



Planning Committee B

Report title:

LAND ADJACENT TO 31 CLAYHILL CRESCENT, LONDON, SE9 4JA

Date: 31 January 2023

Key decision: No

Class: Part 1

Ward(s) affected: Grove Park

Contributor: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of five objections from neighbouring properties

Application details

Application reference number:	DC/21/124954
Application Date:	05 Jan 2022
Applicant:	Iketecture
Proposal:	The replacement of the existing garage with a new two storey, two-bedroom dwellinghouse at the land to the side of 31 Clayhill Crescent, SE9, together with the provision of a car parking space, cycle storage and bin store.
Background Papers:	(1) Submitted drawings (2) Submitted photos (3) Statutory consultee responses
Designation:	PTAL 2 Local Open Space Deficiency Grove Park Neighbourhood Forum Small House in Multiple Occupancy Article 4
Screening:	N/A

1 SITE AND CONTEXT

Site description and current use

- 1 Application site is the land to the side of a two-storey end of terrace dwelling on the north side of Clayhill Crescent at No 31. The area to the side is currently occupied by a single storey detached garage which is in a poor condition. The land was formally separated in 2019.

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Figure 1 Site Location Plan



Character of the area

- 2 The surrounding area is predominantly residential, characterised by suburban terraces, and the application site is to the east of a terrace comprising of 6 dwellings. The majority of the surrounding properties on the same side of the road have vehicle crossovers and driveways within the front gardens.

Figure 2 Aerial View of the Application Site and No 31 Clayhill Crescent



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Heritage/Archaeology

- 3 The property is not within a conservation area, it is not a listed building, or a non-designated heritage asset nor is it in the vicinity of one.

Transport

- 4 The site has a PTAL rate of 2, based on a scale of 0-6 with 0 indicating the lowest and 6b the highest access to public transport. The application site has a crossover, and on-street car parking is not restricted within the surrounding area. The nearest bus routes are along nearby Marvels Lane and Dunkery Road. Grove Park station is located approx. 0.5 miles to the west.

2 RELEVANT PLANNING HISTORY

- 5 **DC/19/111261** - Construction of a two storey two-bedroom house on land at 31 Clayhill Crescent SE9, Refused 22/05/2019.

- The detached dwelling-house, by virtue of poor design and siting, would fail to make a high quality contribution to the area and would represent an unacceptable form of infill development that would appear as an incongruous addition, serving to harm the integrity of the terrace row and wider streetscene, contrary to Objective 10 Protect and Enhance Lewisham's Character, Spatial Policy 5 Areas of Stability and Managed Change and Policy 15 High Quality Design for Lewisham in the adopted Core Strategy (2011) and DM Policy 30 Urban Design and Local Character, DM Policy 32 Housing Design, Layout and Space Standards & DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the adopted Development Management Local Plan (November 2014).

- 6 **DC/19/113950** - Construction of a two storey two-bedroom house on land at 31 Clayhill Crescent SE9, the construction of a hip to gable roof extension to the existing property, and associated landscaping. Refused 17/03/2020. Appeal (APP/C5690/W/20/3258368 dated 09/07/2021) was dismissed.

- The proposed dwellinghouse, by reason of siting and design, would appear as an incongruous form of development that would fail to achieve a satisfactory level of subservience to the host building, and would therefore harm the integrity of the terrace row and wider streetscene, contrary to Objective 10 Protect and Enhance Lewisham's Character, Spatial Policy 5 Areas of Stability and Managed Change and Policy 15 High Quality Design for Lewisham in the adopted Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 32 Housing Design, Layout and Space Standards & DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the adopted Development Management Local Plan (November 2014), and Lewisham's Alterations and Extensions SPD (2019).

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 7 Construction of a two storey 2B/3P dwelling to the side of 31 Clayhill Crescent together with the provision of one, off-street car parking space, cycle storage and bin store.
- 8 The proposed dwelling would continue the established street frontage on this side of Clayhill Crescent. The proposal would increase the number of the properties of the terrace from 6 to 7 and would appear as an end of terrace dwelling. The front garden would be trapezoid shape, which would accommodate parking bay for one vehicle. The access to the rear garden would be via the entrance door, and through the building.

