



Planning Committee B

Valentine Court, Perry Vale, SE23

.

Date: 29 September 2022

Key decision: No.

Class: Part 1

Ward affected: Perry Vale

Contributors: Louisa Orchard

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of 37 objections from local residents.

Application details

Application reference number(s): DC/22/127024

Application Date: 31 May 2022

Applicant: Montagu Evans on behalf of Lewisham Homes

Proposal: The construction of residential dwellings (Use Class C3) together with new play space, provision of car parking spaces, cycle parking spaces, refuse/recycling stores and associated landscaping works at Valentine Court, Perry Vale, SE23.

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

Designation: Air Quality Management Area
PTAL 4

1 SITE AND CONTEXT

Site description and current use

- 1 The Site is an existing residential estate of 1.96 ha comprising two parts north and south of Perry Vale. Currently the estate comprises two residential blocks north of Perry Vale and five blocks to the south providing a total of 112 flats. The estate includes internal access roads and areas of parking as well as landscaping with mature trees between the blocks. Vehicular access to the northern part is via Westbourne Drive and Church Rise and the southern part has direct access onto Perry Vale. The blocks are four storeys (ground plus 3 floors) in height and constructed of brick, with flat roofs and some with distinctive entrance cores and access walkways.

Character of area

- 2 The surrounding area is characterised by residential properties ranging from 2 storey semi-detached dwellings adjoining the site to the north, 2 storey terraced houses to the east, south and west and blocks of flats at 3 to 5 storeys in height in the wider area.

Heritage/archaeology

- 3 The site is not within a Conservation Area nor contains any statutory or locally listed buildings. The Perry Vale and Christmas Estate Conservation Area is immediately adjacent to the north and east of the site.
- 4 The site is not within an Archaeological Priority Area.

Surrounding area

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5 Forest Hill is a Local District Centre and contains several local community services including a pharmacy, places of worship, community centres, a post office, restaurants, cafes, supermarkets and pubs and bars. St George's Primary School and Perrymount Primary School are located 0.2km and 0.4km from the site respectively and The Vale Medical Centre approximately 0.5km, all within level walking distance.

6 The site is within an area of local open space deficiency.

Local environment

7 The site is not located within an Air Quality Management Area. It is in Flood Risk Zone 1, which means there is a low risk of flooding.

Transport

8 The site has a PTAL rating of 3-4 which is good and is easily accessible by vehicle, foot or bike. The site is located approx. 0.4km (8-minute walk) to the south east of Forest Hill Station which offers services by TfL Overground and Southern Train services. Perry Vale is a bus route with stops close to the site and served by the 356 bus which provides connections to Bell Green Shopping Centre.

2 RELEVANT PLANNING HISTORY

9 **DC/21/122972** – Prior Approval Application for the demolition of the existing seating area, caretakers office, small building and a laundry building. On 16 September 2021 it was determined that prior approval was not required. The demolition of these buildings has been completed and these parts of the site are now cleared.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

10 The application proposes the erection of 4 residential blocks, ranging from 2 to 4 storeys, to deliver 41 residential units, improvements to and creation of new public realm, including new play space, provision of cycle and car parking and associated works.

11 The proposals are described in detail as the following:

- Erection of four blocks to provide 41 residential units ranging between 2 and 4 storeys in height comprising four 4-storey blocks of flats and four 2-storey houses;
- Provision of a mix of unit sizes, comprising of 15 x 1 bed units, 19 x 2 bed units and 7 x 3 bed units;
- Provision of 1,211 sqm of play space and the improvement of existing play space areas;
- Provision of private and communal amenity space for existing and new residents;
- Improvements to landscaping and areas of green space within the site;
- The provision of 50 car parking spaces, including 11 Blue Badge Holders spaces, 7 for existing residents at Valentine Court and 4 for the new wheelchair homes;

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- Provision of 204 cycle parking spaces, 112 long-stay spaces for existing residents, 76 long-stay spaces for new residents and 16 short-stay spaces for visitors allocated to both new and existing residents;
- Provision of a new pedestrian crossing on Perry Vale to connect the north and south parts of the estate; and
- Provision of 11 electric vehicle charging points, 4 active and 9 passive (south side of Perry Vale) and 4 spaces with passive access (north side of Perry Vale)

12 Revisions to the proposed development and further supporting documents were received on 2nd September 2022.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

13 The Applicant has undertaken pre-application discussions with Council Officers and the local community.

14 A number of pre-application meetings were held with Lewisham officers between December 2020 and February 2022 and the scheme was presented to Lewisham's Design Review Panel in April 2021.

15 The Applicant has undertaken a number of on-site and on-line consultation events with local residents and Ward Councillors.

16 The engagement to local residents included a drop in consultation event (February 2021), walk and talk event (March 2021), on-line consultation events (November 2020, April 2021 and August 2021), an in-person event (August 2021) and newsletter (May 2022) as well as a meeting with residents in the wider area (October 2021).

APPLICATION PUBLICITY

17 Site notices were displayed on 22 June 2022 and a press notice was published on the same date

18 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 15 and 21 June 2022.

19 40 responses have been received, including more than one response from a number of addresses, comprising 30 objections and 10 comments on other matters related to the application site or submitted documents. A number of the grounds of objection are linked and addressed together in this report but are identified separately below to identify the range of issues raised.

4.1.1 Comments in objection

Topic	Respondents	Para. Where Addressed
Loss of light / overshadowing	16	152-158
Loss of privacy / overlooking	15	148-149

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Height, scale and massing	13	114-116
Proximity to site boundary	9	148-149
Impact on Conservation Area	7	132-137
Loss of trees / green space	6	213-219
Parking provision	5	182-184
Noise	4	160
Security	4	160
Design	2	122-123
Over development	2	60-61
Impact on off-site trees	2	226
Play space provision	2	92-94
Light pollution	2	160
Location of bin stores	1	172
Sustainable development initiatives	1	191-196
Pedestrian safety	1	111
Construction impacts	1	169

Comments in support

- 20 One comment of support was received regarding aspects of the landscaping proposals and measures to control access through the site.

Other comments

- 21 A number of comments were received questioning the accuracy of or inconsistencies in the information in submitted documents (the daylight and sunlight assessment, timing of habitat surveys and number of electric vehicle charging points) and a lack of information on certain matters (ongoing landscape maintenance and management). These are addressed elsewhere in this report. Comments have also been made about the adequacy of the consultation process and whether matters raised by the public have been addressed in the submitted scheme.
- 22 Comments were also received regarding existing issues on the site including addressing anti-social behaviour and outstanding repairs. Lewisham Homes who manage the estate have been made aware of these issues.

INTERNAL CONSULTATION

- 23 Internal consultees were notified on 22 June 2022.
- 24 *Highways Officer:* Recommends that the proposed car parking, cycle parking and electric charging details should be secured by condition and the Applicant should submit a detailed plan of the cycle storage facilities. Recommended the Applicant determine whether the existing car clubs have sufficient capacity to accommodate the new residents. Notes that the servicing strategy is considered acceptable (northern part of

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estate and suggests relocation of the refuse/recycling bins to the site entrance at the northern site. Consider that further work is required and the issued should be addressed in a revised Transport Assessment / Technical Highway Note.

- 25 *Tree and Landscape Officer:* Sought clarification on submitted documents Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment, Urban Greening Factor, trees and landscaping plans. Recommends conditions to secure Construction Environmental Management Plan, Biodiversity Enhancement and Management Plan, biodiverse living roofs, external lighting strategy.

EXTERNAL CONSULTATION

- 26 External Consultees were notified on 22 June 2022:
- 27 London Fire Brigade: no observations but advised if any material amendments are proposed, further consultation may be required.
- 28 Network Rail: no objection
- 29 Thames Water: no objection in respect of waste water network and sewage treatment works infrastructure capacity. Recommend Condition (Piling Method Statement) and Informatives.

5 POLICY CONTEXT

5.1 LEGISLATION

- 30 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).
- 31 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

- 32 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.
- 33 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.
- 34 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

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5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

35 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

36 Lewisham SPD:

- Blackheath Conservation Area Character Appraisal

37 London Plan SPG:

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

6 PLANNING CONSIDERATIONS

38 The main issues are:

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

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6.1 PRINCIPLE OF DEVELOPMENT

39 The main issues are:

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

PRINCIPLE OF DEVELOPMENT

General policy

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

41 At Paragraph 130 the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area and over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

42 Paragraph 99 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements or the loss resulting from the proposed development would be

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replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

- 43 The London Plan (LP) Policy GG2 states in making the best use of land, when identifying the growth potential of areas and sites those involved in planning and development must:
- A. enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites
 - B. prioritise sites which are well-connected by existing or planned public transport
 - C. proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 44 LPP H1 seeks to increase the supply of housing in London and optimise the potential for housing delivery on all suitable and available sites, especially on those with good public transport accessibility. In doing so, the London Plan provides a ten-year housing target for each of the London Boroughs. The 10-year target for Lewisham is 16,670 homes over the period 2019/20 to 2028/29.
- 45 Lewisham Spatial Strategy 1 states that Open space, including Metropolitan Open Land and Sites of Importance for Nature Conservation, will be protected, and a net gain of open space across the borough will be sought, particularly through on-site provision.
- 46 Core Strategy Policy 12 states that in recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will:
- a) conserve nature
 - b) green the public realm
 - c) provide opportunities for sport, recreation, leisure and well-being
- 47 This will be achieved by, amongst other measures, protecting open space, urban green space and green corridors from inappropriate built development to ensure there is no adverse effect on their use, management, amenity or enjoyment; protecting trees, preventing the loss of trees of amenity value, and replacing trees where loss does occur; and seeking new on-site provision of public and private open space as part of new development.
- Discussion*
- 48 The application proposes the construction of four groups of buildings (three four-storey blocks of flats and four two-storey houses) on an existing housing estate currently comprising seven four storey blocks and associated open space, car parking and service areas.
- 49 The site is located in an area with good access to public transport, local services and existing social infrastructure including schools and health facilities.

