
- 207 The current proposal has acknowledged the significant shortfalls of the first scheme. Whilst some of the design language and materials are generally maintained, the development is of reduced scale and plot coverage, with the four two-storey plus loft semi-detached pairs replaced by three part-one and part-two storey semi-detached pairs smaller buildings: overall one fewer dwelling. Urban Design Officers consider the reduction in number and size and the arrangement provides for more sufficient spaces between each building which allows for the massing to be more appropriately distributed

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across the site, this view is shared with the Brockley Society also. This provides additional space between each pair for additional soft landscaping and tree planting.



Figure 5 – Comparison between refused (pink dashed line) and current scheme

208 The reduction in dwelling numbers and the proposed footprints when compared to the refused scheme, as seen in **Figure 5**, means there would be greater separation distances between the buildings with a minimum of 4.2m at ground level and up to 9.5m at first floor level. As a result, this would allow for greater degree of soft landscaping and help to provide a sense of openness within the site as shown in **Figure 6** below.



Figure 6 – Height and volume comparison with the previously refused scheme (refused scheme in pink dashed outline)

209 Conservation Officers consider that the applicant has demonstrated an appropriate architectural response, relating to the nature of the backland site in the Brockley Conservation Area and while also proposing high quality materials and detailing. The Brockley Society have also commented that they consider the revised scheme is an improvement over the recently refused scheme in 2022. Although local resident have raised concerns that the proposed dwellings would be impact the garden setting of the frontage properties Officers are satisfied given the separation distances and the dwellings height this would not be the case.

210 The revised scheme would feature bay windows at ground level formed by the set back side 'wings' and recessed front entrances. Bays are proposed in contrasting dark timber with vertical timber screens providing a level of privacy to internal spaces while allowing views out onto and passive surveillance of the communal open area.

211 Tall ribbon windows further articulate the side wings and act as a break between the brick building, emphasised by recessed timber panels above and in line with these windows.

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212 The upper floors are articulated by a combination of deep recessed windows, window surrounds and recessed brick detailing to provide variety and depth to these elevations whilst maintaining a modest and modern design.

213 In terms of material palette, the buildings would comprise a mix of buff coloured brick, dark coloured timber projecting side bays. Fenestration would have dark coloured frames, while there would be brick detailing around each window opening to create differing texture to the elevations (**Figure 7**).

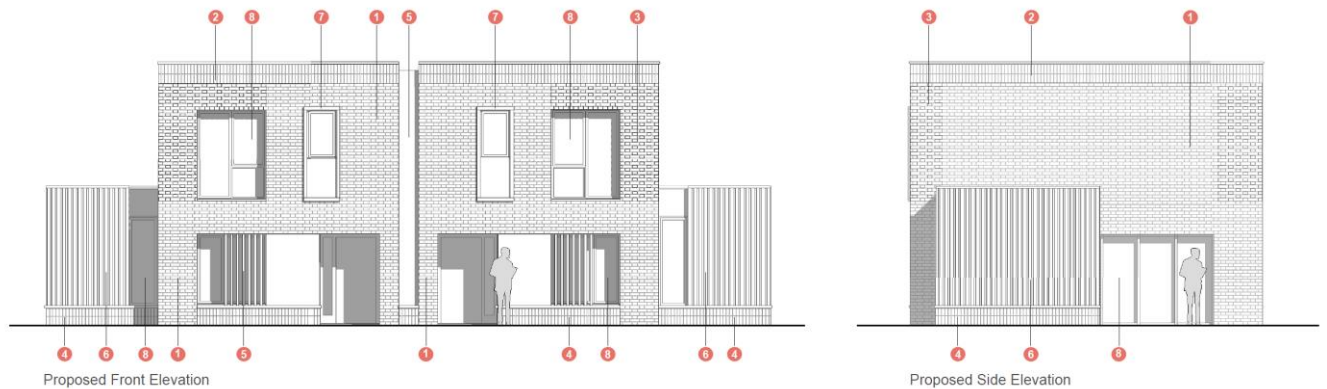


Figure 7 – proposed materials

214 The proposed materiality and detailing are considered to result in a high-quality development that would respond to the surrounding context, respecting and preserving the character and appearance of the conservation area. The final details of facing materials would be secured by condition.

6.3.2 Layout and Landscaping

Policy

215 LPP D3 Optimising site capacity through the design-led approach states that development proposals must 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.

216 DM Policy 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscaping measures.

217 DM Policy 32 requires the siting and layout of new residential development to respond positively to 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

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Discussion

- 218 The existing site has access point from Geoffrey Road to its northern part of the site. The land surrounding the existing garages and stables within the site curtilage is predominantly gardens to the north of the site with trees within and surrounding the site. To the south of the site lies a railway line which forms part of a green corridor and Brockley to St John's Sites of Importance for Nature Conservation ("SINC").
- 219 The existing access from Geoffrey Road would be retained and resurfaced and would be a shared surface between vehicles, cyclists and pedestrians. Figure 8 shows the proposed layout of the development, the proposed dwellings would be situated along the southern edge of the site, each dwelling would have a rear garden formed up of areas of soft and hard landscaping. To the west of the site is a wildflower meadow which forms part of unit one's garden.



Figure 8 – proposed landscaping plan

- 220 The central area of the site would contain the largely soft landscaped space that would include designated seating areas and visitor cycle storage, together with a turning circle for delivery and servicing vehicles. As will be discussed later in this report, further details of soft landscaping measures (including details of maintenance and 5-year management) would be secured by condition. Such details shall include co-ordination with relevant matters including Sustainable Urban Drainage, and biodiversity/ ecology.
- 221 Conservation Officers welcome the trees and soft landscaping that are proposed in the central area of the layout entrance path, which would be visible from the entrance road, giving a greener view into the site when viewed from Geoffrey Street, and thus contributing to the character and appearance of the conservation area.
- 222 Urban Design Officers have expressed concern over resident safety, particularly at night, given the narrow single access point to the site. They had advised in this in this unique circumstance, that a controlled access gate (with dedicated vehicle and pedestrian entrances) should be provided along Geoffrey Road. Which would restrict general access to residents at night.

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- 223 Officers do not consider this to be an acceptable solution to the issue of resident safety at night, gated developments are not acceptable in accordance with DM Policy 33 part 7. There are other solutions which can be implemented by the applicant to improve safety along the access road for residents during the night such as CCTV or a lighting strategy. The latter will be secured as part of a planning condition.
- 224 Some existing Category C and U trees within the central area of the site would be felled (7 in total – see para 397 below), however the application proposes the planting of 24 replacement species to ensure there would be no net loss.
- 225 Overall, the proposed layout of the development site would be acceptable, with the provision of areas of soft landscaping for future occupiers that will be subject to Condition. This represents a considerable improvement upon the layout of the refused scheme, and follows detailed pre-application discussions with officers.

6.3.3 Urban design and heritage conclusion

- 226 In summary, the proposed development is considered to be a high-quality proposal with regard to design. The current proposal has been subject to pre-application discussions with the LPA, and officers consider that the development proposal has sufficiently addressed the design concerns that were raised by officers in their assessment of the previous application, which was refused permission due to its height, proportions, design and insufficient space between the buildings within the site.
- 227 The development is of an appropriate height and scale and would use suitable facing materials, the reduction in dwellings have enabled the space between dwellings to be increased which has improved the site's soft landscaping. The design of the proposal is acceptable and would preserve the character and significance of the Conservation Area in line with the relevant policies.
- 228 As such, it is considered that the proposal is acceptable with regard to urban design and heritage impacts and accords with the aims and objectives of the London Plan and Development Plan and Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6.4 TRANSPORT IMPACT

General policy

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

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6.4.1 Access

Policy

- 231 Paragraph 110 of the NPPF states amongst other things that safe and suitable access to the site can be achieved for all users.
- 232 Core Strategy Policy 14 states that access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

- 233 The development would be served by a private access that currently serves the existing garages and outbuildings, pedestrian and vehicular access to the site would be directly from Geoffrey Road via this private access road. Each dwelling would have access from the front of the dwelling and there would also be a second access provided via a side gate for access to the garden.
- 234 The width of the site access road does not lend itself to the implementation of a segregated pedestrian footway/cycleway, and Officers agree with the applicant's Transport Statement ("TS") (Prepared by RGP, ref no. 2023/6700/TS03, April 2023) which states that the most practical operation would be as a shared surface with pedestrians, cyclists and vehicles utilising the same available space. Given the expected traffic levels for the access road would be low Officers consider the proposed shared surface with pedestrians, cyclists and vehicles is acceptable and is in line with the Manual for Streets ("MfS").
- 235 Officers acknowledge that the existing access road is narrow, and the flanking properties restrict the opportunity for any widening works to be undertaken, the applicant has demonstrated that there would be space afforded for pedestrians to pass incoming/egressing vehicles on the sporadic occasion that this may occur. Some concerns were raised by local residents that the narrow nature of the access road would cause damage to the existing dwellings either side of the road, Officers are satisfied that there would be similar degree of risk posed to either property in the circumstance that the existing lawful use comes back into use.
- 236 The TS states that their analysis highlights that a continual 1m buffer would be available along the eastern flank of the road for pedestrian refuge. As illustrated in dwg no. 2022/6700/003 REV P5, an ambulance would marginally encroach upon this area when accessing the site, however the incidence of this taking place would be nominal.
- 237 The previous application was refused because of the poor access arrangements as a result of the poor visibility splays and loss of four on-street car parking spaces as a result of the access improvements of that scheme. As a result of pre-application engagement on this matter and by demonstrating that an option appraisal has been undertaken to understand the impacts of various options, the TS has concluded that the proposed access arrangement as outlined below in Figure 9 would be the most appropriate.

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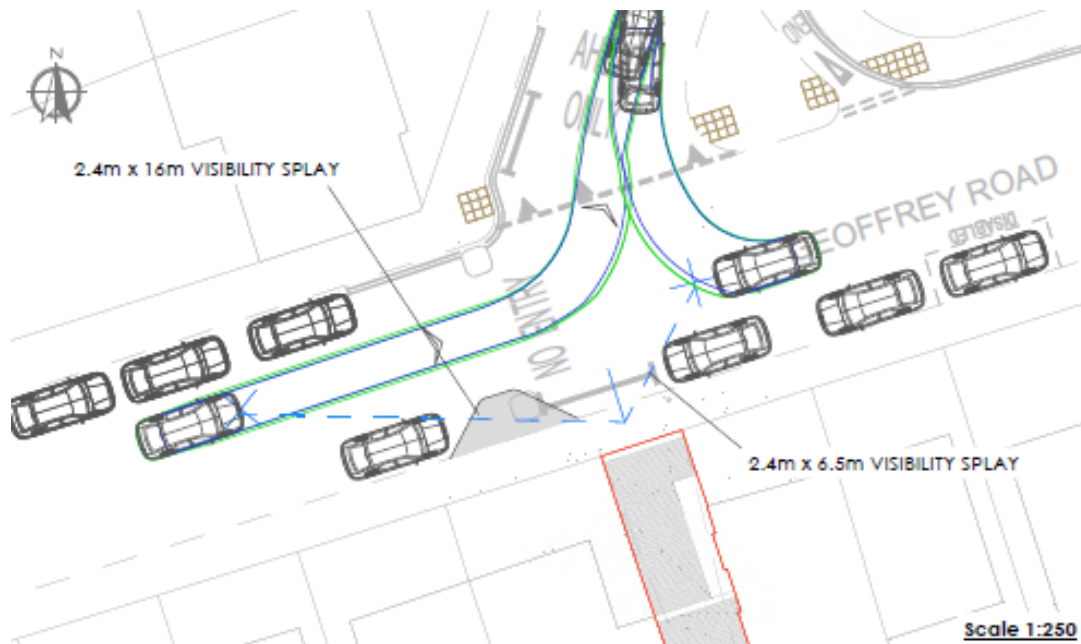


Figure 9 – proposed access arrangement and visibility splays (dwg no. 2022/6700/006 REV P3)

- 238 This arrangement would result in the installation of a replacement build-out feature; as illustrated above, the features exhibit a depth of 2.0m into the carriageway, with a maximum length of 5.7m. While this build-out feature would be larger than the existing feature, it would not result in the loss of an on-street parking space as the increase (across the width of No. 32) is not wide enough to reduce the on-street parking capacity.
- 239 The implementation of such features is forecast to improve visibility to achieve a splay of 2.4m x 16m to the left and 2.4m x 6.5m to the right. The splays illustrated within the drawing are considered to reflect the worst-case sightlines with consideration of a vehicle parked immediately adjacent to the feature.
- 240 The TS demonstrates that the applicant has considered and sought to address the previous reason for refusal and have designed an arrangement which would not result in loss of on-street parking. In their submission the applicant has acknowledged that parking is a concern for local residents, as such the proposed access arrangement above would improve highway safety/visibility to the west over the current arrangement without the loss of on-street parking.
- 241 Although local residents have raised concerns that the proposal would result in poor highway safety with vehicles turning into Geoffrey Road, Highway Officers have reviewed this revised application and are satisfied that the quantum of development is unlikely to result in a significant increase to a point whereby it leads to a severe highway safety concern. Together with the improvements to the visibility splays as outlined in drawing no. 2022/6700/006 REV P3 the revised scheme addresses the previous reason for refusal.
- 242 In terms of accessibility for emergency vehicles as already mentioned in para 236 ambulance vehicles would be able to access the site safely using the access route, no concerns are raised regarding the safe access by police vehicles given their similarities to ordinary vehicles which could access the site also. It is recognised however that fire tenders would not be able to access the site due to the width of the access road, this was deemed acceptable in the previous application (DC/22/126149) and did not form a

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reason for refusal. Given there are no changes to the width of the access road there is no reason to believe a different conclusion could be reached on this matter.

243 In order to comply with fire safety and building regulations, all dwellings would be provided with a category 2 sprinkler system, in line with BS 9251:2001. Additionally, as the nearest fire hydrant location (the junction of Geoffrey Road and Manor Avenue) is in excess of 90m of the fire service entrance points to the development a private hydrant will be required. These will be secured by condition as outlined in Section 6.2.12. Officers are therefore satisfied that the proposed development would have acceptable fire service provisions given the limited access to the site for fire tenders.

6.4.2 Highway Improvements

Policy

244 Policy T4 of the London Plan (2021) states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

Discussion

245 The Council's Highways Officer has advised that the Applicant will be required to enter into a s278 Agreement to deliver the highways works as discussed in para 238:

- Improvement works to the site access on Geoffrey Road to improve visibility splays when egressing from the site.

246 These works are considered necessary to improve the environment for motorists, pedestrians and cyclists to reduce conflict between different road users.

6.4.3 Local Transport Network

Policy

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

Discussion

248 The application site has a PTAL rating of 4, which signifies good access to the public transport network, Millmark Grove Bus Stop is 260m away, at a walk of 4-minutes and the closest train station is Brockley which is 0.3 miles away at a 5-minute walk away. These calculations have been taken from 34 Geoffrey Road, as this is where access to the new site is being proposed.

249 The TS details the trip generation assessment which indicates that a total of 95 daily two-way by all modes can be anticipated daily between 07:00 and 19:00. The development is also expected to generate 13 daily two-way person trips in the traditional AM peak (08:00-09:00) and seven daily two-way person trips in the traditional PM peak hour (17:00-18:00). Although local residents have raised concerns that there would be a significant increase in traffic congestion, Highway Officers have reviewed the information provided by this application and are satisfied that the proposed trips would not likely have an adverse impact on the local highways network given the scheme would be car-free.

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6.4.4 Servicing and refuse

Policy

- 250 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.
- 251 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 252 DMP 31 requires new development to have appropriate regard for servicing of residential units including refuse.
- 253 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

- 254 The Delivery and Servicing Management Plan ("DSMP") (Prepared by RGP, ref no. 2023/6700/DSMP05, dated April 2023) submitted by the applicant assesses the proposed servicing and delivery arrangements. The refuse collection arrangements for the proposed development, would follow the previous schemes proposals (DC/22/126149) which was deemed acceptable by the Council and Highways Officers; refuse arrangements did not result in a reason for refusal. As the refuse arrangements are the same as the refused scheme and there have been no material changes to the refuse arrangement officers see no reason why the same decision would not be reached again.
- 255 Due the constrained nature of the access and turning facility within the proposed development, there is limited opportunity for refuse vehicles to enter the site curtilage to serve the proposed dwellings. The applicant has proposed that a private management company would be employed to transport the refuse/recycling bins to a collection point near the site entrance, to be collected by the Council's refuse operatives. The proposed location of the bin storage area on the day of collection is illustrated within dwg no. 2022/6700/003 REV P5.
- 256 At this location (on the eastern side of the access road bordering property 34 Geoffrey Road), the bin storage area would be within 25m of a refuse vehicle along Geoffrey Road, thereby fulfilling the requirements outlined within MfS and the Small Sites SPD. The proposed refuse strategy would be in accordance with the Small Sites Design Guide which states that where the 30m distances are not achievable, it may be possible to implement a management strategy where waste and recycling is moved from outside the entrance to dwellings to a collection point.
- 257 The refuse management plan will be secured by planning obligation as part of a S106 agreement, so that the Council can have greater control and enforceability of the arrangement in the future, the plan will include the following: the number of bins to be provided for each dwelling; details for the storage of the bins and the bin collection point; the day of the week that the bins will be collected from the Land and returned; details of the contractor who will provide the refuse collection service together with a copy of the contract and in the event that the contractor providing the refuse collection service changes to provide the details of the new contractor. Officers are satisfied that this provision will enable the Council to have control over the refuse arrangements for the

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lifetime of the development and will ensure it operates in a manner which does not impinge on neighbouring amenity.

- 258 Local residents have raised concerns that the proposed refuse strategy would be insufficient and would result in the bins being left on the pavement along Geoffrey Road and by the windows of No. 34, Officers are of the view that the planning obligation would prevent this and the planning obligation is a legally enforceable agreement between the Council and the applicant. Officers do not consider the provision of the refuse bins along the shared access as indicated on the submitted plans would be unneighbourly as the bins would only be situated here for short periods at a time.
- 259 Each dwelling would have a refuse and recycling store which would be located within the rear garden of each dwelling, this store would be capable of storing the following mix of bins: 1x180l General Waste, 1x 240l Dry Recycling Waste and 1 x 23l Food Waste. Highway Officers are satisfied this mix and volume of bins would meet the British Standards BS5906:2005, further details of the refuse storage in each dwelling would be secured by way of a condition. An optional brown bin for garden waste could also be provided, however given the size of the rear gardens Officers question whether there is any requirement for this on the proposed plans.
- 260 Local residents also raised concerns with how the proposed development would be adequately serviced without causing impact to surrounding properties. While the structures in their current form (several disused garages and single storey buildings previously used as stables) are redundant and would not be expected to generate a material number of trips to/from the site, they would likely do so should they be reinstated to a usable condition.
- 261 It is considered likely, in its lawful form, that the existing site would generate several vehicle movements over the course of a typical day, and this would especially be the case should the existing garages be used for vehicle storage purposes, for example. As such, it is anticipated that the number of delivery/servicing movements associated with the proposed residential development would be lower compared to the site in its lawful form.
- 262 Given the scale of development, the number of delivery movements which can be expected across a day is not likely to be a cause of concern and these movements would be of short duration and could be accommodated either on Geoffrey Road or by entering the site. The DSMP describes the measures to be employed to ensure the site operates efficiently, avoids congestion and unnecessary vehicle movements, and includes a vehicle tracking drawing of the manoeuvres of a 3.5t Panel Van entering and leaving the site in a forward gear.
- 263 Highway Officers previously requested as part of the original application that the applicant should explain the measures to be employed to prohibit the prospective occupants from parking in the turning 'cul-de-sac', which would lead to service vehicles having to endure lengthy reversing movements along the private road and via the substandard access. The TS considers given the constraints of the site, informal parking anywhere on the access road or in the site would block turning and access. Consequently, owing to the inherent design of the site parking is considered to be self-managing.
- 264 Officers do not consider that this is sufficient to discourage the use of the access road by residents or the turning circle to park, clarification has been sought to confirm that signage would be installed along the access road to discourage parking along the

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access road and within the turning circle for extended periods of time, and that the future occupiers will be properly informed parking is not permitted here except deliveries and drop-off. An appropriately worded condition will be imposed which will seek details to discourage on-site parking and how it would be enforced by the management company.

265 The Brockley Society stated in their comments that the revised scheme would have an improved turning circle within the site, the revised scheme is better designed in this regard and has demonstrated it would be of a suitable size for the vehicles that are expected to use it.

6.4.5 Cycling

Policy

266 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.

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

Discussion

268 The proposed scale of development would generate a requirement of 16 long-stay cycle spaces and two short-stay for the residential accommodation as per LPP T5. The proposed cycle parking facilities would be provided within two locations across the site and include:

- 2 long-stay spaces to the rear of each dwelling
- Two long-stay non-standard larger cycles.

269 The proposed long-stay cycle parking provided in the rear garden of each dwelling would be accessed through the side entrance gates to each dwelling.

270 Highways Officers noted that the applicant however has not provided a detailed plan showing the dimensions of such parking. This should be submitted within a scaled plan, compliant to meeting London Plan standards in terms of quantum of spaces proposed. Additionally, the cycle storage must comply to London Cycle Design Standards (“LCDS”) to provide suitable cycle parking, which is deemed accessible and, placed within a secure and covered storage area. This should be secured by condition.

271 A condition is recommended securing details of the layout and specification of the equipment prior to the occupation of the development, in order to comply with LPP T5 and the London Cycle Design Standards.

6.4.6 Private cars

Policy

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

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- 273 Table 10.3 of the London Plan states in areas of Inner London with a PTAL of 4, the development should be car-free.
- 274 CSP 14 states that the Council will take a restrained approach to parking provision.
- 275 DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.

Discussion

- 276 The site is located within an area of good accessibility to local public transport services (PTAL 4) for which the development would be expected to be car free, the site is also not located within a Controlled Parking Zone ("CPZ"). Given the site constraints the proposed scheme would take a restrained approach to car parking which both local and regional policies require. Submitted layout plans show that the site would not accommodate on-site car parking spaces, although it does provide a turning circle for delivery vehicles and other vehicles that may need to access the site such as taxis dropping residents off late at night for example.
- 277 The Brockley Society had requested that the applicant includes provision for an on-site accessible parking bay given the dwellings would be M4(2) compliant. Officers do not consider the provision of an on-site accessible parking bay to be a policy requirement for a development such as this, nevertheless, there would be limited space on site to provide one without reducing the soft landscaped areas.
- 278 Given the application site is adjacent to the green corridor and SINC Officers are of the view that the provision of a high-quality soft landscaping strategy with minimal areas of hard landscaping is more appropriate given the context than to provide an on-site accessible parking bay.
- 279 Additionally, this application is supported by a TS with contains details of a parking stress survey ("PSS") which was undertaken as a result of the previous reason for refusal. Highways are satisfied that the updated PSS has responded to their previous comments regarding the robustness of the survey. They have concluded that the PSS demonstrates that there is sufficient capacity within the surveyed area to accommodate the proposals should some of the occupants own a car to park in the local area.
- 280 Officers are sympathetic to local residents' concerns which were raised regarding insufficient on-street car parking spaces and the general manner of road users in this area. However, the evidence before Officers as part of this application clearly demonstrates that the maximum degree of parking stress experienced along Geoffrey Road was 64% (equating to 54 parked cars with 30 spaces free) at 22:00, their TS states there would not be a notable increase in parking stress in the area.
- 281 Additionally, the PSS results indicate a relatively uniform degree of parking stress throughout the day, however at no point would this be considered 'high' (i.e. in excess of 85% stress). There is a general increase in the level of stress from 18:00-onwards which therefore suggests that Geoffrey Road functions as would be expected for a typical inner-London residential street, with an increase in observed demand for parking into the evening period.
- 282 The TS has also considered the cumulative impact of other schemes within the surrounding area being developed (application reference: DC/17/101182), it concluded that it would not negatively impact the overall findings of the on-street parking assessment. It should be noted that the recently approved development at 1 & 1a

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Brockley Cross (DC/23/130045) which is in close proximity to the application site was approved after the submission of this application, therefore the TS has not considered this when making an assessment of the cumulative impacts.