Figure 3 Proposed New Dwelling and the surrounding Terraced houses



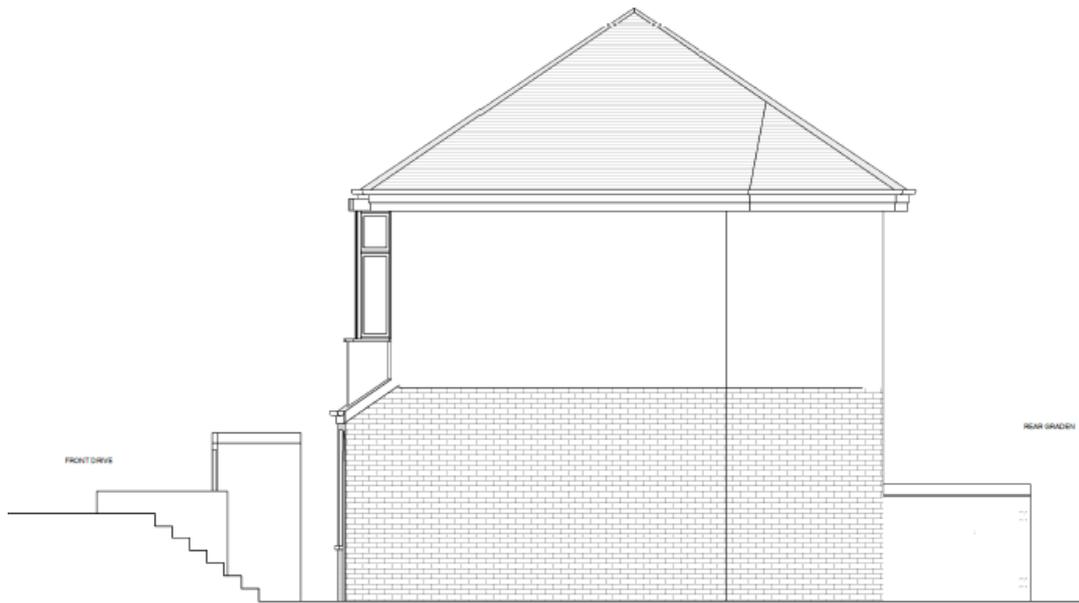
- 9 The eaves height and the top of the ridge would be the same as the heights at No 31. It would have a pitched roof with end gable. Due to the sharp drop from the road towards the entrance of the building, there would be steps down from the fore court, directing pedestrian to the enclosed arch shaped porch. Recycling and refuse bin store, with green roof would be added to the forecourt.

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Figure 4 Proposed Side Elevation



- 10 The proposed dwelling would incorporate an enclosed porch, bay window to the first floor, and gable end roof, similar to No 31, and would use materials at the ground and first floor to match the existing at No 31.

Figure 5 Proposed Front Elevation



- 11 The proposed dwelling would have a gross internal area of 71.3m² and an external open amenity area of 141m². A reception, a kitchen/dining room and storage space would be

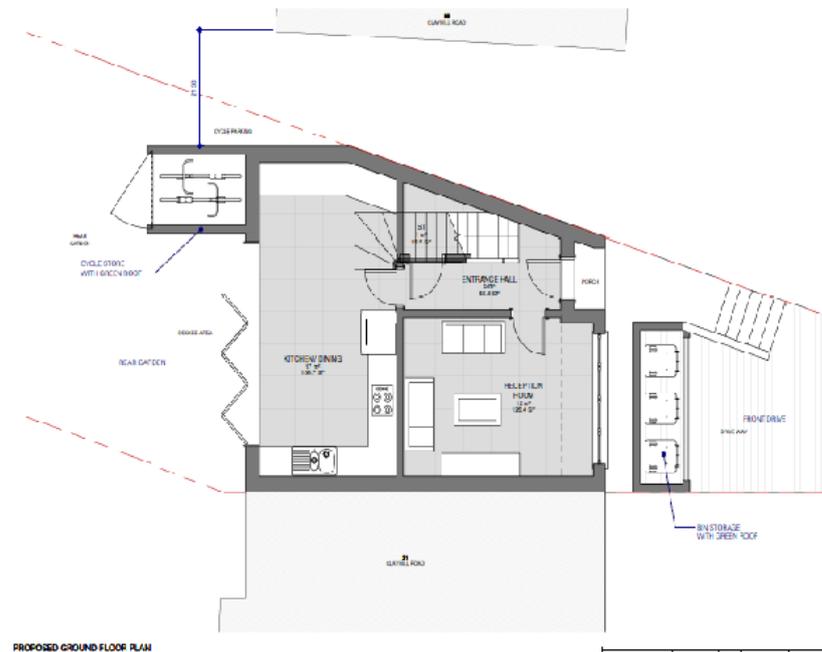
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provided at the ground floor. At the first floor it is proposed to have two bedrooms and a bathroom.

Figure 6 Proposed Ground floor and First Plans



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12 Materials: The facing walls would be brick at the ground floor and rendered at the first floor to match the existing material at No 31. Roof would be tiles of the pitched roof, and doors and windows would be double glazed.

REVISIONS

13 The foot print has been increased from 65sqm to 71.3sqm to be in line with recommended standard of accommodation of LP (2021).

14 The design and location of the cycle storage and bin store have been revised. The landscaping to the front is changed to include soft landscaping.

3.2 COMPARISON WITH PREVIOUS SCHEME

15 The refused proposal under planning application ref DC/19/113950 had different design in terms of a two-storey side extension internally and externally. The location of the entrance door, the front court yard and also, the shape of bay window and porch have changed.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

16 The pre-application Ref: PRE/21/123609 had advised two options, one with modern design and the other option was similar to the current design. The applicant was advised that the modern design would not conceptually fit the existing character of the road. Also, the applicant was advised to provide details for Cycle storage, bin storage, and landscaping within any future submission.

4.2 APPLICATION PUBLICITY

17 Site notices were published on 16 February 2022.

18 Initial consultation letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 16 February 2022.

19 Due to amendments, re-consultation was required, and second round consultation letters were sent on 08/06/2022.

20 Five responses were received, comprising five objections to the initial proposal and further responses were received to the amendments.