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- 50 Policies in the London Plan and Lewisham Core Strategy and Development Management Local Plan place considerable emphasis on the need for new housing, underpinned by the NPPF which includes as one of its core objectives to considerably boost the supply of housing. Locally, there is a need for new housing in Lewisham in particular additional affordable homes. The Council, through Lewisham Homes (the Applicant), has been proactive in identifying and delivering new affordable homes to address the growing pressure on the Council's waiting list. Planning policy also seeks to make the most effective use of land by re-using and intensifying developed and underutilised land.
- 51 These objectives are to be balanced with policies to protect, improve and expand open spaces. In this regard the Open Space Assessment (January 2020) draws attention to the deficiency of different scales and types of open space in Lewisham and identifies a need to increase by approximately 50 hectares the amount of space in the borough to keep up with anticipated population growth.
- 52 In this context the proposals locate the new buildings on both previously developed land within the estate as well as part of a large area of communal open space between existing blocks that is currently mown grass with two trees. The loss of open space (and of four individual and two groups of existing trees) to accommodate the new buildings is mitigated by the re-planning and re-landscaping of the open areas and play spaces across the estate with a net gain in trees and on-site biodiversity. This approach seeks to balance the need for more affordable housing through infill development, with the loss of open space through providing improvements to the retained open space and play areas across the site for existing and new residents, including:
- landscaping of undeveloped areas (including former hardstanding) and provision of dedicated new play spaces and tree planting
 - ecological and biodiversity enhancements providing a net gain in biodiversity through planting and provision of new habitats
 - the incorporation of SUDs features including the provision rainwater harvesting and permeable pavements
 - new lighting, planting and formalised paths enhancing legibility across the site as well as a new pedestrian crossing across perry vale connecting the two parts of the estate
 - a rationalisation of car parking including provision of electrical vehicle charging points.
- 53 Whilst the loss of open space is regrettable it is considered that given the provision of 41 new affordable dwellings, together with wider improvements to the quality of the existing open space on the estate, the principle of development is considered acceptable.

HOUSING

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

Contribution to housing supply

Policy

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- 55 National and regional policy promotes the most efficient use of land.
- 56 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

Discussion

- 57 The existing estate comprises 112 dwellings across a site of 1.96 hectares. This is a density of 57 dwellings per hectare. The additional 41 new homes will increase this to 78 dwellings per hectare with the new dwellings providing a mix of 1, 2 and 3 bedroom flats and 3 bedroom houses. The new London Plan has removed the Sustainable Residential Quality Matrix however this is referenced in Lewisham's adopted Development Management Local Plan and provides a guide to density ranges based on the general setting and public transport accessibility of a site. Using this as a guide Valentine Court estate, including the additional 41 new homes, is at the middle to lower end of the suburban character area.
- 58 Whilst this in itself is not evidence of an acceptable development overall, it indicates that given the accessibility of the site to public transport as well as other services such as schools, medical facilities and shops the site has capacity to accommodate an increase in homes. This is further supported by the fact that with the new buildings and additional homes the site is able to accommodate play space in accordance with the London Plan standard for the majority of the different age groups. This is examined in more detail below however priority has been given to providing on-site space for the younger age groups (Under-5s, 5-11 year olds) which will be at above the minimum specified area with provision for over 12 year olds to be off-site. An assessment has been undertaken which identifies that the parks and green spaces within close proximity of the site are sufficient to accommodate the older age group, including a MUGA in the Bampton Road estate development close to the site.

Summary

- 59 Given the balance between overall amount of open space and provision of new homes the proposed density is considered acceptable. This is subject to the scheme's acceptability when considered against matters that are addressed below.

Affordable housing

Percentage of affordable housing

- 60 London Plan Policy H4 sets out the strategic target of 50% of all new homes delivered across London to be genuinely affordable. This will be achieved by, amongst other means, public sector land delivering at least 50 per cent affordable housing on each site.
- 61 For major developments that trigger an affordable housing requirement London Plan Policy H5 (D) states that developments proposing 75% or more of affordable housing may follow the fast track route where the tenure is acceptable to the borough. Part (E) of Policy H5 states that fast tracked applications are not required to provide a viability assessment at application stage.

Discussion

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62 The proposed tenure of the new homes is 100% affordable and as such exceeds the affordable homes target.

Affordable housing tenure split and dwelling size mix

Policy

63 The NPPF expects LPAs to specify the type of affordable housing required.

64 Core Strategy Policy 1 sets out that affordable housing component should be provided as 70% social rented and 30% intermediate housing. DM Policy 7 sets out that the Council will require new residential development to provide onsite affordable housing in accordance with Core Strategy Policy 1. Part (2) of DM Policy 7 states that when considering affordable housing mix, the Council will maximise housing output on a case by case basis by making the best use of available resources and by taking account of other relevant factors.

65 The tenure mix is outlined in table 3 as follows:

Table 3: Tenure Mix by Dwelling Size*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
London Affordable Rent	12 (3)	11 (1)	3	0	26
Shared Ownership	3	8	4	0	15
Total	15 (3)	19 (1)	7	0	41

*Wheelchair accessible units shown in ()

Discussion

66 Whilst the proposed tenure split of 63:37 (social rent : intermediate) does not achieve the 70:30 split in the Core Strategy, the development will deliver all the new homes as affordable and is considered to be acceptable in this instance given the overarching and immediate need for affordable housing within the borough.

Dwelling Size

67 The NPPF expects planning policies to reflect the need and housing size, type and tenure (including affordable housing for different groups in the community. Core Strategy Policy 1 echoes the above with several other criteria, however, expects the provision of family house (3+ bedrooms) in major developments. Core Strategy Policy 1 also states that for affordable housing, the Council will seek a mix of 42% as family dwellings (3+ bedrooms).

Discussion

68 As can be seen from Table 3 above, only 7 of the 41 homes (17%) are 3-bedroom family sized dwellings. Whilst this is significantly below the target set out in the Core Strategy this needs to be weighed against the fact that all of the new homes are affordable.

Summary of Affordable housing

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69 The scheme will be 100% affordable, providing 41 new homes including a 7 x 3-bedroom family units and 26 London Affordable Rent homes. It is considered that the mix achieves an acceptable balance between the objectives of maximising the number of new affordable homes, achieving a range of dwelling sizes and an acceptable tenure mix. The scheme is providing 100% affordable homes and this is given substantial weight as a material planning consideration.

Residential Quality

General Policy

70 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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

Internal and external space standards

Policy

72 DMP 32 'Housing design, layout and space standards' and LPD6 of the London Plan require housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

73 The table below sets out proposed dwelling sizes.

Table 4: Internal space standards – proposed v target (sqm)

No of bedrooms	No. of persons	1 storey dwelling (proposed (target))	2 storey dwelling (proposed (target))	Built-in storage (proposed (target))	External Private Amenity Space (proposed (target))
Block A					
1B	2P	50.5 (50)	-	2.1 (1.5)	5.0 (5)
1B	2P (WCH)	57.7	-	1.5 (1.5)	6.7 (5)
2B	3P (WCH)	86.0	-	2.1 (2.0)	8.3 (6)
2B	4P	70.3 (70)	-	2.1 (2.0)	7.0 (7)
3B	5P	86.0 (86)	-	3.0 (2.5)	8.0 (8)
Block B (Houses)					
3B	5P	-	93.0-93.2 (93)	2.8-3.9 (2.5)	15.0-21.0 (8)
Block C					

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1B	2P	50.2 (50)		1.5 (1.5)	5.0 (5)
1B	2P (WCH)	61.9		2.0 (1.5)	7.6 (5)
2B	3P	61.6-61.9 (61)		2.2 (2.0)	7.5 (6)
Block D					
1B	2P	50.2 (50)		1.5 (1.5)	5.0 (5)
2B	3P	61.2 (61)		2.0 (2.0)	6.0-7.2 (6)
2B	4P	70.1 (70)		2.1 (2.0)	8.4 (7)

74 It is noted that all the minimum spatial requirements are met and the quality of the proposed units is considered acceptable.

Outlook & Privacy

Policy

75 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 also seeks to maximise the provision of dual aspect dwellings. This is echoed in DM policy 32.

Discussion

76 All of the proposed flats will be either dual or triple aspect and present a high quality of outlook for future occupants. In the case of the two storey houses that immediately adjoin the site boundary, to maintain privacy (and for the adjoining properties to the south) the rear (southern) elevation of the new houses have no windows. For two of the houses the ground floor living rooms face north or north west however this is onto the private gardens of these properties and they have a generally open aspect beyond.

77 It is considered that the buildings have been designed to afford an appropriate level of privacy to future occupants.

Daylight and Sunlight

Policy

78 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

79 All of the flats will be at least dual aspect and the proposed units are considered to receive adequate levels of daylight and sunlight. 87% of all rooms achieve or surpass their Average Daylight Factor (ADF) targets however 15 of the 119 tested fall short 13 of which are living/dining/kitchens. Whilst the BRE guide gives minimum targets for living rooms, bedrooms and kitchens, no equivalent target is given for open plan rooms comprising two or more uses. Accordingly a more onerous target was adopted for these rooms. Of the 13 living/dining/kitchens 10 do not achieve an ADF of 2% however they achieve an ADF of 1.5%, which is the minimum recommended target for living rooms. The two rooms that are not living/dining/kitchens are kitchen/diners in the houses (Block B) and these achieve ADF scores of 1.9% i.e. close to the target of 2% stated in the BRE

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guide. Overall it is considered that the new homes will receive an acceptable level of daylight.