- 283 Nevertheless, Highway Officers have considered this concern from local residents when completing their comments and concluded that the cumulative impact of nearby developments with regards to parking and the level of parking stress in the area is not expected to impact adversely on the projected levels of parking stress in the area if this scheme were to be approved.
- 284 Officers have sought agreement with the applicant for a financial contribution of £15,000 towards the consultation of a future CPZ in the area, the S106 agreement will also secure that future occupants would not be eligible to purchase a parking should a CPZ be implemented in the vicinity of the site in the future. While Officers understand that local residents have reservations with the implementation of a CPZ as part of the Council's Sustainable Streets consultation, the implementation of a CPZ could help to reduce the impacts of commuters occupying the on-street car parking which residents have identified.
- 285 It should also be noted that there are a number of car club vehicles within close proximity to the application site, they are located on Ashby Road circa 600 metres (an 8-minute walk) from the site and on Wickham Road and the B218 Brockley Road.
- 286 During the course of this application Officers have sought agreement to an additional planning obligation to secure a three-year membership to a local car club scheme. This will enable future occupiers to rent a car by the hour when they require one which would further reduce the need to own a private vehicle, thus reducing the parking stress within the vicinity of the site.
- 287 The previous scheme was refused because it would result in uncontrolled overspill parking which was further compounded by the loss of four on-street parking spaces as a result of the access improvements. Officers are satisfied that the revised design as shown in Figure 9 addresses the reason for refusal, as it would improve the visibility splays and would not result in any loss of on-street car parking spaces and the revised PSS demonstrates adequate on-street parking capacity to absorb any additional vehicles associated with the new development.

6.4.7 Construction impact

Policy

- 288 LP Policy 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

- 289 An Outline Construction Logistics Plan ("CLP") (prepared by RGP, ref no. 2023/6700/CMP06, dated April 2023) was submitted with the revised scheme and has been reviewed by the Council's Highways and Environmental Heath Officers. The outline plan is generally acceptable as advised by Highways. However, Highways have advised that the largest expected vehicle to the site has not been assessed using swept path drawings of the vehicle entering and exiting the site.

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- 290 Officers are satisfied that the applicant could provide this swept path drawing as part of a detailed CLP which will be secured by condition. The applicant will need to demonstrate that the largest expected vehicle, a concrete lorry - as detailed in their CLP - can enter an exit the site in forward gear.
- 291 Highways have also suggested that a condition should also be secured to restrict the size of construction vehicles accessing the site, this can form part of the detailed CLP condition. The site should not accept vehicles larger than the anticipated concrete lorry (8.4 m in length and 2.4 m wide) as detailed in their CLP, the acceptability of such a lorry will be dependent on demonstrating this vehicle can manoeuvre in and out of the site successfully.
- 292 The applicant has also been advised of a number of corrections to the CLP in terms working hours, drawing no. 2022/6700/008 needs extending to include the swept path at the site access, provision of a heavy-duty crossover, discussion of vehicle delivery routes given the width restriction in Geoffrey Road.
- 293 Additionally, Environmental Health has requested additional details of dust prevention measures are added to the CLP and Ecology have also requested that measures are implemented to prevent construction effects to the neighbouring SINC and green corridor which are outlined in Section 6.7.1. A pre-commencement condition is recommended securing the details of the detailed CLP which will help to address the concerns raised by local residents with regards to highway and pedestrian safety during the construction phase.

6.4.8 Transport impact conclusion

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

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 295 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL and Small Sites SPD 2021, LBL).
- 296 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.
- 297 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.
- 298 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

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

6.5.1 Enclosure, Outlook and Privacy

Policy

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

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

302 The Small Sites SPD gives further guidance on this, which reduces these distances and is considered more relevant as it is more recent document.

Discussion

303 At present, the application site comprises of several single storey structures, the proposed part-one and part-two-storey houses would have a maximum height of between 6.0m, this is a reduction from the maximum ridge height of 8.9m for the refused scheme. The proposed dwellings would appear much more subordinate buildings to the frontage buildings in its backland setting, and they are unlikely to give rise to any sense of enclosure.

304 Local residents raised concerns that the proposed development would result in a reduction of privacy and their gardens would become overlooked. The separation distance between the proposed units and the frontage properties along Geoffrey Road, there would be a minimum of 17.5m between the two closest directly facing windows.

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Figure 10 - Proposed Separation Distances & Aspect

- 305 The closest dwelling relationship would be between unit 1 (house type one) and Nos. 22 and 24 Geoffrey Road, this would be a minimum of 17.7m separation distance between each other. While Officers recognise that house types two & three to the western and eastern end of the site have one small window each at first floor providing natural light into the stair & hallway. These windows serve non-habitable rooms and are set at a minimum 17.5m distance from neighbouring properties.
- 306 Units one to three would be the only dwellings which would have a separation distance from directly facing windows of less than 21m, they would have a separation distance of 17.7m (non-habitable), 18.5m and 20.0m respectively. The distances for Units two and three are therefore below the 21m recommended by DMP 32. However, the Small Sites SPD adopted in October 2021 updates the recommended minimum distances to 16m, therefore all proposed dwellings would have a separation distance which meets the Small Sites SPD guidance.
- 307 In addition, all properties along Geoffrey Road would have the 10m privacy zone to their gardens as set out in the Small Sites SPD, although Officers do note a number of gardens have been subdivided where the property has been also subdivided such as No. 26. These gardens would still maintain an adequate level of privacy and no concerns are raised.
- 308 Overall given this development is in accordance with the Small Sites SPD Officers are satisfied it would not give rise to loss of amenity in terms of sense of enclosure, loss of outlook and privacy.

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6.5.2 Daylight and Sunlight

Policy

- 309 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 310 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.
- 311 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 312 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).
- 313 The three methods for calculating daylight are as follows: (i) 25-degree test; (ii) Vertical Sky Component ("VSC"); and (iii) No Sky Line ("NSL").

Discussion

- 314 The application is accompanied by a Daylight, Sunlight & Overshadowing Report of neighbouring properties ("DSOR") (prepared by CHP Surveyors Limited, dated April 2023). 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:
- 22-32 Geoffrey Road
 - 34-46 Geoffrey Road
- 315 The report finds the proposals would not bisect a 25°-line drawing from the centre of the lowest window of 22-26 Geoffrey Road, which are the closest neighbouring properties to the proposals and therefore as stated in paragraph 2.2.5 of the BRE guidelines the development is unlikely to have substantial effect on the daylight or sunlight enjoyed by the neighbouring properties and no further analysis is required.
- 316 With regards to an assessment on amenity space, paragraph 3.3.17 of the BRE guidelines states that for an area to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least two hours of sunlight on 21st March. The DSOR has undertaken an overshadowing analysis of the garden to No.22, this property was chosen as it is the closest to the proposals therefore the garden most likely to be impacted, the analysis demonstrates that all the gardens to the Geoffrey Road properties will retain good access to direct sunlight.
- 317 Although local residents have raised concerns that the proposal would result in the loss of sunlight and daylight, the submitted daylight, sunlight and overshadowing analysis has

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concluded that given the surrounding context and the current underdeveloped nature of the proposed site, there would be not significant change to the levels of daylight that will be received by surrounding properties following the proposed development. As such Officers raise no concerns that the proposed development would give rise to a significant loss of sunlight/daylight and overshadowing which would be detrimental to the amenity of surrounding neighbours.

6.5.3 Noise and disturbance

Policy

- 318 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 185 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 319 The NPPG states LPAs should consider noise when new developments may create additional noise.
- 320 The objectives of the NPPF and NPPG are reflected in LPP D1 and D13, CS Objective 5 and DMP 26.

Discussion

- 321 A number of concerns were raised by local residents that the quantum of development would result in increased noise and disturbance, however it would not result in any long-term noise impacts to the surrounding properties as set out in the Noise Impact Assessment 'NIA'. The NIA has also undertaken a reflect train noise assessment which concluded that reflected train noise is substantially below the existing noise climate at the residential dwellings located on Geoffrey Rd, and less than 1 dB at the residential dwelling located on Cranfield Rd. It is therefore considered that the prediction of changes in noise levels as a result of the proposed new residential units are negligible.
- 322 However, there is considerable potential for short-term impacts during the construction phase of development given the scale of the works. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a condition is recommended to secure the Construction Management Plan in order to minimise the impacts of the development.

6.5.4 Impact on neighbours conclusion

- 323 The impact to the living condition of the neighbouring residential properties is therefore considered acceptable subject to the planning conditions set out above.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 324 NPPF para 156 sets an expectation that planning will support transition to a low carbon future.

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- 325 This is reflected in relevant policies of the London Plan and the Local Plan.
- 326 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.
- 327 London Plan Policies require developments to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.
- 328 The London Plan approach is reflected in Core Strategy Policy 7 ‘Climate change and adapting to the effects’ and Policy 8 ‘Sustainable design and construction and energy efficiency’ which states that the Council will explore opportunities to improve the energy standards and other sustainability aspects involved in new developments and that it will expect all new development to reduce CO2 emissions through a combination of measures including maximising the opportunity of supplying energy efficiently by prioritising decentralised energy generation for any existing or new developments and meet at least 20% of the total energy demand through on-site renewable energy.
- 329 DM Policy 22 ‘Sustainable design and construction’ provides further guidance in terms of how all developments will be required to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.

6.6.1 Energy and carbon emissions reduction

Policy

- 330 CSP 8 seeks to minimise carbon dioxide (CO2) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 331 DMP 22 requires all development to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.
- 332 There is no policy requirement for minor developments such as this to meet the requirements of London Plan Policy SI 2 in terms of a minimum on-site reduction carbon emission of at least 35 per cent beyond Building Regulations or that they must be net-zero. This is only a policy requirement for major development proposals.

Discussion

- 333 The applicant has submitted a Sustainability Statement (“SS”) (prepared by SRS Surveyors Ltd, ref no. 21/055/SS/06, dated 06 April 2023) which outlines the proposed development’s sustainability, energy efficiency and sustainability strategies developed with the aim to meet the sustainability targets of London Borough of Lewisham, in line with the London Plan 2021.
- 334 As outlined in para 332, there is no policy requirement for the applicant to submit a sustainability statement to support this application or to meet the requirement of an on-site reduction of greenhouse emissions. While the statement has suggested a number of measures to be implemented, these appear to be high level aims for the development rather than specific proposals. Nevertheless, as there is no policy requirement for the submission of the sustainability statement, the measures outlined in the statement with regards to minimising greenhouse emissions cannot be conditioned.

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335 As such, Officers give little weight to the submitted sustainability statement as the only requirement for the proposed development is to be to the air-quality neutral, as such Officers attribute limited weight to this sustainability benefit in the planning balance.

Be Lean

336 The statement suggests that the aim to achieve significant reduction in CO₂ emissions (this has not been quantified as a percentage) the measures include passive design: both architectural and building fabric measures to reduce the need for energy through; orientation, natural ventilation, air tightness, optimised windows, shading and robust insulation standards.

Be Clean

337 The statement suggests that ASHPs would be utilised to provide space heating and hot water for the proposed dwellings, low energy light fittings would be installed internally and externally, smart meters, A/A+ rated energy-efficient appliances would be utilised also.

Be Green

338 The statement suggests the development would use of innovative solutions to generate renewable energy in developments is encouraged at the 'Be Green' stage of the energy hierarchy. Also, stating that each renewable energy technology technically feasible in London should be considered as an integral part of the overall energy strategy.

339 Although the applicant has suggested the above energy and carbon emissions reduction, the energy measures of the London Plan do not apply to this specific application given it is a minor application. Officers welcome the proposed measures; however these cannot be insisted upon therefore this is given limited weighting in the planning balance.

6.6.2 Overheating

Policy

340 LPP SI4 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations, reduce reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Policy D6(c) states new development should avoid overheating.

341 DMP 22 reflects regional policy, requiring all developments to maximise the incorporation of design measures to manage heat gain.

342 Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

Discussion

343 The SS sets out a number of measures which together reduce the risk of overheating such as natural ventilation; appropriately sized openable windows; low solar transmittance glazing; LED light fittings and energy-efficient appliances. It is not expected at this time that a whole house ventilation system would be required, however the SS does state that this would be considered at the detailed design stage, as explained in para 154 an updated SS is not required. On the basis of the information

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submitted, Officers raise no objection to the proposed development in relation to overheating.

6.6.3 Urban Greening

Policy

- 344 LPP G5 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.
- 345 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. It also specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

Urban Greening Factor

- 346 The London Plan introduces the concept of an Urban Greening Factor (UGF) as a principle to support improved public realm and air quality. Policy G5 of the London Plan identifies that major development should contribute towards urban greening, with a UGF target score of 0.4 recommended for residential-led development. The UGF is calculated on the basis of a weighting given to different surface finishes ranging from hard and soft landscaping through to intensive and extensive green roofs on a development. The aggregate of the areas multiplied by the weighting is then divided by the total site area to provide a UGF for a development scheme.
- 347 Although this application does not meet the threshold to be classified as a major development, the applicant has however detailed the UGF score for the scheme which would achieve a score of 0.49; this is welcomed by the Council's Tree and Landscape Officer. Officers consider given the sites adjacency to a green corridor / SINC and the removal of seven on-site trees it is important to secure the UGF through conditioning details of the landscaping strategy and biodiverse living roof. The landscape management strategy is also required to show how the proposed trees, hedging, grass and flower rich perennials which will be planted to reach the UGF will be retained in the long-term given half of the trees would be located within private gardens.
- 348 While the proposal would result in the loss of seven on-site trees, they would be replaced with 24 new trees to aide in urban greening a meeting the Mayor's goal of increasing London's tree canopy by 10% in 2030. Officers are satisfied that the loss of seven trees would not be detrimental to the urban greening of the site given the improved replacement tree offer of the previously refused scheme (increased from 13), this improved tree offer has addressed the previous reason for refusal.

Biodiverse Living Roof

- 349 The introduction of biodiverse living roofs to each dwelling is welcomed by Officers and Brockley Society, the proposed biodiverse living roofs would amount to 360sqm. The applicant has confirmed these would be constructed with biodiverse living roofs rather than sedum only plug planted roofs. A planning Condition will require the submission of details of the living roofs, including section plans that show the depth of substrate prior to

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above ground works, and will ensure evidence that the roofs are constructed in full accordance with the approved details prior to first occupation.

6.6.4 Sustainable Urban Drainage

Policy

- 350 LPP SI 13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.
- 351 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 352 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.
- 353 LP Policy G4 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 and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for biodiversity.
- 354 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

- 355 The submission advises that the site lies within Flood Zone 1, further analysis of this demonstrates that it is also an area of 'very low risk' of surface water flooding, in accordance with the Environment Agency surface water flood maps.
- 356 The existing site does make some contribution to the sustainable urban drainage given that it is a largely undeveloped site with many trees and soil coverage.
- 357 The applicant has not provided a drainage strategy for the proposed development, it is likely the inclusion of biodiverse living roofs and soft landscaping features would help to a certain extent to prevent surface water drainage issues. It should be noted that the soft landscaped areas have upstands to them which prevents surface water from draining into those areas, these should be revised as part of the details which will be secured by a hard landscaping condition.
- 358 Given the size of the site there is limited opportunity to secure improvements. In light of this, Officers consider it necessary to secure the proposed improvements by way of condition, with a particular emphasis on ensuring the permeability of surfaces through maximising areas of soft landscaping and the use of permeable surfaces atop a permeable substrate where hard surfacing is necessary.

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6.6.5 Sustainable Infrastructure conclusion

359 Subject to conditions as outlined above, the proposed development is considered acceptable with regard to flood risk and sustainable drainage. The development's contribution to urban greening with its associated benefits in terms of amenity, ecology and biodiversity is a planning benefit of the scheme to which moderate weight is accorded.

6.7 NATURAL ENVIRONMENT

General Policy

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

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

362 The NPPF at paragraph 185 states that decisions should ensure that new development is appropriate for its location taking 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 that could arise from the development.

363 LPP G1 sets out the Mayor of London's vision for Green Infrastructure as a multi-functional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

6.7.1 Ecology and biodiversity

Policy

364 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.

365 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 the principles which LPAs should apply when determining applications in respect of biodiversity.

366 CSP 12 seeks to preserve or enhance local biodiversity.

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

368 Small Sites PSD states at part 6.4 Development proposals on land close or adjacent to SINC will be considered in relation to their detrimental impact on visual amenity, character or use of the SINC. The impact that they have on the biodiversity and ecological values of the sites will also be considered to assess whether they would harm the sites and if so what mitigating or compensating measures are being taken.

Discussion

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- 369 The NPPF and the LPP G6 state that development proposals should aim to contribute a net gain in biodiversity. The existing site due to its undisturbed and overgrown nature, contributes to the biodiversity of Lewisham and surrounding area, therefore the proposed development should support and increase biodiversity through suitable ecological enhancements. The application site itself is not subject to any statutory or non-statutory nature conservation designations, however it is adjacent to the Brockley to St John's SINC and green corridor as such the construction of the proposed development and the operational development will need to be carefully managed to avoid unnecessary impact on the SINC and green corridor.
- 370 This application has been supported with a Preliminary Ecological Appraisal Survey ("PEAR") (prepared by Temple Group Limited dated September 2022), a Bat Survey Report ("BSR") (prepared by Temple Group Limited dated September 2022) and a Badger Survey Letter Report ("BSLR") (prepared by Temple Group Limited dated September 2023).
- 371 The applicant undertook a bat survey in August 2023, the BSR considered that only three of the five onsite buildings recorded as having low potential to support roosting bats, all trees on site were assessed as having negligible potential to support roosting bat. As no roosts were found on site, it is considered that no direct impacts on roosting bats are envisaged from the proposed development. It sets out a number of recommendations in Section 5 which should be incorporated into the Biodiversity Enhancement & Management Plan and the landscaping strategy.
- 372 Additionally, Section 4 of the PEAR recommends the following ecological enhancements for the proposed development which include the installation of bird and bat boxes, wild-life friendly planting, wild-life sensitive lighting strategy, the creation of deadwood habitats for invertebrates and the inclusion of hedgehog passes within the boundary treatments.
- 373 While the Council's Tree and Landscape Officer raised concerns with the loss of on-site trees and shrubs with respect to bats, these concerns were not shared by the Council's Ecologist who instead recommended a number of mitigation and biodiversity enhancements as set out below.
- 374 The Council's Ecologist has recommended that integrated bird and bat bricks are added to the building instead of installing bird and bat boxes on trees on the embankment as the embankment trees are cut back regularly by Network Rail to secure the railway which could disturb or destroy boxes installed on trees in future. Also, integrated boxes would provide nesting/roosting habitat for longer.
- 375 The PEAR also considers the impact to various protected and notable species. It concludes there are no habitats of high ecological value which would present a constraint to the redevelopment of the site. The habitats at the Site and populations of the above species are likely to be of importance within the immediate vicinity of the Site only. The PEAR recommends that no vegetation e.g. trees, bushes, shrubs, hedges, bramble scrub or dense ivy cover should be removed during the bird nesting season this measure would be secured by condition.
- 376 Neighbours consider that the development would potentially harm existing wildlife within the site and adjacent green corridor and SINC. The supporting reports are clear that there are no habitats of high ecological value which would present a constraint to the redevelopment of the site. While it recognises that the adjacent SINC has some habitats of greater ecological interest in the form of trees, scrub and tall ruderal and are

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designated at the Borough level, Officers also recognise that the SINC is confined to Network Rail land and no construction will encroach into the SINC directly.

- 377 Nevertheless, the PEAR sets out a number of recommendations which would limit the impact on the adjacent SINC and also a number of enhancement opportunities are also provided within Section 4 of the PEAR which the Council's Ecologist are supportive of. These enhancements will be secured by condition and a Biodiversity Enhancement & Management Plan which should include 5 integrated bird bricks – 2 swift bricks on the East elevation of the house farthest East; 5 integrated bat bricks; hedgehog highways, log piles and bug hotels prior to above ground works as requested by the Ecologist.
- 378 Following concerns raised by local residents that there may be badgers along the green corridor and SINC Officers requested that the applicant undertake the badger survey as recommended by the PEAR prior to determination of this application. The BSLR found that no badger setts or field signs were recorded during the survey, particular attention was paid to the boundary with the adjacent rail line and areas where the vegetation and/or topography offered suitable sett sites; the BSLR therefore concludes that badgers are not present on the site.
- 379 It had however found two mammal holes, which were of size and shape associated with foxes, in addition to a strong fox scent around the hole in the western extent of the site. While foxes are not specifically protected under current legislation, mitigation measures must be undertaken in order to avoid committing an offence under the Wild Mammal Protection Act (2006). Where the mammal burrows require removal, they should be dug out using hand tools or light machinery where possible. The works should be undertaken under the supervision of an ecologist to ensure that legislation in relation to this species is not breached, an informative will be added to advise of this.
- 380 The same report has recommended that as badgers are a mobile species and are known to be present along the adjacent railway corridor it is recommended that a pre-construction inspection be carried out no more than 6 months prior to ground-breaking works. This will be conditioned to ensure a further inspection is carried out by a suitably qualified ecologist prior to ground-breaking works.
- 381 The Council's Ecologist has reviewed all of the reports and has accepted that the surveys were carried out in accordance with best practice and the requirements of the Lewisham Biodiversity Planning Guidance, and that development works to the building can occur without the need for further surveys. Officers are satisfied that the applicant has addressed the previous reason for refusal relating to insufficient and contradictory information and to the lack of an appropriate ecological assessment. The Council's Ecologist are satisfied that there would not be any detrimental impact on the green corridor and adjacent SINC.
- 382 The Ecologist has also reviewed the Construction Logistics Plan and highlighted it did not take into account the impact construction could have on the adjacent SINC and green corridor, as such a condition requiring a revised CLP which takes into account biodiversity considerations relating to the adjacent SINC and green corridor will be secured by condition.

6.7.2 Light pollution

Policy

- 383 The NPPF at para 180 states limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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Discussion

384 The application site is located adjacent to the Brockley to St John's SINC that has the potential and demonstrable value for local wildlife and nature. The proposed development represents a significant increase in the scale of development on the site and with it comes a higher risk of light spill to the surrounding area, similar concerns were raised by local residents. For that reason, a condition is recommended securing a scheme of lighting to ensure that impacts to local wildlife, and the area generally, are within acceptable levels.

385 The Council's Ecologist agrees with the submitted PEAR and BSR which advises that a dark corridor on the south side of the site should be implemented in order to protect wildlife and foraging bats, they consider that the lighting strategy will need to consider internal lighting as well to avoid light spill from the first-floor rooms to the SINC. A prior to above ground works condition will secure these details for approval by the Council's Ecologist.

6.7.3 Green spaces and trees

Policy

386 Section 197 of the Town and Country Planning Act 1990 gives LPAs specific duties in respect of trees. This includes a duty to, wherever it is appropriate, that in granting planning permission for any future development adequate provision is made by the imposition of conditions, for the preservation and planting of trees.

387 Section 211 of the TCPA 1990 details that trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990.

388 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 long term maintenance of newly planted trees, and that existing trees are retained where possible. Applicants and local planning authorities should work with highways and tree officers to ensure the right trees are planted in the right places and solutions are found that are compatible with highways standards and needs of different users.

389 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.