4.2.1 Objections

Objections	Para where addressed
<i>Urban Design</i>	

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Development would be eyesore and detracts from other properties in the road and out of character with the neighbouring properties in terms of its siting and design and will change character of street.	89 and 92
The size of house being smaller and crammed into a small space, it will not be a quality house, just an infill and not adequate.	61 and 81
Roof contrived, cramped, awkward jarring of building form. The side roof will not be the same as others in the crescent.	88 and 89
Presents a new dwelling on ClayHill Crescent, and it will not improve the housing stock	52 and 83
The proposal will remove the natural corridors between houses.	91
<i>Amenity Impacts</i>	
a new build they are having to angle the side of house which will also make it look out of place. Overlook adjacent properties, and will lead to loss of privacy	88 and 89
It will also overshadow and affect their privacy as they have a side window.	102
The development will overlook adjacent property, this will lead to loss of privacy.	103 and 104
<i>Transport</i>	
A telegraph pole is where the driveway would be difficult to see coming traffic	112
Parking issue	112
<i>Flood Risk</i>	
When it rains it always floods and water runs between No 31 and No 33.	120

- 21 Non-material Planning concerns were raised regarding:
- 22 Impact on main sewage and it runs where the proposed property is to be built. *Officer Response:* Sewage is a building control and infrastructure provider concerns.
- 23 The proposal would touch the neighbouring house boundary line at one point: *Officer Response:* Encroaching on to the shared boundary is a civil matter, however, a land registry map has been provided.
- 24 The build-up of debris dumped by the owner. *Officer Response:* This is not relevant to determination of the application.
- 25 The development will restrict views: *Officers Response:* Change of view is not a planning consideration.

4.3 INTERNAL CONSULTATION

- 26 Environmental Health comments: Raised no objections, however, recommended to impose a condition in the case of identified contamination on the site during construction. Also, a standard heating boiler should present no problem as long as the outlet flue does not interfere with neighbouring properties amenity.

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- 27 Highway Team: raised no objections (verbally)
- 28 Tree Officer: no response
- 29 Environmental Protection Team: raised no objection, requested conditions and informative
- 30 Climate Resilience (Flood Risk) Team: raised objection to the potential risk of surface water flooding and requested further details. Consequently, Flood Risk Assessment report is provided, and Officers raised no further objection to the proposal.

4.4 EXTERNAL CONSULTATION

- 31 Grove Park Neighbourhood Forum: No response

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

- 33 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 34 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 35 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

- 36 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

37 Lewisham SPG/SPD:

- Small Sites Design Guide Supplementary Planning Document (October 2021)

38 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6 PLANNING CONSIDERATIONS

39 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Highway and Transportation
- Sustainable Development

6.1 PRINCIPLE OF DEVELOPMENT

Policy

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

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

42 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for

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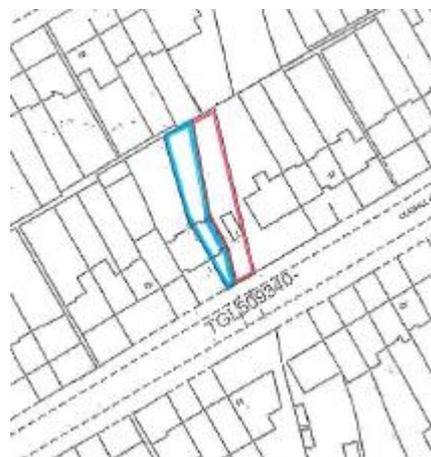
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meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

- 43 The London Plan sets a 10-year housing completion target of 16,670 new homes between 2019 and 2029.
- 44 National and regional policy avoids specifying prescriptive dwelling size and mixes for market and intermediate homes.
- 45 NPPF para 62 expects planning policies to reflect the need for housing size, type, and tenure (including affordable housing) for different groups in the community.
- 46 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space, and other infrastructure requirements (such as transport links).
- 47 DM Policy 33 relates to new development within infill, backland, back garden, and amenity area sites. The policy defines an infill site as a site within a street frontage such as former builders yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design problems in harmonising the development with the existing built form.

Discussion

- 48 The principle of the proposed development has been assessed as a new dwelling on an infill site within the refused application DC/19/111261 in 2019 which was supported and also, the inspector under the appeal ref: APP/C5690/W/20/3258368 has raised no objections to the principle of the development.
- 49 The application site is within the immediate area which is largely residential in character and is characterised as Urban. The land has street frontage and fits clearly within infill development as defined within DM Policy 33.
- 50 The site was part of private amenity space to the side of No 31 Clayhill Crescent. The applicant has provided HM Land Registry map showing the land has been subdivided from No 31 ClayHill Crescent.



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51 The site falls within the suburban terrace urban typology of the Lewisham character study. The area is defined by rows of terraces, however a number of the 'gaps' between the terraces have been infilled with 2-storey side extensions. The application site is one of the few remaining 'gaps' that remains on this side of Clayhill Crescent. The principle of providing a self-contained residential unit is dependent upon the development meeting the criteria of DM Policy 33 (Part A).

6.1.1 Principle of development conclusions

52 The site will make a contribution towards meeting housing needs in a sustainable urban location, it is considered suitable for development in principle but whether or not the proposal is acceptable will depend upon other criteria for infill development set out in DM33 and the other policies stated above.

