



Planning Committee B

Report title:

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

Date: 29 September 2022

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: Perry Vale

Outline and recommendations

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

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

Application details

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

Application Date: 21 June 2022

Applicant: Mr Hayes

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

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

Designation: PTAL 4 and Local Open Space Deficiency

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

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

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Figure 1 Location Plan

Character of the area

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

Heritage/archaeology

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

Local environment

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

Transport

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

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2 RELEVANT PLANNING HISTORY

- 10 **PRE/21/120305** - Pre-application advice on the demolition of the existing garages and the construction of nine residential dwellings.
- 11 **DC/21/123262** - Demolition of existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and the erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage. Granted 25 Feb 2022.



Figure 2 the Approved Site Plan

- 12 Several planning applications have been submitted to discharge conditions.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

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

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4 CONSULTATION

4.1 APPLICATION PUBLICITY

14 No public consultation is required to discharge conditions.

4.2 INTERNAL CONSULTATION

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

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

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

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

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

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

5.3 NATIONAL POLICY & GUIDANCE

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

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5.4 DEVELOPMENT PLAN

21 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

22 Lewisham SPG/SPD:

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

23 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

24 The main issues are:

- Transport
- Impact on Adjoining Properties
- Planning Obligations

6.1 TRANSPORT IMPACT

General policy

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

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

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monitored and managed throughout the construction and operational phases of the development.

Discussion

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

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

(a) Dust mitigation measures.

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

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

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

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

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

(iii) Measures to deal with safe pedestrian movement.

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

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

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

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

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

Discussion

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- 29 Condition 3 of the planning permission, seeks to ensure that the development will be constructed in an acceptable manner to minimise disruption and to ensure it would be in line with London Plan Policies SI1 and PL T7.
- 30 The Council's specialist teams Highways and Environmental Protection have assessed all the technical details within the report, and raised no objections to the level of details.
- 31 The concerns raised by the Planning Committee C on 24 Feb 2022, primarily centre around the potential damages to adjacent neighbouring properties during the construction period by large vehicle manoeuvring, and adverse impact on the amenities of neighbours.
- 32 The Committee C on 24 Feb 2022, in resolving to grant permission, requested the CMP to provide evidence showing the manoeuvring of the large vehicles turning into the site and getting out due to the limited width of the access road, and the traffic and parked vehicle long both side of Blythe Vale would be safe and correctly managed.
- 33 The applicant has provided vehicle manoeuvre/access diagram in the CMP document page 65. It has been confirmed by the applicant that the size and manoeuvring would be restricted as below:

- During construction phase all vehicles would be limited to 10 meters long in size as this is the largest vehicle that can access the development site to ensure no damaging to the party wall including boundary walls and fences.
- The paths and turnings of vehicles in the diagram are all achieved within the space between an inner circle of 5.3m radius and an outer circle of 12.5m radius.
- No out circle (path following by outside tire) has a greater radius than 12.5m, and no inner circle (path following by innermost tire) has a smaller radius than 5.3m.