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

391 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey

Discussion

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- 392 The application is accompanied by an Arboricultural Survey & Impact Assessment Report (“ASIAR”) (prepared by Marcus Foster Arboricultural Design & Consultancy, ref no. AIA/MF/046/23, dated April 2023) which lists the 20no. existing trees and 1no. shrub located within close proximity of the proposed development, 7no. of which are located within the application site. They include which includes Pear; Elder; Ash; Damson; False Acacia; Eucalyptus; Silver Birch; and Leyland Cypress. The survey concludes that none are considered to be Category A; 3no. are Category B; 16no. Category C; and 2no. Category U.
- 393 The development would require canopy lateral reduction of 3.5m of the two mature trees (T15 and T16) located on Network Rail land which overhang the site, these trees are also located on the SINC but are subject to cyclical pruning as evidenced by recent works to the railside trees along this stretch. Officers are of the view that because Network Rail routinely prune the trees and also remove trees along the railway line to ensure passenger and train safety the proposed pruning is also acceptable, as set out in the applicants submission those trees had not been pruned in a number of years due to COVID and had likely grown larger in that time thus requiring them to be pruned by the applicant to facilitate the development.
- 394 The Council’s Tree and Landscape Officer had raised concerns that the existing and proposed drawings do not include existing level sections to show if ground level changes are proposed, so it is not possible to assess the full extent of incursion into the Root Protection Areas (RPA) of T15 and T16 railside trees. Officers are satisfied that by securing details by condition of the proposed development’s foundation design, which should also include section they can determine whether the soil level will be altered, and these concerns can be appropriately addressed.
- 395 The application also proposes the removal of 7no. trees that lie within the application site. None of the affected trees are subject to a Tree Preservation Order. The affected trees are:
- 5no. Sycamore (Category C): T10 to T13 and T20
 - 2no. Sycamore (Category U): T9 and T14;
- 396 Officers do not agree with the conclusions of the report that category C and U trees have little to no value; LPP G7 recognises the value that category C trees can have in terms of overall amenity of an area, particular when in a group as here. Nevertheless, there is a significant planning benefit as a result of providing 8no. new dwellings on this underutilised site which would outweigh the harm arising from the loss of these established trees. In any case, none of the trees to be removed are subject to a TPO or form part of the green corridor and SINC, their removal should not be resisted.
- 397 As discussed, while the removal of those trees is unfortunate, their removal is necessary in order to allow for the development to come forward and to provide the quantum of development on site, pre-application discussions took place between the applicant and the Council to reduce the number of dwellings proposed so that a greater number of replacement trees could be planted.
- 398 Local residents raised concerns that the loss of existing on-site trees would not be adequately replaced, however there would be a minimum of 24no. replacement trees are proposed, which increase the canopy cover by greater than 10%, achieving and improving on the Greater London Authority’s commitment to increasing tree canopy cover by 10% by 2050. This would be an uplift of 11no. additional trees when compared with the previously refused scheme, the increase in tree coverage is a clear planning benefit.

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- 399 LPP G7 states that if planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by an appropriate valuation system such as CAVAT. Since the submission of this application the Unit Value Factor which forms part of the calculation for CAVAT was increased, Officers are satisfied that the CAVAT value does not need to be updated to take this into account as those changes postdate the submission of this application.
- 400 While the Tree and Landscape Officer have raised concerns that the proposed tree planting would be insufficient based on the CAVAT value of the trees lost versus the trees value at the point of planting, Officers consider that the CAVAT measure is one such measure to guide tree replacement. Given there would be an uplift of 17no. new trees to be planted throughout the site Officers are satisfied that by securing a landscape strategy by way of condition this loss can be justified. The condition will be worded to reflect the comments raised by Tree and Landscape Officers with respect of species, location and planting size.
- 401 The Arboricultural Assessment also includes a calculation of future CAVAT net gain from 20 small and medium species trees based on projected tree size after 15-20 years. Tree and Landscape Officers do not consider it would address the need for tree loss to be re-provided by the development and would leave the site in tree benefit deficit for most of the projected time. It is recognised that the projection also assumes the new trees would establish successfully and develop full canopies near to the new dwellings.
- 402 While Officers recognise the concerns of the Tree Officer that this does not address the need for tree loss to be re-provided by the development quickly and would leave the site in tree benefit deficit for most of the projected time. Tree Officers have suggested that 60 nursery sized trees would be needed to offset the loss, this is clearly not a realistic number for a site of this size.
- 403 It is important to have regard with the current lawful use of the site. Should the applicant seek to bring this back into use it is expected that a number of trees would likely be removed given the overgrown nature of the site currently. Officers are of the view that there is nothing to stop the applicant from serving the six-week notice on the Council for the removal of these trees. Given the quality of those trees, they would not be deemed to have sufficient amenity value to formally protect them, which is the only option the Council would have to resist their removal. In that situation the Council would have no powers to compel the applicant to plant new replacement trees, as is the case with this application.
- 404 It is therefore important to make a balanced assessment that the loss of trees (7 no.) would be replaced with three times (24 no.) as many trees as lost, it would also enable the development of this quantum to come forward; both the increase tree canopy (which is in line with LPP G7) and the provision of new residential dwellings are a significant planning benefit which in the opinion of Officers outweigh the limited harm from the removal of these Category C and U trees.
- 405 The applicant's landscaping strategy proposes planting measures may include *Acer campestre*; *Alnus glutinosa*; *Prunus avium* and *Sorbus aucuparia*. These are considered acceptable and are an improvement on the previously refused scheme which included fastigiated and columnar trees that were not supported.
- 406 While the Tree and Landscape Officer also raised concerns that 15no. of the new trees would be in private rear gardens, not communally managed, their concerns fail to take into account the significant uplift in trees on-site subject to approval at discharge of

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condition stage. It would be within the gift of the Council to secure further tree planting and pollinator planting when the applicant seeks to discharge the soft landscaping condition.

- 407 The applicant will be encouraged by way of an informative to engage with the Council at pre-application stage to discuss the requirements of the hard and soft landscaping and ecological improvements conditions to ensure the details appropriately address the concerns raised by Tree and Landscape Officers, and to ensure the right tree is planted in the right place. This would enable further discussion on those matters so that the landscaping scheme is appropriate for the sites context adjacent to a SINC and green corridor.
- 408 Tree and Landscape Officer raised concerns that the limited 2m space between the buildings and the southern railside boundary prevents the re-establishment of the treed boundary and landscape amenity to the railside SINC and Green Corridor. It should be noted that the application scheme had undergone robust engagement with the Council (which included Tree and Landscape Officers) at pre-application stage in order to address the previous reasons for refusal, on balance Officers are of the view that the proposed 2.0m separation distance between the site boundary and proposed buildings is sufficient. This separation distance would allow for the provision of 13no. new trees along the railway boundary which would replace the 7no. to be removed as part of this development. While Tree and Landscape Officers also raised concern that there would be an expectation in the design of views out from the new buildings over the railway (as indicated in DAS para 3.5, p.22), these views are indicative and the final landscaping details will be secured by way of condition.
- 409 Officers consider it necessary given the Tree and Landscape Officer concern regarding the close board timber fencing along the southern boundary, that a suitably worded condition which makes clear to the applicant that the southern boundary treatment should be designed in such a way to ensure it is not visually intrusive and out of character beside the railway. The condition will also make clear that the boundary treatment should not be designed in such a way that it would obscure the visual amenity of the proposed native species hedge and isolate the hedge and gardens from the railside SINC habitat and wildlife
- 410 While Tree and Landscape Officers have raised concerns that the proposed rear garden back-to-back bike stores could fragment the proposed boundary hedgerow and any hard surfacing required to access the year-round could reduce the area of amenity grass. These concerns can be dealt with by a suitably worded condition for the cycle storage which makes clear that the rear garden cycle storage does not fragment any rear boundary hedgerow and that any hard landscaping required to access the storage is kept to a minimum
- 411 In addition, a tree protection condition will be included to ensure appropriate measures are undertaken during construction works to safeguard existing trees both on-site and to neighbouring gardens within close proximity.
- 412 The proposed landscaping strategy also includes new trees, hedging, grass and flower rich perennials within the private rear gardens which will help to maintain a green boundary setting alongside the railside SINC and Green Corridor. There would also be sufficient pollinator planting within the shared space surrounding the turning circle, this has been increased in sized when compared with the refused scheme and also includes a tree within the middle of the site to add to the treed character of the conservation areas as requested by Conservation Officers.

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413 Should any proposed tree or soft landscaping which dies within 5 years, a Condition will ensure they are suitably replaced, and details of their management will also be secured.

6.7.4 Ground Pollution

Policy

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

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

416 DMP 28 'Contaminated land' provides the policy basis for assessing development proposals in terms of site contamination.

417 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.

418 The test is that after remediation, land should not be capable of being determined as "contaminated land" under Part 2A of the EPA.

419 If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. DEFRA has published a policy companion document considering the use of '[Category 4 Screening Levels](#)' in providing a simple test for deciding when land is suitable for use and definitely not contaminated land.

Discussion

420 A Phase I Geo Environmental Desk Study and Preliminary Risk Assessment (prepared by R. Carr Geotechnical Services, ref no. 3896/21, dated August 2021) has been submitted in support of the application. Given the time between when the assessment was completed, and the submission of this application Officers requested that the applicant confirm that no work has been undertaken on site since August 2021 that would change the conclusions of this report, which they were able to confirm.

421 The report has been reviewed by an Environmental Health Officer who has recommended that a condition be imposed to secure further reports and potential remediation given the historic uses of the site.

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6.7.5 Air pollution

Policy

- 422 NPPF para 174 states that decisions should among other things prevent new and existing development from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being.
- 423 LPP SI1 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.
- 424 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.
- 425 Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

- 426 The site is located in an Air Quality Management Area. An Air Quality Neutral Statement ("AQNS") (prepared by entran, dated 25 April 2023) and Outline Construction Logistics Plan ("CLP") (prepared by RGP, ref no. 2023/6700/CMP06, dated April 2023) was submitted with this application to consider air quality matters.
- 427 The CLP is silent on air-quality matters and as discussed in Section 6.4.7 a detailed CLP will be secured by condition which would consider the potential for harm to local air quality through dust generation and to mitigate against this, Officers are satisfied that good practice dust control measures could successfully mitigate against any potential harm. A condition will therefore be imposed securing the detailed Construction Management and Logistics Plan (CMLP). In addition, a condition is recommended ensuring compliance with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards as requested by Environmental Health Officers.
- 428 For the operational phase of development LPP SI1 requires that developments must be air quality neutral. The AQNS has set out that that the development would not have any on-site car parking provisions and that heating and hot water would be provided through the use of an Air-Source Heat Pump ("ASHP") to each dwelling. Therefore, the AQNS concludes that the development would be air quality neutral in accordance with the London Plan requirement. As such no further action is required in terms of on-site mitigation or offsetting for the operational phase of development

6.7.6 Natural Environment conclusion

- 429 Subject to conditions as outlined above, the proposed development is considered acceptable with regard to ecology and biodiversity, ground pollution and air pollution. In terms of biodiversity, the proposed development would deliver a net gain in the provision of soft landscaping and trees, living roofs and wildlife boxes, as such Officers on balance do not find any harm would arise from the proposed development in terms of natural environment.

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7 LOCAL FINANCE CONSIDERATIONS

430 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).

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

432 The CIL is therefore a material consideration.

433 £49,350.00 Lewisham CIL and £42,300.00 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 Equalities Considerations

434 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.

435 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.

436 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.

437 The Equality and Human Rights Commission has recently issued updated 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 statutory guidance issued which can be found on: <https://www.equalityhumanrights.com/guidance/public-sector-equality-duty>

438 That there is a potential impact on equality given the facts, however, this has been mitigated by inclusively designing the dwellings to comply with Part M4(2) standards.

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9 HUMAN RIGHTS IMPLICATIONS

439 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:

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

440 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.

441 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.

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

10 LEGAL AGREEMENT

443 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:

- (e) Necessary to make the development acceptable
- (f) Directly related to the development; and
- (g) Fairly and reasonably related in scale and kind to the development

444 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.

- To pay our Legal and Professional fees in negotiating and completing the Agreement or Undertaking;

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- To pay our Legal and Professional fees in monitoring the obligations;
- To pay a financial contribution of £15,000 towards consultation of a CPZ in the local area;
- To agree that future occupiers would not be eligible for residents parking permit in the event a CPZ is implemented;
- To agree to provide the first occupiers of the dwellings with a three-year membership to a car club scheme;
- To agree to submit a refuse management plan;
- To agree to enter into a S278 agreement for the highway works;

445 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

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

447 The principle of the proposed development is supported as it would provide eight residential units on an underutilised site, two of which would be family sized dwellinghouses and all of which would be 'accessible and adaptable dwelling' meeting the requirements of Part M4(2) of Building Regulations. All of the dwellings are considered to provide a good standard of residential accommodation to future occupiers. Substantial weight is given to these planning matters.

448 In urban design terms, the proposed development is considered to be high quality design. The proposed density would represent the optimal use of the land. It is of an appropriate height and scale and would use suitable high-quality materials. The development is considered to have an acceptable impact on the character and appearance of the conservation area.

449 The application proposal would not result in any unacceptable impacts in terms of sustainable development subject to the imposition of conditions.

450 The impacts to the local transport network including parking capacity in the surrounding streets have been assessed and are considered to be acceptable.

451 No significant adverse impacts have been identified to the living conditions of the neighbouring properties.

452 While the proposal would require the removal of seven on-site trees and one shrub is necessary in order to allow for the development to come forward and to provide additional dwellings, they would be replaced with 24no. new trees throughout the development both within the private gardens and communal areas. On balance this loss is justified and would not result in any harm to the adjacent SINC and green corridor.

453 In conclusion, the proposed development is considered to be in accordance with the relevant national planning policy guidance, development plan policies. The proposals comprise sustainable development in accordance with the NPPF and will make an important contribution to the delivery of new housing in the Borough within small sites.

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454 Given the acceptability of the proposed used and policy compliance, taking a balance of the planning merits of the scheme against the level of harm identified, the proposal is considered to be in accordance with the development plan as a whole, and is therefore recommended for approval.

12 RECOMMENDATION

455 That the Committee resolve to **GRANT** planning permission subject to the completion of a S106 Legal Agreement and to the following conditions and informatives:

12.1 CONDITIONS

1	<p>Full Planning Permission Time Limit</p> <p>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.</p> <p>Reason: As required by Section 91 of the Town and Country Planning Act 1990.</p>
2	<p>Approved Plans and Documents</p> <p>The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:</p> <p>21045-FA-001 REV P1; 21045-FA-010 REV P1; 21045-FA-100 REV P9; 21045-FA-110 REV P9; 21045-FA-111 REV P3; 21045-FA-112 REV P3; 21045-FA-113 REV P1; 21045-FA-114 REV P1; 21045-FA-115 REV P1; 21045-FA-200 REV P8; 21045-FA-210 REV P6; 21045-FA-211 REV P5; 21045-FA-212 REV P2; 21045-FA-300 REV P7; 21045-FA-301 REV P6; 21045-FA-310 REV P5; 21045-FA-320 REV P6; 21045-FA-330 REV P3; 2022/6700/003 REV P5; 2022/6700/006 REV P3;</p> <p>Sustainability Statement (prepared by SRS Surveyors Ltd, ref no. 21/055/SS/06, dated 06 April 2023);</p>

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	<p>Noise and Vibration Assessment (Prepared by Pace Consult Ltd dated 10 March 2023);</p> <p>Air Quality Neutral Statement (Prepared by Entran, dated April 2023);</p> <p>Fire Strategy Report (Prepared by AM Pyro LTD dated 10 March 2023);</p> <p>Transport Statement (Prepared by RGP, ref no. 2023/6700/TS03, April 2023);</p> <p>Delivery and Servicing Management Plan (Prepared by RGP, ref no. 2023/6700/DSMP05, dated April 2023);</p> <p>Daylight, Sunlight & Overshadowing Report of neighbouring properties (prepared by CHP Surveyors Limited, dated April 2023);</p> <p>Preliminary Ecological Appraisal Survey (prepared by Temple Group Limited dated September 2022);</p> <p>Bat Survey Report (prepared by Temple Group Limited dated September 2022);</p> <p>Badger Survey Letter Report (prepared by Temple Group Limited dated September 2023);</p> <p>Arboricultural Survey & Impact Assessment Report (prepared by Marcus Foster Arboricultural Design & Consultancy, ref no. AIA/MF/046/23, dated April 2023);</p> <p>Phase I Geo Environmental Desk Study and Preliminary Risk Assessment (prepared by R. Carr Geotechnical Services, ref no. 3896/21, dated August 2021);</p> <p>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</p>
3	<p>Construction Environmental Management Plan</p>
	<p>(a) No development hereby approved including demolition (but excluding works to facilitate site investigations) shall commence on site until such time as a Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the local planning authority. The plan shall cover:</p> <ul style="list-style-type: none"> (a) risk assessment and appropriate mitigation measures to minimise dust and emissions based on the Mayor's Best Practice Guidance (The Control of Dust and Emissions from Construction and Demolition) of the London Plan 'Control of emissions from construction and demolition' SPG. (b) Measure to ensure an inventory of all Non-Road Mobile Machinery (NRMM) shall be kept on-site and registered on http://nrmm.London/ showing the emission limits for all equipment and shall be made available to Local Planning Authority offices if requested. All NRMM of net power between 37kW and 560kW will be required to meet Stage IIIA of EU Directive 97/68/EC.' (c) The location and operation of plant and wheel washing facilities (d) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process (e) Details of construction traffic movements including cumulative impacts which shall demonstrate the following: <ul style="list-style-type: none"> i. Rationalise travel and traffic routes to and from the site. ii. Provide a swept path analysis of the largest expected vehicle (concrete lorry) to demonstrate that it can enter and exit the site in forward gear

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	<ul style="list-style-type: none"> iii. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity. iv. Measures to deal with safe pedestrian movement. (f) Security Management (to minimise risks to unauthorised personnel). (g) Details of the training of site operatives to follow the Construction Management Plan requirements. (h) Measures to ensure no deliveries in connection with construction works are 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. (i) Measures to ensure no work takes 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. (j) Details of measures to limit the impact of construction on biodiversity which shall include: <ul style="list-style-type: none"> i. Risk assessment of potentially damaging construction activities. ii. Identification of "biodiversity protection zones". iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). iv. The location and timing of sensitive works to avoid harm to biodiversity features. v. The times during construction when specialist ecologists need to be present on site to oversee works. vi. Responsible persons and lines of communication. vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. viii. Use of protective fences, exclusion barriers and warning signs. (b) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. <p>Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021) and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).</p>
4	Site Contamination
	<p>No development hereby approved (excluding demolition of existing buildings and structures) shall commence until:</p> <ul style="list-style-type: none"> (a) 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

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	<p>by remedial works or not) has been submitted to and approved in writing by the local planning authority.</p> <p>(b) The required remediation scheme shall be implemented in full. 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.</p> <p>(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the local planning authority. This shall include verification of all measures, or treatments as required in paragraph (a) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full. The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.</p> <p>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).</p>
5	Foundation Design
	<p>(a) Prior to below ground works, details of the foundation design for the hereby approved development shall be submitted to and approved in writing by the local planning authority prior to commencement of the foundation works and such details shall include details of the relevant penetrative methods.</p> <p>(b) The foundations to the hereby approved development shall be carried out only in accordance with the details approved under part (a) of this condition.</p> <p>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).</p>
6	Noise protection scheme
	<p>(a) The residential units hereby approved shall employ sound insulation and noise control measures to achieve the following internal targets:</p> <ul style="list-style-type: none"> • Bedrooms (23:00 to 07:00 hrs) 30dB LAeq, 8hrs and 45dB LAmax (fast) • Living rooms (07:00 to 23:00hrs) 35dB LAeq, 16hrs

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	<p>(b) Details of the final glazing fabrication and acoustic specifications shall be submitted to and approved in writing by the local planning authority prior to the above ground works and where achieving the recommended internal levels requires windows to be closed shut then a Mechanical Ventilation Heat Recovery system (MVHR) shall be provided.</p> <p>(c) The sound insulation and noise control measures approved under part (b) shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change from there from shall take place without prior consent of the local planning authority.</p> <p>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).</p>
7	Air Source Heat Pump
	<p>(a) Prior to the above ground works of the development hereby approved a plant equipment scheme shall be submitted to and approved in writing by the local planning authority. The rating level of the noise emitted from any plant equipment on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014. Such a scheme should include:</p> <ul style="list-style-type: none"> a. the details of the location, type and specification and enclosure (including any required noise attenuation) of the proposed Air Source Heat Pump; b. should a Mechanical Ventilation Heat Recovery system (MVHR) be required. Details shall include: <ul style="list-style-type: none"> (i) Details and locations of the air intake locations of the mechanical ventilation system, and (ii) Details of filtration system to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, and Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890. (iii) Details of the maintenance and cleaning in accordance with manufacturer specifications. <p>(b) The approved plant shall be implemented in its entirety in accordance with details approved under part (a) of this condition before any of the development is first occupied and shall be retained as such thereafter for the lifetime of the development.</p> <p>Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI 1 Improving air quality of the London Plan (2021) and NPPF 186.</p>
8	Materials
	No development hereby approved beyond below ground works shall commence on site until a detailed schedule and an on-site sample board of all external

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	<p>materials and finishes including roof coverings, pointing and mortar to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation and shall be maintained as such thereafter for the lifetime of the development.</p> <p>Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.</p>
9	Architectural Details
	<p>(a) No above ground works of the development hereby approved shall commence on site (excluding demolition) until further architectural details have been submitted to and approved in writing by the local planning authority. Such details to include a detailed schedule and specification including manufacturer's literature or detailed drawings including horizontal and vertical cross sections at suitable scales (e.g. 1:5, 1:10 or 1:20 where relevant), in respect of the following:</p> <ul style="list-style-type: none"> (a) joins and junctions of different façade materials; (b) window and door reveals (at least 130-150mm); (c) windows including the colour and material; (d) typical window base and head details (e) external doors including the colour and material; (f) rainwater goods including the colour and material; (g) all projecting or recessed elements (h) brick detailing; <p>(b) The works shall then be carried out in full accordance with the approved details prior to the first occupation of the development hereby approved, and maintained thereafter for the lifetime of the development.</p> <p>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.</p>
10	Sustainable Urban Drainage
	<p>(a) No development hereby approved shall commence above ground level until a scheme for surface water management, including specifications of the surface treatments, sustainable urban drainage solutions, and the design of the lightwells has been submitted to and approved in writing by the local planning authority.</p> <p>(b) The development shall be carried out in accordance with the approved scheme prior to the first occupation of the development hereby approved and thereafter the approved scheme is to be retained for the lifetime of the development.</p>

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	<p>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).</p>
11	Accessible and Adaptable Units
	<p>(a) The detailed design for each dwelling hereby approved shall meet the M4(2) standards of the Approved Document M of the Building Regulations (2015)</p> <p>(b) No development hereby approved shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).</p> <p>(c) The development shall be carried out in accordance with the details approved under part (b) prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the design and layout of the new dwellings meet the needs of the wider community 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).</p>
12	Biodiverse Living Roofs
	<p>(a) Notwithstanding the hereby approved plans, details of the biodiverse living roofs shall be submitted to and approved in writing by the local planning authority prior to the above ground works of the development hereby approved commencing on site. A 1:20 scale plan of the living roof that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The living roof shall be:</p> <ol style="list-style-type: none"> i. biodiversity based with extensive substrate base (depth shall vary between 150-220mm settled substrate depth with peaks and troughs) ii. will include details of access and watering provision arrangements for the proposed biodiverse living roof along with details for management/establishment guarantees for a minimum of two growing seasons iii. plug planted & seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on minimum 75% native and wildflower planting, and no more than a maximum of 25% sedum coverage) and additional features (e.g. logs, boulders, sand) iv. not 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. <p>(b) The development shall be carried out strictly in accordance with the details so approved, shall be maintained for the lifetime of the development and no change there from shall take place without the prior written consent of the local planning authority.</p>