6.2 HOUSING

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, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

LP GG4, H2 and H3 seeks to increase the housing supply and to optimise housing output.

Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan states that the Council will require all developments to attain a high standard of design.

Discussion

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

54 The proposed density is considered to be optimal for this site, as it is well connected to the main roads, and public transport whilst being in a sustainable urban location where the density values are within the guidelines set out (70–260 u/ha) in the adopted London Plan. The proposed dwelling would provide a 2-bedroom, dwelling/house for three persons which would provide accommodation for a small family and would contribute to the borough's housing supply and significant weight is given to this in assessment of the proposal.

6.2.1 Residential Quality

General Policy

55 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).

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56 The main components of residential quality are: (i) internal space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) overheating; (vi) external space standards; (vii) accessibility and inclusivity.

General Policy

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58 The main components of residential quality are: (i) internal space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (v) noise and disturbance; (vi) external space standards, and (vii) accessibility and inclusivity. The Small Sites SPD has an Inside and Out Toolkit at section 15

Internal Space standards

59 London Plan Policy D6 and DM Policy 32 seek to achieve housing developments with the highest quality internally and externally in relation to their context.

Discussion

60 The table below sets out acceptable dwelling sizes.

Type	Criteria	Size	Required Minimum Gross Internal Area	Compliance
Two storey- Two- bedroom dwelling	Dwelling Size (2b3p)	71.3m ²	70m ²	Pass
	Bedroom 1 (double bed)	12m ²	11.5m ²	Pass
	Bedroom 2 (single bed)	10 m ²	7.5m ²	Pass
	Floor to ceiling height	First floor: 3.3m Ground floor: 2.7m	Min height 2.5m	Pass
	Built in storage	2 m ² (one meter at each floor)	2m ²	Pass

61 Table 3.1 of Policy D6 of the London Plan states that the minimum gross internal area floor area for 2B3P units is 70m², although, the proposal would provide 71.3m² which is in line with LP (Table 3.1) footprint recommendation, and it is considered acceptable. Table 3.1 also sets out the minimum size requirement of 11.5m² for a double bedroom and 7.5m² for single room which are exceeded. The minimum floor to ceiling height would be over 2.5m at the first floor, which meets the London Plan requirements.

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- 62 The ground floor would accommodate, a separate reception, a living room/kitchen, storage, and WC. The access would be from the front with an internal ceiling height of 2.7m which are in line with the recommended standard and are acceptable.
- 63 The new dwelling would be a dual aspect dwelling, having window to the front and rear. All bedrooms would have large windows.
- 64 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant', therefore the outdoor amenity space proposed of 141 m² would meet the minimum required standard.
- 65 The proposal would deliver a two-bedroom dwellinghouse, with an acceptable standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making the most efficient use of land and optimising density.

Outlook & Privacy

Policy

- 66 London Plan Policy D6 seeks high quality design of housing development and requires development to achieve 'appropriate' outlook, privacy, and amenity. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.
- 67 London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. Policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).
- 68 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook, and natural lighting for its future residents.

Discussion

- 69 All habitable rooms would be provided with adequate outlook to the front and rear, and all would have openable windows. As the proposed dwelling would be end of terrace, the windows would have similar distance from the surrounding properties and would be similar to windows existing at Nos 31 and 33 and are acceptable.
- 70 Given the above, Officers are of the view that the proposed dwelling would have a good level of outlook and would provide acceptable level of privacy.

Daylight and Sunlight

Policy

- 71 DM Policy 32 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.
- 72 Daylights and sunlight is generally measures against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context.

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Discussion

- 73 Although, no Daylight and Sunlight Assessment has been submitted with the application, due to the position of the new dwelling as an end of terrace, and as there would be a gap with No 33, and as all habitable space and bedrooms would be adequately served by windows, given the size of the proposed development and the dual aspect nature of the proposals, officers are satisfied that the property would achieve acceptable levels of daylight internally.

Noise & Disturbance

Policy

- 74 The NPPF at paragraph 174 should among other things prevent new and existing development from contributing to, being put through an unacceptable risk, from, or being adversely affected by, unacceptable levels of noise pollution. Development should improve local environmental conditions. Paragraph 185 states decisions should mitigate and reduce the to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life.
- 75 LP Policy D14 required residential development to manage noise.

Discussion

- 76 The proposed development is located in a residential area. Considering the size of application site, and as the principle of residential development in this location is acceptable, the noise level is considered compatible with the surrounding area. As such, officers are of the view that there would not be negative impact on the amenity of future residents or neighbours in terms of noise disturbance.

External space standards

Policy

- 77 In London Plan Policy D62 emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.
- 78 The London Plan Housing SPG at paragraph 2.3.32 states that where site constraints make it impossible to provide private amenity space for all dwellings, dwellings may instead be provided with additional living space equivalent to the area of private amenity space requirements.

Discussion

- 79 The proposed new dwelling would have a combined back and front garden of 141m², which is more than required by LP as outdoor amenity space for a 2-bedroom 3-person dwellinghouse. Therefore, the proposed external space is considered acceptable.

Accessibility and inclusivity

Policy

- 80 LPP H2 (supporting text para 4.2.9) requires compliance with LPP D7 for homes located on the ground floor.

