



Planning Committee A

Report title:

1 & 1A BROCKLEY CROSS, LONDON, SE4 2AB

Date: 16 March 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Brockley

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal. The report has been brought before Committee for a decision due to the submission of more than two objections.

Application details

Application reference number(s): DC/23/130045

Application Date: 23 January 2023

Applicant: MJP Planning Limited on behalf of Just Simple Brockley Cross Ltd

Proposal: Demolition of the existing buildings and the construction of a part two/part four storey plus basement to provide 7 self-contained flats, together with 12 cycle storage, refuse storage and associated landscaping at 1-1a Brockley Cross SE4 and subject to a Legal Agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended).

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

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

Screening: Not applicable

1 SITE AND CONTEXT

Site description and current use

- 1 The application site comprises a single storey commercial building and yard which was operating as a used car sales centre, and a vacant commercial unit (previously a hairdresser) and is located at the junction of Upper Brockley, Geoffrey and Malpas (B218) Roads.
- 2 The site is roughly triangular in shape and located in the Brockley Conservation Area. The site occupies a transitional zone between Victorian terraced and semi-detached houses of the 1860s and 1870s to the east and somewhat later mixed commercial residential properties at Brockley Cross to the west.
- 3 The application site appears to have originally been the garden of a two storey Victorian doubled fronted detached house at No 1 Geoffrey Road but was separated early in the last century. The existing building on the site has been subject to many unsympathetic alterations but has retained some character in the shop fronts which face Upper Brockley Road. No 1 Geoffrey Road is built of London stock brick with a shallow pitched slate covered roof and deep over-hanging eaves and soffit.

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Figure 1 – Site location plan

Character of area

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

Heritage/archaeology

- 7 As outlined above the application site is located within Brockley Conservation Area within Character Area 3a.
- 8 The Conservation Area Appraisal notes that '*All the historic buildings in the conservation area make a positive contribution to its character*'. This identification (itself assessed against the criteria in the precursor to HE's CA assessment, designation and management guidance) leads to the Council considering these all as non-designated heritage assets in NPPF terms.
- 9 The adjacent property No. 1 Geoffrey Road is of importance as part of the early residential villa development in the conservation area; it makes a positive contribution to the conservation area despite its rather run-down appearance and is therefore a NDHA.
- 10 The site is important within the conservation area as it is a highly visible island site surrounded by original buildings that make a positive contribution, close to the conservation area's boundary and development on it will be prominent and highly visible

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in views into the conservation area from the west, as well as views south down Malpas Road and west along both Upper Brockley Road and Geoffrey Road.

Surrounding area

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

Local environment

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

Transport

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

2 RELEVANT PLANNING HISTORY

- 15 **DC/10/074808:** The demolition of buildings on the site of 1 -1a Brockley Cross SE4 and the construction of a part two/part three storey building (with basement) comprising a commercial unit, 1 two bedroom and 3 one-bedroom self-contained flats with provision of bin and bicycle stores. **Appeal submitted for non-determination**
- “The appeal **dismissed** in April 2015 and planning permission **refused** for the reason that “...the development would fail to preserve the character or appearance of the Brockley Conservation Area...”
- 16 **DC/15/094863:** The demolition of buildings on the site of 1-1a Brockley Cross SE4 and the construction of a part two/part three storey building comprising a Class B1 office unit, 3, one bedroom and 1, two bedroom self contained flats together with the provision of bin and bicycle stores. **Refused - reason for refusal:**
- “The scale, massing and design of the proposed building fails to respect or enhance character and appearance of the area and would be harmful to the Brockley Conservation Area...”
- 17 An Appeal (**APP/C5690/W/16/3151839**) in respect of **DC/15/094863** decision was upheld in October 2016. In the decision letter, the Inspector raised no objection to the proposed 3 storey rotunda at the corner of Upper Brockley Road and Brockley Cross. In the scheme previously refused at appeal, this element of the building had been four storeys. On the remaining 2 storey part of the building (previously one to three storeys in height) the Inspector commented as follows:
- The Council describe the rear, two storey, element of the proposed building as an “unconvincing pastiche” but have not elaborated further. They note, as I do, that

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the scale of this element of the proposed building would generally reflect that of the adjoining house (1 Geoffrey Road). Furthermore, the proposal would also draw on the proportions, rhythm and repetition of the window openings on that building. By employing those factors on the elevations facing Geoffrey Road and Upper Brockley Road, the proposal would draw on features evident, not just on the adjoining property at 1 Geoffrey Road, but indeed on many other properties within this part of the Conservation Area and surrounding area.

- Planning permission was therefore **granted subject to the conditions**.

18 **DC/17/100503:** The demolition of buildings on the site of 1-1a Brockley Cross SE4 and the construction of a part two/part three storey building comprising a Class B1 office unit, 3, one bedroom and 2, two bedroom self contained flats together with the provision of bin and bicycle stores. **Granted**

Most recent history

19 **DC/20/116481:** The demolition of buildings on the site of 1-1a Brockley Cross SE4 and the construction of a part two/part three storey building comprising a Class B1 office unit, 3, one bedroom and 2, two-bedroom self-contained flats together with the provision of bin and bicycle stores. **Granted** - Officers note that this application was a like-for-like re-submission of the application granted in 2017 under ref no DC/17/100503 which had expired without commencement.

20 **DC/21/123242** - An application submitted under Section 96a of the Town & Country Planning Act 1990 for a Non-material amendment in connection with the planning permission DC/20/116481 dated 26/06/2020 for the demolition of buildings on the site of 1-1a Brockley Cross SE4 and the construction of a part two/part three storey building comprising a Class B1 office unit, 3, one bedroom and 2, two bedroom self-contained flats together with the provision of bin and bicycle stores in order to allow for: increase in height of rear block by 376mm, reduce separation by 1000mm to adjacent building to align with Topographical and alteration to basement layout and other internal alterations for building regulations. **Refused - reason for refusal:**

- The proposed amendments, by virtue of increase in height and change of location and position of the building would be visible from the public realm and are therefore considered to be material in nature and would require an assessment in terms of impact to the character and appearance of the subject property and surrounding Brockley Conservation Area.