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	<p>(c) Evidence that the roof has been installed in accordance with parts a) to b) above shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To comply with G1, G5, G6, and SI 13 of 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) and in accordance with best practice and the requirements of the Lewisham Biodiversity Planning Guidance.</p>
13	Soft Landscaping
	<p>(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to any above ground works of the development hereby approved. Such a scheme shall include</p> <ol style="list-style-type: none"> a. details of a minimum 24no. on-site replacement trees, which should adhere to the right tree, right place principle; b. the planting in general shall have regard to the recommendations within paras 4.2 to 4.47 of the Preliminary Ecological Appraisal Survey (“PEAR”) (prepared by Temple Group Limited dated September 2022), paras 5.8 to 5.28 of the Bat Survey Report (“BSR”) (prepared by Temple Group Limited dated September 2022); c. details showing how the UGF trees, hedging, grass and flower rich perennials particularly within private gardens will be retained in the long-term; <p>(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.</p> <p>Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).</p>
14	Hard Landscaping Details
	<p>(a) Prior to any above ground works of the development hereby approved drawings and manufactures literature 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.</p> <p>(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development and retained for the lifetime of the development.</p>

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	<p>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.</p>
15	Fire Safety
	<p>(a) The development shall be constructed with a category 2 sprinkler system (BS 9251: 2021) to all dwellings and provide an on-site private fire hydrant in accordance with the Fire Strategy Report (“FSR”) (Prepared by AM Pyro LTD dated 10 March 2023).</p> <p>(b) The fire safety measures as set out in part (a) shall be installed prior to first occupation and be retained for the lifetime of the development.</p> <p>Reason: In order that the health and safety of future residents would be safeguarded and to comply with Policies D5 Inclusive design and D12 Fire safety of the London Plan (March 2021).</p>
16	Ecological Improvements
	<p>(a) An Enhancement & Management Plan that sets out details of the number and location of the ecological enhancements as detailed in the Preliminary Ecological Appraisal Survey (“PEAR”) (prepared by Temple Group Limited dated September 2022), a Bat Survey Report (“BSR”) (prepared by Temple Group Limited dated September 2022) shall be submitted to and approved in writing by the local planning authority prior to commencement of any above ground works of the development hereby approved. Details shall include the following as a minimum:</p> <ul style="list-style-type: none"> • 5 integrated bird bricks; • 2 swift bricks on the East elevation of the house farthest East; • 5 integrated bat bricks; hedgehog highways in the boundary treatments, log piles and bug hotels; . <p>(b) The works approved under (a) shall be installed in full before occupation of the building and maintained in perpetuity.</p> <p>Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).</p>
17	Cycle Storage
	<p>(a) Prior to the above ground works of the development hereby approved full details of the secured cycle parking facilities for 2no cycles person per dwelling and 2no short-stay communal cycle spaces, which shall also be in accordance with the London Cycling Design Standards shall be submitted to and approved in writing by the local planning authority. Such details shall include measures to ensure the cycle storage to the rear gardens does not fragment any rear boundary hedgerow and that any hard landscaping required to access the storage is kept to a minimum.</p>

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	<p>(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter for the lifetime of the development.</p> <p>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), London Cycling Design Standards and Policy 14: Sustainable movement and transport of the Core Strategy (2011).</p>
18	Refuse Storage
	<p>(a) Notwithstanding the hereby approved plans, prior to occupation of the development hereby approved full details of proposals for the storage of refuse and recycling facilities which shall include a biodiverse living roof for the development hereby approved, shall be submitted to and approved in writing by the local planning authority.</p> <p>(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 for the lifetime of the development.</p> <p>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).</p>
19	Boundary Treatment
	<p>(a) Details of the proposed boundary treatments of the development hereby approved 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. Such details shall ensure that the boundary treatment along the southern boundary of the site:</p> <ol style="list-style-type: none"> a. should be designed in such a way to ensure it is not visually intrusive and out of character beside the railway; b. Should not be designed in such a way to obscure the visual amenity of the proposed native species hedge and isolate the hedge and gardens from the Brockley to St John's SINC habitat and wildlife; <p>(b) The approved boundary treatments shall be implemented prior to first occupation and retained for the lifetime of the development.</p> <p>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).</p>

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20	Prevention of on-site parking
	<p>(a) Prior to occupation, a “prevention of on-site parking strategy” for the hereby approved units shall be submitted to and approved in writing by the local planning authority. Under no circumstances should the turning circles as approved in dwg no. 2022/6700/003 REV P5 be used for on-site parking for residents and their visitors. The strategy shall:</p> <ul style="list-style-type: none"> i. Set out measures to discourage parking on-site (with the exception of drop-offs and deliveries); ii. Include design of public notices to discourage on-site parking; iii. Details how the measures in part (a) i would be enforced by the management company for the hereby approved development; <p>(b) All measures to discourage on-site parking shall be implemented as set out in the approved strategy prior to the first occupation, and these shall be retained thereafter in accordance with the strategy for the lifetime of the development.</p> <p>Reason: To ensure that the turning circle is not used for on-site parking to ensure that the use of the buildings does not result in on-site parking and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021).</p>
21	Lighting Strategy
	<p>(a) Prior to occupation, a “lighting design strategy for biodiversity” for the hereby approved units shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> i. identify those areas/features on and adjacent to the site that are particularly important for light sensitive species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and ii. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. iii. The strategy shall also consider the impact of light pollution on the adjacent SINC/green corridor from any first floor window <p>(b) All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy prior to the first occupation of the development, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>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 not cause harm to the adjacent Green Corridor and SINC and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), DM Policy 27 Lighting and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).</p>

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22	Water Efficiency
	<p>The mains water consumption of the development hereby approved 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.</p> <p>Reason: In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021).</p>
23	Nesting Birds
	<p>None of the trees/shrubs on the permitted plans shall be lopped or felled ("tree works") during the active bird nesting season (1st January until 31st August) unless the trees have first been inspected by a suitably qualified ecologist who agrees that the tree/shrub works can be undertaken without prejudice to nesting birds.</p> <p>Reason: To protect potential nesting birds in on-site trees and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).</p>
24	Removal of Permitted Development Rights
	<p>The development allowed under Article 2, Schedule 2, Part 1, Classes, A, AA, D, E, F and G 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 not be carried out without the prior written permission of the local planning authority.</p> <p>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 12 Open space and environmental assets and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 27 Lighting and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character</p>
25	Tree Protection Plan
	<p>The hereby approved development shall be constructed in accordance with the tree protection measures as outlined in Section 6.0 and 7.0 of the Arboricultural Survey & Impact Assessment Report (prepared by Marcus Foster Arboricultural Design & Consultancy, ref no. AIA/MF/046/23, dated April 2023) during the construction period of the development.</p> <p>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).</p>

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12.2 INFORMATIVES

1)	<p>Positive and Proactive Statement</p> <p>The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.</p>
2)	<p>Considerate Contractors Scheme</p> <p>You are advised that prior to commencement of development on site your contractor should join the Considerate Contractors Scheme.</p>
3)	<p>Street naming & Numbering</p> <p>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.</p>
4)	<p>CIL</p> <p>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</p>
5)	<p>Section 106 agreement</p> <p>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</p>
6)	<p>Conditions</p> <p>You are advised to engage with the Council's pre-application service prior to the discharge of the conditions relating to soft and hard landscaping, boundary treatment and ecological improvements to ensure that concerns raised by the Council's Tree and Landscape Officer are appropriately addressed. It should be noted that the Council do not negotiate during the lifetime of an approval of detail application, where they are not considered sufficient, they will be refused.</p>

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7)	<p>On-site mammal burrows</p> <p>You are advised that where the on-site mammal burrows require removal, they should be dug out using hand tools or light machinery where possible. The works should be undertaken under the supervision of an ecologist to ensure that legislation in relation to this species is not breached</p>
8)	<p>Network Rail land</p> <p>Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.</p> <p>Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow their ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.</p> <p>The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.</p> <p>To start the process with their Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation). This website also provides more information about their Asset Protection team and the services they offer.</p>
9)	<p>Network Rail works</p> <p>The applicant must ensure that their proposal, both during construction and after completion does not:</p> <ul style="list-style-type: none"> • encroach onto Network Rail land • affect the safety, operation or integrity of the company's railway and its infrastructure • undermine its support zone • damage the company's infrastructure • place additional load on cuttings • adversely affect any railway land or structure • over-sail or encroach upon the air-space of any Network Rail land • cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

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Network Rail strongly recommends the applicant complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and airspace. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and airspace to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

Plant & Materials

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

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Scaffolding

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Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information.

The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to

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prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights

Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:

Anglia: AssetProtectionAnglia@Networkrail.co.uk

Kent and Sussex: AssetProtectionLondonSouthEast@NetworkRail.co.uk

Wessex: AssetProtectionWessex@NetworkRail.co.uk

To identify your route, please use the link: <https://www.networkrail.co.uk/running-the-railway/our-routes>

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13 BACKGROUND PAPERS

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

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APPENDIX 1: LOCAL MEETING MINUTES: DC/23/131277 - LAND TO THE REAR OF 14-48 GEOFFREY ROAD, SE4

Main attendees:

- Sian Eiles (Chair and Brockley Ward Councillor)
- Thomas Simnett (Case Officer)
- Richard Quelch (Agent for application)
- Damian Milton (Architect)

Chair: Welcomes local residents to the meeting and explains the running order for the meeting

Thomas Simnett: introduces the proposal and reason for local meeting

Richard Quelch: My name is Richard Quelch the planning consultant on this project. We've also got Damian Milton as well who's the architect on the scheme. So, Damian, if it's ok with you, Thomas, will jump in on any particular questions. Just to maybe elaborate on what I say. You're aware there was a previous application on the site that was refused by the council for nine homes and that's currently at appeal. This new application has been submitted for eight homes which I've had further discussions with officers about and is in the process at the moment of being determined.

Chair: questions whether there are any names to questions, Case Officer confirms no names due to GDPR.

Chair: So, we're going to start with the previous scheme and reasons for refusal. So, in making the current application, the applicant has stressed that they recognise the shortcomings of the previous scheme and claims to have addressed them. Why then have they not withdrawn their appeal against views of a scheme they themselves recognise as deficient?

Richard: In terms of the previous application that was obviously the nine homes, this current scheme is for eight. I think I suppose our view is that the previous scheme does have merit, hence why the applicant has chosen to appeal it. I think that there were five reasons for refusal on that. Where we are at the moment is that there are two of those reasons in relation to transport and also ecology those matters have been resolved with the Council in terms of that appeal process. But obviously there is a difference of opinion between the applicant and the and the Council in terms of the remaining elements particularly the additional unit and whether that results in the suppose essentially the overdevelopment of the site.

So that is where we are with it. We obviously wanted to continue to work with officers as well. The applicant wanted to continue to work with officers, which is why we undertook further pre application discussions to try and address them, I suppose the differences between us is in terms of the quantum of development on the site, hence why this application has also been submitted.

Chair: Can I just ask a very brief follow-up to that which I'm sure would help everybody. So you mentioned five reasons for refusal, and then you specified Transport and ecology. Can you just outline what the other three were?

Richard: So the other three were trees, heritage impact in terms of design and character and the final one was quality of amenity space for the proposed units in terms of the garden areas.

Chair: Gotcha. Right. Brilliant. Thank you. Obviously, you know, I'm sure that's publicly available information, but it will just help everybody in the meeting to get a slightly better picture of what's where we are.

I've now got a number of questions, 4 questions in one section, which is on impact on parking and flow of traffic. I'll do them one at a time because each one, each question is quite lengthy. So rather than sort of doing all four in one go, right.

So, 16 new flats are already consented or under construction along Geoffrey Rd. If the current proposal is approved, we would have 24 new dwellings appearing on the road in the space of a few years. Has a cumulative assessment been made to understand the combined impact on parking resources and flow of traffic, particularly during potentially simultaneous construction of three significant developments? Does the Council have a view on what the ultimate capacity is for Geoffrey Robe to absorb the impact of new dwellings?

Richard: so, if I pick up the point about the construction first of all and the three developments being built at the same time. In terms of the impact obviously the redevelopment of this site would be quite well contained as in as in it's not for example on a corner site you have an access Rd and you go into the site. So in terms of in terms of impacts of movement onto the street that would be from construction vehicles and we would be submitting a construction management plan in order to ensure that the timing of delivery of vehicles etcetera

is offset from each other to potentially reduce any impacts. So, we'd be willing to work with the contractors of the other sites should you know to address any to address any concerns. Sorry what was the other part of the question?

Chair: it was the cumulative impact from parking.

Richard: So this will be a theme answering quite a few of these questions on car parking and I appreciate that not everyone agrees with this position, but it is the planning policy position. So, you know the drive in planning policy terms in these types of locations is for is to reduce car parking in sites. It's national London plan and local policy is to is to reduce parking levels on sites that are close to stations and that is what our scheme is proposing to do. So, we are following the guidance that is provided. In terms of the impacts themselves, we have undertaken a car parking survey, that's been agreed with the council in terms of its methodology and having discussed it with our transport consultant, they've confirmed that the cumulative, impact of those 24 units based on the surveys undertaken there would be sufficient parking capacity on site to absorb any additional parking that might be generated as a result of those developments.

Chair: So next question, many residents have expressed concern at the potential for road rage incidents associated with traffic jams on the road. They've provided some links that demonstrate behaviour that was experienced on a daily basis during a period of disruption related to construction on AT159A Upper Brockley Road. And they are asking what reassurance can be offered that this situation does not become permanent following the loss of parking spaces from the new developments and in addition 10 to 15 new cars competing for existing spaces, because I'm not the host of the meeting, I don't think I can play you those clips, but I'm quite happy to forward those on to you at the end of the meeting if that will help.

Richard: And in terms of issues caused during construction, obviously I can't. I don't want to sit here and defend other what other contractors have done, what may have happened on sites when people are building things. If that if that is the case that that that the issues have been caused on street because of the way that contractors have been delivering things, that's not right.

Skillcrown are um are a very experienced developer. They deliver quite large schemes and they're they are experienced and so a scheme like this in terms of I suppose what I would say is they have the credentials to be able to deliver a scheme like this. They'll obviously be a construction management plan and as part of that there will be contact details for somebody on site. So, if there are any particular issues people can get in contact with them and my experience of working with developers of this sort of scale contractors is they do have maybe compared to maybe some smaller contractors they do have a they do have a reputation to uphold and you know that's just my view and but the in terms of the road rage point I think it's difficult for me to say, how residents would behave. We can't control residents behaviour I think whether they're existing residents or new residents.

But all I can say is if that was caused by the construction process, that's something that we would, you know, through the construction management plan that we would seek to avoid. So, yeah, it's a difficult question to answer because we can't control people's behaviour from being honest with you.

Chair: the next question, CPZ consultation is to take place as part of the development at 1 & 1a Brockley Cross and that is for 7 new dwellings. If a CPZ is implemented along Geoffrey Rd as a car free development will the residents have access to parking on the street or not?

Richard: no, they wouldn't have. If the CPZ comes into effect, there'll be something in the in the legal agreement for the planning application which says that that those residents wouldn't be eligible to apply.

Chair: That was a quite straightforward answer. The next question is, does the applicant accept the net result of their proposal will be to force current residents to compete with residents of Upper Brockley Road and Manor Ave for parking spaces, further displacing their residents as they are already heavily parked?

Richard: I think, I think my answer to this one will probably be quite like the first response in terms of parking impacts. I don't want to sound like repeating myself but they're very I suppose they're quite similar questions. So without labouring the point, I think again I would say that there is an encouragement to have less parking on schemes in these in these types of locations. And again, it you know if the CPZ isn't introduced there may be some additional parking on street. But based on the surveys that were undertaken, there was still sufficient capacity based on the London wide methodology for assessing street parking stress.

Chair: Right. So those are that's the end of the parking section and we're now going on to a new section. The applicant state that they will seek to retain high quality trees around the site and only low-quality trees will be removed as they identified. It appears high quality trees are all located on other people's property. Is the applicant suggesting that they cannot guarantee that will not destroy trees on adjacent sites?

Richard: I'm sorry, I'm not quite sure I understand that question.

Damian: Personally, I can answer it in terms of the impact

on neighbouring sites and yeah, we won't be removing trees on other people's land. Legally you can't do that. Even if people have, for example, there are tree roots that are encroaching onto other other people's land, you still have a you still have an obligation to protect those trees and make sure that they can still survive.

Local Resident: I can clarify the question if you like. Sorry for unmuting. Yeah, that'd be great. Yeah, brilliant. It was just a bit confused about the wording there. You're gonna remove every tree on the site with this. You'll seek to retain high quality trees. So it seems an odd bit of wording. It seems like, um, you're seeking to retain trees that are in other people's properties. So it's, um, it's confusing, uh, confusing to us, the wording there. So we're looking for a clarification on that. What do you mean you'll seek to retain them?

Richard: Where was this? where was the wording in was it particular document that you?

Local Resident: Yeah, I can point to it if you give me a moment.

Damian: Richard, I think I can provide some input on this. So I think we mention it is in the design and access statement, uh, essentially what we're saying here is we have taken the tree survey including the root protection areas for all of the existing trees on the site and in neighbouring gardens. And we have positioned the proposed new houses to not encroach onto or into the root protection zones for neighbouring trees. I take your point, Steven, absolutely this, the wording could be a little bit more straightforward, OK. But essentially what we're saying is we've positioned the houses so we're not impacting on neighbouring trees.

Chair: I think that's that helped. I think that that clarifies that wording. Thank you. Another question on um, ecology and amenity. Uh, we note the distinction between a high quality tree and a low quality tree seems to be whether it is located on someone else's property or their own. They will in fact be removing all trees on a site which the Council's ecology team have previously recognised as environmentally important. Does the applicant feel the council were wrong in their previous assessments?

Richard: from an ecological perspective, I think I mentioned we'd resolved the ecological impacts. So the loss of any trees from an ecological perspective would be I suppose it's considered acceptable by the council and unless Thomas says otherwise and that that's the position we've got to. so if the questions relating to the ecological element then then that I suppose that would be our answer to that particular point.

Chair: we might come back to that question at the end if we if we have time. I I suspect, because I think there might be a little bit more digging down into that question #8. How will the applicants ensure that their plans to mitigate biodiversity loss are fully enacted? We note that the replacement trees will be planted along a marginal strip of land with limited space to grow, and heavy reliance is placed on the ongoing viability of proposed tree roots. As green roofs are complex and expensive to maintain Does the applicant accept that they may simply be left to die off by the residents

Richard: so in terms of the ecological measures that we put in place, ecology and biodiversity is quite high on the agenda for you know in London wide policy and also the Council's policy. So in in terms of implementing all of those things we would be more than happy for planning conditions to be put on to ensure that that all of those measures are put in place. From a green roof perspective, again, in terms of the detail and the quality and the specification of the green roof, again, we'd be happy for a condition to be to be put on in order for the council to the council and the council ecologists to be able to scrutinise the detail before that that that detail is actually discharged.

Thomas: I can just add in terms of procedural points. So I'm not sure whether everybody is viewed the ecologist's comments that are available on our website. She's listed a number of planning conditions which relate to the ecology works which if planning permission is granted on this site, those conditions will be secured, ecology improvements will be secured by condition. And the preliminary ecological assessment report which is submitted alongside has a number of recommendations in that as well. So the report is what we would normally do is secure that report as well with the compliance condition and have a part of that condition that they've got to demonstrate that they've implemented, implemented those ecological improvements.

Chair: We are now onto question #9

Thomas: Yeah, so sorry. I was going to say, if this is meant to be aimed towards myself, unfortunately I wouldn't be able to comment on that one because I'm only here for procedural points.

Chair: So this is to the council. So I'll just let everybody know what the question was. Just to refresh their memories. Does the council recognise the importance of green spaces in providing low carbon mitigation against urban overheating and that this represents a source of local amenity that will be largely lost if the site is developed as proposed? So, Thomas is not able to answer that question.

I can speak to the first part, that I think the council does recognise the importance of green spaces in providing mitigation against urban overheating. I can't personally comment to the second part of that

question. I'm just going to need to make a note of that to myself so that I need to get that question answered for you.

Um, lack of suitable access and impact on 32 and 34 Geoffrey Rd. The boundary wall between 34 Geoffrey Road and the site access has recently been demolished to facilitate HGV access to the site. A shipping container was installed on site within 24 hours of the demolition. Planning consent was required for this action as we are inside the Brockley Conservation Area, but there is no corresponding planning application on the Lewisham planning Portal. Will an application be made for retrospective planning consents and what will the implications be if it's not granted? Since site access for HGV's or emergency vehicles will no longer be possible? We note that the applicant states the width of the road access is 4 metres, which assumes the absence of the boundary wall.

Richard: in terms of demolition of that boundary wall. It's not something that the applicant is aware of. It's not any works that we've undertaken, and I don't know I'm not sure who did who undertake the works. In turn it would be useful to in terms of the question does the does the does the wall actually come across is the wall part of the red line boundary or was it historically over the access point I suppose was it on our was it on I suppose the land or the site or is it on the neighbouring property. I think I need to ask.

Local Resident: I mean it's a boundary wall of the neighbouring property. So, it's been demolished. And there is clearly coordination between the applicant and the owner of the property because you know massive lorry turned up straight after it was knocked down. It's been removed. So, you know, the widening of the access path to make it viable for heavy vehicles and emergency vehicles to access the site assumes that they can move up directly up against the side walls for #32, #34. So yeah, the demolition of that wall, I mean if there's an arrangement there and some kind of financial transactions taking place that's not for me to say but they needed planning permission to knock the wall down. It's clearly been done in coordination with the applicant. What does that do to your plans for site access?

Richard: Well, I can honestly say I have spoken to the applicant and honestly, we do not know. We don't know who's not doing that and that's a genuine response.

Local Resident: Not, trying to say you know that that is a genuine response.

Richard: We've designed the scheme and considered it in terms of a means of access and the tracking for larger vehicles wouldn't rely on anything outside of our red line access. If you see our red line ownership.

Local Resident: I'm not sure that's true. I think if you if you look at where the original boundary wall is, you can't get a fire engine down there, you can't get an ambulance down there. You know it's it was done to because it was a reason for refusal of the previous scheme, and they've struck an arrangement with the owner #34 to make the access viable. I think we'd all like to know that the rules have been followed and the way that they've done that.

Richard: Yeah. Well, all I can say is that in in terms of the tracking that we've done that that works within the red line boundary because it has to in terms of our access. If it, if it is within the, if it is within the application boundary which we can, we can check and then then if if the council wanted us to we can we can retrospectively seek approval for the demolition, for the demolition of the wall. that's something I can speak to Thomas about if that is the case, if it is within the red line boundary. So we could, I can take that offline to have a discussion with him if that is the case. But it would be helpful to have the photo in the first instance

Local Resident: what's the best way to get that to you?

Thomas: If you send it to me, Steven, I can pass it on to Richard. Can I also ask whether anybody has submitted a planning enforcement complaint regarding the demolition of all?

Local Resident: Yeah, I can have a look at that. And there was an update on that. Yeah, there was a follow up from one of your colleagues. But when I tried to ring back the planning service, I couldn't leave a message. So I never managed to get back in touch with them.

Thomas: Yeah. I'll have a look at the enforcement case on our system, and I'll just flag it with the office involved and see whether he can get back to you. If they can get back to you.

Chair: I'm on question 11 when we get there. So there is no separation between the access path and the side wall of #32. The wall contains operable windows which are relied upon for light and ventilation, as well as exposed surfaces including a gas line. Damage to #32 to date includes a passing vehicle shearing off a window sill and badly damaging a gas flue casing. How will the applicant ensure that further damage is not sustained when there is no physical separation between #32 and the access path?

Richard: Obviously we've tested arrangement where vehicles, go up and down. We wouldn't expect large to be travelling up there regularly. They'd be smaller delivery vehicles rather than anything larger. Um, I think with existing situation, we would need to rely on people being careful when they're driving down there. Um, that might not be the answer that people want to hear, but I think I think we have tracked these. We have

tracked that route and in terms of the size of the vehicles and it is possible to go through and people may have historically maybe not being particularly careful going down there.