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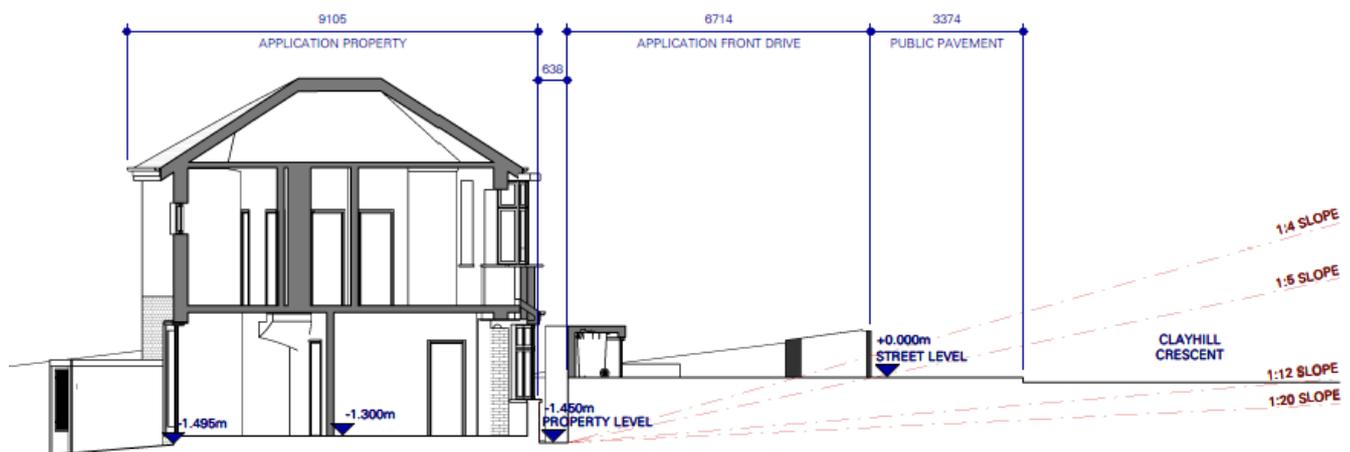
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Discussion

- 81 It is noted that on this side of Clayhill Crescent access to the entrance from the road drops sharply and in this proposed development, entrance door at the ground floor would not have level threshold from Clayhill Crescent. Access to the entrance has been provided via stairs similar to the majority of properties on this side of the road. It is required by LP that all new dwellings should be at least M4(2) compliant, but exceptions can be made where site specific circumstances mean that this is not possible. In this instance, the applicant submitted the below plan, confirming that the plot does not allow a suitable ramp due to the topography of the plot. Furthermore, the applicant has indicated in an email dated 05 Jan 2023 that alternative access would be explored in negotiation with Building Control.
- 82 The applicant has demonstrated that the site-specific circumstances mean that the proposed two storey dwellinghouse could not meet M4(2) requirements of the Building Regulations due to the topography of the site. Given this, the non-compliance with M4(2) is considered acceptable in this instance.

Figure 7 Investigating the front ramp



Housing conclusion

- 83 Overall, the proposed development is considered to provide an acceptable standard of accommodation, layout, mass, appearance, and accessibility meeting the requirements for small sites, as set out in the London Plan and LBL guidelines and is supported.

6.3 URBAN DESIGN

General Policy

Policy

- 84 The NPPF at para 130 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 85 Lewisham is defined as an Inner London borough in the London Plan. LP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and

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sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health

- 86 London Plan D1, D3, CSP 15, DMLP 30, 31, and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

- 87 The surrounding properties are mainly two-storey terraced dwelling with different styles of bay window at the first floor. A number of properties have been extended to the side or have converted their side garages over the years.

Appearance and character

- 88 The proposed dwelling would be of a fairly simple, traditional style, taking its design cues from the surrounding properties in terms of its use of materials. It is noted that the end-gable roof profile along the road has been retained, therefore, as the roof profile would be similar to the pitch roof at No 31 with the same eaves height and ridge height, it would not appear bulky in the context of the surrounding area.
- 89 The new dwelling would set back from the main road and its frontage would align with established front elevation line at this side of the road including Nos 31 and 33. The width of the new dwelling is slightly less than the existing properties (approx. 0.7m smaller) on this terrace of dwellings, but its bulks, and height is similar.
- 90 Appeal Ref: APP/C5690/W/20/3258368, under paragraphs 8 and 9, intensively discussed the width and size of window of the proposal as harmful to the street scene. It should be noted that the current proposal would use the full width of the plot to the front which makes it wider than the dismissed case. The height of the windows to the front would be the same as No 33. The width of bay window and the double window would be smaller, however considering the style of windows and also as there is no uniformity of style in fenestration on the road, on balance it is supported.
- 91 The existing front court yard of the garage which is in a poor condition would be replaced with new landscaping and paving and a small green space, to integrate with the existing streetscape. No details have been submitted regarding the hard and soft landscaping therefore should the Council be minded to grant permission a condition would be imposed for the details of the soft and hard landscaping.

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Figure 8 CGI from Clayhill Crescent



92 The proposed front elevation would introduce a porch similar to the existing at Nos 31 and 33 with an arch on the top. The design of proposed fenestration to the front, would be similar to No 31, however, the width of the windows is slightly narrower due to the smaller width of the proposed dwelling.