80 In respect of sunlight to dwellings the BRE guide recommends that where groups of dwellings are planned, the aim should be to maximise the number of dwellings that have at least one main window that faces within 90 degrees of due south, and have at least one window to a main living room that meets the BRE numerical targets. Of the new homes, 32 of the 41 units have a living room window which faces within 90 degrees of due south and 13 of the 41 units have a living room window which meets the BRE numerical targets. The layout and design of the development seeks to maximise sunlight availability and given the constraints of the site it is considered that the proposed development represents good site layout design and the BRE direct sunlight to windows recommendations for groups of dwellings have been met as far as practicably possible.

81 An assessment of overshadowing to gardens and open spaces show that whilst some individual private gardens to the houses do not meet the BRE recommendations due to their orientation, residents of the development will have access to well-lit communal gardens.

Noise & Disturbance

Discussion

82 Environmental noise surveys have been completed to quantify the prevailing noise environment, with road traffic noise on Perry Vale being the primary significant noise source.

83 Accordingly, consideration has been given towards any mitigation measures required to ensure that the internal ambient noise level requirements set out in BS8233 [8] can be met for the development. This assessment has indicated that on the understanding that openable windows will not be relied upon to provide ventilation (although windows can still be openable at the user's discretion), standard double glazing will be suitable to achieve the acceptable ambient noise levels inside the dwellings. This will require all units to be fully mechanically ventilated as is indicated in the architect's base design. Details are to be secured by condition.

84 An assessment of the external amenity area noise levels has been undertaken and the results of this assessment indicate that all comply with the WHO guideline noise value and no further noise mitigation measures are required.

85 External plant will be located on the roofs of Blocks A, C and D and the noise assessment specifies plant noise limits that will need to be achieved to ensure the NOAEL (no-observed-adverse-effect level i.e. barely noticeable and not intrusive). It is recommended that when plant types, specifications and locations are confirmed noise break-out calculations are undertaken in order to ensure the rating levels are not exceeded. Details are to be secured by condition.

Accessibility and inclusivity

Policy

86 London Plan Policy D7 requires 10% of residential units to be designed to Building Regulation M4(3) 'wheelchair user dwellings' i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users; with the remaining 90% being designed to M4(2) 'accessible and adaptable'.

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Discussion

- 87 The proposals will provide three 1B/2P and one 2B/3P wheelchair flats within the development. These are ground floor flats in Blocks A and C and will be secured by condition to meet M4(3) design standards and specification with all other units designed to meet M4(2).

Children's play space

Policy

- 88 London Plan Policy S4 Play and informal recreation states housing proposals should make appropriate provision for play and informal recreation. The Mayor's Shaping Neighbourhood: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divides the requirements of children's play space into three categories: (i) under 5s, described as door step play and generally considered as part of the plot; (ii) ages 5 -11; and (iii) children 12 plus.

Discussion

- 89 Based on the dwelling size and tenure mix of the existing estate and proposed new homes it is calculated that the play provision requirement for all age groups (including existing homes on the estate) is 1,429sqm.
- 90 The development will provide 1,211sqm of dedicated play space in total as set out in Table 5.

Table 5: Play Space – proposed v target

	Standard	Proposed	Under/Over Provision
Under 5s	578 sqm	620 sqm	+ 42 sqm
5-11 Years	468 sqm	591 sqm	+ 123 sqm
Total	1,046 sqm	1,211 sqm	+ 165 sqm

- 91 Table 5 demonstrates that the requirements for 0-11 year olds can be accommodated on site, and will be exceeded, however provision of play space for 12+ years will be off site. It is relevant to note that the 1,211sqm of play space excludes communal amenity areas across the site that will remain available to all residents to use as well as private amenity areas. The approach of accommodating all Under 12s play space on site seeks to balance communal amenity space for residents and dedicated play space for the younger age groups. An assessment has been undertaken of parks and green spaces in close proximity to the site to accommodate the older age group. Provision includes a MUGA in the adjacent Bampton Road estate and a range of in facilities Mayow Park (which is within 800m walking distance and also accessible by the 356 bus service).

Summary of Residential Quality

- 92 All of the units will meet or exceed the required space standards and the development is considered to provide a good standard of residential accommodation and appropriate levels of play space and communal amenity areas.

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Housing conclusion

- 93 The proposal will provide 41 new homes, all of which will be affordable that will contribute to meeting the Boroughs identified housing need. All of the new homes will be provided with a good standard of accommodation. Substantial weight is given to these matters as material planning considerations.

URBAN DESIGN

General Policy

- 94 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.
- 95 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.
- 96 Policies D4 and D6 of the London Plan emphasise that the 'scrutiny of a proposed development should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping'.
- 97 Core Strategy Policy 15 outlines how the Council will apply national and regional planning policy and guidance to ensure the highest quality design, and the protection and enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of the site, is sensitive to local context, and responds to local character.
- 98 DM Policy 30 requires planning applications to demonstrate site specific response, which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 99 DM Policy 33 states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality and relates successfully to the existing design quality of the streetscape.
- 100 The urban design officer has reviewed the scheme and considered that the development proposes good quality housing and improvements to communal amenity space and playspace. The public disbenefits of the scheme, in their view are considered significant, including the loss of greenspace and communal amenity space for existing residents of Valentine Court and increased overshadowing and worsening of outlook from the existing most southern block on the site. It is considered that these are outweighed by the provision of new affordable housing in the context of the housing crisis and much needed affordable housing in Lewisham and London. Furthermore, some mitigation for the development to existing residents are provided through the scheme in terms of improved soft landscaping, play facilities and cycle storage for existing residents.
- 101 The Council's Urban Design Officer has made a number of comments in respect of details of the proposals including landscaping (recommending additional greenspace to the private amenity space for the proposed houses); the location of bin stores (recommending relocation from the proposed locations on Perry Vale and Church Rise); materials colour (strongly opposing the use of grey for doors, frames, windows, railings); elevational treatment (recommending the blank eastern flank wall to Block A and the blank rear elevations of the houses are reconsidered to break up the massing and

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provide design interest). They have also sought clarifications in respect a number of matters including daylight and sunlight to open space; lux levels for new lighting across the estate; vehicle movement within the estate; and hard landscape materials palette. They recommend that the final selection of bricks and mortar should be secured by condition.

- 102 The Council's Design Review Panel considered the proposals in April 2021. Whilst the Panel were fully supportive of Lewisham Homes' ambition to intensify the residential density on the site and noted that heights of the buildings seemed generally appropriate they raised a number of concerns regarding the relationship of the proposed design to that of the architectural heritage of the existing buildings; the integration of the architectural and landscaping masterplans; the footprint of Block D; aspects of privacy and safety for the communal and private realms; and materials palette and colours. Since the DRP meeting and prior to submission of the application, as well as post-submission, there have been a number of amendments to the scheme in response to comments from the Panel as well as local residents. These include aspects of the layout of the buildings, architecture, materials and landscaping.
- 103 The existing buildings are four storeys in height, constructed of brick a number with distinctive entrance cores and walkways providing access to the flats. The Perry Vale and Christmas Estate Conservation Area is immediately adjacent to the north and east, characterised by large two-storey semi-detached Edwardian villas such as along Gaynesford Road that adjoins the site to the north.
- 104 Architecturally the proposals aim to respond to the prevailing character of the existing buildings on the estate through the approach to building height, massing, form and materials thereby seeking creating a unified architectural language. This includes the provision of walkway access to flats, balconies and the use of brick and pattern of windows to tie the proposals together. The four new houses are also constructed of brick but of a different design with a staggered elevation to the internal site road and asymmetrical pitched roofs behind a low parapet.

Layout

Policy

- 105 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.

Discussion

- 106 Valentine Court Estate currently comprises seven blocks of flats split across the two parts of the estate separated by Perry Vale. The layout of the existing estate with large linear blocks running parallel with Perry Vale (other than one block on the north side that fronts on to Church Rise) contrasts with that of the properties adjoining the site that are typically semi-detached houses. The proposed layout broadly replicates that of the existing estate with the new blocks of flats being provided either as an extension to an existing building Block A) or as infill between existing buildings (Blocks C and D). The houses that form Block B are of a different character and located along the western edge of the site. The buildings are all located within the site (i.e. they do not front Perry Vale) and provide active frontages to the new play areas that are being created as well as internal access roads within the estate.

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- 107 The northern flat block (Block A) maintains the same distance and relationship from the site boundary as the existing building to the west, occupying part of the site previously used for parking and a small play space located in the north east corner of the site. The layout of the block and associated landscaping provides a new courtyard and play area between the new and existing blocks and rationalises the existing parking arrangements.
- 108 A number of the objections received to the application relate to the siting, scale and massing of Block A and its impact on buildings to the north on Gaynesford Road and to their rear gardens. These are addressed below, however the siting of the new buildings is considered to be an appropriate response to the existing layout of the estate.
- 109 On the south side of Perry Vale two buildings (Blocks C and D) are located between two existing buildings on part of an existing communal amenity space. The layout of the blocks broadly mirrors that of the two existing buildings immediately to the north with a pedestrian route between them breaking up the overall building footprint and mass. The separation also maintains direct pedestrian connection between existing buildings on the estate. Objections have been made to the siting of Blocks C and D in terms of their relationship to the existing buildings and loss of open space and these matters are considered elsewhere in this report however the general layout and arrangement is considered an appropriate response to the existing condition and reflects the layout of the wider estate.
- 110 On the western boundary of the estate the four new houses occupy a part of the site that previously accommodated a laundry (now demolished). The proposed layout provides an active frontage to the existing estate access road.
- 111 It is considered that subject to the matters raised in respect of daylight, sunlight and overshadowing as well as privacy the general layout of the site is considered acceptable.