Local resident: I think in in times gone by the when the boundary wall of #34 was there so it was a much more constrained path but it's you know I think your application assumes that it's literally the full width sidewalk to sidewalk from #34 to #32. So you know if that's four metres you can just about get a large truck down there similar fire engine is similar around 3 1/2 metres in width. So it's you know it's right up against the walls of those properties and they have you know operable windows that might be open which would narrow the access path.

Local Resident: You know if you've got windows open and both sides um I don't know kind of trucks still get up there. Um, but yeah it does you your plans do assume that they access vehicles can utilise the full width between the side walls of those eyes. There's no, there's no, um, space, uh, between the edges of your access path and on the walls of those properties.

Richard: Yeah. Is it worthwhile just explaining a little bit, for example, about the fire strategy?

Damian: So it's part of the overall access strategy for vehicles. the site makes an allowance for ambulance and for light delivery vans access to the site. So, fire engines will not be accessing the site, the new houses are going to be installed with sprinklers. A new rising main will be installed in the site. So, the overall distance from a fire engine on Geoffrey Road, there will be some sufficient hose linked to get from the fire engine to the hydrant and then to the houses because it is an extended distance. That's the reason why we've had to install sprinklers into the house as an extra safety measure.

But essentially, fire engines won't be entering the site. The only vehicles that will be are an Amazon van for example, or an ambulance. On the unfortunate occasion that one may have to attend the site, obviously they'll be much larger vehicles during the construction which would be using the path and I think that would have to form part of the construction management plan, um or tracking would potentially be provided at that stage. I mean, so the tracking that we've done at the moment for the vans and for the ambulance and takes account of the existing wall that that has been demolished and there's a 2.8 metre opening in the previous existing condition, it's 2.8 metres wide based on topographical survey from the boundary wall of #32 to the previous existing opening if you like prior to demolition of that wall, it's 2.8 metres and the tracking has taken account of that for both the ambulance and the delivery vans. There is an allowance for 1 metre wide pedestrian strip against the boundary of #3, the remaining width of the street, the 2.83 metres is for the delivery vehicles.

Obviously on a day-to-day and you know you've got the full width to navigate to give yourself enough distance either side. You'd like to think that delivery drivers and, um any driver really would be cognizant enough to see a window when they're driving down a small lane way. And obviously under construction there would be speed controlled also. And so I think a lot of control could be implemented in the construction management plan that would have to be reviewed and agreed with the council as a control mechanism. But you could limit this to the size of construction vehicles. Suspect you'd have to anyway because the reasons we're talking about

Local Resident: well, I take your point should I guess our point is that you know the evidence is that damage to #32 has been an ongoing issue with the access as it is and you know best intentions in the world. We feel it's likely that that's going to be an issue for them to manage going forward,

Chair: I think, uh, that's all on record now, Um. I think let's move on to the next question for now. And we can sort of mop up any sort of outstanding things at the end. If we don't move on, then we won't have time to sort of do that mop up at the end alright? The applicants plan show the removal of a section of fence and boundary wall which belonged to 32. Additionally, security cameras have recently been installed on the fence without consent. Does the applicant recognise that they do not own the structures on this boundary and a change their design to accommodate their continued presence B. Commit to a time scale for removing the security cameras?

Richard: in terms so in terms of any removal of boundaries, um, if they've shown they had, they would have to be, um, done in undertaken in agreement with the property owner. So, we won't be removing anyone's fence or wall and replacing that unless we have an agreement with them. They would remain in place. Um in terms of the actual security cameras, they they've been installed by the current landowner. Um, following, some anti social behaviour And I think what they believe is that they'd they'd installed them onto #34 with agreement with the with the property owner and to obviously keep an eye on the antisocial behaviour if that's not the case, then they can remove them

Chair: confirmation that they can be removed. Yeah, well, we suspected that might be the case, so uh, we can probably move on from that.

So 13. The refuse strategy relies on the developer securing a private contract, where the contractor will come to site four times per week to move bins between the new properties and a pickup point near the site

entrance. This will involve up to 16 bins on recycling and food waste collection days. Will the service include visiting at 6:00 AM to return the bins to the collection point after being emptied? Local experience suggests the bins will be left clustered around the access Rd entrance following clearance.

Richard: So this type of management arrangement is quite common in schemes like this, I suppose mews developments off main roads. It's not uncommon practise and part of that management will be that someone comes down to the site takes the bins down, obviously collected and then comes back and takes the bins up later on. So that is part of the management service that will be included for future residents.

Local Resident: I think our concern here is that they won't be put back in the collection point. They'll be left all over the place because council workers do not have time to do that, and they don't do it for anyone else. I don't see why they would do it here, they will just move on. The bins will be left clustered around the entrance. So unless your contract allows for somebody to wait until they've been and put them back in the collection point, they'll be blocking the pavement potentially, Almost certainly blocking the site access. So anyone wanting to access the site would need to get out of their vehicle and move them out of the way before they could get in. Um. So yeah, you know, notwithstanding that certain times of year holiday periods, it's unpredictable when exactly the bins are going to be picked up in the 1st place. It's going to be hard to manage those being returned to the collection point in a way which doesn't stop people walking up and down the pavement to be quite honest.

Richard: Yeah well I suspect that the people that own the new houses will also want their the bins cleared up. I don't think that they won't want that.. They won't want them left near the access for example because you know they have to they have to walk up and down that access and also you know people are delivering to them then you know if what you're saying is that that would cause issues. I mean if the management company which would be put in place in order to collect, take down and collect, if they're not performing and the residents have an issue with that, then then the management company or whoever the the contractor is doing that can be changed.

Local Resident: but would it be understood that following collection that the bins must be put back in the collection point, that's not going to happen. So would that be part of the contract that they'd have to time it to the, you know for immediately following collection that they get back there and tidy the bins away or would they be left for you know half a day until they get back and sort it out?

Richard: I think that's certainly something we can take away in terms of the precise timing of how quickly that happens. So that that's something we can take away.

Local Resident: Can I just clarify with you? It says, a private contract. Is that correct?

Richard: Yeah so it'll be paid for but as part of the management fees for the future residents.

Chair: So that's the council are aware of Q14 it is similar isn't it?

Thomas: Yeah.

Chair: So should we go to 15 then How would emergency vehicles access the site when bins are out for collection?

Richard: So, so when we've done our tracking, we've obviously looked at where the bins are located on the on the access Rd and an emergency vehicle can still access the site when those bins are out

In terms of the fire strategy, we've explained as well about the fact that for obviously a fire vehicle wouldn't need to enter into the site because there's a sprinkler system.

You're talking about if an ambulance essentially came into the site.

Local resident: Yeah. OK Well, I'd returned to our point that if the bins are cleared and the contractors have been back yet, they're not gonna be in the collection point. Um. And also point out quickly while we're at it that where you have the collection point that's right up against the windows in the basement level of #34. So are they going to open the windows and the bins are right there?

I think it just if it feels like it hasn't really been thought through to us.

Chair: So I think obviously a few things you're gonna take away there. So would appreciate, yeah, uh, some further thinking on that. So we're on to our final section and our final two questions. Hopefully if we can get through these quickly, we can have a few minutes just to sort of tidy up loose ends and go through comments in the chat.

Local Resident: So unsuitability of the site and poor standard of accommodation for future occupiers. So we've got average noise levels to the rear of Jeffrey Rd are generally low, but instantaneous noise levels are intermittently very high due to the passage of freight trains who often apply their brakes on approach to the bridge. From experience, high pitch sound generated is above the pain threshold for an adult and is in

excess of 120 decibels. As this noise level is sufficient to cause immediate hearing damage, how does the applicant propose to keep future residents safe?

Richard: mean in terms of the principle of having such sites, you know, residential sites next to railway lines. It's quite a common occurrence. And this is this isn't necessarily a more heavily trafficked railway line than any others. Even coming into central London, you get residential schemes that are,

Go in Central London you'll see various residential schemes that are built very close or closer than our scheme to the to the boundary. And we've obviously undertaken a noise assessment which considers the noise from the railway from the railway lines. You obviously will have intermittent trains running past but that's from a from a noise and immediacy perspective it is quite common and considered acceptable.

Local Resident: There's no real issue from the commuter trains. They're not that bad to be honest. But there's a specific issue for this site with the cargo trains which you know whatever way the traffic is managed on the approach to the bridge they often break and pause next to the site and it is ear splitting and that's at the back of our gardens. You're going to be nearly half the distance closer to the noise source. Um, the noise, the, the peak instantaneous noise levels on that site are definitely light enough to give somebody immediate hearing damage. And you know any responsible site manager is going to have in the construction crew ear defenders on to protect them from that. But it feels like a legislative blind spot that's you know the acceptability of the noise levels seem to be based on long term averages which are fine. You know it's quite tranquil out there. Um, but there was instantaneous noise levels are damaging instantaneously damaging to people's hearing. And I don't, I don't see how that's acceptable to have people exposed to that in their gardens.

Richard: I'll probably repeat what I previously said in terms of you know the way this has been assessed. Obviously, you know I'm not noise specialists but there are specialists in noise that look at this type of thing and come up with methodologies for technical reports to assess the acceptability of these types of things including the Council's environmental health team and I suppose the point is that they've also assessed this and considered it acceptable as well. acceptable from long term averages which are what they're legislated to look at.

Local resident: You know work with these people and I know I know a lot about the subject area but it's you know there is a blind spot here and what they're required to show for the site where nobody needs to talk about instantaneous noise levels here. But I think if you spend any time on the site where when one of those trains is coming past you would you know I think it would surprise you quite highlight the noise is but you know we're set back from the from the noise source it's you know it's very large you can't you have to stop speaking when it happens and that's you know in our kitchens in the back of our gardens they're substantially closer to that noise source. It's going to be a lot louder and I you know if it feels like a real blind spot in the in the noise assessment, but I think you know it's just from a regulatory perspective. the focus is all on longer term average nuisance noise and you know cumulative effects of lower noise levels that it, you know it's not something that the acoustic consultant is required to comment on. So they just don't comment on it.

Richard: Yeah I mean I think without going into too much I think we probably in danger of getting into the methodology of noise assessments and the acceptability of them. So in terms of planning, we have to adhere to policy and if there is no policy on it, then we can't adhere to it.

Chair: we've have to pop that particular question on one side for the time being. Just in terms of time, I don't want to belittle that issue because it could you know I do take it seriously. I'm just very conscious of time here. Network Rail are currently planning on clearing an 8 metre corridor along the railway line adjacent to the site. As the applicant has referenced the presence of this vegetated border in their application and is relying on it to mitigate noise and create an acceptable outdoor environment. What would be the implications of its removal?

Richard: well, I think that that that boundary is going to probably grow and be cut back over the years. That's what normally happens with Network Rail land. It will grow back again and it be cut back from my perspective that that that doesn't make a significant impact in terms of the actual results of the noise assessment.

Steven, I've also seen the comments that are on the website from the environmental health relating to noise. So they've recommended a condition relating to noise protection scheme which will look at, look at details. As you know this is the proof that committee will look at details of final glazing, fabrication and acoustic specifications and those details will be submitted before commencement of development could occur. So Environmental Health will have another opportunity to have a look at the more in depth specifications in terms of rate relating to noise to make sure that it would be adequate.

Local resident: if I were to, um, I should have done this before now. But if I were to seek a professional opinion from a colleague about the impact of the instantaneous levels and how that's considered in the

planning process, would, is there still a chance for you to consider that before the committee meeting or as part of the committee meeting? Or is it too late to inject that now

Thomas: so we can accept anything up until the point that we make a decision. In terms of timeline for going to committee, I've not drafted my report yet. So there is a process in terms of that and then that goes off to legal officers. And so I think we were looking at potentially a date within August to take this to the planning committee and then reports get made public about five to seven days before planning committee. But notwithstanding that, if we do also receive submissions or any information before we actually have the committee meeting as well, that is something that if we feel necessary, I can address that to Members through an addendum report as well and also get colleagues in environmental health to comment on that if necessary.

So usually, yeah, like I said, we will accept any information before we actually make the final decision. There's never really a hard cut off in terms of comments that even if it goes past the consultation date, we won't consider those comments. So we will always consider everything that's submitted. Until then, we make a decision,

Local Resident: OK that that as well. Just in terms of this particular site that you know like I said before, you have many, many schemes in London that are much closer to more traffic to railway lines where I don't think we're talking from my perspective, we're not talking about the principle of what's on there. If you see what I mean, the principle of having a residential unit, it's probably more to do with the specification that's that that's the only that that that's the difference in terms of you know, in in terms of you know, glazing.

Local Resident: OK, excuse me, I know we're supposed to get to the end. But I just need to clarify this particular point because I was in a meeting with Network Rail recently trying to save as many mature trees as possible along that four mile wide, 8 metre, 4 mile long, 8 metre wide stretch that they plan to completely clear like they did it on their oak. And you know these freight trains, they are 50 cars long. I film them, you know I'm, I'm quite into trains over 50 cars of trains. So it goes on excessively. So it's not commuter trains we're talking here, they break going to the bridge but worse when they're going down to Loampit Vale they break the entire time. So it's not it's instantaneous, but the noise isn't instant. The noise goes on and on. It's not commuter trains. It's deafening. And another thing, it starts at 3:00 in the morning. But when you do your tracking and your noise assessments and your parking, you don't live on the street. Do you know what this actually is like in the middle of the night?

Richard: I think again. I've got to say, I've not, I've not slept. I've never slept in any of the properties along that road. I think particularly if it's night time noise as well the you know a lot of these things that the noise impacts can be mitigated by the sort of the envelope of the building. So some of the properties for example that may be there at the moment are older properties that maybe didn't, maybe weren't at the time built taking into account you know those types of heavier freight trains and you know with more modern you know with the fact that we can now account for these with these new build schemes. You know, that's something that allows us to be able to mitigate that, which I suppose is a good thing.

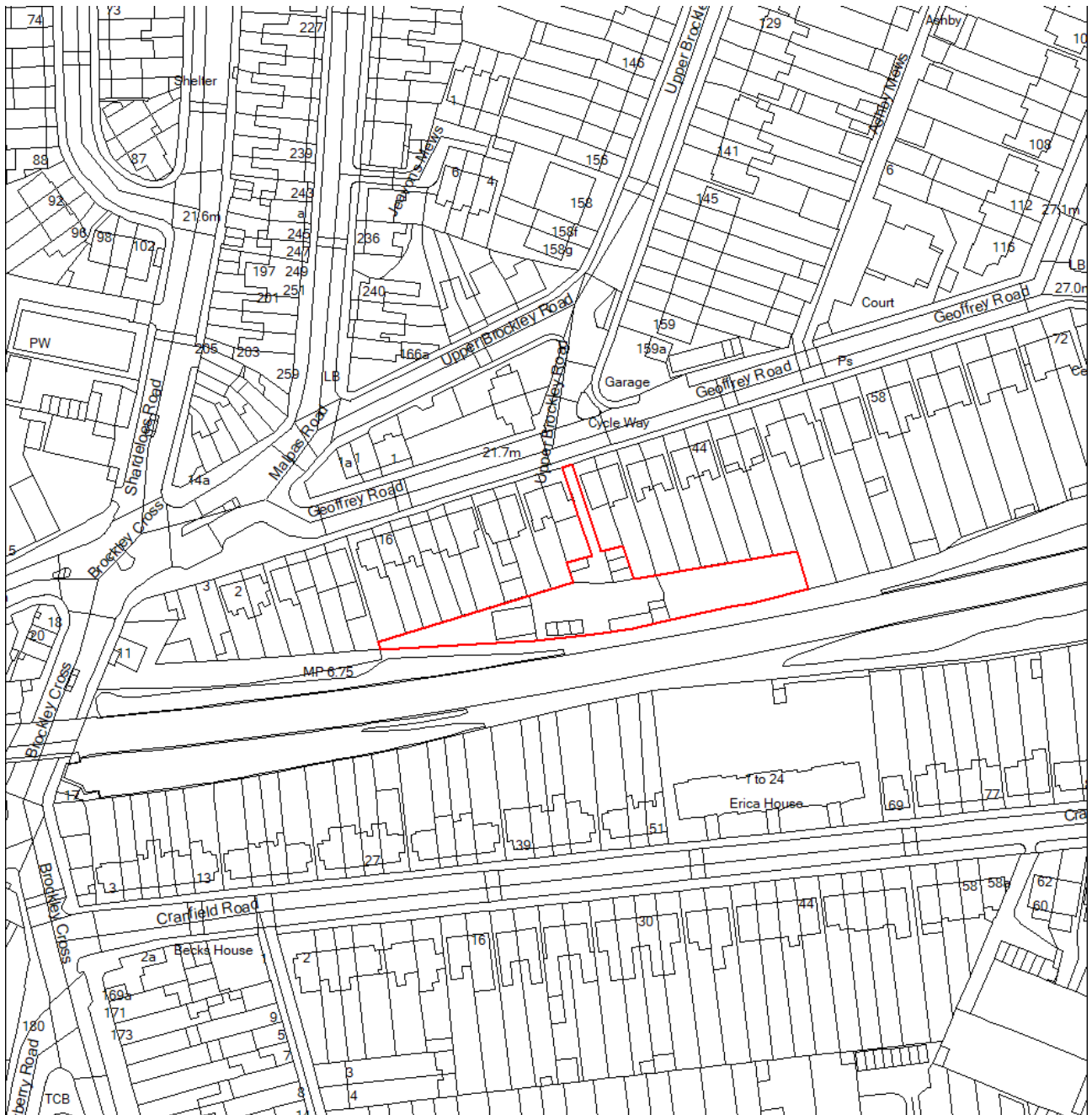
Chair: brings the meeting to a close

Thomas: In terms of my meeting notes then they will be online alongside the other planning documents within five working days from this meeting.

Chair: Thomas, thank you very much. So again, thank you very much everybody for your very active engagement on with this development and thank you for your very calm and respectful discussions this evening. It's much appreciated. So with that, I think I will draw the meeting to a close and wish everybody a very calm, lovely evening. Thank you very much.

-----**END OF MEETING**-----

SITE LOCATION PLAN: DC/23/131277 - LAND TO THE REAR OF 14-48 GEOFFREY ROAD, SE4



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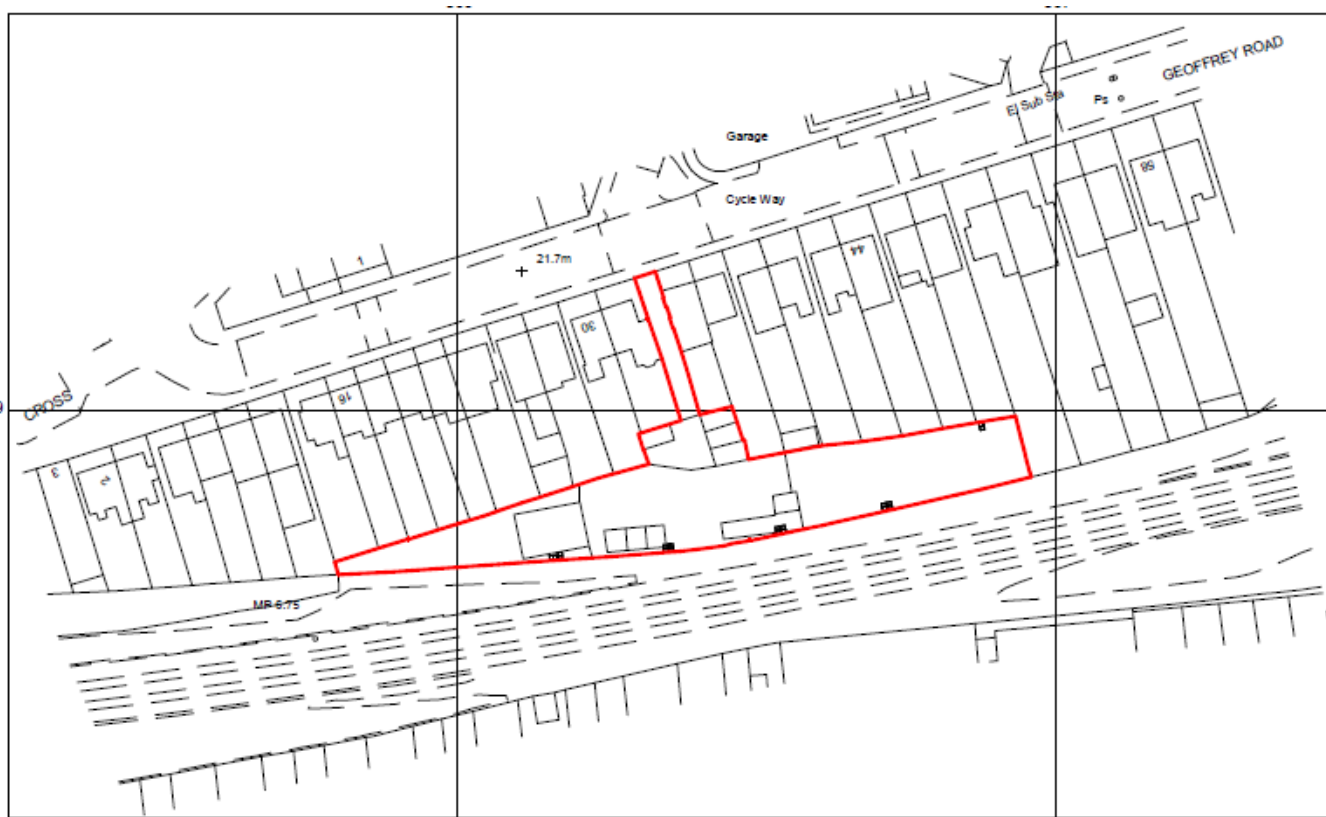
Lewisham

LAND TO THE REAR OF 14- 48 GEOFFREY ROAD, LONDON, SE4

Application No. DC/23/131277

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

Demolition of existing structures on the site rear of 14 - 48 Geoffrey Road, SE4 and construction of a development comprising of 8no residential two-story dwellings (Class C3), with associated landscaping and ecological enhancements, refuse and recycling storage and cycle storage and subject to a Legal Agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended).