93 It is noted that objections were received regarding the design as it would be out of character with the area. In respect of impact of the proposed scheme on the character of the wider area, and the street scene, the new dwelling is considered to be similar in design to the surrounding buildings, which would improve the current poor condition of the proposal site and is not within a conservation area, the proposal is acceptable.

Detailing and Materials

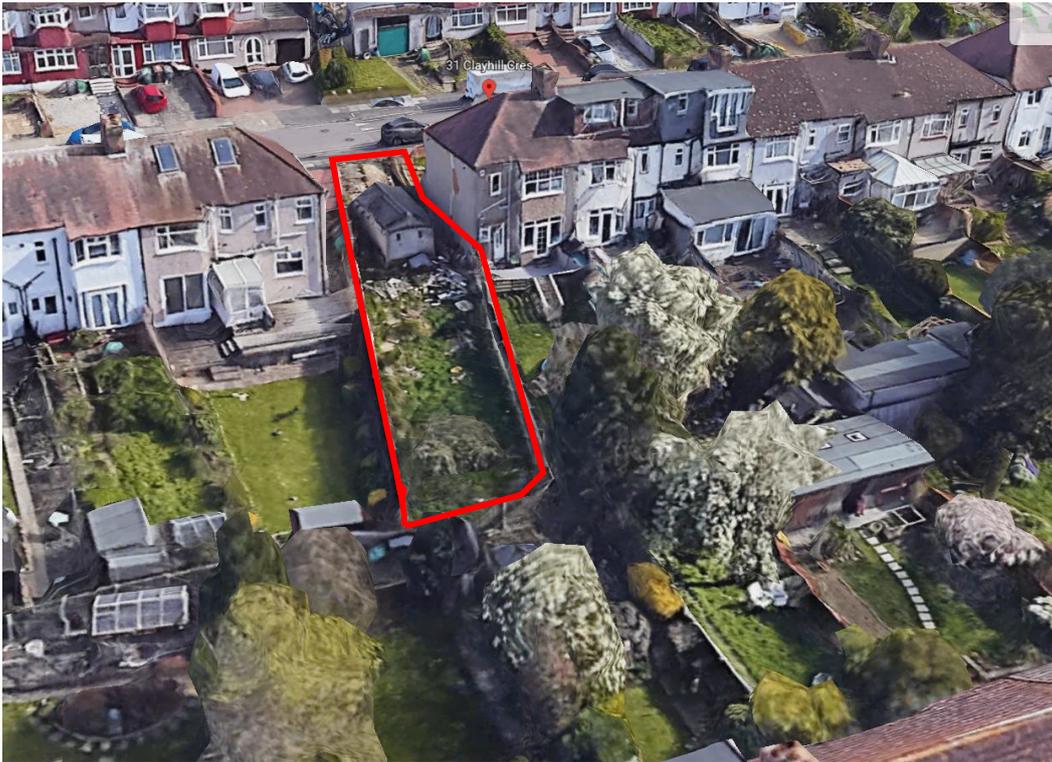
94 The material would match the existing at No 31, as shown on the plans and stated on the design and access statement. The dwelling would be built in brick with the first floor rendered to match the prevailing architectural detail of most properties in the road. The roof would be a tiled pitched roof a condition would be imposed in order to secure council's policy for use of high-quality materials.

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Figure 9 Rear View of the Proposal Site



Landscaping & Boundary Treatments

- 95 The driveway and crossover access to the fore court would be retained. Bins store would be located in the fore court. Due to the sharp drop from the road towards the entrance of the building, there would be steps down from the fore court, directing pedestrian to the enclosed arch shaped porch. The existing driveway is in a poor condition and as stated in the application form the hard surface is in concrete. Also, it is noted that the proposed layout to the front would be similar to the front court yard of properties on this side of the road. Given above, on balance, the proposed changes are considered to enhance the street scene. It is noted that no details have been provided of soft landscaping, although it is indicated that the Bin store would have a green roof. As mentioned above, a condition would be added to ensure that details of soft landscaping, are provided, should the council be minded to grant a permission.
- 96 The proposal includes decking to the rear. No materials have been detailed for the paving to the front and decking to the rear, therefore, the details of proposed materials for landscaping would be secured within the condition for materials.
- 97 Private amenity space throughout the proposed scheme would be secured with fencing to prevent public access with timber panel and concrete posts, which would be secured by a condition.

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98 In summary, the proposed dwelling, due to its scale, design, and setting, is considered acceptable and would preserve the character and appearance of the streetscene and the wider area, subject to the final details being secured by condition the proposed development is considered to improve the character and appearance of the proposal site.

6.3.1 Urban design conclusion

Subject to the above, the proposed dwelling is judged to be acceptable in terms of its design, responding appropriately and sensitively to the site. As such, it is considered that the design of the proposed new dwelling complies with the provisions of Policy 15 of the Core Strategy (2011) and DM Policy 30 'Urban Design and local character' of the Development Management Local Plan (2014).

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

99 NPPF para 126 and 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

100 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

101 The Small Sites SPD provides guidance on the acceptable offset distances between existing and new dwellings in the context of small sites.