Form and Scale

Discussion

- 112 The height, form and massing of the existing buildings on the estate are of a very different scale to the surrounding area, contrasting with that of adjoining buildings on Perry Vale, Church Rise and Gaynesford Road which are typically semi-detached two storey buildings. Block A will extend the overall built form of the existing estate, reflecting the existing four storey block to the west and extending this close to the eastern boundary of the site. It is to be noted that the height of the proposed building is greater than the existing with a total a height (to top of parapet) of 14.26m. This increased height is due to greater floor-to-floor levels within the new building and a slightly higher parapet. Roof top plant, set back from the northern elevation, will result in an overall height of 14.945m.
- 113 The issues regarding the impact on adjoining properties in Gaynesford Road in terms of daylight, sunlight and overshadowing as well as privacy are considered below however the principle of extending the overall scale and built form of the existing estate is considered an appropriate design response. This is also the case for Blocks C and D that are located between existing four storey blocks of flats on the southern part of the site.
- 114 The proposed new houses are two storey with a shallow pitched roof and located immediately to the east of a parking court and rear gardens of properties in Roundhay Close and Dacres Road. Given that the proposed buildings are located on the site

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boundary the scale and built form of the new houses is considered an appropriate design solution.

- 115 The impact on adjoining properties and the Perry Vale and Christmas Estate Conservation Area is considered elsewhere in this report.

Appearance and character

Policy

- 116 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).
- 117 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively responds to local distinctiveness through their layout, orientation, scale, appearance and shape with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality design, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety, building lifespan through appropriate construction methods and use of attractive, robust materials which weather and mature well.
- 118 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.
- 119 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

- 120 The existing buildings on the estate are constructed of brick and a number have distinctive entrance cores and walkways providing access to the flats. Architecturally the proposals respond to the prevailing character of the existing buildings on the estate through the approach to form, character and materials thereby creating a unified architectural language. This includes the provision of walkway access to flats, balconies and the use of brick and pattern of windows to tie the proposals together. The four new houses are also constructed of brick but of a different design with a staggered elevation to the internal site road and asymmetrical pitched roofs behind a low parapet.
- 121 It is considered that the architectural approach is appropriate with references to the building typology and distinctiveness of the wider estate. The Council's Design Officer has commented on details of the elevational treatment, specifically the blank end elevation to building A and to the rear of the houses. It is relevant to note that a number of the existing blocks of flats have blank side elevation and that repeating this on Block A is not atypical. In the case of the houses it is considered that the proximity of the buildings to the site boundary and adjoining properties and gardens this is an appropriate response.

Detailing and Materials

Discussion

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- 122 A limited palette of robust materials is proposed for the elevations. The choice of brick and the specification of the windows and metal work are considered to complement and enhance the character of the existing buildings on the estate.
- 123 The roofs to the three blocks of flats will incorporate green roofs to slow rainwater runoff and enhance biodiversity.
- 124 In response to comments from the Council's Urban Design Officer details of materials including the colour of the windows and other elements will be secured by condition.

Impact on Heritage Assets

Policy

- 125 Heritage assets may be designated – including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains – or non-designated.
- 126 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 127 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.
- 128 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 129 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

- 130 Valentine Court is not within any conservation area however the Perry Vale and Christmas Estate wraps around the site to the north and east. There are no statutory listed buildings on the site or in the immediate vicinity. The converted Christ Church to the north is Grade II listed and there are two locally listed buildings on Perry Vale however none of these properties adjoin the site and the proposed development does not impact on their immediate setting. The application has been submitted with a Heritage Statement which considers the impact of the proposed development on heritage assets.
- 131 The Council's Conservation Officer has commented that Block A will block views of the listed Christ Church from Perry Vale where currently a glimpse of the spire is gained from outside the conservation area across the gap between 127a and 21-32 Valentine Court. Given the importance of the church to the conservation area's significance they consider that retaining views of it from within and from immediately around the conservation area would serve to preserve the Conservation Area and its setting and that the loss of the view would cause harm (at the lower end of less than substantial) to

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the setting of the conservation area. They also comment that the proposal does not enhance or better reveal the significance of the conservation area as a result of blocking this view and that the view of the mature tree canopy in gardens beyond would be lost which would also diminish the character of this view somewhat. They note that to the north, the view across the rear gardens of Church Rise as seen from Gaynesford Road, within the conservation area would become more enclosed as a result of Block A being visible beyond the rear gardens of Gaynesford Road and that this would also impact on the setting of the conservation area as experienced from within the rear gardens at the west end of Gaynesford Road. Whilst this view is partially blocked currently by large canopy trees the effect would be more visible in winter.

- 132 Regarding the siting and scale of Block A they note that whilst the proposed building is of similar form as the existing blocks, its location to the rear of the Gaynesford Road houses brings development into a 'rear garden' zone that has not yet seen development other than low rise garaging and that this would result in a low degree of less than substantial harm to the character of the conservation area. In conclusion they state that the harmful impacts they have identified and that they could be avoided or minimised by either amending the footprint of Block A so that it did not project as far into the view from Perry Vale, or by reducing the height of Block A so that the spire was visible over the building in views from Gaynesford Road.
- 133 It is relevant to note that s.72 of the Planning (Listed Buildings and Conservations Area) Act 1990, which places a duty on local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, relates to the exercise of its planning functions with respect to any buildings or other land *in* a conservation area. The application site lies wholly outside the conservation area and therefore this statutory duty is not triggered. Notwithstanding, the NPPF (para. 199) still requires great weight to be given to the asset's conservation and states (para. 206) that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, *and within the setting of heritage assets*, to enhance or better reveal their significance.
- 134 When assessing the impact of a proposed development on the setting of a designated heritage asset it is the significance that the asset derives from its setting that is affected. Visibility alone does not equate to a harmful impact on significance. In this case it is considered that the view between No. 127a and 21-32 Valentine Court is an incidental glimpsed view between a late-19th century residential building and mid-20th century housing block. The view does not appear to be planned or engineered, rather it is a product of the layout of a post war housing estate following the clearing of the site after WWII bomb-damage. Further, the specified view of the church, from a location outside the conservation area, is not considered to contribute to understanding the significance of the heritage asset itself. Being situated on an elevated position, views of its spire are common place throughout the Perry Vale and Forest Hill area and the proposed development will not diminish or adversely affect the ability to appreciate the significance of Christ Church which is primarily manifested in its high-quality architecture and fabric, standing as a fine example of mid-19th century ecclesiastical architecture. Important views of the Church, as identified within the Perry Vale and Christmas Estate Conservation Area Appraisal (noting the 'striking views of Christ Church from around the whole of the Forest Hill Area') will not be affected by the proposed development, including views from the civic centre of Forest Hill, Church Rise and South Road, which collectively are considered to hold the greatest value and contribute most to the building's significance by virtue of setting.
- 135 In terms of the conservation area itself whilst Block A will be visible from within the boundary, notably from Gaynesford Road, the proposed building will continue the linear

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elevation of the existing residential blocks on the estate. Whilst this will contrast with the rear elevations of the Edwardian buildings fronting Gaynesford Road and Church Rise and would clearly be experienced as a background feature beyond the boundary of the conservation area it is considered that from within the conservation area the historic importance of the Edwardian dwellings along Gaynesford Road will continue to be appreciable.

Summary

- 136 Officers have had regard to the statutory duties in respect of conservation areas set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to the historic environment. It is concluded that any harm to the heritage assets arising from the proposed development, and Block A in particular, is marginal and at the lowest end of less than substantial harm. In accordance with the NPPF, this harm is to be balanced by the significant public benefits the proposed development brings to the borough and local area.

Public Realm

Discussion

- 137 The application proposes a significant re-landscaping of the wider estate and enhancements to the existing facilities including:
- improved boundary treatment and tree planting,
 - ecological, biodiversity and SUDs features,
 - new lighting, planting and formalised paths enhancing legibility across the site,
 - and a new residents' square with seating and new play areas.
 - new bike stands and new residents

- 138 The details of these enhancements will be secured by condition.