Site Location Plan

Existing Site



Proposed Scheme



Proposed Scheme

Page 14



Proposed Aerial View



Proposed Elevations



APPLICANT SITE

Page 11

52 GEOFFREY RD

Proposed North Site Elevation

1 : 250



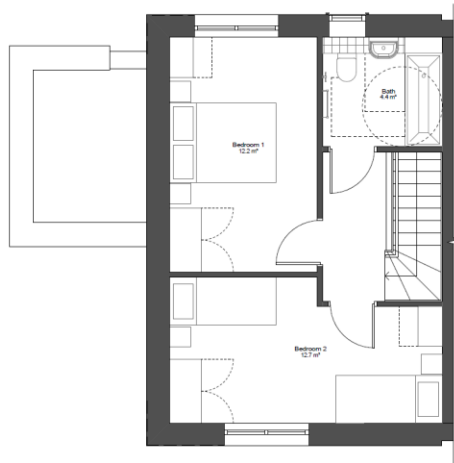
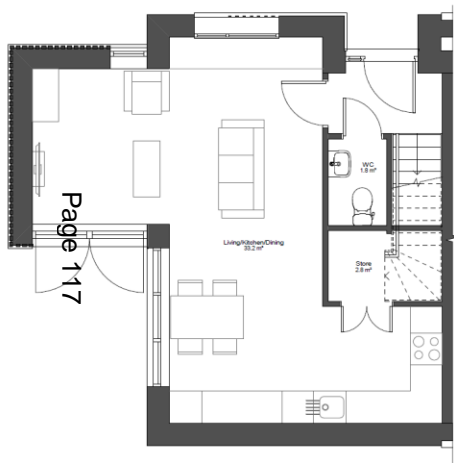
APPLICANT SITE

Proposed South Site Elevation

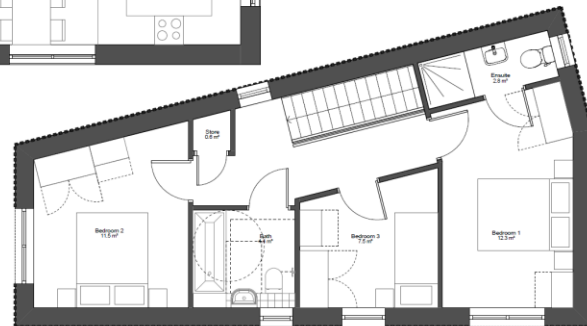
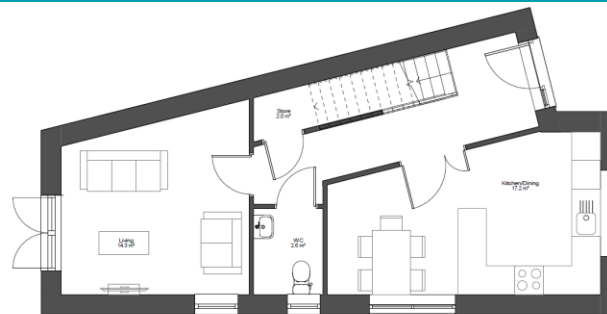
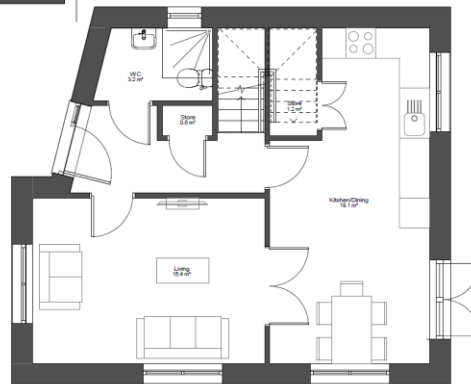
1 : 250

Proposed Floor Plan

House Type 1



House Type 3



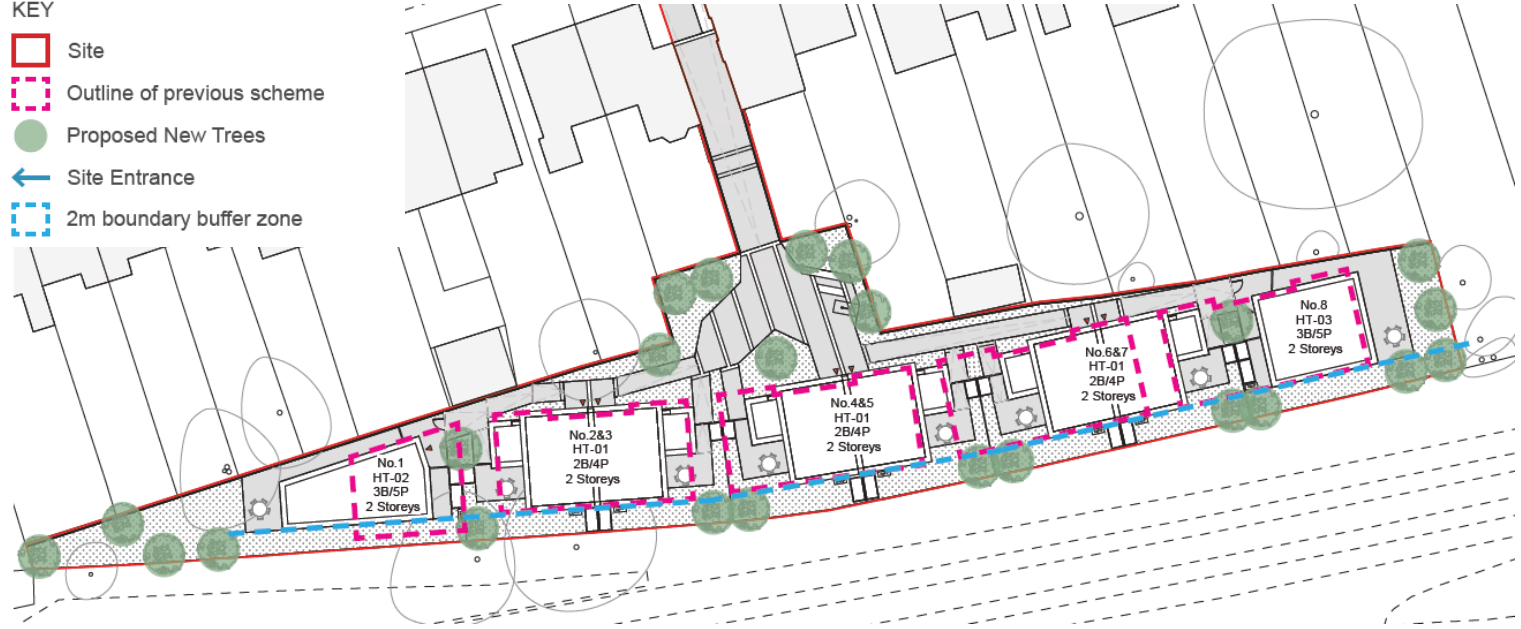
House Type 2



Comparison of Refused and Proposed Scheme

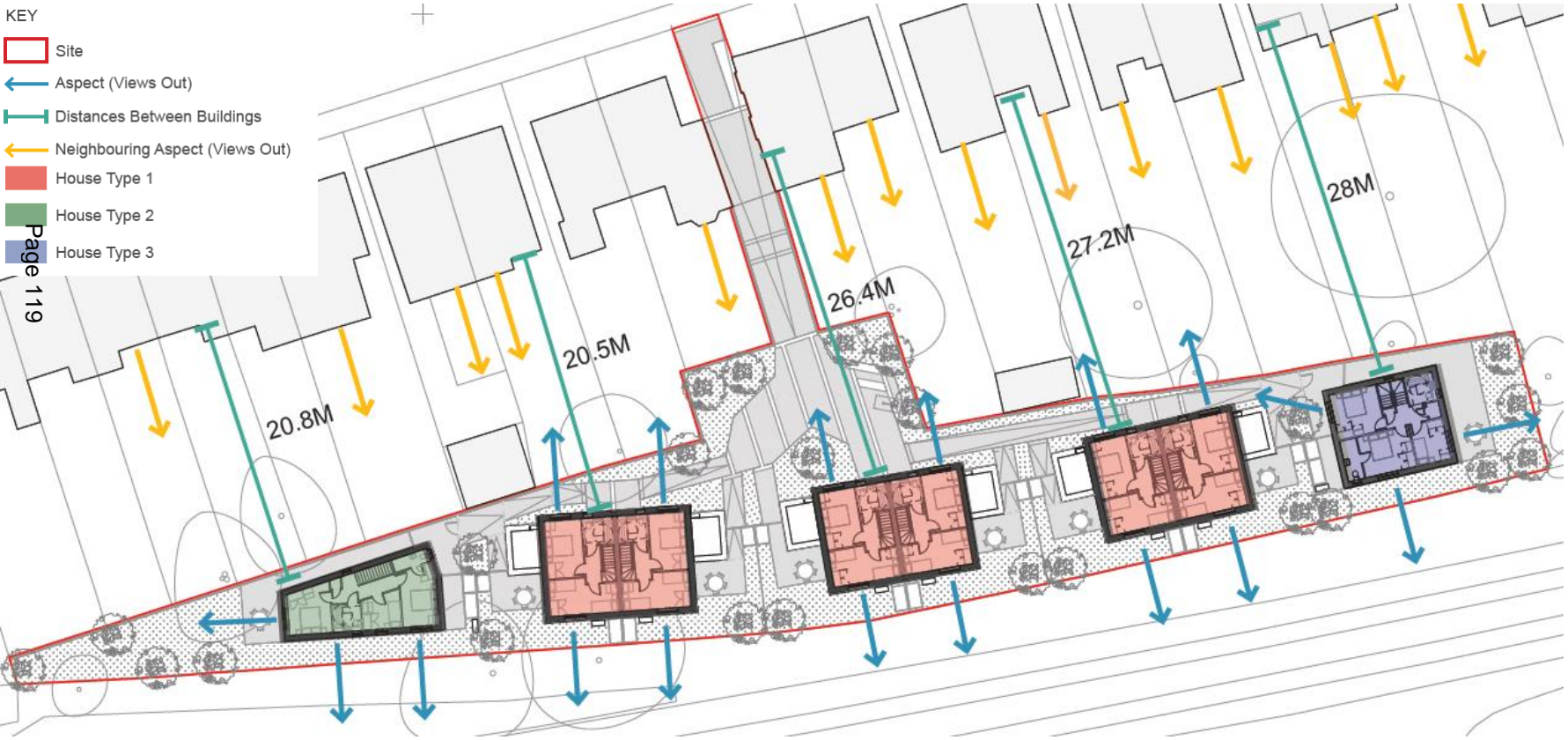
KEY

- Site
- Outline of previous scheme
- Proposed New Trees
- Site Entrance
- 2m boundary buffer zone

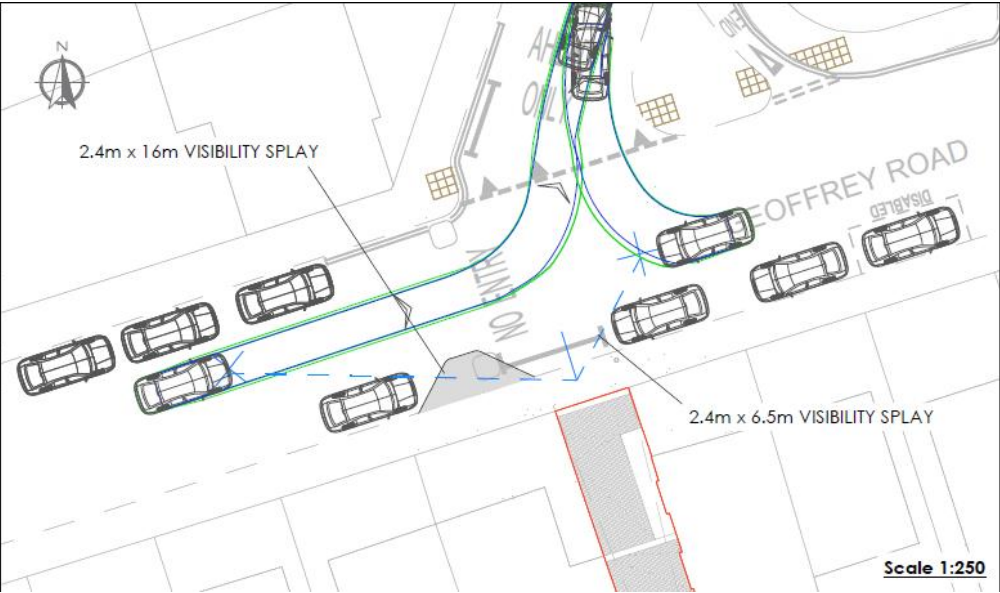
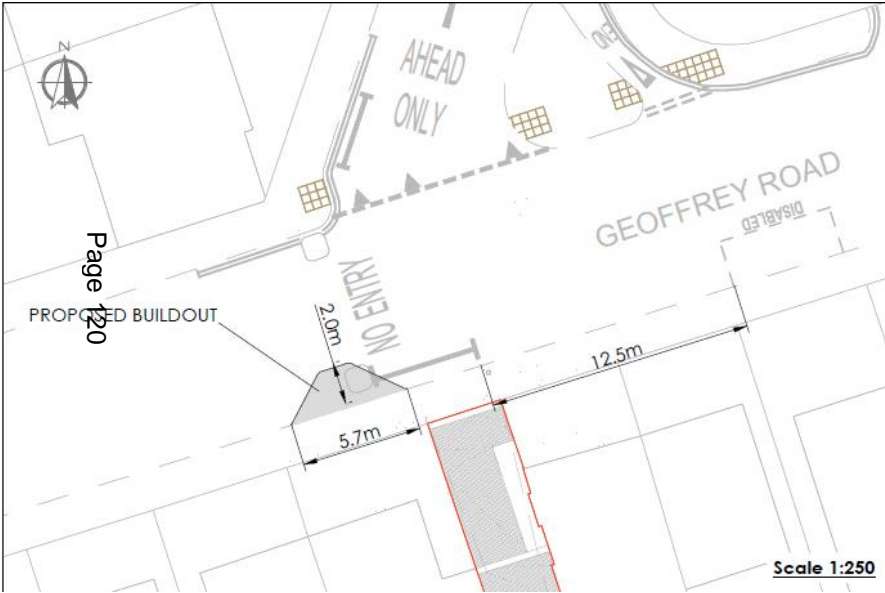


Separation Distances

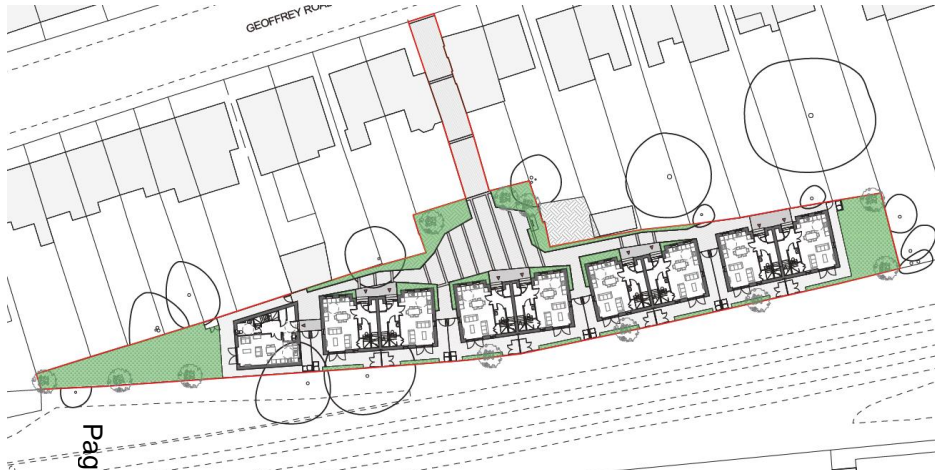
- KEY
- Site
 - Aspect (Views Out)
 - Distances Between Buildings
 - Neighbouring Aspect (Views Out)
 - House Type 1
 - House Type 2
 - House Type 3



Proposed Highway Works



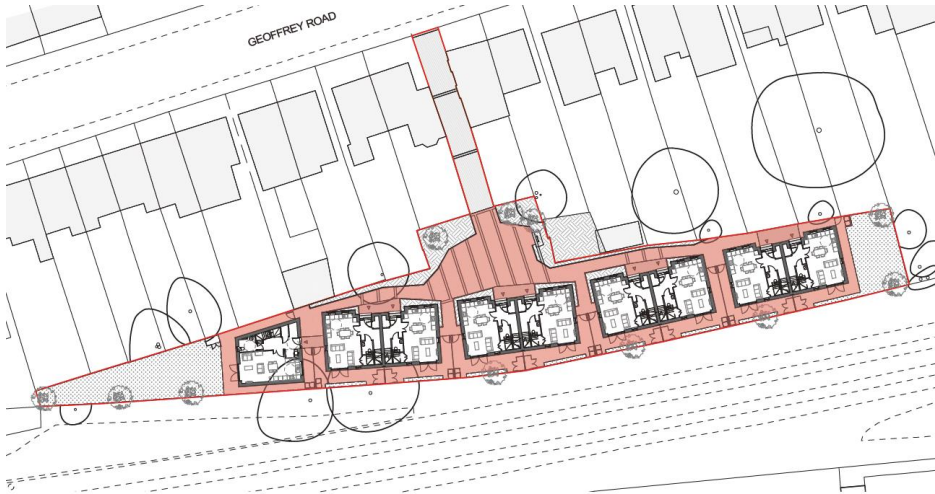
Proposed Landscaping Strategy



Previous Site Plan showing soft landscaping (refused scheme)



Revised Site Plan showing soft landscaping



Previous Site Plan showing hard landscaping (refused scheme)



Revised Site Plan showing hard landscaping

Key planning consideration

- Principle of Development;
- Urban Design and Impact on Heritage Assets;
- Impact on Neighbouring Amenity
- Transport Impact
- Natural Environment
- Planning Obligations

Refused Scheme – DC/22/126149



Refused Scheme – DC/22/126149

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Access Road



View Through Access Road

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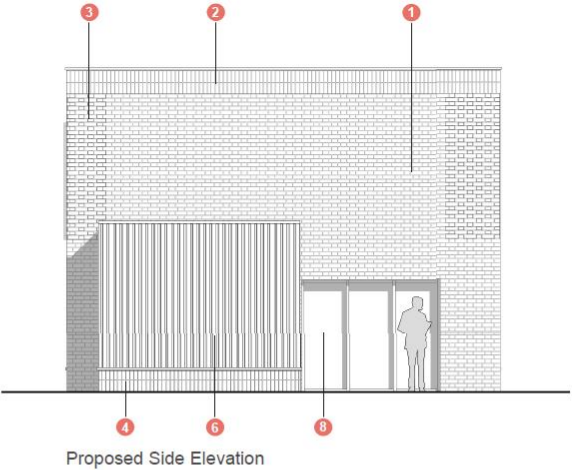
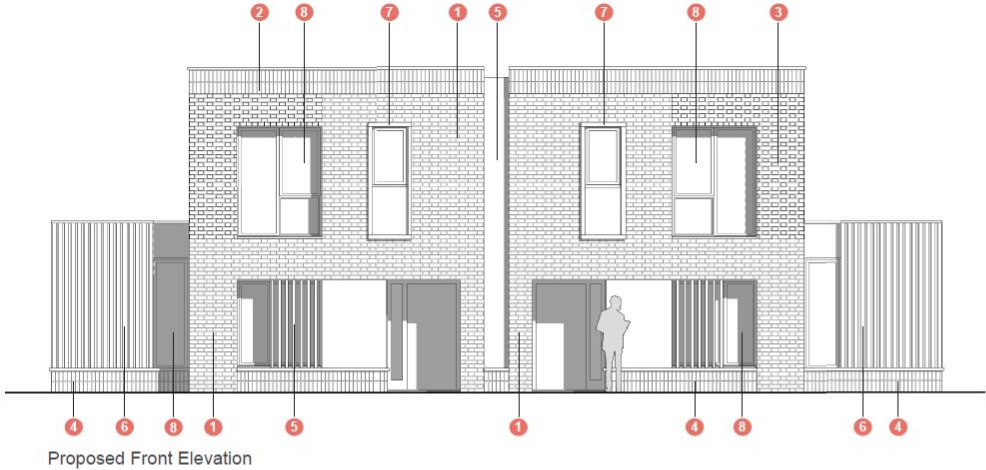


CGI View of House Type 1



Proposed Materials

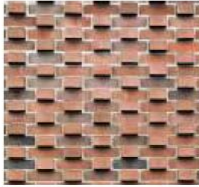
Page 128



1 Buff brick in Flemish Bond



2 Buff brick Soldier Course



3 Recessed buff brick header detailing



4 Dark brick in stack bond



5 Vertical dark coloured timber screen & cladding



6 Vertical dark coloured timber projections



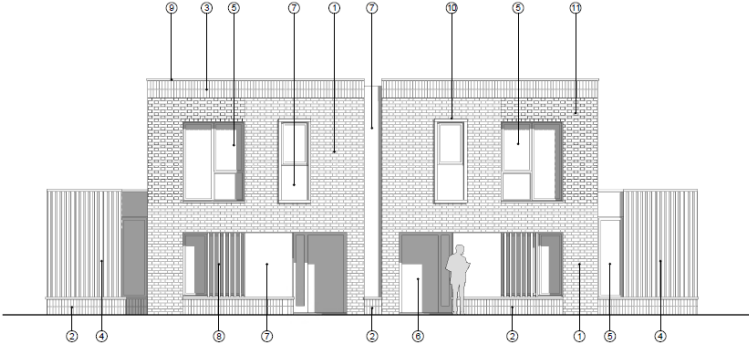
7 Timber window surround



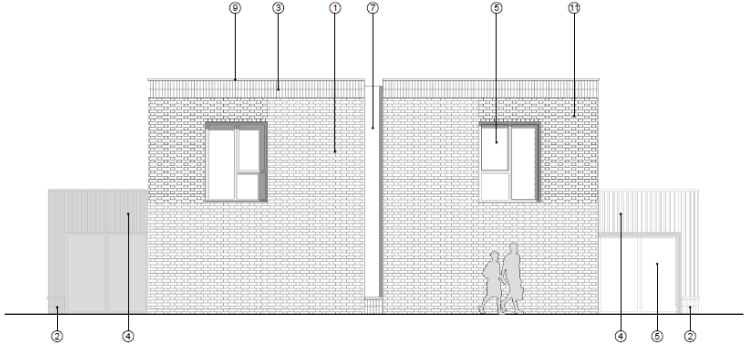
8 Aluminium Composite Windows

Proposed House Type 1

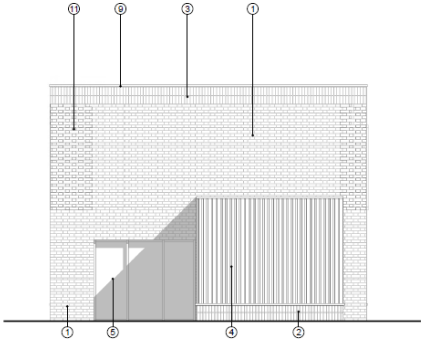
Page 129



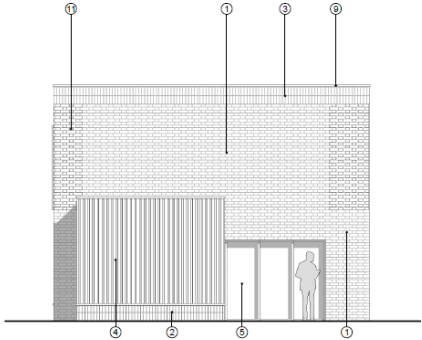
House Type 1 - Front Elevation
1 : 100



House Type 1 - Rear Elevation
1 : 100



House Type 1 - Side Elevation 1
1 : 100

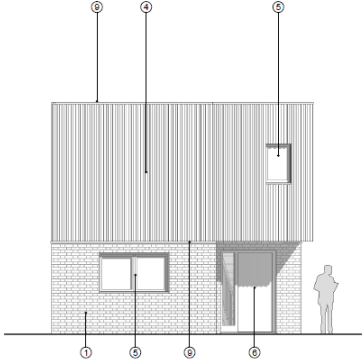


House Type 1 - Side Elevation 2
1 : 100

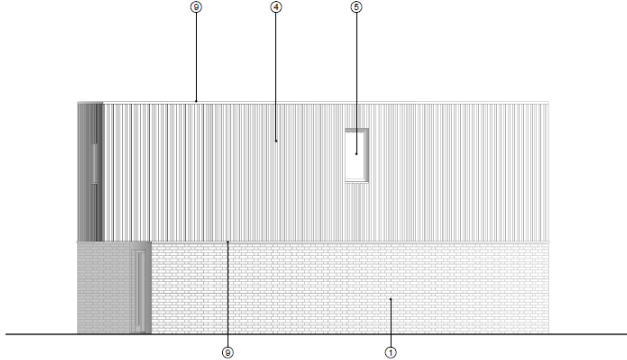


Proposed House Type 2

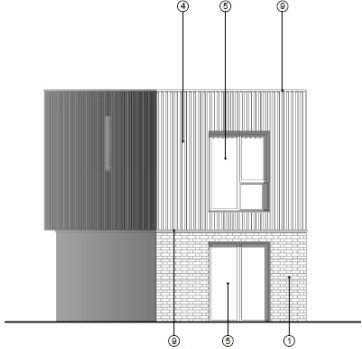
Page 130



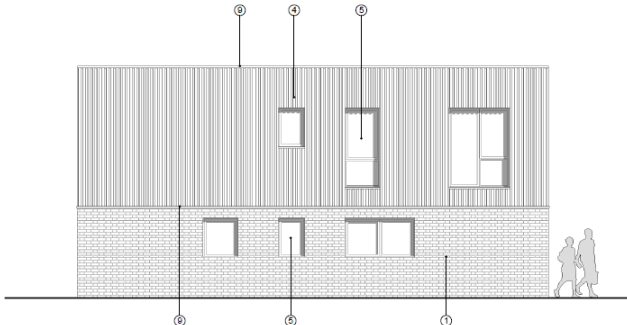
House Type 2 - Front Elevation
1 : 100



House Type 2 - Side Elevation 1
1 : 100



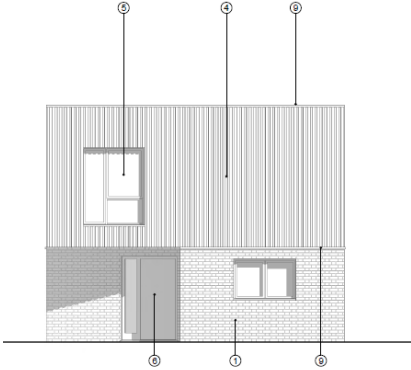
House Type 2 - Rear Elevation
1 : 100



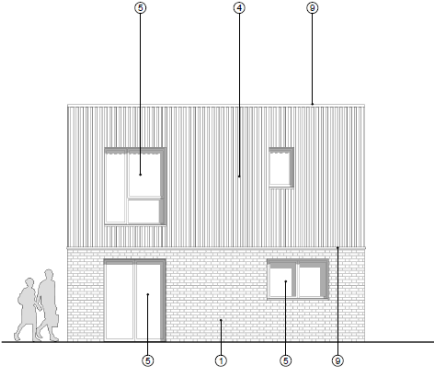
House Type 2 - Side Elevation 2
1 : 100

Proposed House Type 3

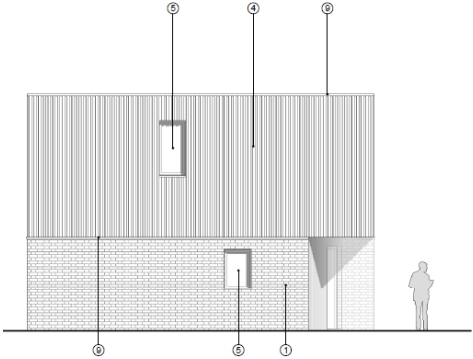
Page 131



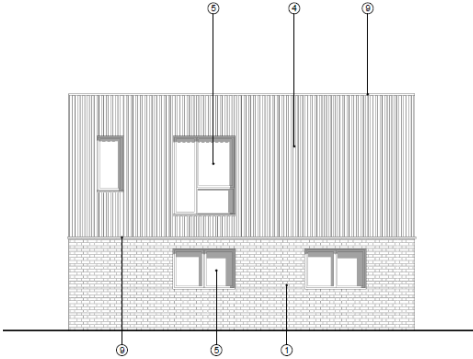
House Type 3 - Front Elevation
1 : 100



House Type 3 - Rear Elevation
1 : 100



House Type 3 - Side Elevation 1
1 : 100



House Type 3 - Side Elevation 2
1 : 100



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

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of the Local Government Act 1972.