Discussion

102 Objections raised concerns as the new two storey development could have impact on the privacy of its neighbours. The front elevation of the proposed dwelling would be in line with the elevations of Nos 31 and 33 Clayhill Crescent. The new dwelling would be circa 3m away from the main building at No 33, although part of it would be along the shared boundary with No 33 and to the rear it would leave a gap with the shared boundary with No 33.

103 Objections raised the issue of a side window on the proposed dwelling which would impact on the privacy of the adjacent properties, it should be noted that no window are proposed on the side elevations. However, Officers had concerns regarding the potential sense of enclosure impact of the proposed development on the window at the first floor at No 33. Although the function of this window is not clear, due to the gap between the two buildings, no adverse impact on the amenities of neighbours living at No 33 is expected, especially as there are no windows proposed to the side of proposed development.

104 The rear elevation would align with the rear elevation of No 31 and would not project beyond the rear elevation of the adjacent properties, therefore, due to the remaining gap between No 33 and the new dwelling, the width of plots and the size of the back

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gardens, the proposed scheme is not considered to have any impact on the privacy, sunlight and daylight of the occupiers at Nos 31 and 33.

- 105 To the rear the nearest rear windows are on the rear elevation of properties on Dunkery Road which would be 36m away similar to their distance from Nos 31 and 33, with similar impact on their privacy or sense of enclosure.
- 106 The new windows to the front would have the same distance from the properties on the opposite side of Clayhill Crescent (26m) which are in higher level than the new dwelling, therefore, the proposed development is not expected to have any impact on the amenities of the properties on the other side of the road.
- 107 Considering the position, size and height of the new dwelling, the topography of the area, and the size of the back gardens, the proposed development is considered not to have any adverse impact on the amenities of neighbours in terms of sunlight and daylight or cause, loss of outlook, loss of privacy nor create an overbearing sense of enclosure or overlooking.

6.4.1 Impact on amenities of neighbours; Conclusion

- 108 The proposed development would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/ sun light and impact on privacy and is therefore acceptable.

Highways

General policy

- 109 LP T1 sets out the Mayor's strategic integration of land use and transport. LPT4 requires transport assessments to be submitted with development proposals when required in accordance with national or local guidance, to ensure any impacts are fully assessed. No transport assessment is required for this application due to the scale of the proposed development.
- 110 LP T6 states that car-free developments should be the starting point for all development proposals in places that are well-connected to public transport.
- 111 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

Discussion

- 112 Under the Policy T6 of the London Plan the maximum allowance is 0.75 spaces per household for a new dwelling in Inner London with a PTAL of 2. The proposal includes one, off street parking space to the front of the dwelling. One objection was received regarding the existing telegraph pole, and its impact on the crossover. It should be noted that the pole and the crossover are existing, and no changes are proposed to alter this arrangement.
- 113 The scheme proposes a parking bay at the forecourt. Whilst this is technically an over provision of off-street parking, as the parking arrangement would mirror all other dwellings in the road which have off street parking provision, and the Council's Highway

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Officer had raised no objections to retaining the existing crossover, and parking bay to the front, the proposed parking arrangement is supported.

Cycle storage

- 114 Under the Policy T5 of the London Plan, secure covered cycle parking should be provided at a minimum rate of 2 spaces per all other dwelling with more than 3 person. As such, a dwelling of the proposed scale must provide 2 secure, covered and step free cycle parking spaces. The proposal includes secure and covered cycle parking spaces, with green roof, accessed through the ground floor of proposed building. Should the Council be minded to grant permission, details of cycle parking arrangements would be secured by a condition.

Refuse

- 115 Storage space for three bins would be provided to the front of the site with a flat green roof. The provision and siting of bins store is considered acceptable; however, a condition would be secured for bin store including food waste recycling, and details of the proposed green roof.

Summary

- 116 The proposal would have an acceptable impact on transport and satisfactorily accommodates the sites servicing needs, subject to conditions.

SUSTAINABLE DEVELOPMENT

General Policy

- 117 203 Paragraph 153 of the NPPF states Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

Discussion

- 118 The proposal site is within Flood Risk Zone 1 which means there is a low risk of flood. However, objections have been raised regarding the experience of local flood risk due to the topography of the area.
- 119 The Council Flood Risk team raised objections as no details and information was provided to address concerns raised in this regard. As the development is at risk of surface water flooding it was requested to provide a site-specific Flood Risk Assessment that addresses the following:

- Show that flood risk will be reduced, and that suitable methods of mitigation will protect the development against the following (whichever are applicable)
- 1% AEP pluvial event plus climate change over the lifetime of the development.
- Show that safe access can be provided to an appropriate level for the type of development.

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- Show that flow routes are preserved, and floodplain storage capacity is not reduced.
- The residents and occupiers of commercial buildings should be made aware their home / business is located in an area of flood risk and should be encouraged to sign up to the EA Floodline Warnings Direct service.
- Show that FFL are 100mm above the modelled surface water 1 in 100 years plus climate change level.
- Ensure that below ground surface water infrastructure has not been adversely impacted by the development.

120 Consequently, a Flood Risk Assessment report and local flood risk map is submitted and was reviewed by the Council Flood Risk team which raised no further objection.