Urban design conclusion

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

LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 140 NPPF paragraph 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 D3, D6 and D14) and in the Development Management Local Plan (DMP 30, 32 and 33).
- 141 DMP 31 (1) (b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

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

Privacy, Enclosure and Outlook

Policy

- 143 DMP 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.
- 144 Privacy are distances between directly facing windows and the habitable windows and from shared boundaries where overlooking of an amenity space might arise.
- 145 DM Policy 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum of separation distance of 21m between directly facing habitable windows on main rear elevations. This separation distance will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

Discussion

- 146 Block A is located approximately 14m from the site boundary with the rear gardens of properties in Gaynesford Road and windows of the new flats in the building are 27m from the rear of the properties. There is walkway access to some of the flats along the northern elevation of the building that will reduce the distance to windows in Gaynesford Road properties to around 25.5m. However this is a shared walkway for residents to access their flats rather than external amenity space (which is provided in private balconies on the south facing elevation of the building) and in the circumstances it is considered that the adequate privacy for existing residents in Gaynesford Road will be achieved. Whilst the properties in Gaynesford Road currently enjoy an open aspect to the south there are existing trees along the site boundary within the gardens and the proposals are not considered to result in a material loss of privacy given the existing built up character of the area.
- 147 Window-to-window distances within the estate between existing and new buildings are between 15.5m at their closest (between parts of Blocks C and D and the existing building to the south) and elsewhere ranging from 16.5m to 28.5m. Whilst in some locations this is below the 21m that is referenced in the Council's adopted Development Management Local Plan the document also notes that this separation distance is a general rule and will be applied flexibly dependent on the context of the development. To reduce the potential for overlooking and to maintain privacy for existing and new residents the balconies on Block C and D have been located on the north side of the building i.e. away from the existing building to the south (which the blocks are closest to) and also on the side elevation of Block C where it is closest to the existing building to the north. It is considered that the layout of the blocks have addressed potential issue of overlooking and privacy to an acceptable degree for both existing and future residents.

Daylight and Sunlight

Policy

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- 148 London Plan Policy 6 states that the design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate to its context. DMP 32 is in line with this.
- 149 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. The NPPF (para. 125) states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Discussion

- 150 The application has been submitted with a Daylight and Sunlight report which considers conditions both within the development as well as the impact on neighbouring properties including existing flats on the estate and properties surrounding the site. This includes overshadowing of external spaces.
- 151 When assessed against the Vertical Sky Component (“VSC”) methodology for daylight, all windows with a requirement for daylight (including all properties in Gaynesford Road, Church Rise) will satisfy BRE Guidelines with the exception of some existing properties in Valentine Court estate. However one window (of 11 tested) in 3 Roundhay Close and one window (of 19 tested) in 96 Perry Vale fail the relevant test. Of the affected flats on the Valentine Court estate, in the case of 21 to 32 Valentine Court all of the windows that fall short have existing balconies above them and the BRE guide acknowledges that where a room has an overhang or projecting wing on one or both sides of it a larger relative reduction in the area of the room receiving direct skylight may be unavoidable as the existing building contributes to poor daylighting. When the rooms are tested without the existing obstructions in place (i.e. with the balconies ‘removed’) the windows either pass or are borderline pass/fail. For 61 to 72 Valentine Court windows that fall short achieve a before/after ratio of 0.7 and above i.e. marginally below the target of 0.8 stated in the BRE guide and some windows appear to serve bedrooms rather than living rooms. For 85 to 112 Valentine Court windows that fall short either achieve a before/after ratio of 0.7 and above or are affected by existing balconies above them.
- 152 For the two affected properties adjoining the estate, in the case of 3 Roundhay Close the one window (of 11 tested) that fails achieves a before/after ratio of 0.79. For 96 Perry Vale, the one window (of 19 tested) fails to achieve the BRE target with a before/after ratio of 0.45.
- 153 Daylight Distribution tests were also undertaken where room layouts are known and with the exception of 20 habitable rooms (of 549 rooms tested) on the Valentine Court estate all rooms with a requirement for daylight pass the daylight distribution test although 21 other (non-habitable rooms) also fall short of the daylight distribution recommendations. Of the affected rooms in 21 to 32 Valentine Court, three windows to two properties fail to meet the guidelines although two windows achieve before/after ratios of 0.7 and above compared with the target of 0.8. For the one window that is below this figure, daylighting is currently affected by an existing balcony above. In the case of 61 to 72 Valentine Court all rooms achieve before/after ratios of 0.7 and above and appear to be bedrooms. At 85 to 112 Valentine Court, five of the 10 windows failing to achieve the BRE target achieve before/after ratios of 0.7 and above and those below this are affected by existing balconies.

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- 154 When assessed in terms of sunlight to windows all windows that face within 90 degrees of due south have been tested for direct sunlight and all windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test.
- 155 In terms of overshadowing, all gardens and open spaces tested meet the BRE recommendations that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March.
- 156 Overall, whilst some harm to is acknowledged with regard to loss of light, this is considered to be at the lower end of the scale and balanced against the planning benefits of the scheme.

Noise and disturbance

Policy

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

Discussion

- 158 The proposed 41 residential units will generate some general residential activity and noise however the proposal is a well-designed residential scheme of a suitable density and any increase in levels of domestic noise generated is unlikely to be harmful to neighbouring amenity. Incidents of anti-social behaviour will be addressed by Lewisham Homes who manage the estate. Objection has been raised to the proposed siting of Block A and potential light pollution from the block. Given the suburban nature of the area, existing building immediately to the west, distance of the new building to adjoining properties in Gaynesford Road and existing trees it is considered that any impacts will be limited.

Impact on neighbours conclusion

- 159 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance. Some minor harm has been identified to neighbouring occupiers' amenity in terms of daylight and sunlight. This however is outweighed by the significant planning merits of the scheme, most notably the provision of affordable housing and is not considered to tip the planning balance away from a positive recommendation of the application.

TRANSPORT IMPACT

General policy

- 160 The NPPF at 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 highways safety, can be cost effectively mitigated to an acceptable degree.
- 161 Paragraph 111 of the NPPF states 'development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

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Access

Policy

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

Discussion

The proposed access strategy retains the existing vehicular, cycle and pedestrian access points into the two parts of the estate. Vehicular access to the northern part for cars, service and refuse vehicles is from Church Rise utilising the existing route along the northern boundary of the site however this is to become a shared pedestrian priority route. Pedestrian access is as existing from Perry Vale as well as Church Rise. On the southern part of the site the two vehicular access points from Perry Vale and two-way vehicular network are to be retained and the existing pedestrian routes within the estate are also to be retained. However raised crossings over the internal access roads are to be provided as well as the western site access road being a shared pedestrian priority route. A new pedestrian crossing is to be installed on Perry Vale linking the two parts of the estate.

- 164 The proposed access arrangements are considered acceptable and the measures to improve pedestrian safety both within the estate and across Perry Vale are supported.

Local Transport Network

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

Discussion

- 166 A Transport Statement has been submitted with the application which considers the impact of the proposed development on different modes of transport and on the local highway network. The Trip generation assessment using TRICS and census data is considered acceptable and the proposed developments are not expected to have an adverse impact on the local highway network in terms of capacity or on public transport.
- 167 A Construction Management Plan will be secured by condition to ensure the short-term impacts of construction vehicles on the local highways network are acceptable.
- 168 It is proposed that a Zebra crossing is introduced on Perry Vale, with works secured through a S278 agreement with the Council.

Servicing and refuse

Policy

- 169 DMP 31 requires new development to have appropriate regard for servicing of residential units including refuse.

Discussion

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170 The development provides bin stores positioned around the site with the refuse collection point on Church Rise and to the existing block facing Perry Vale being provided with a new bin store. To the south of Perry Vale the bin store to the central blocks are to be given new enclosures and new bins will be provided to the ends of the blocks. In correspondence with the Applicant, Lewisham Refuse Team have indicated their approval for the access to the bin stores at the north of the site and the refuse tracking, and agreed that the refuse team will be able to reverse onto the north site to collect the new Block A bins. To the south the existing estate access road is maintained for refuse collection.

171 The applicant have submitted a delivery and servicing plan that will be secured by planning condition.

Transport modes

Walking and cycling

Policy

172 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.

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

Discussion

174 Cycle parking for the new dwellings will be provided in accordance with the London Plan minimum standards providing for 76 long stay spaces and 16 short stay visitor parking spaces in accordance with Policy T5 of the London Plan. Cycle parking for the new residents is provided within dedicated shared stores for Blocks A, C and D, whilst the cycle parking for Block B will be provided within each unit. It is also proposed that the existing homes at Valentine Court are provided with new cycle parking facilities with cycle stores will be provided adjacent to each existing building.

Car clubs

Discussion

175 There are 2 car club parking spaces located within Perry Vale car park approximately 350m to the west of Valentine Court estate and all existing and new residents will be offered Car Club membership.

Car Parking

Policy

176 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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- 177 Table 10.3 of the London Plan states in areas of Inner London with a PTAL of 2, the maximum provision of car parking is 0.5 spaces per dwelling.
- 178 CSP 14 states that the Council will take a restrained approach to parking provision.
- 179 DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.

Discussion

- 180 Across both parts of Valentine Court estate there are currently spaces for 80 – 83 cars to park and it is proposed that parking is rationalised across the site. The existing car park on the northern part of the site that will be displaced by Block A will be replaced with 10 spaces (including 4 for Blue Badge holders) spaces along the northern edge of the site. On the south site parking will be formalised and marked providing a total of 40 spaces (including 7 Blue Badge). It is understood that there are currently seven existing Blue Badge holders on the estate whose spaces will be re-provided plus four additional spaces for new tenants.
- 181 As part of the new parking arrangements eight twin-point electric vehicle charging points (EVCP) and one single-point EVCP i.e. a total of 17 charging locations will be provided on the site. It is proposed that two twin-point locations (i.e. 4 spaces) are to be installed with electric charging infrastructure active on installation, with the remaining 13 spaces being passive provision i.e. with cabling in place ready for the installation of charging points and connection when demand arises.
- 182 In light of the proposed reduction in spaces on the estate consideration has been given to the potential impact of off-site parking by residents should it arise and a 'parking stress' survey was conducted in 2019 in surrounding streets to identify if there was capacity to accommodate any displacement of parking by current and future occupiers of the development. Parking is deemed as stressed where parking occupancy levels exceed 85% and the survey identified overnight occupancy of 65% which indicates that there is space for additional cars to park on street (if required) before the amenity of existing residents is compromised.