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Planning Committee: B

23 Lammas Green, London SE26 6LT

Date: 14 December 2023

Key decision: No.

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

Class: Part 1

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

Ward(s) affected: Forest Hill

Contributors: Jasmine Tranquille

Outline and recommendations

This report sets out the Officer's recommendation of approval for the listed building consent.

The report has been brought before the Committee for a decision due to the submission of 11 objections inclusive of two objections from amenity societies - The Sydenham Society and Forest Hill Society.

Application details

Application reference number(s): DC/23/133095

Application Date: 12 October 2023

Applicant: City of London Corporation

Proposal: Listed Building Consent for the alteration and partial demolition of existing boundary wall and the construction of new boundary wall adjacent to 23 Lammas Green SE26.

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

Designation: Lammas Green Article 4 Direction
PTAL 1b
PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a wall at 23 Lammas Green, a two storey dwellinghouse which is part of wider collection of Grade II listed buildings within the wider City of London owned Sydenham Hill Estate.

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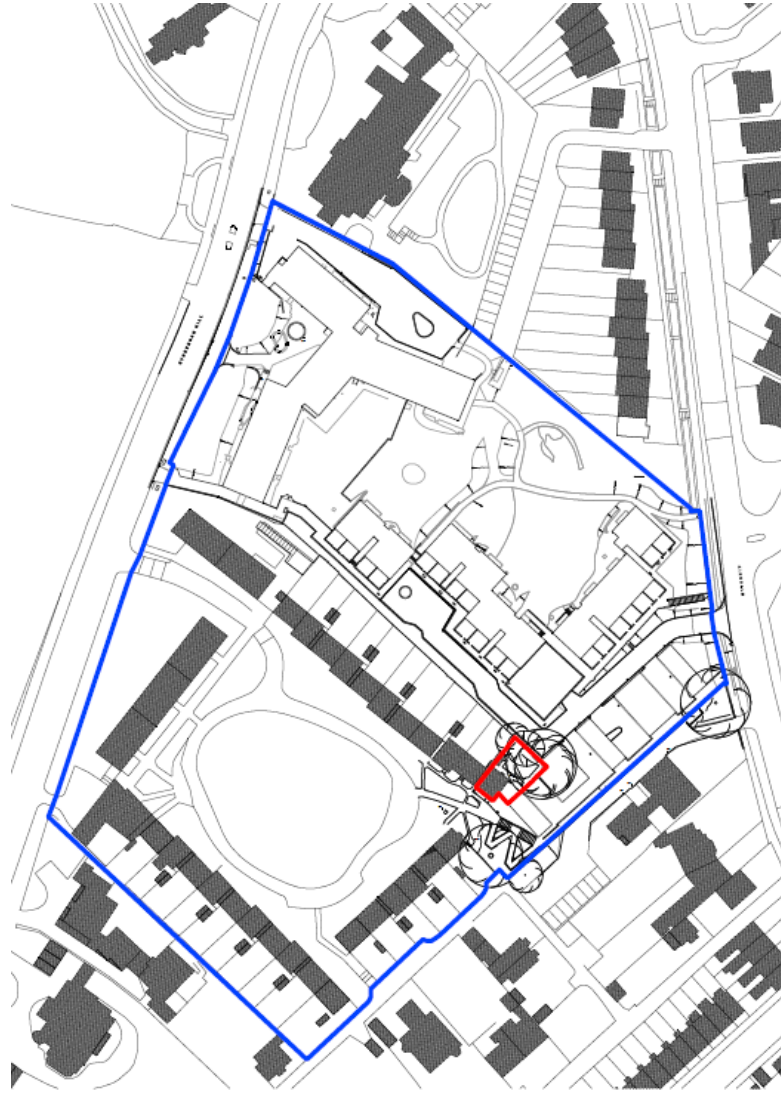


Figure 1: Site Location Plan

Character of area

- 2 The surrounding area is predominantly residential in character, comprising of terraced properties and blocks of flats.
- 3 To the east, on Otto Close are a row of two storey residential units. To the north and south, on Lammas Green are rows of two storey residential units. The centre of the Lammas Green estate includes a small green space.
- 4 Lammas Green is a private road accessed from Sydenham Hill Road.

Heritage/archaeology

- 5 Historic England describes the properties including 23 Lammas Green (Listing number: 1246890) as follows:

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- 6 *“Terrace of eleven houses. 1955-7 by Donald McMorrان of Farquharson and McMorrان, with Peter Nuttall as assistant, for the Corporation of the City of London. Brick construction, colourwashed, with pantiled roofs and brick stacks. The houses each of two storeys and each have three bedrooms. They are arranged in pairs, the composition based on pairs set forward and then back down the steep slope, comprising one more compact plan-type, with dining-kitchen and dormer windows, separated from a wider house by a round-arched entry. Metal windows with side-opening casements and toplights, those to Nos. 14, 15 and 21 renewed but retaining the pattern of the originals. Plank doors set within timber porches with pointed hoods reflecting the style of the dormers.*
- 7 *INTERIORS: Living rooms with picture rails. Staircases with timber balustrades. Many fitted cupboards, particularly to the upper floors. Kitchen and bathroom fittings not of special interest. Donald McMorrان is slowly becoming recognised as one of the most significant architects to work in a traditional style in the 1950s. What makes him stand out from other traditionalists was his willingness to tackle progressive building types like public housing and schools while sticking to the old values of composition, proportion and texture. This puts him closer to Giles Scott than to architects like Raymond Erith. He also owed much to Vincent Harris, for whom he worked between 1927 and 1935. This is the smallest but finest of four housing schemes by McMorrان, two of them for the City Corporation. The composition of three terraces set round a village green, with views of the North Downs is made the more idyllic by the position of the two blocks of flats as a buffer to the road behind. The density is 57 dwellings per acre, less than the permissible seventy 'so as to establish conditions under which a community with its own continuity and life might be able to flourish'. The contrast of the flats, notable for their fine brickwork and traditional proportions, with colourwashed cottages is particularly distinguished. The form of the colourwashed terraces set in pairs owes something to the work of Tayler and Green, translated to an urban setting.”*
- 8 The site is within Sydenham Hill Conservation Area and is subject to an Article 4 Direction. The Direction removes certain permitted development rights from unlisted single family dwellinghouses. The classes of development removed from permitted development include windows, doors, roofs, porches, satellite dishes and painting of exteriors.
- 9 A portion of Lammas Green is located within an Area of Special Character; however, the subject site is not included within this.

Surrounding area

- 10 The Dulwich Woods Conservation Area lies on the opposite side of Sydenham Hill within the London Borough of Southwark.

Local environment

- 11 The site falls within Flood Risk Zone 1.

Transport

- 12 The site has a Public Transport Accessibility Level (PTAL) score of 1b/2 on a scale of 1-6b, 1 being the lowest and 6b the highest.

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2 RELEVANT PLANNING HISTORY

- 13 **DC/20/116172** - Listed Building Consent for the alteration and partial demolition of existing boundary wall, and erection of new boundary wall adjacent to 23 Lammas Green, SE26 – **Granted 10th July 2020**
- 14 **DC/20/119631**: The installation of replacement double glazed windows and the repair and refurbishment of the timber windows on the Community Centre, together with replacement windows to No.'s 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 28 April 2021**
- 15 **DC/20/119631**: Listed Building Consent for the installation of replacement double glazed windows and the repair and refurbishment of the timber windows on the Community Centre, together with replacement windows to No.'s 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 28 April 2021**
- 16 **DC/20/115160** - Demolition of existing buildings at Mais House and Otto Close garages, SE26, and redevelopment to provide a part four, six and seven storey building and a part two and three storey terrace building providing a total of 110 residential units (use class C3), community room and estate office; together with alterations to the existing ball court; associated works to vehicular and pedestrian access from Sydenham Hill, Lammas Green and Kirkdale; provision of car and cycle parking, refuse storage and landscaping including amenity space and play area. **Granted 18 August 2021**
- 17 Following initial approval of the application on 20 November 2020, the original permission was subject to judicial review and quashed by Lang J on 18 May 2021. The application was subsequently heard again at a committee meeting on 29 June 2021 and the Committee resolved to grant the application for planning permission. Planning permission was formally granted on 18 August 2021 and was subsequently subject to a further judicial review by Fordham J who handed down his judgement that the claim failed on 11 July 2022. The Court of Appeal refused permission to appeal on 8 September 2022.
- 18 **DC/23/129872** - A non-material amendment to the planning permission DC/20/115160 to amend the bicycle condition to remove the repeated condition and change the time period for submission of the full details of bicycle facilities. **Granted 15 February 2023**
- 19 **DC/23/130999**: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission DC/20/115160 dated 18 August 2022 in order to amend the wording of Condition (36) for Land at Sydenham Hill Estate, Sydenham Hill, SE26. **Granted 18 April 2023**
- 20 **DC/23/131499**: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission DC/20/115160 dated 18 August 2022 in order to amend the wording of Condition (3), (4), (5), (13), (14), (17), (18), (19), (20), (35), and (36) for Land at Sydenham Hill Estate, Sydenham Hill, SE26. **Granted 6 July 2023**
- 21 **DC/23/131553**: The installation of external fans and vents to the kitchens, bathrooms and WCs of the properties at 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 24 August 2023**

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22 **DC/23/131664:** Listed Building Consent for the installation of external fans and vents to the kitchens, bathrooms and WCs of the properties at 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 24 August 2023**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

Background

23 An application for planning permission has been approved in relation to a major residential development (DC/20/115160) on the Sydenham Hill Estate. This is currently being constructed. The works to the wall at 23 Lammas Green were also included within the scope of this planning application and the planning assessment of the proposals were included within the wider assessment of the major residential application. This application has been considered independently from that scheme to assess whether the works are acceptable in isolation.

24 Concurrent to the above main planning application, an application for listed building consent under ref. DC/20/116172 for the alteration and partial demolition of existing boundary wall, and erection of new boundary wall adjacent to 23 Lammas Green was granted on 10th July 2020. Condition 1 (time limit) attached to the decision required the development to be implemented within 3 years of the date of decision. Currently, the 2020 listed building consent has lapsed as no works pertaining to the consent have been implemented.

Scope of application

25 Listed Building Consent is sought for:

- the alteration and partial demolition of existing boundary wall; and
- the construction of new boundary wall adjacent to 23 Lammas Green SE26.

26 It should be noted that this scheme is almost identical to the previously approved scheme DC/20/116172.

27 Council's Conservation Officer has request changes during the course of the application this includes the removal of the short nib and introduction of a new gate to the rear of the path at 23 Lammas Green.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

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

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4.2 APPLICATION PUBLICITY

- 29 Two site notices were displayed near the site on 17 October 2023 and a press notice was published in the News Shopper on 18 October 2023.
- 30 Letters were sent to residents and businesses in the surrounding area and the relevant Ward Councillors on 16 October 2023.
- 31 11 responses have been received, comprising 11 objections. This includes objections received from The Sydenham Society, Forest Hill Society and Bell Green Neighbourhood Forum.
- 32 As we had received over 10 objections to this scheme, this triggers the need for the application to be determined by the Committee.

4.2.1 Society comments in objection

Comment	Para where addressed
Lack of consultation to the wider community. The objection noted that only one notice was displayed, only the next door neighbour was consulted and Sydenham Society was not consulted.	Five letters were sent out to neighbouring properties and two public notices were put up around the site. Historic England, Sydenham Society, Forest Hill Society and Bell Green Neighbourhood Forum were all consulted on this application.
The Heritage Statement does not take into account that the scheme would interrupt the village green feel of Lammas Green.	The Heritage Statement as well as the Council's Conservation Officer have considered the listing of Lammas Green.
The new build would be visible with a different colour brickwork and would appear jarring to Lammas Green.	The final material specification is to be confirmed and has been conditioned as part of this application. This information would be submitted to the local planning authority for approval.
The garden at 23 Lammas Green would be the smallest on the Green.	para 74
The houses on Lammas Green have shallow foundations and the impact of sheet piling could be significant. There are noise and vibration concerns.	These matters have been assessed under planning permission DC/20/115160.
There are outstanding complaints regarding damage to homes from demolition works on Mais House development.	This matter is outside the scope of this application. The Planning Service understand that this is being reviewed by the City of London
The scheme is on a geological junction and springline which has previously had landslides.	These matters are covered under condition 32 (Land Stability Assessment) on the planning permission DC/20/115160.
The proposal shows very steep stepped access between Lammas Green and Otto Close with a detour for disabled access.	The proposal seeks to re-locate the existing footpath from the rear of the

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The path should connect to the ancient footpath/right of way.	removed garages to the front of the approved terraces.
---	--

4.2.2 Comments in objection

Comment	Para where addressed
Lack of consultation with local residents, the estate, amenity groups and Historic England.	Letters were sent out to residents and two public notices were put up around the site. Historic England, Sydenham Society, Forest Hill Society and Bell Green Neighbourhood Forum were all consulted on this application.
Lammas Green Article 4 Direction is not publicly available.	The Lammas Green Article 4 Direction is available on Lewisham Council's website.
The design of the new build would be taller and have different colour brickwork.	para 56
Structural integrity of the terrace is under threat as it is built on a geological junction and springline. The site is close to known land slippage events.	These matters are covered under condition 32 (Land Stability Assessment) on the planning permission DC/20/115160.
Unclear plans in terms of demolition plan legend and steps to be removed not showing a replacement. Photographs are dated 2020 and include buildings etc that are no longer there.	This application is a re-submission of DC/20/116172 which had been approved in 2020.
The scheme would result in flooding for neighbouring properties downhill such as Locally Listed Ash Tree Cottage.	The site is located in Flood Zone 1 which indicates there is a low probability of flooding. Flood Risk was considered in the approved planning application DC/20/115160.
The scheme is not accessible and does not meet the standards as it is steep, has no handrail and is a long detour.	These matters were taken into consideration as part of the original planning permission DC/20/115160. Condition 5 (Hard Landscaping) of this permission was secured to address this matter
Lack of privacy, daylight and sunlight to 23 Lammas green and proposed Otto Close terraces.	These matters were taken into consideration as part of the original planning permission DC/20/115160.
The existing garden for 23 Lammas Green would be smaller and the proposed planter is out of character with houses at Lammas Green	para 74
Impact of pile driving on the Lammas Green terraces. The foundations are quite	These matters have been assessed and relevant conditions have been added to under planning permission DC/20/115160.

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shallow and the proposed retaining wall is located close to houses.	
The footpath is a public right of way and survey has not been undertaken to monitor usage.	The application does not propose removal of the right of way.
A planning application is not sufficient to close a public footpath or right of way. A stopping up order would be required. A planning notice has never been displayed at the entrance to the footpath at Kirkdale for pedestrians.	The proposal seeks to re-locate the existing footpath from the rear of the removed garages to the front of the approved terraces. Two planning notices have been displayed in the vicinity of 23 Lammas Green.
The proposed right of way would be unsafe as it is proposed to be a shared space and a flush kerb is proposed. Pedestrians could be forced on the road by delivery and service vehicles, wheelie bins and other street furniture. There is a potential for an increase in crime.	These matters were taken into consideration as part of the original planning permission DC/20/115160. Condition 13 (Secured by Design) was secured to address crime specifically.
The Otto Close row of terraces would require destruction of the historic boundary wall and right of way.	The garden wall is not original and is a contemporary part of the estate.
It would require the removal of a historic stone Bridge House Trust boundary marker and swan-necked gas lamp standards which had originally lit the Mais House carriage drive.	The Boundary Marker is still in place and a condition was DC/20/115160 was added requiring its protection. A site visit had been undertaken and the boundary marker has been protected and boxed in timber. The swan-necked gas lamps are located outside the application's site boundary. Therefore, is not within the remit of this application. The Council's Conservation Officer has confirmed that this cannot be considered.

33

A number of other comments were also raised as follows:

- Objections were raised to the Mais House/Otto Close development including clash with Lammas Green, lack of alternative layouts being considered and accessibility. It also raised that Sydenham Hill Ridge line would be damaged.
- Concerns with vibration and complaints from the demolition works of Mais House have been raised.
- Mais House negatively impacts the existing skyline, ecology, residents and is out of scale.
- Impact on heritage by way of the loss of village green feel of Lammas Green. The relocation of the wall is proposed to allow for the new building which is quite

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visible. Objections suggested setting back the last townhouses or omitting them completely.

- The view across Lammas Green would be blocked by the new Otto Close terraces.

34 Officer Comment: The above points are all in relation to the Mais House/Otto Close redevelopment approved under DC/20/115160. These matters do not fall within the scope of this application. This application is solely for Listed Building Consent in relation to the alteration and partial demolition of the boundary wall.

- Trees have been felled which were meant to be retained at the rear of 21-23 Lammas Green which further exacerbates the loss of green outlook and privacy. These are yet to be replaced.

35 Officer Comment: This a matter of management for the landowner and does not fall within the scope of this application.

- No consultation took place, nor no amenity societies were consulted on LBC Application DC/20/116172.
- The press notice for DC/20/116172 was published in the Bromley paper.
- Lewisham Council's website did not relate DC/20/116172 to DC/20/115160.
- Residents did not get an opportunity to comment on the previous LBC due to the notice not being displayed by the Applicant.

36 Officers Comment: This does not fall within the scope of this application. Consultation was undertaken as part of DC/20/116172 this is detailed in the relevant delegated report.

4.3 INTERNAL CONSULTATION

37 The following internal consultees were notified on 12 October 2023.

38 Conservation: raised no objections to the revised scheme subject to the imposition of conditions. See considerations section below.

4.4 EXTERNAL CONSULTATION

39 The following External Consultees were notified on 12 October 2023

40 Historic England: were consulted and advised that this application does not need to be referred to the Secretary of State for determination. No other comments were provided.

5 POLICY CONTEXT

5.1 LEGISLATION

41 Planning (Listed Buildings and Conservation Areas) Act 1990: S.16 and S.66 gives the LPA special duties in respect of heritage assets.

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42 Sections 7 & 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that any works for the demolition of a listed building or for its alteration, or extension in any manner which would affect its character as a building of special architectural or historic interest must be authorised in writing by the LPA or Secretary of State prior to commencing. This authorisation is known as Listed Building Consent.

43 Section 17 of the Act gives power to the LPA or Secretary of State to impose conditions on a listed building consent for the preservation of particular features of the building, the making good of any damage caused to the building by the works, the reconstruction of the building or any part of it following the execution of any works, with the use of original materials as far as practicable, and the approval of details.

5.2 MATERIAL CONSIDERATIONS

44 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.

45 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.

46 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 2023 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

47 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

48 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

49 London Plan SPG/SPD:

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- Character and Context (June 2014)

5.6 OTHER MATERIAL DOCUMENTS

- Historic England Good Practice Advice Notes
- Historic England Advice and Guidance
- Historic England Designation Selection Guides

6 LISTED BUILDING CONSENT PLANNING CONSIDERATIONS

Policy

- 50 NPPF Paragraph 199 sets out that great weight should be given to the conservation of a designated heritage asset.
- 51 Paragraphs 200-201 of Chapter 16 of the NPPF set out how LPAs should approach the determination of applications that would comprise substantial harm to designated heritage assets.
- 52 Paragraph 202 requires that where a development proposal would 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, including heritage benefits such as securing its optimum viable use.
- 53 Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 54 LPP HC1, CSP 16 and DMP 36 echoes the national direction regarding heritage assets.

Discussion

Significance

- 55 The building forms part of a 20th century well-designed terrace of cottages which faces on to the north-east side of Lammas Green, part of the 1960s McMorran and Farquharson development. Listed at grade II. Its significance lies in its contribution to the wider Lammas Green estate, which elevates its relatively modest architecture, detailing and materials by placing it within a well-composed and planned whole. The key parts of its setting comprise the Green and other listed blocks around it.
- 56 The boundary wall does not appear to represent part of the original layout contrary to the Heritage Statement and DC/20/116172. The garden wall was in a different position prior to the construction of Otto Close and the garages. This indicates that the garden of 23 Lammas Green had been extended at some point prior to this. The north east-south-westerly (yellow brick) stretch appears to have been constructed when the garage court was excavated and is not related to the original development. The north-west/south-east (multi brick) stretch which adjoins 23 Lammas Green is more closely related to brickwork

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found elsewhere on the estate. Council's Conservation Officer considers this to be a modest garden wall.

- 57 The Council's Conservation Officer considers that the current wall adjoining 23 Lammas Green is a sensitive replacement of an earlier garden wall which was part of the original development but was removed when the garage court was excavated. The north-west/south-west (multi-brick) stretch is non-original therefore it holds minimal if any evidential or physical value.
- 58 The Council's Conservation Officer disagrees with the Applicant's assessment where they consider the wall is an original feature. However, the Council's Conservation Officer agrees with the applicant's assessment that: the boundary wall, as a plain and functional part of Lammas Green Estate, makes a positive but minor contribution to the significance of the Grade II listed group of No.13-23 to which it is attached.
- 59 The Council's Conservation Officer notes that Lammas Green is subject to an Article 4 Direction. However, this was enlisted prior to the estate being statutory listed. The statutory listing controls surpass the level of control required by the Article 4 Direction and therefore is no longer a relevant consideration of these works.