121 Lewisham Council has reported in its Strategic Flood Risk Assessment (2018) that no significant known issues with groundwater flooding have been identified in the Borough; there is no known history of flooding from artificial sources within the Borough and the likelihood of residual risks are very small.

122 Sewer malfunctions in this area are not significant to the study assessment.

123 The report recommends that new hard standing such as pathways and external landscaping should be composed of permeable material.

Summary

124 As the Flood Risk Team is satisfied with the level of provided details, and given the above details, the scheme is not considered to have any risk in terms of flooding or adverse impact on SuDs and therefore is supported.

7 LOCAL FINANCE CONSIDERATIONS

125 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).

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

127 The CIL is therefore a material consideration. The applicant has completed the relevant form.

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8 £12,000 Lewisham CIL is estimated to be payable on this application, subject to any valid applications for relief or exemption. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

128 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.

129 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.

130 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.

131 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>

132 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

133 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

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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>

134 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, except for wheelchair access which has been addressed in paragraphs 81 and 82.

10 HUMAN RIGHTS IMPLICATIONS

135 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

136 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.

137 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.

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

11 CONCLUSION

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

140 The proposed scheme is supported in principle, its design, bulk, and setting, and it would not have any unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. In addition, the proposed scheme would have an acceptable impact on transport and accommodating the sites servicing needs.

141 In light of the above, it is recommended that planning permission is approved

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12 RECOMMENDATION

142 That the Committee resolves to GRANT planning permission subject to the following conditions and informative:

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

3; EX.00; EX.00 EX.01; EX.02; EX.03; EX.04; EX.05; EX.06; PR.01; PR.02; PR.03; PR.04; PR.05; PR.06; PR.07; PR.08; PR.09; PR.10 (received 08 Jun 2022)

PR.12 (received 03/01/2023)

PR.14 (received 23/01/2023)

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

3) SCHEDULE OF MATERIALS

No development above ground shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and external doors, roof coverings, other site-specific features to be used on the building have been submitted to and following a site visit, 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.

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4) **CONSTRUCTION LOGISTICS MANAGEMENT PLAN**

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

5) **CYCLE PARKING**

(a) Prior to first occupation, full details of covered and secure cycle parking facilities with green roof shall be submitted to and approved in writing by the local planning authority.

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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

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

6) **REMOVAL of PD RIGHTS**

No extensions or alterations to the new and the existing buildings hereby approved, whether or not permitted under Classes A-F of Article 3 to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

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7) REFUSE AND RECYCLING

(a) No development (above ground level / beyond the superstructure) shall commence until details of proposals for the storage of refuse and recycling facilities including food recycling at the new dwelling with green roof have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

8) UNSUSPECTED CONTAMINATION

The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.

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).

9) BOUNDARY TREATMENTS

(a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

10) CONSTRUCTION HOURS

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

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to 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).

11) **HARD LANDSCAPING**

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

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

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

12) **SOFT LANDSCAPING**

In order to provide an acceptable proportion of soft landscaping to the front courtyard and also to ensure the soft landscaping at the rear garden (including details of any trees or hedges to be retained and proposed plant numbers, species, location, and size of trees) shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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).

13) **DUST MANAGEMENT PLAN**

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Prior to the commencement of development, a Dust Risk assessment, and Management Plan, shall be submitted to and approved, in writing, by the local planning authority.

The plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery, and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Management of traffic to reduce congestion
- f) Waste management proposals
- g) Details of consultation and complaint management with local businesses and neighbours
- h) Control of dust and dirt on the public highway
- i) Details of hoarding
- j) Siting and details of wheel washing facilities
- k) Type and location of environmental monitoring points
- l) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- m) A drawing showing the details of hoarding, siting and details of the wheeled wash equipment and the waster suppressors, all the receptors and environmental monitoring points
- n) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved plan thereafter.

Reason: To manage and prevent further deterioration of existing low-quality air across London in accordance with London Plan policy 5.3 and 7.14, and NPPF.

14) **GAS BOILER**

Prior to occupation of the development, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and agreed in writing by the council. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 30 mg/kWh (at 0% O2). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler

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

Reason: To manage and prevent further deterioration of existing low-quality air across London in accordance with London Plan policy 5.3 and 7.14, and NPPF.

12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 4) The Committee on Climate Change recently advised the Government that there is now an urgent need to eliminate the use of gas in new buildings. In response, the Government outlined that the Future Homes Standard will mean by 2025 new homes will not be built with fossil fuel heating, such as gas boilers. Alternative heating systems are therefore encouraged, which could include (but are not limited to) electric boilers, solar thermal panels, heat pumps or other energy efficient systems.

Heat pumps are generally more energy efficient than standard panel heating, particularly if used on a communal scale (small number of dwellings or a block of flats). The siting of air source heat pumps on buildings should be carefully considered to take account of potential noise impacts. Useful information about the efficiency of different heat pumps is available

online: <http://www.bregroup.com/heatpumpefficiency/index.jsp>

- All wastes should be managed in accordance with duty of care regulations

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- All health and safety procedures should be adhered to at all time

13 BACKGROUND PAPERS

143 Submission Drawings and Photos

144 Submission Technical Reports and Documents

14 REPORT AUTHOR AND CONTACT

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