21 **DC/21/124209:** An application submitted under Section 73 of the Town & Country Planning Act 1990 for variation of Condition (2) (approved drawings) of the planning permission DC/20/116481 dated 26/06/2020 for the demolition of buildings on the site of 1-1a Brockley Cross SE4 and the construction of a part two/part three storey building comprising a Class B1 office unit, 3, one bedroom and 2, two bedroom self-contained flats together with the provision of bin and bicycle stores in order to allow for: increase in height of rear block by 376mm, reduce separation by 1000mm to adjacent building to align with Topographical and alteration to basement layout and other internal alterations for building regulations. **Refused – reason for refusal:**

- “The proposed alterations to increase the height of the rear block, and repositioning of the building, by virtue of design, scale and relationship with the surrounds, would materially diminish the original design intent, and would adversely impact the character and appearance of the adjacent non-designated heritage asset (no 1 Geoffrey Road), and the Brockley Conservation Area, causing moderate degree of less than substantial harm...”

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- 22 **DC/22/126931:** An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments for the variation of Condition 2 in connection with the planning permission (DC/20/166481) dated 26 June 2020 for demolition of buildings on the site of 1-1a Brockley Cross SE4 and the construction of a part two/part three storey building comprising a Class B1 office unit, 3, one bedroom and 2, two bedroom self-contained flats together with the provision of bin and bicycle stores in order to allow: Conditions to included new amended plans. **Refused – reasons for refusal:**
- “The proposed alterations to bring forward the southern building line, and repositioning of the building, by virtue of design, scale and relationship with the surrounds, would harm the setting of the street and diminish views of No. 1 Geoffrey Road and fails to provide sufficient set-back for a soft landscaping buffer, which harm the character and appearance of the Brockley Conservation Area...”
- 23 **PRE/22/128753:** Pre-Application (detailed) meeting to discuss a proposal for the demolition of the existing structures on-site and erection of a part two, part three and part four storey plus lower ground floor residential building comprising seven residential flats with associated landscaping, refuse storage and cycle storage.
- 24 **DC/23/130151:** An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments for the variation of Condition 2 in connection with the planning permission (DC/20/166481) dated 26 June 2020 in order to allow: amended drawings 11(01) Rev 2, 11(02) Rev 2, 11(03) Rev 2 at 1 Brockley Cross SE4. **Not yet decided.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 25 This application relates to the demolition of the existing buildings and the construction of a part two/part four storey plus basement building to provide seven self-contained flats, together with 12 cycle storage, refuse storage and associated landscaping at 1-1a Brockley Cross SE4.
- 26 The proposal is comprised of seven new dwellings over five floors: a lower ground floor with ground to third floor above. There are two duplex apartments on the ground and lower ground floors to ensure that there are no solely lower ground units. There would be 1no three-bedroom unit, 3no two-bedroom units and 3 one-bedroom units, all units would also be M4(2) compliant.
- 27 The building would be constructed out of light red brick, pigmented concrete and a copper mansard top floor. The mortar would be specified to closely match the colour of the brick tones and will be flush pointed with a brush finish.

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3.2 COMPARISON WITH PREVIOUS SCHEME



Figure 2 – previously granted scheme DC/20/116481

- 28 While the applicant has the above extant permission (Figure 2) there are questions over whether this is implementable given that there have been several failed attempts to amend the scheme. Officers believe that the approved drawings had incorrectly stated the extent of the site boundary and as such the approved plans show the building crossing the site boundary. There is currently a live application (DC/23/130151) which seeks to address these errors; no decision has been made on this application to date.
- 29 It was recognised at pre-application stage that there is an opportunity to improve upon the design of the extant permission and that a new scheme which is of a higher design quality and contextually appropriate could be supported.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 30 According to the submitted Design and Access Statement, stakeholder engagement was carried out with local residents prior to the submission of the application.
- 31 An information newsletter was posted on 4 January to a total of 175 properties within the boundary shown on the image opposite. The newsletter was also issued to the Brockley Society via email and described the proposed development with indicative CGIs. The newsletter provided a dedicated email address for residents to send queries and

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comments to. The level of engagement with local residents was considered proportional to the size of the development proposed.

32 Over the two-week period between 4 and 28 January 2023 a total of nine responses were received via email. The applicant's summary of the feedback from their Planning Statement is below:

- four responses were broadly positive
- Some residents commended the design, one stating they 'love the colonnade, brick detailing'
- The proposed level of parking was queried
- The level of affordable housing was queried
- One queried whether a commercial unit would be included
- three of the responses expressed some concern around height.

33 According to the applicant a FAQ sheet responding to the queries was issued to the respondents prior to the application being submitted to the Council.

34 Officers note that the proposed scheme was submitted on 23 January 2023 which was before the closing date of the pre-application engagement undertaken by the applicant, the amenity society did raise concerns that their comments were not reflected in those listed above in para 32. As such they have forwarded the comments to the Council and they are outlined in Section 4.2.4 below.

4.2 APPLICATION PUBLICITY

35 Site notices were displayed on 31 January 2023 and a press notice was published on 01 February 2023.

36 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors and amenity society on 27 January 2023.

37 7no responses received, comprising 4no objections, 2no support and 1no comments.

4.2.1 Comments in objection

Comment	Para where addressed
Principle of Development	
Lack of commercial space on ground floor	Paras 62 to 67
Housing	
Poor size of dwellings	Para 74
Further mix of unit sizes	Para 75
More amenity space	Para 76
Urban Design and Impact on Heritage Assets	
Excess height and scale	Paras 107 and 108
Poor quality and unsympathetic design	Para 119

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Impact on Neighbouring Amenity	
Loss of daylight and sunlight	Paras 137 and 138
Overlooking from excess windows	Para 130
Highways	
Impact on parking – no CPZ in the area	Paras 163 to 167
Natural Environment	
Lack of green space	Paras 198 and 199

4.2.2 Comments in support

Comment	Para where addressed
Improved design vs consented scheme	Para 116
Improve the surrounding streetscene	Para 116

4.2.3 Neutral comments

38 A number of neutral comments relating to non-material planning considerations were also raised as follows:

39 Impact on view: the impact on a view is not a material planning consideration and therefore does not form part of this assessment.

40 Sustainability and environmental: while the Council supports the provision of sustainable and environmentally designed development within the Borough the policies of the Local Plan and the London Plan do not require additional measures to reduce carbon emissions for development of this scale (non-major).