Proposed works and impact

- 60 The proposal is a re-submission of the previous listed building consent DC/20/116172. The proposed works to the wall have already gained planning consent under application reference number DC/20/115160. The Council's Conservation Officer's previous advice on DC/20/116172 had considered the proposal would result in the loss of the original boundary wall. This advice had been provided during the pandemic when it was not possible to undertake a site visit. The Council's Conservation Officer was now able to go onsite and view the wall in person resulting in a more informed consultation response.
- 61 The proposal would result in the partial loss of the boundary wall; however, Council's Conservation Officer has confirmed that this is not the original wall. Despite this, the boundary wall is connected to 23 Lammas Green which is Grade II listed, and it can be concluded that the listing extends to it by virtue of attachment.
- 62 A new retaining wall would be constructed closer to the flank elevation of no.23, as part of the new steps down to Otto Close to replace the partial loss of the existing boundary wall. This would not need listed building consent as it does not comprise works to a listed building (although it would fall within the curtilage of the listed building it would not be affecting a curtilage structure). These works have been considered under the planning application reference number DC/20/115160 as referenced above.
- 63 The Council's Conservation Officer has conducted a re-assessment of the wall and considers that it is not contemporary with the listed buildings therefore re-use of the brickwork is less important. However, the selection of brick, bond, pointing mix, method and coping is of importance has been recommend as a condition. The Applicant agreed to the condition regarding the material and mortar details.
- 64 The Council's Conservation Officer requested clarification regarding the mapping of the original position of the boundary wall, how access to the rear garden is provided/secured to avoid the need for a raised gate/wall and material of the gate by 23 Lammas Green. They also requested further investigation into the retention of the short nib of the wall where it adjoins no.23 Lammas Green and suggest removal in its entirety would be preferable.

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- 65 The Applicant provided a revised Heritage Statement which included investigation into the short nib of the wall and suggested removal. Revised plans showing this were later provided as suggested in the revised Heritage Statement.
- 66 The Council's Conservation Officer reiterated their comments on the confirmation of original boundary wall position, security of the proposed wall and material of the low side gate.
- 67 The Applicant responded and provided a revised plan in the Heritage Statement confirming the original location of the boundary wall. The Applicant confirmed the gate would be timber and advised that Article 4 direction is in place and if the resident wishes to make any changes to the wall/gate this would require planning permission.
- 68 The Council's Conservation Officer considered the responses and noted the revised plans had been submitted to show the short nib (referenced above) to removed, this was supported.
- 69 The Council's Conservation Officer suggested omitting the low front gate and proposing a tall gate at the entrance of the garden at the rear of the side alley. This would be consistent with the original arrangement of access that was set at the end of the shared tunnels. Details of a taller gate were requested to be provided to demonstrate that appropriate security to the new rear garden could be achieved.
- 70 The Applicant responded and provided revised plans to show a 1.1m gate at the front of the path to indicate a private path. In addition to the 1.8m gate at the rear of the path between the building rear corner and boundary retaining wall. The applicant indicated that they wished to retain a shorter 1.1m high gate in this location to prevent people accidentally navigating down the dead-end alleyway at the side of the house.
- 71 The Council's Conservation Officer considered this to be acceptable with appropriate security to the new rear garden achieved.
- 72 The LBC works would facilitate the provision of the 11 affordable 4 bed family terraced houses on Otto Close subject to the approved planning application (DC/20/115160) which is currently being implemented. As considered under the planning application, the changes to the wall and associated relocation of the existing footpath to the rear of the removed garages to the front of the proposed terrace, which form part of the main site planning proposals, would improve user safety of the footpath by improving natural surveillance and visibility as would become street facing.
- 73 The Council's Conservation Officer considers the scheme would result in no harm to the special interest of 23 Lammas Green nor the wider listed group, subject to the construction of the proposed boundary wall which closely matches the existing boundary walls in the estate. The proposal would enable the provision of new (affordable) dwellings on the adjoin part of the estate.
- 74 It is noted that the proposals would result in a minor decrease in the scale of the rear and side amenity at 23 Lammas Green. The impacts of this reduction have been fully considered in the DC/20/115160. It is noted however that a substantial amenity space would remain.

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7 EQUALITIES CONSIDERATIONS

75 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.

76 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.

77 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.

78 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>

79 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

80 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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81 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8 HUMAN RIGHTS IMPLICATIONS

82 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

83 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.

84 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.

85 This application has the legitimate aim of providing a new boundary wall. 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.

9 CONCLUSION

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

87 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, consider that the development would result in no harm to the setting and significance of the listed building.

88 Officers conclude that the scheme would result in no harm to the special interest of host listed 23 Lammas Green, and the wider listed group.

89 The proposal is considered acceptable subject to the imposition of the recommended conditions.

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10 RECOMMENDATION

90 That the Committee resolve to **GRANT** the listed building consent subject to the following conditions and informatives:

10.1 CONDITIONS

1) LISTED BUILDING CONSENT 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 18 of the Planning (Listed Buildings and Conservation Areas) 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:

TS067-1-DM-01;
TS067-1-DM-04 REV 00;
TS067-1-DM-05 REV 00; (received 4 October 2023)

Heritage Statement (received 8 November 2023)

TS067-1-DM-02 REV 01;
TS067-1-DM-03 REV 01;
TS067-2-DM-01 REV 01 (received 15 November 2023)

TS067-2-GA-05 REV 02;
TS067-1-GA-10 REV 03;
TS067-2-GA-12 REV 02 (received 22 November 2023)

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

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3) MATERIAL SPECIFICATION

Prior to commencement of construction of the wall hereby approved, a brick specification and sample panel of new brickwork to show face bond, mortar mix & pointing profile and coping method to be used on the construction of the new wall to be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and maintained for the lifetime of the development.

Reason: To ensure that the local planning authority may be satisfied that the works would preserve the significance of the listed structure in accordance with the relevant paragraphs of the NPPF (2023), Policy 16 of the Lewisham Core Strategy (2011) and Policy DM36 of the Lewisham Development Management Local Plan (2014).

10.2 INFORMATIVES

1) POSITIVE AND PROACTIVE STATEMENT

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

2) SCOPE OF APPLICATION

The Applicant is advised that this application relates solely to Listed Building Consent for the demolition and reconstruction of the boundary wall at 23 Lammas Green. An amendment to planning permission DC/20/115160 would be required to cover the changes under this Listed Building Consent.

3) LISTED BUILDING CONSENT WORKS

The Applicant is advised any works granted until this Listed Building Consent should only be carried out once planning permission has been obtained for the amendment to planning permission DC/20/115160.

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11 BACKGROUND PAPERS

- 91 Submission drawings
- 92 Submission technical reports and documents
- 93 Internal consultee responses
- 94 Statutory consultee responses

12 REPORT AUTHOR AND CONTACT

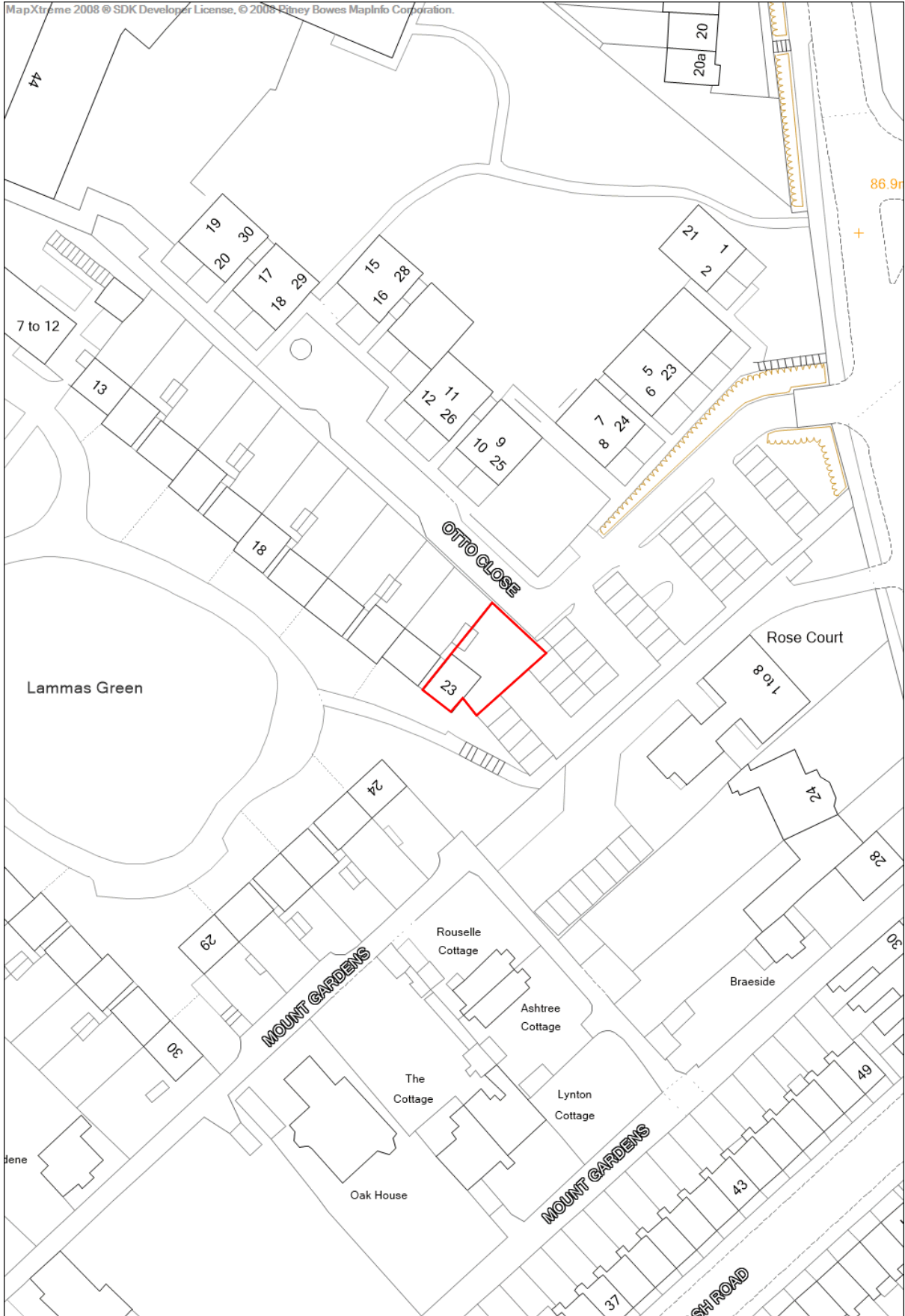
- 95 Report author: Jasmine Tranquille (Senior Planning Officer)
- 96 Email: Jasmine.Tranquille@Lewisham.gov.uk
- 97 Telephone: 020 8314 8544

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23 Lammas Green SE26 6LT

Application Ref. DC/23/133095

Listed Building Consent for the alteration and partial demolition of existing boundary wall and the construction of new boundary wall adjacent to 23 Lammas Green SE26.

Listed Building Consent

Planning (Listed Buildings and Conservation Areas) Act 1990 Part I, Chapter II, Section 16 (Decision on application):

“(1) Subject to the previous provisions of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions.

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(3) Any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it.”

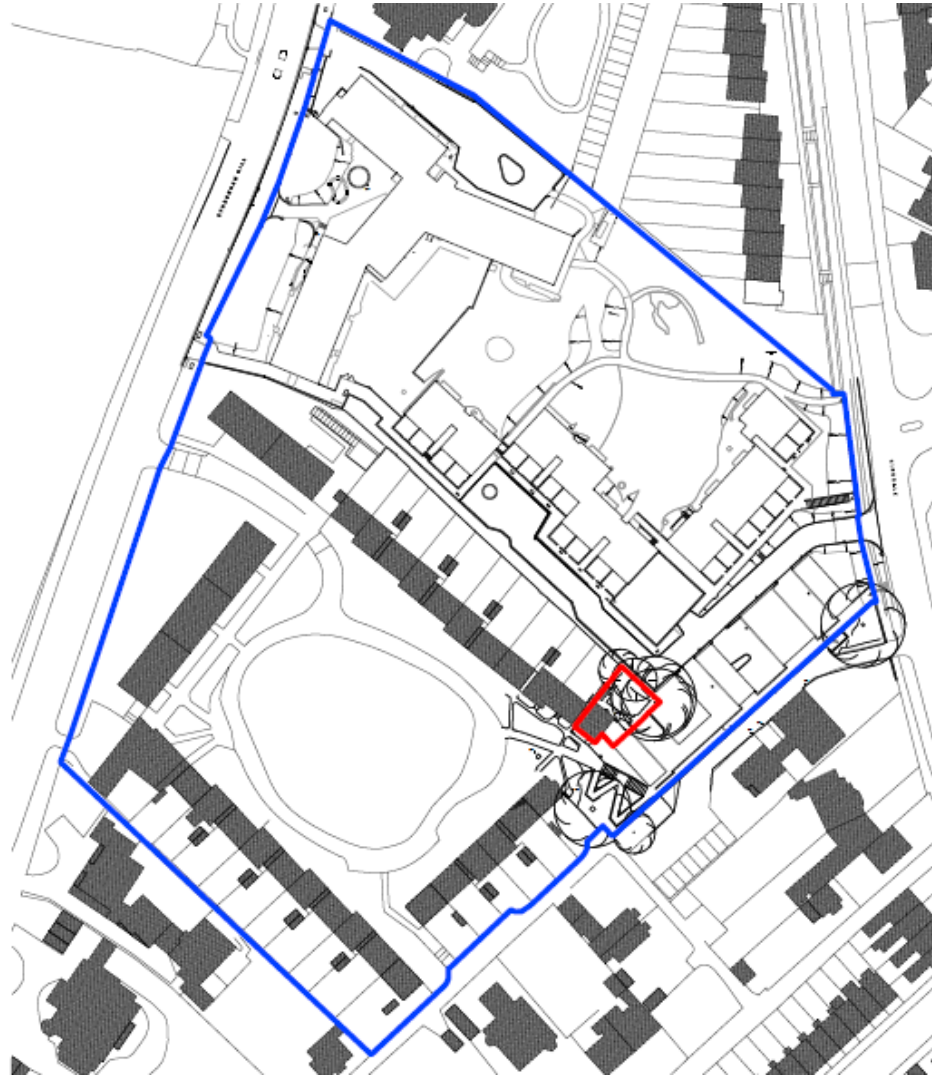
Existing Site

Site plan

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City of London Corporation
Sydenham Hill Estate

23 Lammas Green

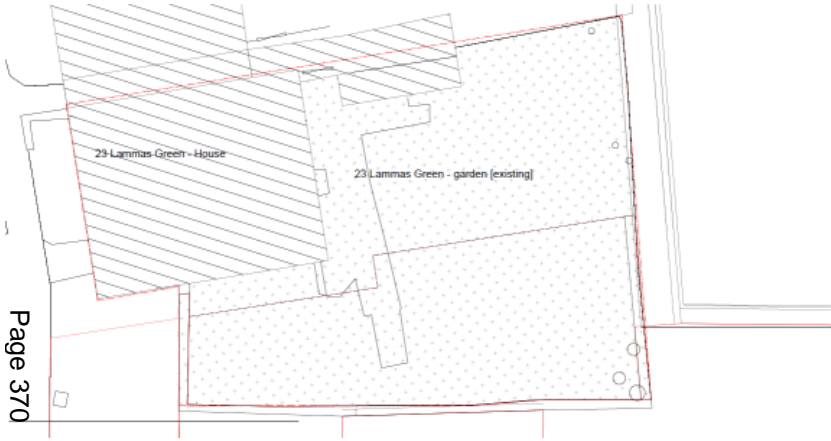


Site imagery

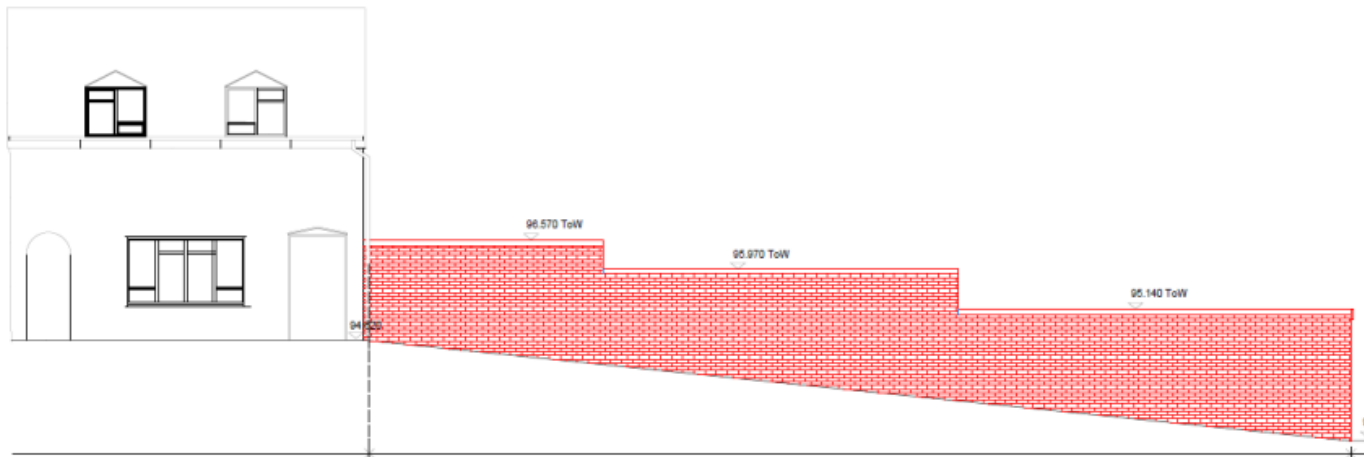
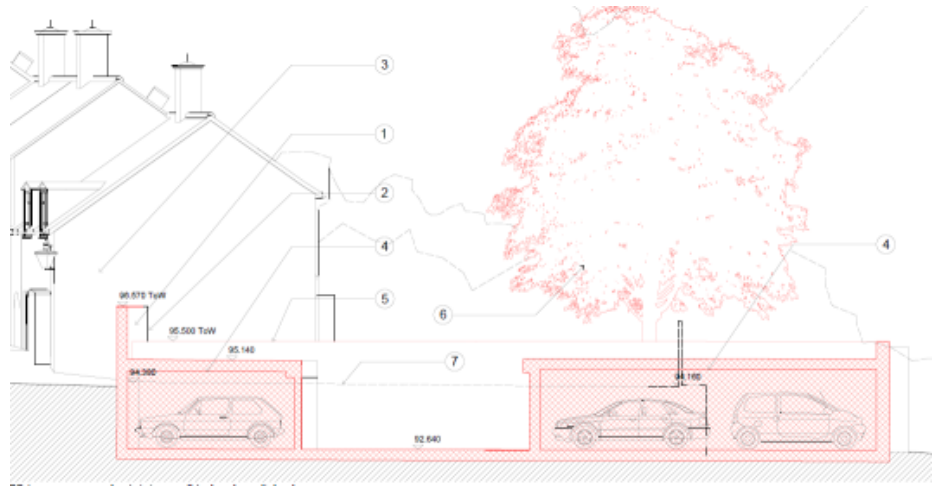


Proposal

Existing drawings

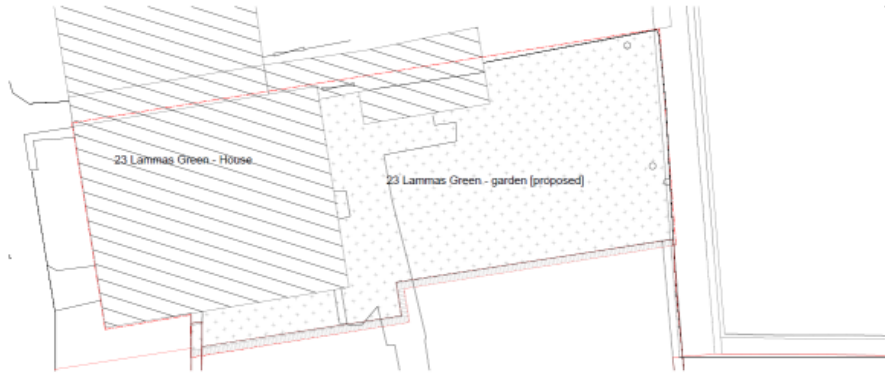


Listed Building and garden as existing
Scale 1:50 @ A1, 1:100 @ A3

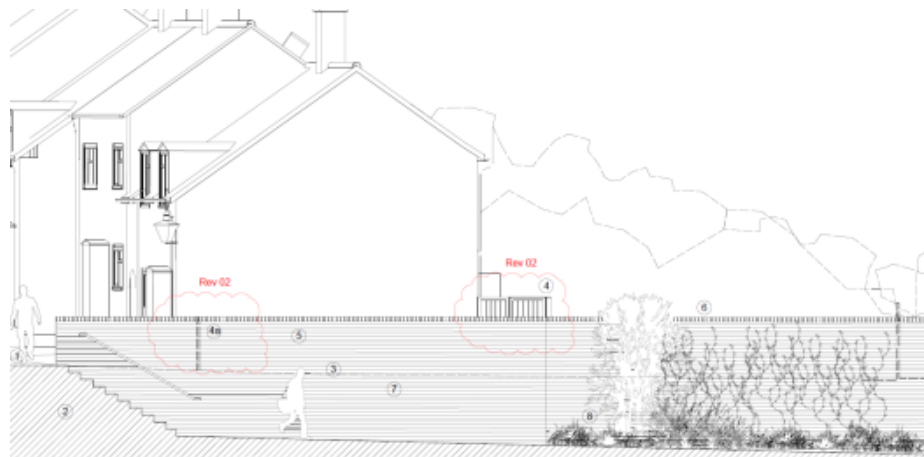
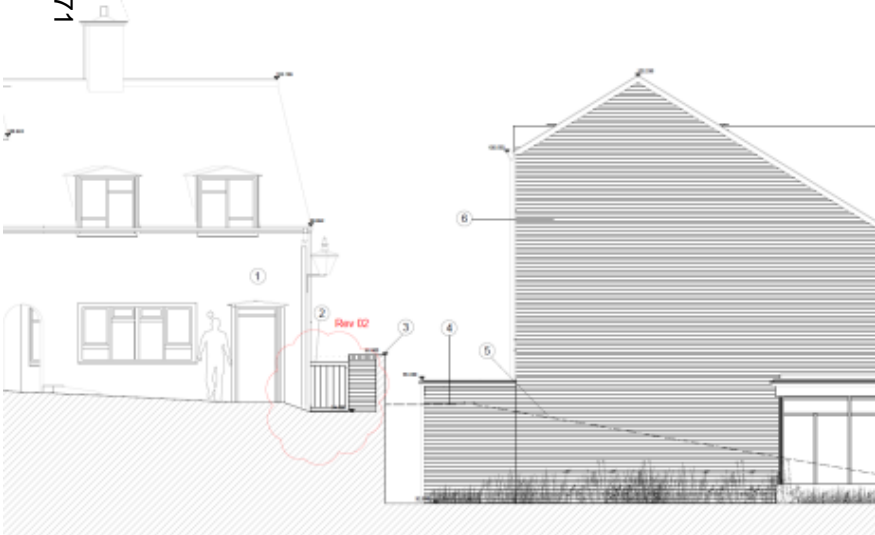


Proposed drawings

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Listed Building and garden as proposed
Scale 1:50 @ A1, 1:100 @ A3



Sectional elevation CC in proposed boundary wall to 23 Lammas Green

Planning History

Previously approved application (2020) DC/20/116172

- DC/20/116172 had been approved on 10/7/2020 for the same development. This had expired therefore the Agent had to re-submit a new application.

Main Planning Considerations

Key Listed Building Considerations

Part I, Chapter II, Section 16 (Decision on application) of
Planning (Listed Buildings and Conservation Areas) Act 1990

End

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

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