Transport impact conclusion

- 183 The proposal are considered to have an acceptable impact on transport in terms of parking, encouraging sustainable modes of transport and accommodating the site's servicing needs.

SUSTAINABLE DEVELOPMENT

General Policy

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

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Energy and carbon emissions reduction

Policy

- 186 London Plan Policy SI 2 states that major developments should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following hierarchy: (1) be lean; use less energy and manage demand during operation; (2) be clean; exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly; (3) be green; maximise opportunities for renewable energy by producing, storing and using renewable energy.
- 187 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.
- 188 DMP22 requires all development to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy

Discussion

- 189 The applicant has submitted an Energy Statement Assessment in line with relevant guidance and having regard to the 'Be Lean', 'Be Clean' and 'Be Green' elements of the Mayor's energy hierarchy. The proposed development incorporates a number of energy efficiency measures and renewable energy infrastructure and achieves a 55.3% carbon emission saving over the baseline.

Be Lean (savings from energy demand reduction)

- 190 The proposed development incorporates energy efficiency measures including:
- insulated building fabric with low air permeability
 - glazing with suitable U-value, g-value and daylight transmittance
 - mechanical ventilation with heat recovery,
 - low energy lighting and external shading

- 191 Taken together these will achieve an improvement of 11.7% over the baseline emission target for domestic areas.

Be Clean (savings from heat network)

- 192 The development is located 7km from an existing heat network and 4km from two proposed heat networks (including extension to the SELCHP district heating network). It is not currently feasible or financially viable for the development to connect to these networks however the scheme includes designated space for the future provision of the necessary heat exchange plant and incoming mains connections to connect to future heat networks.

Be Green (savings from renewable energy)

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- 193 The development proposes heating and hot water is provided to Blocks A, C and D via Air Source Heat Pumps (ASHPs) to maintain an 'ambient loop' pipework distribution system. Within the apartments high efficiency mechanical ventilation heat recovery (MVHR) supply and extract fan units will be provided. The proposed houses at Block B will be provided heating and hot water through via individual ASHPs. This will achieve an improvement of 43.6% over the baseline.

Carbon Offset

- 194 Overall the energy efficiency measures, heating and cooling systems and renewable energy technologies achieve an improvement of 55.3% over the baseline. Accordingly a carbon offset payment to achieve 100% will be required. Based on Lewisham's adopted carbon offset price of £104/tonne of CO₂ per annum for a period of 30 years, to achieve 100% CO₂ savings the COC is estimated to be £60,933.

Overheating

Policy

- 195 LPP SI 4 (Managing heat risk) states that development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure. The GLA Energy Assessment guidance requires projects to undertake dynamic overheating modelling in line with the guidance and data set out in CIBSE TM59 - Design methodology for the assessment of overheating risk in homes.

Discussion

- 196 An assessment has been undertaken in accordance with TM59. The results show that 100% of the modelled bedrooms and 100% of the modelled kitchen and living rooms meet CIBSE best practice guidance overheating criteria. Additional modelling using the more extreme design weather years (a year with a very intense single warm spell and a year with a prolonged period of sustained warmth) show a compliance rate is 52% and 39% respectively. The GLA Energy Assessment Guidance acknowledges that meeting the CIBSE compliance criteria for these scenarios is challenging and it is to be noted that the new flats will incorporate mechanical ventilation.

Flood Risk

Policy

- 197 LPP SI 12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

- 198 The Environment Agency Flood Risk map shows that the application site is within Flood Risk Zone 1 in respect of flooding from rivers and is at low risk from surface water flooding.

Sustainable Urban Drainage

Policy

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199 Policy G4 of the London Plan requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution that green roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include green roofs.

Discussion

200 The scheme has been designed to include the following SUDS features:

- Green roofs for Blocks A, C and D
- Rain gardens
- Permeable pavements

201 This proposals are considered to be acceptable and the scheme will be secured by condition to ensure compliance with the approved drainage strategy.

Sustainable Infrastructure conclusion

202 The proposed development is considered to be acceptable in terms of sustainable development subject to the imposition of conditions.

NATURAL ENVIRONMENT

General Policy

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

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

205 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.

206 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.

Ecology and biodiversity

Policy

207 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.

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- 208 NPPF para 14 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. Paras 174 and 180 seek biodiversity net gain.
- 209 CSP 12 seeks to preserve or enhance local biodiversity.
- 210 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.

Discussion

- 211 The application was submitted with an Ecological Impact Assessment which was informed by a Preliminary Ecological Appraisal and Ecological Impact Assessment (including Desk based study, walkover survey and Preliminary Bat Roost Assessment) and an Arboricultural Impact Assessment.
- 212 Due to the heavy management of its habitats, poor plant diversity and extensive use of artificial lighting the site was assessed to be of negligible ecological importance. There are no habitats or species within the site that serve as qualifying features of nearby statutory sites and the site is not ecologically linked to these sites due to the intervening land being extensive urban development.
- 213 The site's mature trees hold variable levels of bat roost suitability however development within the site will have little impact upon trees as those to be retained will be protected during construction. Two of the mature urban trees scheduled for removal were assessed as holding negligible suitability for roosting bats however two other trees scheduled for removal were assessed as having low bat roost suitability and therefore precautionary measures are recommended prior to removal. This will be secured by condition. The buildings themselves were assessed as having no or negligible opportunities for bats to roost. The wider site was assessed as having negligible value for foraging or commuting bats due to the presence of artificial night-time lighting.
- 214 As part of a biodiversity enhancement strategy for the site a range of ecological enhancements are proposed:
- Living roofs
 - Boxes for hole or crevice nesting birds
 - Bat roost boxes
 - The use of native species within the planting schedule with a preference for species that bear flowers, pollen, fruit, berries or nuts
- 215 Full details of the ecological enhancements will be secured by condition.
- 216 An assessment of biodiversity improvements from the proposed works has been submitted and indicates a Biodiversity Net Gain of 37.36% against a minimum gain of 10% for all development projects as specified in The Environment Act 2021.
- 217 The proposed development includes a number of measures to enhance urban greening and through a combination of actions such as tree planting and provision of species rich

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grassland the development will achieve Urban Greening Factor of 0.5 against a policy target in the London Plan of 0.4.

Green spaces and trees

Policy

- 218 Section 197 of the Town and Country Planning Act 1990 gives LPAs specific duties in respect of trees.
- 219 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.
- 220 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.
- 221 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 222 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

- 223 The site has an extensive tree stock with considerable public visibility due to the location and residential use of the site and the proposed development has the potential to affect trees both within and adjacent to the site. The proposed siting of the new buildings will necessitate the removal of four trees and two groups of trees. The development also has the potential to cause damage to tree roots through hard surface removal and reinstatement works; the construction of new hard surfacing; excavation within the root protection area; and general damage to tree roots from compaction and contamination from construction activities. The impact of each can be mitigated through various measures that can be secured by condition.
- 224 In respect of the trees that require removal due to the siting of the new buildings these are assessed as three Category B (two ash and a silver maple) and one Category C (ash). The groups of trees are Category B (sycamore, hawthorn, plum and Leyland cypress) and Category C (elder and hawthorn). Due to their size and public visibility the most significant impact is likely to arise from the removal of the three, large, Category B trees and the removal of the Category B group of trees will be visually significant for views into the site from the west. The impact of the removal of the Category C tree and group, both of which are assessed as being small low-quality features, is unlikely to be significant.

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- 225 The site offers good scope to accommodate new tree planting to compensate for removals and the landscape plans show a total of 33 new trees to be included within the scheme, of 17 species. The new planting is considered to offer good potential to both increase species diversity in the short term and overall canopy cover in the long-term.
- 226 On balance it is considered that with mitigation measures to protect existing trees retained on the site, overall the proposals are acceptable with regard to trees and landscaping.

Ground pollution

Policy

- 227 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.
- 228 DMP 28 advises the Council will use appropriate measures to ensure that contaminated land is fully investigated.

Discussion

- 229 The application was submitted with a Ground Contamination Assessment. The desk based study and preliminary risk assessment concludes that the overall risk of harm to end users is generally moderate to low but that further assessment including intrusive investigation is likely to be required in order to better characterise contamination on site as result of current and historical land uses and the associated risk to human health and the environment. This Phase 2 assessment has been carried out and makes recommendation in respect of construction methodologies as well as remedial measures for the protection of end users such as the implementation of a clean soil cover system within any soft landscaping.
- 230 Planning conditions are proposed to address the identified risks.

Air pollution

Policy

- 231 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.

Discussion

- 232 The application was submitted with an Air Quality Assessment which concluded that given NO₂ concentrations at local monitoring stations are well below National Air Quality Objective as set out in the Air Quality Strategy and the Air Quality Regulations the site is considered suitable for the proposed residential use without the need for site-specific mitigation.

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- 233 In respect of air quality neutrality, the Air Quality Assessment concludes that as the average number of trips per annum associated with the development is below the benchmarked emissions of inner London the proposed development will comply with the air quality neutral requirement of the SPG guidance and the New London Plan.
- 234 Further detail of that mitigation and a Construction Environmental Management Plan will be secured by condition.

Natural Environment conclusion

The impact on ecology and biodiversity on the site is considered to be acceptable subject to the imposition of conditions.

7 LOCAL FINANCE CONSIDERATIONS

- 235 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).
- 236 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 237 The CIL is therefore a material consideration.
- 238 The application is CIL liable, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This will be confirmed at a later date in a Liability Notice, albeit officers note that the development is eligible for full relief from CIL as it is 100% affordable housing so the likely CIL receipt will be zero.