4.2.4 Society Comments

Comment	Para where addressed
Urban Design and Impact on Heritage Assets	
Concerns with excess height and scale	Paras 107 and 108
Dominant relationship with No 1 Geoffrey Road	Paras 112 and 117
Welcomed improvement to public realm	Para 116
Welcome use of brick	Para 119 to 122
Mansard roof in incongruous	Para 118
Natural Environment	
Financial contribution towards trees is welcomed	Para 183

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4.3 INTERNAL CONSULTATION

41 The following internal consultees were notified on 27 January 2023:

42 Highways: raised no objections subject to conditions. See Section 6.5 for further details.

43 Conservation: raised no objections subject to conditions relating to materials and architectural details. See Section 6.3 for further details.

44 Urban Design: raised no objections subject to conditions relating to materials and architectural details. See Section 6.3 for further details

4.4 EXTERNAL CONSULTATION

45 The following external consultees were notified on 27 January 2023:

46 Thames Water: raise no objections subject to conditions and informatives relating to wastewater, piling and ground water. See para 192 for further details

5 POLICY CONTEXT

5.1 LEGISLATION

47 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).

48 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

49 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.

50 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.

51 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)

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

5.4 DEVELOPMENT PLAN

52 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

53 Lewisham SPG/SPD:

- Small Sites Supplementary Planning Document (October 2021)
- Planning Obligations Supplementary Planning Document (February 2015)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

54 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (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)

5.6 OTHER MATERIAL DOCUMENTS

- Brockley Conservation Area Character Appraisal

6 PLANNING CONSIDERATIONS

55 The main issues are:

- Principle of Development
- Housing
- Urban Design and Impact on Heritage Assets
- Transport Impact
- Impact on Adjoining Properties
- Natural Environment

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- Planning Obligations

6.1 PRINCIPLE OF DEVELOPMENT

General policy

56 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.

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

Policy

58 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority.

59 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

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

61 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.

Discussion

62 The principle of development is the more intense use of the site for residential purposes. Residential use is established at the site through an extant permission and at neighbouring sites to the east, west and south. As such, residential use is generally compatible with the existing context and Officers raise no objection to further residential use on site. The proposed provision of new residential units in a sustainable location with good transport links is welcomed and complies with the Council's strategy for future growth and intensification.

63 Residents have raised concerns that the proposed scheme does not include any commercial floorspace. The principle of residential development has been established by the appeal decision of January 2017. While this did provide an office unit (Use Class E(c)) on the ground floor with a floor space of 54sqm it still resulted in the loss of 30sqm compared with existing commercial space. This proposal would differ from this and provide a solely residential development.

64 While there are adopted policies which protect other employment spaces (formally Use Class B) such as DM Policy 11, the application site is not categorised as a commercial street frontage, and it shares more similarity with being part of a residential frontage.

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The previous predominant use of the site as a car sales office and yard is considered Sui Generis and as such is not protected by DM Policy 11.

- 65 In terms of the existing retail unit DM Policy 15 is relevant, this aims to retain shops (E(a) Use Class, formally A1 Use Class) in order to protect the existing neighbourhood local centres and ensure the on-going provision of an adequate range of shops that meet the daily needs of the local community. The existing unit is inconsistent with the surrounding neighbourhood centre, being on the opposite side of the road and in a more predominately residential area; as such Officers do not consider the protections which DM Policy 15 affords neighbourhood centres applies to the Use Class E unit on site. It is also worth noting that the application site was formally the garden of No. 1 Geoffrey Road, as such historically the site would have been used for residential purposes and Officers consider the provision of solely residential uses here would fit in with the historic nature of the site. The existing commercial units have been vacant since 2012. Clearly the commercial nature of these units has ceased for a number of years and have not been let to local businesses in that time
- 66 The existing Class E retail unit is not part of a retail frontage and as such they also are not protected by the Council's adopted policies, furthermore it is likely, given that the retail unit has been vacant for more than three months, that the applicant could apply via the prior approval process for change of use from Class E to C3 under Part 3, Class MA of the GDPO. As such Officers envisage there is a valid fall-back position for the applicant to change the existing uses on the application site to residential without planning permission.
- 67 There is a clear need for housing within Lewisham, with the London Plan requiring 1,667 new residential units each year; in order to achieve this target small sites such as the application site need to be developed at suitable densities. Given its close proximity to Brockley Train and Overground Station the application site is clearly suitable for densification to help the Council to achieve its housing delivery target. The additional 2no residential units and introduction of a family sized 3-bedroom unit as compared with the consented scheme are planning merits which carry significant weight in the planning balance, that outweighs any limited harm of not re-providing a small commercial space.

6.1.1 Principle of development conclusions

- 68 Officers are satisfied the proposed development would be in accordance with Local Plan policies and as such the principle of development is considered acceptable.

6.2 HOUSING

- 69 This section covers the standard of accommodation.

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

Internal and external space standards

Policy

- 71 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 LP Policy D6, the CS Policy 15,

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DMLP Policy 32 and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, Small Sites SPD 2021, LBL).

- 72 Private open space is highly valued and should be provided in all new housing developments. London Plan Housing SPD, Standard 26 and 27 state that a minimum of 5sqm of outdoor space is provided for up to 1-2 person dwelling. In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement

Discussion

- 73 The table below sets out an assessment of the proposed residential units against required space standards in line with Table 3.1 'Minimum internal space standards for new dwellings' of the London Plan Policy D6.

Table 1: Internal space standards – proposed v target

Unit no.	Unit Size	GIA proposed (required)	Bedroom proposed (required) sqm	Bedroom proposed (required) sqm	Bedroom proposed (required) sqm	Built in storage proposed (required) sqm
1	2B/3P	70 (70)	13.4 (11.5)	7.9 (7.5)	N/A	2.05 (2)
2	3B/5P	113 (93)	11.5 (11.5)	14.6 (11.5)	8.31 (7.5)	2.5 (2.5)
3	1B/2P	50 (50)	14.7 (11.5)	N/A	N/A	2.12 (1.5)
4	2B/3P	61 (61)	14.4 (11.5)	7.9 (7.5)	N/A	2.58 (2)
5	1B/2P	51 (50)	11.5 (11.5)	N/A	N/A	4.15 (1.5)
6	1B/2P	50 (50)	14.68 (11.5)	N/A	N/A	2.3 (1.5)
7	2B/3P	61 (61)	11.5 (11.5)	7.9 (7.5)	N/A	2.9 (2)

- 74 The overall floor area to all units and for the proposed bedrooms achieve or exceed the minimum sizes as required by policy. The proposal units would also have a head height of 2.5m and have adequate built-in storage which meets London Plan policy. The communal circulation spaces are generous with ample room for post on the ground floor.