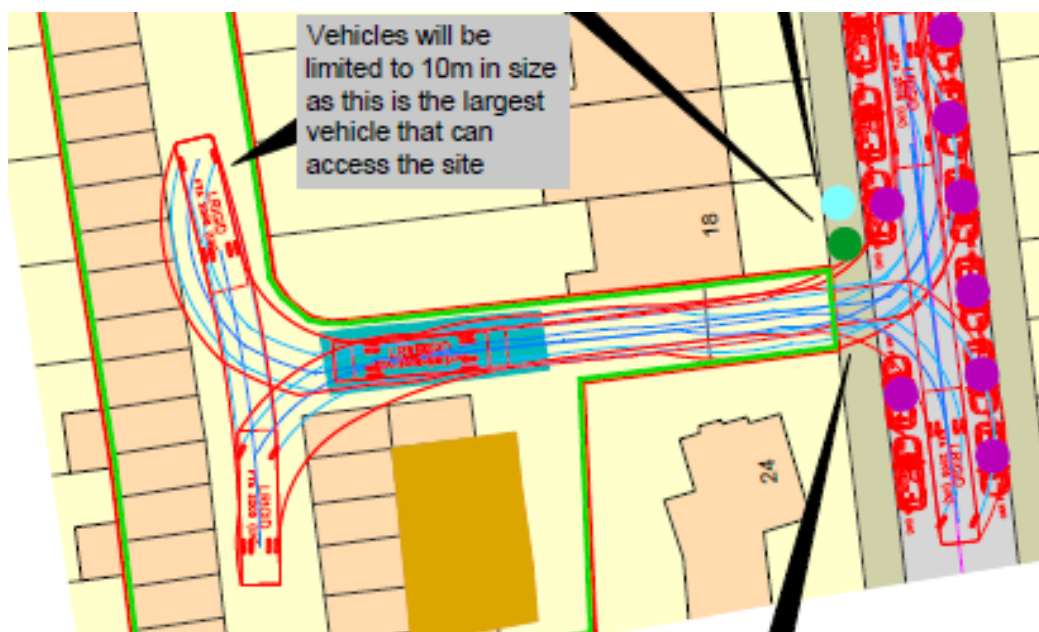


Figure 3 Large vehicle manoeuvring diagrams (Figure 4.3 of CMP report)

- 34 There would be hoarding around the site. As the proposed layout of the site, during the construction period shows, an operative trained banksman and traffic marshal would

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direct vehicle movements. Also, 8 on-street parking suspensions would be applied by the LBL Council, to ensure the manoeuvring of large vehicle would be in line with LP guidance.

- 35 The deliveries would be restricted between 9:30 to 14:30 during school term time to reduce the impact on the traffic flows and safety.

6.2 LIVING CONDITIONS OF NEIGHBOURS

General Policy

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

Discussion

- 37 The CMP has been assessed by the Council internal consultees, to ensure construction process would be carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties.
- 38 Officers recognise that during implementation of the development there would be a certain amount of noise and disturbance from construction related activity. This is a relatively short-term impact and given the scale of the proposed development, this impact is not considered to be too adverse, if managed appropriately.
- 39 The potential of adverse impact of development during the construction period was discussed with the Planning Committee members, as it was one of the main issue raised by neighbours. Consequently, the possibility of consulting the CMP with neighbours were discussed. In the meeting it was clarified that there are no statutory consultation for CMP via an approval of details application, as they are not planning applications. However, the applicant stated that they have undertaken their own engagement with neighbours, and they had taken into consideration, neighbours' concerns.
- 40 An email has been submitted with the current application and it is confirmed by the applicant that letters have been sent out to the neighbours providing contact details of the management team and further information about the construction.
- 41 Neighbour consultations on the project construction and its management, carried out by the applicant, and had started on 6th June 2022, in form of individual face to face meetings and conversation with various neighbours around the project site in various opportunities, including the properties located immediately adjacent to the access entrance to the site from Blythe Vale.
- 42 EQUALITIES CONSIDERATIONS
- 43 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 44 In summary, the Council must, in the exercise of its function, have due regard to the need to:

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

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

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

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

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

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

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

7 CONCLUSION

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

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

8 RECOMMENDATION

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

8.1 INFORMATIVES

- 1) Please be advised that the documents submitted for this application have been assessed only in relation to the condition referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.

- 2) The applicant is advised that the following conditions attached to planning permission DC/21/123262 remain to be submitted/approved
 - 4) SITE CONTAMINATION
 - 5) SURFACE WATER MANAGEMENT
 - 6) FIRE SAFETY STRATEGY
 - 7) MATERIALS
 - 8) REFUSE STORAGE
 - 11) HARD LANDSCAPING
 - 13) SOFT LANDSCAPING AND LIVING WALLS
 - 14) BIODIVERSE ROOFS
 - 15) ARBORICULTURAL METHOD STATEMENT
 - 16) INTEGRATED BIRD, BAT AND INSECT
 - 17) EXTERNAL LIGHTING
 - 20) ACOUSTIC SCREENING FOR ASHP

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- 21) WASTE MANAGEMENT PLAN
- 22) DELIVERY AND SERVICING PLANS
- 28) WHEELCHAIR HOMES
- 29) CAR PARKING MANAGEMENT PLAN

9 BACKGROUND PAPERS

57 Submission Technical Reports and Documents

10 REPORT AUTHOR AND CONTACT

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