8 EQUALITIES CONSIDERATIONS

- 239 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.
- 240 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.

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- 241 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.
- 242 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>
- 243 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
- 244 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>
- 245 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 246 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

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- 247 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.
- 248 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.
- 249 This application has the legitimate aim of providing affordable housing. The rights potentially engaged by this application, including Article 8 and Protocol 1 Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 250 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 251 The principle of the proposed development is supported, providing 41 new homes all of which will be affordable. Whilst the development of two of the four blocks will involve building on part of the existing communal amenity space within the estate, the siting of the other two buildings utilises previously developed parts of the estate or existing surface car parking areas. Given the landscaping improvements proposed across the site and provision of play space on site for younger age groups (under 5s and 5-12 year olds) it is considered that the development achieves an acceptable balance of new building and open space across the estate. The provision of a pedestrian across Perry Vale improves access for all residents to the estate as well as the general public. 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.
- 252 In urban design terms, the proposed development is considered to be high quality design. The increase in density would represent the optimal use of the land. The buildings are of an appropriate height and scale and would use suitable materials.
- 253 The development would result in a change to the outlook from properties on Gaynesford Road as well as for existing flats within the estate, infilling what are currently open views, however it is considered that the proposals maintain acceptable window-to-window distances and the changes to daylight, sunlight and overshadowing are acceptable both within the estate and for adjoining properties. An assessment of daylight, sunlight and overshadowing shows that non-compliance with the BRE recommendations is limited to the daylight tests in respect of some properties on Valentine Court estate, 3 Roundhay Close and 96 Perry Vale. It is considered that the impact of the development on the character and appearance of the area is acceptable.
- 254 It is considered that any harm to the special character of the Perry Vale and Christmas Estate Conservation Area is marginal and at the low end of less than substantial. Such harm is outweighed by the public benefits of the development including the delivery of new affordable homes as well as improvements to the landscaping across the site and associated increases in on-site biodiversity.

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- 255 Subject to the imposition of conditions, the application proposal would not result in any unacceptable impacts in terms of sustainable development.
- 256 The impacts to the local transport network including parking capacity in the surrounding streets have been assessed and are considered to be acceptable.
- 257 The scheme has been found to be acceptable with regard to trees and ecology.
- 258 Given the acceptability of the proposed use and policy compliance, taking a balance of the planning merits of the scheme against the level of harm identified in the loss of open space (mitigated by wider estate improvements) and minor loss of light to neighbouring properties, the proposal is considered to be in accordance with the development plan as a whole.
- 259 In light of the above, the application is recommended for approval.

11 RECOMMENDATION

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

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

3668A-LB-ZZ-00- DP-A-101001	P7	Existing Site Plan
3668A-LB-BA-00- DP-A-120003	P7	Existing Ground Floor Plan – Block A
3668A-LB-BB-00- DP-A-120013	P7	Existing Ground Floor Plan – Block B
3668A-LB-BC-00- DP-A-120023	P7	Existing Ground Floor Plan – Block C & D
3668A-LB-BA-00- DP-A-120000	P1 7	Ground Floor GA Plan – Block A
3668A-LB-BA-01- DP-A-120001	P1 7	First to Third Floor GA Plan – Block A

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3668A-LB-BA-04-DP-A-120002	P1 7	Roof GA Plan – Block A
3668A-LB-BB-00-DP-A-120010	P1 6	Ground Floor GA Plan – Block B
3668A-LB-BB-01-DP-A-120011	P1 5	First Floor GA Plan – Block B
3668A-LB-BB-02-DP-A-120012	P1 4	Roof GA Plan – Block B
3668A-LB-BC-00-DP-A-120020	P1 9	Ground Floor GA Plan – Block C & D
3668A-LB-BC-04-DP-A-120022	P1 4	Roof GA Plan – Block C & D
3668A-LB-BC-ZZ-DP-A-120021	P1 5	First to Third Floor GA Plan – Block C & D
3668A-LB-ZZ-00-DP-A-110000	P2 2	Proposed Site Plan
3668A-LB-ZZ-ZZ-SH-A-500000	P1 8	Schedule of Accommodation – All Blocks
3668A-LB-BA-ZZ-DS-A-140000	P3	Section AA & BB – Block A
3668A-LB-BA-ZZ-DS-A-140001	P3	Section CC – Block A
3668A-LB-BB-ZZ-DS-A-140010	P3	Sections – Block B
3668A-LB-BD-ZZ-DS-A-140020	P3	Section AA – Block C & D
3668A-LB-BA-00-DP-A-300001	P3	Ground Floor – Block A – Flat Types
3668A-LB-BA-ZZ-DP-A-300002	P3	Upper Floors – Block A – Flat Types
3668A-LB-BB-00-DP-A-300006	P3	Ground Floor – Block B – House Types
3668A-LB-BB-01-DP-A-300007	P3	First Floor – Block B – House Types
3668A-LB-BC-00-DP-A-300003	P3	Ground Floor – Block C – Flat Types
3668A-LB-BC-ZZ-DP-A-300004	P3	Upper Floors – Block C & D – Flat Types
3668A-LB-BD-00-DP-A-300005	P3	Ground Floor – Block D – Flat Types
3668A-LB-BA-ZZ-DE-A-130000	P7	North and South Elevation – Block A
3668A-LB-BA-ZZ-DE-A-130001	P7	East Elevation – Block A
3668A-LB-BB-ZZ-DE-A-130010	P6	East and West Elevation – Block B
3668A-LB-BB-ZZ-DE-A-130011	P7	North and South Elevation – Block B

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3668A-LB-BC-ZZ-DE-A-130020	P7	North and South Elevation – Block C & D
3668A-LB-BC-ZZ-DE-A-130021	P6	East and West Elevation – Block C
3668A-LB-BD-ZZ-DE-A-130022	P6	East and West Elevation – Block D
3668A-LB-BB-ZZ-A-352004	P2	Typical House Details
3668A-LB-BB-ZZ-A-352005	P2	Typical House Details – 02
3668A-LB-ZZ-ZZ-A-352000	P2	Typical Window Details
3668A-LB-ZZ-ZZ-A-352001	P2	Typical Balcony Details
3668A-LB-ZZ-ZZ-A-352002	P2	Typical Walkway Details
3668A-LB-ZZ-ZZ-A-352003	P2	Typical Core Details
3668A-LB-ZZ-ZZ-DP-L-200000	P1 5	Landscape General Arrangement Plan
3668A-LB-ZZ-ZZ-DP-L-210000	P0 4	Landscape Planting Plan
3668A-LB-ZZ-00-DO-A-410000	P4	Fire Strategy Drawing
3668A-LB-BA-ZZ-DO-A-410001	P3	Block A – Fire Strategy
3668A-LB-BB-ZZ-DO-A-410002	P3	Block B – Fire Strategy
3668A-LB-BC-ZZ-DO-A-410003	P3	Block C & D – Fire Strategy
3668A-LB-BA-ZZ-DO-A-410010	P2	Block A – Rainwater Strategy
3668A-LB-BB-ZZ-DO-A-410011	P2	Block B – Rainwater Strategy
3668A-LB-BC-ZZ-DO-A-410012	P1	Block C & D – Rainwater Strategy
3668A-LB-ZZ-00-DO-A-412001	P2	Water Management Strategy – Existing
3668A-LB-ZZ-00-DO-A-412000	P5	Waste Management Strategy – Proposed
3668A-LB-ZZ-00-DO-A-419002	P4	Parking & Cycle Strategy
3668A-LB-ZZ-00-DO-A-413000	P1	Window Cleaning and Maintenance Strategy 01
3668A-LB-ZZ-00-DO-A-413000	P1	Window Cleaning and Maintenance Strategy 02

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

3) QUANTUM OF DEVELOPMENT

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

- 41 residential units (Use Class C3);
- 3 no. four storey buildings
- 4 no. two storey houses

Reason: To ensure the development is implemented as approved and is acceptable to the local planning authority.

4) CONSTRUCTION MANAGEMENT PLAN

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

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

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

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise

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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).

5) **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall cover the recommendations of the Ecological Impact Assessment (Project Number: P3484.2.1 dated 25 May 2022) and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014)

6) **CONSTRUCTION HOURS**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 9 am and 5 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

7) **SITE CONTAMINATION**

(a) No development including demolition of existing buildings and structures, except enabling works where essential for site investigation to comply with this condition shall commence until a site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not); a model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arriving from contamination at the site has been submitted to and approved in writing by the Council.

(b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

8) **MATERIALS**

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No development **above ground** shall commence on site until a detailed schedule and specification and sample board of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

9) ARCHITECTURAL DETAILS

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at a scale of 1:20 showing architectural details including windows, doors, balconies and entrances reveals, junctions of different materials and decorative brickworks (based on Drawing numbers 3668A- LB – ZZ – ZZ – DR - A – 352000 Rev.2, 35201 Rev.2, 35202 Rev.2, 35203 Rev.2, 35204 Rev.2, 35205 Rev.2) have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

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

10) CYCLE PARKING

- (a) **Prior to above ground development**, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority as shown on Drawing 3668A – LB – ZZ – 00 – DO - A - 419002 Rev.4. Such details shall include:
- provision of 26 cycle spaces within Block A
 - provision of 36 covered cycle spaces (north site)
 - provision of 21 cycle spaces within the Block C
 - provision of 21 cycle spaces within the Block D
 - provision of 2 spaces per house Block B
 - provision of 56 covered cycle spaces (south site)
 - provision of 10 visitor cycle spaces (south site)

The submission shall demonstrate compliance with the relevant London Cycling Design Standards.

- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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Reason: In order to ensure adequate provision for cycle parking for family sized units in an area with a low PTAL and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

11) **REFUSE STORAGE**

(a) Details for the on-site storage, disposal and collection of refuse and recycling facilities and bin enclosures (at a scale of 1:20) (as shown on Drawing 3668A – LB – ZZ – 00 – DO - A - 412000 Rev.5) shall be submitted to and approved in writing by the local planning authority prior the **completion of above ground works** of each phase of development hereby approved. Such details shall include the volumes of storage to be provided for dry recycling, general waste, food waste and garden waste.

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

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

12) **HARD LANDSCAPING**

(a) Prior to **commencement of above ground works** details including a specification of the materials to be used in hard landscaping of any part of the site not occupied by buildings as shown on Drawing 3668A - LB - ZZ - ZZ - DP - L - 200000 Rev.P15 shall be submitted and approved in writing by the local planning authority. Such details shall include reference to compliance with SUDs objectives.

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

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

13) **SOFT LANDSCAPING**

(a) All planting, seeding, turfing and tree planting shown on Drawing 3668A - LB - ZZ - ZZ - DP - L - 210000 Rev.P4 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

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

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

14) **BOUNDARY TREATMENTS**

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

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

15) **ECOLOGICAL ENHANCEMENTS**

Full details of the ecological enhancements, to include but not limited to:

- A minimum of one bat box per block
- A minimum of one bird box per block
- Insect blocks
- Living roofs

shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works, and shall be installed before occupation of the building and maintained for the duration of the development.

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

16) **GREEN ROOFS**

- (a) Details of green roofs with a minimum substrate settles depth of 150mm to the Blocks A, C and D (as indicated in Drawing numbers 3668A - LB - BA - 04 - DP - A - 120002 Rev.17 and 3668A - LB - BC - 04 - DP - A - 120022 Rev.14) shall be submitted and approved in writing by the Local Planning Authority and maintained thereafter.

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

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

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

17) TREE PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT

No development shall commence on site until the tree protection measures as set out in the Arboricultural Impact Assessment (agb Environmental Ltd) dated 31 May 2022 have been implemented. Any tree reduction and/or removal works shall be carried out in strict accordance with scope and method set out the Arboricultural Impact Assessment (agb Environmental Ltd) dated 31 May 2022.

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), DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014), and Policy G7 Trees and woodlands of the London Plan (March 2021).

18) WIDER ESTATE IMPROVEMENTS

(a) Prior to the construction of above ground works, full details of the wider estate improvements shall be submitted to and approved in writing by the Local Planning Authority. The improvements shall be in accordance with Drawing 3668A - LB - ZZ - ZZ - DP - L - 200000 Rev.P15 to include but not be limited to the provision, construction and installation of:

- covered cycle store (36 spaces north site)
- covered cycle stores (72 spaces south site)
- 10 visitor cycle spaces (south site)
- new play areas and equipment
- improved boundary treatment and tree planting
- new lighting, planting and paths across the site
- new bin stores
- electric vehicle charging points
- new asphalt with chippings to estate roads
- pedestrian crossing on Perry Vale

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- (b) The detail approved under part (a) shall be installed prior to occupation of the new residential units and retained for the duration of the development.

Reason: In order that the local planning authority may be satisfied with the quality of the play equipment and to comply with Policy S4 Play and informal recreation of the London Plan (2021).

19) **WHEELCHAIR UNITS**

- (a) 4 no. M4(3) Wheelchair accessible dwelling and 37 no. M4(2) accessible and adaptable dwellings shall be provided within the new development.

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

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

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

20) **RETENTION OF AMENITY SPACE**

The whole of the communal and private amenity space (including play space and equipment) as shown on 3668A - LB - ZZ - ZZ - DP - L - 200000 Rev.P15 shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted in relation to private amenity space, and for all residents of the estate in relation to communal amenity space.

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

21) **DELIVERY AND SERVICING PLAN**

(a) The Delivery and Servicing Plan (TTP Consulting Ltd) dated May 2022 shall be implemented in full from the first occupation of the development and shall be adhered to for the duration of the development.

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

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22) PLUMBING AND PIPES

Prior the **commencement of above ground works** details of rainwater pipes shown on Drawing 3668A - LB - BA - ZZ - DO - A - 410010 Rev.2 and 3668A - LB - BC - ZZ - DO - A - 410012 Rev.1 shall be submitted and approved in writing by the Local Planning Authority and maintained thereafter

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

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

23) SATELLITE DISHES AND ANTENNA

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

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

24) S.278 HIGHWAY WORKS

(a) Prior to first occupation of the residential units, details of the following highways works (including drawings and specifications) must be submitted to and approved in writing by the Local Planning Authority, including:

- Zebra Crossing on Perry Vale (including but not limited to tactile paving and re-surfacing of Perry Vale) as shown generally on Drawing 2019-3726-011 Rev.C

(b) Prior to occupation the works as required under (a) must be completed and evidence of approval from the Highways Authority to this work must be submitted and approved by the Local Planning Authority.

Reason: To secure highways improvement works on the public highway and to accord with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

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25) FIXED PLANT NOISE CONTROL

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) **No development above ground level** shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained for the duration of the development.

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

26) SURFACE WATER MANAGEMENT

No development above ground level shall commence until details of surface water management have been submitted to and approved in writing by the local planning authority.

The scheme as approved shall be implemented in full prior to first occupation of the development and thereafter shall be retained in accordance with the details approved.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies SI 12 Flood Risk Management and SI 13 Sustainable Drainage of the London Plan (2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

27) TRAVEL PLAN

- (a) The development shall operate in full accordance with all measures identified within the Residential Travel Plan (TTP Consulting Ltd) dated May 2022 from first occupation.
- (b) Evidence shall be submitted to the Council annually for five years following the first anniversary of first occupation of the development to demonstrate compliance with the monitoring and review mechanisms.

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

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28) **WASTE MANAGEMENT PLAN**

(a) The waste management plan (Drawing 3668A - LB - ZZ - 00 - DO - A - 412000 Rev.5) shall be implemented prior to the occupation of the development and shall thereafter be maintained.

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

29) **MECHANICAL VENTILATION SYSTEM**

Prior to completion of the building superstructure, full details of the proposed mechanical ventilation strategy shall be submitted to the local planning authority for their approval, to include detailed drawings of venting locations on the elevations. The system shall be installed and retained as per the approved details thereafter.

Reason: To ensure that the development is adequately vented to ensure a clean air supply in order to comply with DM Policy 23 Air Quality and London Plan Policy SI 1 Improving air quality and also to ensure that the visual impact of the venting system complies with Policy DM 30: Urban design and Local character of the Development Management Local Plan 2014.

30) **ENERGY STATEMENT**

The proposed development shall be constructed, operated and maintained in accordance with the recommendations within the submitted Energy Assessment (Stantec UK Limited Rev. V5 dated January 2022)

Reason: To comply with Policy SI2 Minimising greenhouse gas emissions of the London Plan (2021) and Lewisham Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

31) **LIGHTING DESIGN STRATEGY FOR LIGHT-SENSITIVE BIODIVERSITY**

Prior to occupation, a "lighting design strategy for biodiversity" for the development hereby approved shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity 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
- b) 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. All external lighting shall be installed in

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accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

32) PILING METHOD STATEMENT

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

33) AFFORDABLE HOUSING

- a) The development shall be provided as affordable housing in the following tenures:

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
London Affordable Rent	12 (3)	11 (1)	3	0	26
Shared Ownership	3	8	4	0	15
Total	15 (3)	19 (1)	7	0	41

*Wheelchair accessible units shown in ()

- b) The affordable housing shall be provided in accordance with the Planning Statement and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: In order to meet the housing needs of the Borough and comply with Core Strategy Policy 1 of the Lewisham Core Strategy (2011).

34) LOCAL LABOUR

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(i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):

- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
- (b) A commitment to working with the local planning authority's local labour and business coordinator.
- (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
- (d) Early warnings within the local planning authority's area of contracts to be let at the development.
- (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
- (f) Recommended training routes to secure jobs.
- (g) Proposals to encourage diversity in the workforce.
- (h) Measures to encourage local businesses to apply for work in relation to the development.
- (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
- (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
- (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
- (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
- (m) Provision of childcare and employee assistance to improve working environments.
- (n) Interview arrangements for jobs.
- (o) Arrangements for working with schools and colleges.
- (p) Measures to encourage local people into end use jobs.
- (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-

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- The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
- Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
- Number of days of work experience provided.
- Number of apprenticeships provided.

(ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.

(iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

Reason: In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to supports sustainable development in accordance with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

11.2 INFORMATIVES

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

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- 3) You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CII@lewisham.gov.uk.
- 4) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 5) 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.
- 7) Highways Officers advise that the Construction Management Plan will need to confirm the following:
 - Deliveries will be made outside peak hours (i.e. 8-9am and 5-6pm) and deliveries will avoid school pick up and off periods.
 - They will need to provide a heavy duty crossover constructed into the site where the proposed crossover will be located this must be in place prior to demolition.
 - At no time must there be any waiting vehicles in borough roads
 - If and when pedestrians are asked to cross the road pedestrian ramps must be provided to aid vulnerable users. Any parking prohibitions must take account of any such pedestrian routes.
 - The remaining footway width must be a minimum of 1.2 metres wide if hoarding is erected adjacent to the public highway. Any proposed hoarding line must be adjusted to suit this requirement.

12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

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