- 75 While residents objected to the proposed unit mix, Officers consider the proposed scheme would offer a number of different sized dwellings; including a 3-bedroom/5-person dwelling which is capable of being a family sized dwelling. The provision of a duplex family sized dwelling which has ample private amenity space is considered a planning merit which is given limited weight.

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Table 2 - External space standards – proposed v target

Unit no.	Unit Size	External Amenity Space (required) sqm	External Amenity Space (provided) sqm
1	2B/3P	6 sqm	12 sqm
2	3B/5P	8 sqm	19 sqm
3	1B/2P	5 sqm	5 sqm
4	2B/3P	6 sqm	6 sqm
5	1B/2P	5 sqm	11 sqm
6	1B/2P	5 sqm	11 sqm
7	2B/3P	6 sqm	31 sqm

76 All units would achieve or exceed the minimum private external amenity space, though has also been given to how they would be accessed in terms of types of doors. While the lower ground floor units would have a more constrained amenity space given, they are located in lightwells, the applicant has ensured these areas are accessed by sliding doors to help maximise useable amenity space to these units.

Wheelchair Accessible Units

Policy

77 London Plan Policy D7 requires that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’. All other dwellings should meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.

78 Core Strategy Policy 1 (CSP1) provides a clear and comprehensive policy on housing provision, mix and affordability. It states that I sent to you in your response can you ensure you 10% of all housing are to be wheelchair accessible or easily adapted for those using a wheelchair in accordance with London Plan policy.

79 DM Policy 32 focuses on housing design and space standards and specifically mentions the application of Lifetimes Homes and Wheelchair Housing standards.

Discussion

80 While policy requires that 10% be M4(3) as there are only 7no units proposed there is not a requirement to provide an M4(3) units are part of this proposed scheme; it does provide all units would be M4(2) compliant which would be accessible and adaptable dwellings. Officers do note however that the proposed development has a lift which serves all levels. A restrictive condition will be imposed to allow Building Control to check compliance of the development against the optional Building Regulations standards.

Outlook, Privacy, Air Quality & Overheating

Policy

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- 81 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.
- 82 LP Policy D6, Part C, mentions that housing development should maximise the provision of dual aspect dwellings. Dual aspect dwellings with opening windows on at least two sides have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, and a greater capacity to address overheating, pollution mitigation, a choice of view, access to a quiet side of the building and greater flexibility in the use of the room.

Discussion

- 83 The proposed development would be largely triple aspect (except unit 4 which is dual) and have good levels of outlook and privacy. The Duplex units on the ground floor and lower ground floor would have reduced outlook when compared with the upper floors, as a result of reliance on lightwells to the lower ground floor levels; Officers consider their size to be adequate to provide good levels of sunlight and as they would also be used as amenity areas are an acceptable depth so that outlook would not be detrimentally reduced.
- 84 The provision of windows is considered to provide acceptable levels of light and outlook for all of the main habitable rooms.
- 85 The application site is in an air quality management area. The application is accompanied by an Air Quality Assessment ("AQA", prepared by The PES Ltd dated 06/01/2023). The report AQA concludes that the modelling indicates that the long- and short-term air quality standards are within the targets for residential spaces; Officers agree with this conclusion. The report also outlines that due to the poor acoustic environment (see paras 92 and 93), the scheme would utilise mechanical heat recovery ventilation systems ("MHRVS") – the report recommends that the intakes for such systems to be oriented toward the rear of the site, away from the B2018. A restrictive condition would be imposed to ensure any MHRVS will be oriented to the rear.
- 86 The dual/triple aspect would also provide adequate levels of passive ventilation and with it mitigation against overheating and air quality issues.
- 87 While the elevations would comprise of large amounts of glazing which could result in some overheating to those room, the fact that all but one unit would be triple aspect with good passive ventilation leads Officers to conclude it would not lead to overheating.
- 88 As such, the proposed development is considered acceptable with regard to outlook, privacy, air quality and overheating.

Daylight and Sunlight

Policy

- 89 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

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90 The new dwellings would be at least triple aspect, as such officers consider that the proposed scheme would provide adequate daylight and sunlight to both internal rooms and external amenity space as set out in the Daylight and Sunlight Assessment (Prepared by eb7, dated 13 January 2023).

Noise & Disturbance

Policy

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

Discussion

92 The proposed development would be located amongst residential development. As such, the proposed use is considered compatible with the surrounding area and no increase in noise beyond typical residential use is anticipated.

93 It should be noted that there is potential for noise from traffic surrounding the application site given its proximity to B2018, the development would comply with Building Regulations Part E, providing a good level of sound insulation between the proposed development and surrounding buildings. All new windows would be triple glazed to minimise the transmission of noise between the building and adjacent properties and road network.

94 The AQA and the Energy and Sustainability Statement ("ESS" Prepared by The PES, dated 6 January 2023) both recommend the use of a mechanical ventilation system as part of this development; the use of such a system will enable future occupiers to be less reliant upon natural ventilation which as a result of the B2018 could result in a degree of noise pollution.

6.2.1 Housing Conclusion

95 The proposed development would provide a sufficient standard of accommodation and thus is considered acceptable.

6.3 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

Urban Design Policy

96 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.

97 LPP D3 requires new development proposals to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

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- 98 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 99 DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seeks to protect and enhance the Borough's character and street frontages through appropriate and high-quality design. The Small Sites SPD is applicable.

Heritage Policy

- 100 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 101 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.
- 102 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.
- 103 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.
- 104 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.
- 105 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

Discussion

Context and Vision

- 106 The application site is located on the edge of the Brockley Conservation Area, on the corner of Geoffrey Road and Brockley Cross. It is a prominent corner site, which marks the start of the Conservation Area. As a result, the front (west) façade will be seen from a significant distance along Endwell Road.
- 107 Residents have raised concerns that the proposed scheme's height. Geoffrey Road and Upper Brockley Road are predominantly two-storey with lower ground floor, the site faces onto nos. 4-14 Brockley Cross which consists of three-storey terraced buildings with active commercial ground floors and set back roof storeys: these are at a similar height (0.8m lower) than the proposal. The proposal therefore responds to this with a four-storey element to the 'nose' of the site, stepping back to three-storeys and then a two-storey element immediately adjacent no. 1 Geoffrey Road. The proposed elevations

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and sections show the relationship to those nearby buildings and have the heights above Ordnance Datum (AOD) indicated. Ground level here is between 20.8 to 21m AOD. The relevant heights are set out below.

Table 3: heights of relevant buildings

Property	Height as AOD	Approximately height as measured from adjacent ground level (20.8m)	Relative difference
Proposal	32.3m to four storey 29.4m to three storey 26.4m to two storey	11.5m 8.6m 5.6m	n/a
1 Geoffrey Road (east)	28.5m	7.7m	2m higher than the two storey element alongside
4 Brockley Cross (north)	31.5m	10.7m	0.8m lower than the four storey element
16 Geoffrey Road (south)	29.8m	9m	2.5m lower than the four storey element, 0.4m higher than the three storey element

108 The applicant has referenced within their Design and Access Statement both historical and contemporary precedents of taller development within the local area and shown how, when ‘executed with care, attention and sensitivity’ a taller development has the potential to make a positive impact on the community as well as the townscape. This is based on the concept of good growth by design, a principle endorsed by the London Plan and reinforced by Lewisham’s Core Strategy. While officers acknowledge that the proposal will be marginally taller than its context, through high quality design and detailing it is considered acceptable.

Site Strategy and Layout

109 It is clear from the applicant’s submission that they have considered the challenges and opportunities of the site and has proposed a strategy that takes the unique characteristics of the site into account.

110 The strategy, as laid out by the applicant, is in three parts.

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- 111 The first is: “To become a gateway into the Conservation Area”. This approach is considered appropriate given the high visibility of the corner as approached from Endwell Road. The façade is visually interesting and appropriately responds to the surrounding architecture while still clearly being contemporary. The ground floors, although no longer commercial in use, are activated offering passive surveillance onto the street.
- 112 Secondly: “To form the transition between the low-rise buildings of Geoffrey Road to the taller built forms of Brockley Cross”. While it would have been preferred for the two-storey element relating to no. 1 Geoffrey Road to have been wider as discussed by Urban Design Officers and Conservation Officers, it is accepted that the form proposed balances the mediated relationship with adjacent residential and the need to maximise site density and residential quality.
- 113 Thirdly: “To echo architectural features of the Conservation Area“. Officers consider the proposed architecture relates well to the conservation area as a whole. Conservation Officers consider that the proposed scheme will read as a high-quality addition to the conservation area, despite its size and close proximity to no. 1 Geoffrey Road. It is clearly a significant design improvement over the previous scheme which was allowed at appeal.

Public Realm

- 114 While the existing buildings on site would be demolished, the submitted heritage statement has adequately addressed this loss. Also, the conservation area character appraisal does not identify them specifically.
- 115 The two single-storey flat roofed structures with shop fronts facing the north are modest, and date to the early C20th. Conservation officers consider that while they have some historic detailing that relates to the character of the conservation area, this has been eroded and the site as a whole is run down and appears derelict. It is therefore considered that they do not make a positive contribution, should not be classed as NDHAs and their loss is unobjectionable.
- 116 Officers consider that the lack of passive surveillance and light on this prominent corner site is a particular concern at night, as a result the introduction of residential uses will offer better passive surveillance. The proposed scheme is considered to be well designed, especially in comparison to the extent permission, and would have a positive impact on the wider public realm of this key location in Brockley.

Built Form, Scale and Massing

- 117 Given the high quality of the proposed design and its relationship to the buildings on the northern side of Brockley Cross, the scale of the development is considered acceptable from an urban design perspective for the following reasons, which all contribute positively to the townscape:
- The proposal uses the full extent of the site for the building footprint, maximising efficiency of the site to deliver good quality homes,
 - The mass has been reduced towards no. 1 Geoffrey Road, with a 2-storey bay immediately adjacent the NDHA,

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- The 4th floor is articulated with a lighter material and the form is angled to soften its relationship to the surrounding context, mimicking a typical roof storey found within the conservation area,
- Further softening of the built form is provided through the incorporation of planting to the building edges,
- The stepped building line relates well to the urban form and provides interest, particularly when viewed from Geoffrey Road towards the T Factory,
- Lightwells are a clever device to bring light to lower ground floor rooms while providing some separation to the busier edges of the trafficked site edges on the ground floor.

118 Although the Brockley Society did not consider the mansard roof style to the 4th floor, it is considered an acceptable design solution for this site as it helps to reduce the bulk of the 4th floor and soften its relationship to the surrounding context.

Appearance and Materiality

119 Although residents had objected to the scheme's design, Officers consider that the proposed development is of a high-quality design and materials that is resolutely contemporary while being sympathetic to the character of the immediate context.

120 The proposed elevational design is considered appropriate in context and the design and access statement identifies how the architects have pulled out features from the surrounding streetscene and implemented aspects in the design.

121 Urban Design Officers have queried the need for some of the windows on the north elevation bedrooms as a reduction would allow for increased wall space for furniture internally. Officers however do not share this point of view and consider the proposed number windows to be acceptable and that there would be sufficient wall space for furniture also.

122 The proposed material palette has a natural variation and interest and are low maintenance which is supported; Officers consider it necessary to condition further details of the materials and for samples to be provided on site. It is also necessary to condition key architectural details to ensure the high-quality detailing proposed is completed with care and precision to maintain the quality of the design proposed.

123 Officers consider that the current proposal would lead to no harm to the Brockley Conservation Area.

6.3.1 Urban design and impact on heritage assets

124 In light of the above, Officers consider that the proposed would be of an appropriate scale and design that would make a positive contribution to the character and appearance of the surrounding townscape and have an acceptable impact on the conservation area.

125 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of Brockley Conservation Area and the Non-Designated Heritage Assets.

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6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 126 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).
- 127 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

Enclosure, Outlook and Privacy

Policy

- 128 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.
- 129 The Small Sites SPD gives further guidance on this, which reduces these distances and is considered more relevant as it is more recent document.

Discussion

- 130 A resident has raised concerns about loss of privacy. The site does not back on to any properties; its relationship with properties in the north and south is across roads, with a face-to-face distance of approximately 15m. This is sufficient and would not result in any unacceptable loss of privacy, outlook, overlooking or overbearing impact.
- 131 In terms of the relationship with No. 1 Geoffrey Road, to the east, it would have similar footprint to the extant permission, and it would have an additional two storeys. Officers raise no concern with the increased height as the proposed design has been intentionally stepped down to a more sensible height with No. 1.
- 132 Overlooking from the private amenity spaces on the eastern/side façade of the proposed development has been appropriately mitigated through the design of lightwell gardens on the lower ground floor, and adequate privacy screening to unit 5 terrace on the eastern side of the building. Officers are satisfied that this will protect the privacy of existing neighbours at No. Geoffrey Road as well as the future users of the proposed development subject to a condition securing details of privacy screening to unit 5.

Daylight and Sunlight

Policy

- 133 Paragraph 130 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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- 134 London Plan Policy 6 states that the design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate to its context.
- 135 DMP 32 states that new development must be neighbourly, provide a satisfactory level of outlook and natural light for both its future residents and its neighbours. DMP 32(2) also states that new-build housing development, including the housing element of new build housing will need to respond positively to the site-specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 136 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards, however, this is not formal planning guidance and should be applied flexibly according to context.

Discussion

- 137 To support this application the applicant has submitted a sunlight and daylight assessment (Prepared by eb7, dated 13 January 2023) which assesses this impact. The report was undertaken by suitably qualified individual and is in accordance with current BRE standards.
- 138 The report concludes that in terms of impact on neighbouring properties there would be excellent level of compliance with the BRE targets, Officers share these conclusions. In respect of daylight all windows, with the exception of a single window serving a dual aspect space, meet the VSC targets and all rooms meet the NSC target. The limited effect is confirmed by all relevant neighbouring windows meeting the APSH sunlight test.
- 139 Officers are satisfied that through the siting and design response, the risk of overshadowing has been mitigated as far as practically possible.

Noise and disturbance

Policy

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

Discussion

- 143 The proposed development would be residential, which is considered compatible with the surrounding area which is residential in nature. Given the quantum of development and the site being car free the proposal is not considered to result in a materially harmful increase in noise or disturbance.

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6.4.1 Impact on neighbours conclusion

144 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no unacceptable harm has been identified to neighbouring occupiers' amenity.

6.5 TRANSPORT IMPACT

General policy

145 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.

146 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'.

Access, Servicing and refuse

Policy

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

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

149 CSP13, DMLP 29 and 31 sets out the Council's requirements with regards to waste management and servicing.

150 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

Discussion

151 The external refuse and recycling bins to would be stored within enclosed space located to the north elevation. The number of bins provided is in line with the British standard and as such is also considered to be acceptable and further details of the enclosure including biodiverse living roof will be secured by way of condition. Consideration should be given to ensure that the doors do not open out onto the pavement, an alternative design solution is sought at condition stage which could include a sliding door.

Local Transport Network

Policy

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

Discussion

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- 153 The application site has a PTAL of 4, which is a good level of public transport accessibility. Officers are satisfied that the modest scale of development would prevent the need for any mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

Transport modes

Cycling

Policy

- 154 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.
- 155 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised

Discussion

- 156 The submitted plans dwg no. 1102-PL_010 REV 1 show that 12no secure and dry cycle parking spaces would be provided in the basement of the proposed development and would be accessible by lift. This is considered to be an acceptable level of private cycle parking in relation to the standards set out in the London Plan to meet residential cycle parking needs.
- 157 Officers do have some concerns that the proposed cycle storage may not meet the London Cycling Design Standards as doors which cyclists have to manoeuvre cycles through may not be wide enough; while this is not a reason for refusal it should be considered in more detail prior to discharging the condition.
- 158 While Lewisham do not usually consider double staked cycle storage to be accessible and in line with the LCDS, it is recognised that the proposed site is constrained, and it is likely that to have all level access cycle storage would result in the loss of a unit. Officers consider this slight harm in terms of accessible cycle storage to be acceptable in the context of the site constraints and in light of the merits of the scheme.

Private cars

Policy

- 159 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).
- 160 Table 10.3 of the London Plan states in areas of Inner London with a PTAL of 4, that no parking should be provided.
- 161 CSP 14 states that the Council will take a restrained approach to parking provision.

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- 162 DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.
- Discussion*
- 163 Residents have raised concerns about the potential impact of the scheme in terms of parking. The scheme does not propose any car parking on-site, this is considered to be appropriate, as London Plan and Local policies encourage a restrained approach to parking provision for new development. It should be noted that there is a fall-back position of a five-unit scheme on site, as such there is already a degree of overspill parking impact which had been factored in from the extent permission.
- 164 This application is supported by a Transport Statement (Prepared by Caneparo Associates Limited, dated January 2023), within this statement there is a parking stress survey (PSS) in line with the Lambeth Methodology. The survey concludes that there would remain sufficient capacity on the surrounding local roads to accommodate additional parking which may be generated by the development and the utilisation for on-street parking (73.9%) falls below the 90% threshold at which parking stress is generally considered to arise.
- 165 The beat survey was carried out on two days at 03:45 and 01:45, Local residents report that parking issues tend to occur during the working day with people utilising the roads to park for free and commuting to work via Brockley Train Station. The expectation is for any PSS to include photographs of the parking conditions in the surveyed area to verify the results. Regrettably, the photographs are absent for the survey and as such Officers give less weight to the PSS than usual.
- 166 By way of further background, there is currently a Borough wide consultation for the expansion of a CPZ to those parts of Lewisham which do not currently have a CPZ, together with other street improvements such as electric charge points.
- 167 As such Officers consider it appropriate to seek a financial contribution towards this consultation and should a CPZ be implemented in the future occupiers will be restricted obtaining a residents parking permit. This would be secured by way of a legal agreement removing the rights of residents to apply for a parking permit to park in the area.
- 168 A Section 278 agreement will be agreed with the application to ensure the existing drop curb is removed and the footpath and kerb reinstated at the applicant's expense prior to occupation of the development and that a new dropped kerb is installed on Upper Brockley Road so that refuse be easily collected by the Council.

Construction impact

Policy

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

Discussion

- 170 The site constraints and the lack of space on the site for storage of materials and receiving deliveries, impose practical concerns for the construction phase of the development. The applicant had submitted an outline Construction Management Plan

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("CMP" Prepared by Caneparo Associates Limited, dated January 2023) at application stage which Highways and Environmental Health have reviewed and are broadly satisfied with its contents.

6.5.1 Transport impact conclusion

171 Officers consider the proposed development is acceptable subject to conditions.

6.6 NATURAL ENVIRONMENT

General Policy

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

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

174 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.

175 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.

Green spaces and trees

Policy

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

177 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, that appropriate measures are in place to secure long term maintenance of newly planted trees, and that existing trees are retained where possible.

178 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.

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

180 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

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appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey

Discussion

- 181 None of the trees in or around the application site are protected by a Tree Preservation Order (TPO). The application was submitted with Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (all prepared by John Cromar's Arboricultural Company LTD, dated January 2023).
- 182 The proposal includes the removal of all trees on the application site (2no on-site trees), both are C Category. Officers do not agree with the conclusions of the report that category C trees have little to no value; LPP G7 recognises the value that category C trees can have in terms of overall amenity of an area, particular when in a group as here. Officers conducted a site visit at pre-application stage, and it was confirmed that Geoffrey Road has an established treed character, some of which is the result of the on-site trees.
- 183 While the removal of those trees is unfortunate, their removal is necessary in order to allow for the development to come forward and to provide additional dwellings. Given the extent of development on site, it is unlikely that there will be room for any trees. This, together with the provisions of para 131 of the NPPF and relevant policies of the Development Plan and a general objective to quickly replace lost canopy (which means a greater number of new trees are required), mean that, while it is appropriate to condition a soft landscaping scheme to secure some on-site planting, Officers consider a financial contribution towards offsite trees is necessary to make this development acceptable. This will be secured by way of legal agreement.
- 184 The retained tree is located to the rear garden of No. 1 Geoffrey Road, on the opposite side to the development; a restrictive condition to protect retained trees during construction is recommended.

Air Quality

Policy

- 185 LPP SI1 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.
- 186 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.
- 187 Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

- 188 The site is located in an Air Quality Management Area. The application is accompanied by an Air Quality Assessment ("AQA", prepared by The PES Ltd dated 06/01/2023). The AQA concludes that, subject to following its recommendations for mitigation measures during the construction and operational phases, the impact would be negligible. Those construction phase mitigation measures focus on dust suppression, which would be particular acute during demolition. Operation phase measures relate to promoting cycling

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and maximising green infrastructure. Overall, the AQA concludes that the development would be air quality neutral.

Ground Pollution

Policy

- 189 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 190 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 175). Further, the NPPF at para 183 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

Discussion

- 191 The applicant has not provided any details of existing site contamination. Given its existing and historic use as a used car lot it is possible there is some ground contamination arising from leaking fuel or lubricants which would require the submission of further details. Officers will impose a condition requiring ground investigation to ascertain whether there is any site contamination following its previous use as a car sales/garage, details should be submitted to the Local Planning Authority and appropriate measures taken if contamination is found.
- 192 Thames Water have requested a condition is imposed relating to piling to ensure that any piling design is approved prior to works to reduce any impact it could have ground water from pollution and sewerage. A condition requiring a piling method statement will be imposed should piling form part of the proposed development.

Biodiversity and Green spaces

Policy

- 193 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.
- 194 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.
- 195 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

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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.

196 CSP 12 seeks to preserve or enhance local biodiversity.

197 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

198 The proposed scheme would occupy the majority of the application site, as such it would make it hard to achieve any biodiversity net gain as outline in NPPF para 174 (d) as such it is appropriate to secure details of the biodiverse living roof by way of condition and ensure it is maintained in perpetuity.

199 The application is accompanied by a Preliminary Ecological Appraisal ("PEA", prepared by Green Shoots Ecology dated January 2023). The PEA included a Phase 1 Habitat Survey, an assessment for bats and additional protected species. The existing site is assessed to have negligible ecological value, being predominately covered with hardstanding which is lightly vegetated with Buddleia and Guernsey Fleabane. Officers agree with its finding that the development would have no impact on any designated sites. The protected species assessments concluded the buildings have a negligible suitability for roosting bats and no evidence was found of other protected species. Officers consider it appropriate to condition details of soft landscaping in order to maximise the site ability to provide some form of soft landscaping which would help with urban drainage and for biodiversity.

200 A condition will also be included for integrated bird bricks and bug hotel and other biodiversity improvements to increase the biodiversity of the proposed site, given the size of the site there is limited opportunity to secure improvements.

6.6.1 Natural Environment Conclusion

201 The proposal is acceptable in terms of Natural Environment, subject to conditions.

7 LOCAL FINANCE CONSIDERATIONS

202 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).

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

204 The CIL is therefore a material consideration.

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205 £41,580.00 Lewisham CIL and £35,640.00 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

206 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.

207 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.

208 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.

209 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>

210 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

211 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as

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recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

- 212 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

- 213 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

- 214 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.

- 215 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.

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

10 LEGAL AGREEMENT

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

- (a) Necessary to make the development acceptable

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

218 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation meets the three tests.

- To pay the Council's Legal and Professional fees in negotiating and completing the Agreement or Undertaking;
- To pay the Council's Professional fees in monitoring the obligations;
- To pay a financial contribution of £7,200.00 for trees and their maintenance in the local area;
- To pay a financial contribution of £15,00.00 towards consultation of a CPZ in the local area;
- To agree that future occupiers would not be eligible for residents parking permit in the event a CPZ is implemented
- To enter into a Section 278 agreement to secure the removal of a dropped kerb on Geoffrey Road and installation of a dropped kerb on Upper Brockley Road prior to occupation of the development.

219 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

11 CONCLUSION

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

221 Officers consider the proposed development would be a high-quality scheme which responds positively to the surrounding street scene and would preserve the character and appearance of the Brockley Conservation Area in a highly prominent location. It would provide seven new dwellings within a sustainable urban location and an increase in family accommodation, a merit to which Officers attach significant weight. Officers consider the issues discussed above, including loss of trees and control of overspill parking, can be addressed through a S106 agreement.

222 Overall, Officers consider the planning benefits clearly outweigh the minor harm from the development as set out in the report, as such it is recommended planning permission is granted subject to a legal agreement and the conditions and informatives.

12 RECOMMENDATION

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

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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:

1102-PL_001 REV 1 Location Plan and Existing Block Plan;
1102-PL_002 REV 1 Existing Site Plan;
1102-PL_003 REV 1 Existing Section AA and BB;
1102-PL_004 REV 1 Proposed Block Plan;
1102-PL_005 REV 1 Ground Floor Plan;
1102-PL_006 REV 1 First Floor Plan;
1102-PL_007 REV 1 Second Floor Plan;
1102-PL_008 REV 1 Third Floor Plan;
1102-PL_009 REV 1 Roof Plan;
1102-PL_010 REV 1 Basement Plan;
1102-PL_020 REV 1 North and South Elevation;
1102-PL_021 REV 1 West Elevation;
1102-PL_022 REV 1 Proposed Section AA and BB;
1102-PL_030 REV 1 Refuse Plan;
1102-PL_031 REV 1 Cycle Parking;

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

3) **Construction Management Plan**

No development shall commence on site until such time as a full 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:-

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- (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
 - (g) Details of the construction hours and activity

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 that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **Site Contamination**

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

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify

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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).

5) **Architectural Details**

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at a scale of 1:5 have been submitted to and approved in writing by the local planning authority which shows:
- i. balustrades and fixing details;
 - ii. windows details including materials, opening style and detailed cross sections
 - iii. window and door reveals of 130-150mm;
 - iv. typical window base and head details
 - v. the end on brick detail
 - vi. all projecting or recessed elements
 - vii. all junctions of different materials
 - viii. Detail of junction between mansard roof and brick flank wall
- (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 and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

6) **Sustainable Urban Drainage**

- (a) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments, sustainable urban drainage solutions, and the design of the lightwells has been submitted to and approved in writing by the local planning authority.

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- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

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

7) **Materials**

- (a) No development above ground shall commence on site until a detailed schedule (including product codes), specification and photographs of proposed material palette of all external materials and finishes, windows and external doors, roof coverings that clearly shows the relationships between all the proposed materials, which should be accurate in colour, texture and as far as possible size to be used on the buildings have been submitted to and approved in writing by the local planning authority.
- (b) Subject to the requirements of sub-point a), sample panels are to be made available on site for the inspection and approval by the Local Planning Authority prior to the completion of the below ground works. The panels shall include but not be limited to:
 - i. At least 1x1m brick sample panel using proposed brick bond and mortar with correct sizing and finishing
 - ii. At least 1x1m cooper roofing material sample panel
 - iii. At least 1x1m sample panel of the pigmented concrete
- (c) 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 and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014)

8) **Refuse Storage**

- (a) Notwithstanding the hereby approved plans, prior to the completion of the below ground works full details of proposals for the storage of refuse and recycling facilities which shall include a biodiverse living roof for the development hereby approved, shall be submitted to and approved in writing by the local planning authority. Such details shall include alternative means of opening the doors if required.
- (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.

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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).

9) **Cycle Storage**

- (a) Prior to the completion of the below ground works full details of the secured cycle parking facilities for 12no cycles, which shall also be in accordance with the London Cycling Design Standards shall be submitted to and approved in writing by the local planning authority. Such details shall include measures to ensure the double-stack racks are accessible and inclusive.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter for the lifetime of the development.

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

10) **Hard Landscaping Details**

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

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

11) **Tree Protection Plan**

Any on-site and off-site trees shown to be retained on the drawings hereby approved shall be protected in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations) the entirety of the construction period including demolition and site preparation, such protection to include the use of protective barriers to form a construction exclusion zone, employ suitable ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

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

12) **Soft Landscaping**

- (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. The scheme shall also demonstrate how the privacy of the ground floor units amenity areas have been protected.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

13) **Boundary Treatment**

- (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 lifetime 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).

14) **Ecological Improvements**

- (a) Details of the number and location of the bird and bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works
- (b) The works approved under (a) shall be installed in full before occupation of the building and maintained for the lifetime of the development.

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

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15) **Biodiverse Living Roofs**

- (a) Details of the living roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. A 1:20 scale plan of the living roof that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The living roof shall be:
- ii. biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm)
 - iii. laid out in accordance with plan 1102-PL_009 REV 01 hereby approved; and will include details of access and watering provision arrangements for the proposed green roof along with details for management/establishment guarantees for a minimum of two growing seasons
 - iv. plug planted & seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on minimum 75% wildflower planting, and no more than a maximum of 25% sedum coverage).
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter for the lifetime of the development.
- (d) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Reasons: To comply with G1, G5, G6, and SI 13 of the London Plan 2021; Policy 10 Managing and Reducing Flood Risk and Policy 12 Open Space and Environmental Assets of the Core Strategy (June 2011); and DM Policy 24 Biodiversity, Living Roofs and Artificial Playing Pitches of the Development Management Local Plan (November 2014).

18) **Wheelchair Accessible Units**

- (a) The detailed design for each dwelling hereby approved shall meet the M4(2) standard of the Approved Document M of the Building Regulations (2015)
- (b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) The development shall be carried out in accordance with the details approved 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).

19) **External Pipework**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that

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Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the elevation of the buildings.

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).

21) **Use of Flat Roofs**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the buildings hereby approved shall be as set out in dwg no. 1102-PL_009 REV 1 – Roof Plan and no development or the formation of any door providing access to the roof other than for maintenance of the green roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

22) **Nesting Birds**

None of the trees shown as being lopped or felled on the permitted plans shall be lopped or felled during the active bird nesting season (1st March until 31st July)

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

23) **Privacy Screening**

(a) Notwithstanding the hereby approved details, prior to first occupation, full details (including materials) of privacy screening to unit 5 shall be submitted to and approved in writing by the local planning authority.

(b) Privacy Screenings 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 to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

24) **Air Quality**

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- (a) The development shall be constructed and fitted with a Mechanical Ventilation Heat Recovery system (“MVHR”) as set out in Energy and Sustainability Statement (Prepared by The PES, dated 6 January 2023), it shall be installed with the intakes orientated to the rear of the site.
- (b) The scheme shall be carried out in full accordance with those details, as approved and retained for the lifetime of the development.

Reason: To ensure that the amenity of future occupiers is adequately protected from road borne noise and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014)

25) Triple Glazing

- (a) The development shall be constructed in triple glazed windows as set out in Energy and Sustainability Statement (Prepared by The PES, dated 6 January 2023).
- (b) The scheme shall be carried out in full accordance with those details, as approved and retained for the lifetime of the development.

Reason: To ensure that the amenity of future occupiers is adequately protected from road borne noise and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014)

26) Piling

- (a) 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.
- (b) Any piling must be undertaken in accordance with the terms of the approved piling method statement as set out in (b).

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, in line with the National Planning Policy Framework (NPPF) (Paragraph 170).

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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal

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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) You are advised that prior to commencement of development on site your contractor should join the Considerate Contractors Scheme.
- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 4) 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>
- 5) You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk
- 6) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13 BACKGROUND PAPERS

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

14 REPORT AUTHOR AND CONTACT

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