



## Planning Committee: B

### Report title:

**3 MANTLE ROAD, LONDON, SE4 2DU**

**Date:** 24 August 2023

**Key decision:** No.

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

**Class:** Part 1

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

**Ward(s) affected:** Telegraph Hill

**Contributors:** Barnaby Garcia

### Outline and recommendations

This report sets out the Officer's recommendation for approval of the above proposal. This application is before committee as it was 'called in' from the local ward councillors.

## Application details

**Application reference number(s):** DC/22/129343

**Application Date:** 21 November 2022

**Applicant:** Tranquil Homes (Mantle) Ltd

**Proposal:** The construction of a six-storey building at 3 Mantle Road SE4 comprising a ground floor commercial unit and 9 self-contained flats, together with the provision of refuse and cycle storage.

**Background Papers:** (1) Submission Papers  
(2) Submission Technical Reports and Supporting Documents  
(3) Internal Consultee Responses  
(4) External Consultee Responses

**Designation:** PTAL 4  
Local Open Space Deficiency  
Air Quality Management Area  
Not in a Conservation Area  
Not a Listed Building

## 1 SITE AND CONTEXT

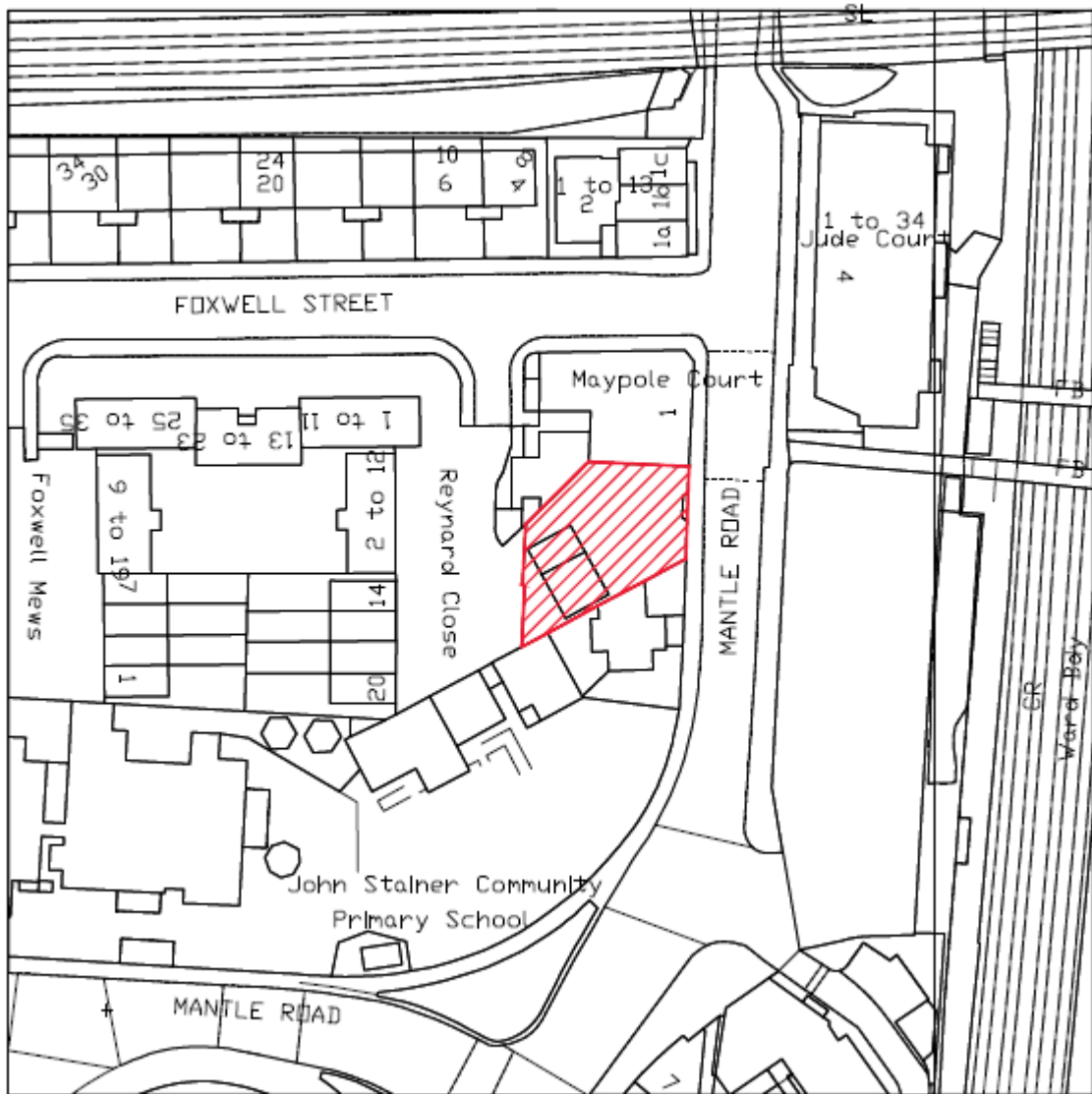
### *Site description and current use*

- 1 The application site at 3 Mantle Road relates to land on the western side of Mantle Road, opposite to the western exit of Brockley Overground Station. The site is currently occupied by a builder's yard (Use Class Sui Generis) with an office providing the operational headquarters for a construction and engineering company (Hartcrown Ltd).

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**Figure 1: Site Location Plan**

*Character of area*

- 2 Immediately to the north of the site is a five-storey, mixed-use building known as Maypole Court (1 Mantle Road). To the east there is a pedestrian bridge link to Brockley Railway Station and another five-storey mix-use development known as Jude Court (4 Mantle Road). The surrounding developments are modern and contemporary in their design approach and materials, with active commercial frontages at ground floor level and residential use on floors above.
- 3 The School Keeper's House and John Stainer Primary School abut the site to the south. The townscape to the south is older and lower in scale comprising a two storey Victorian school buildings and stock brick boundary walls.

*Heritage/archaeology*

- 4 The application site is not located within a conservation area, nor is it a statutory listed building. It is not located within the vicinity of a listed building, nor any other non-designated heritage asset.

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5 The site is not located within an area of archaeological priority.

#### *Local environment*

6 The site is within flood risk zone 1 and in an air quality management area.

7 There are three Sites of Importance for Nature Conservation (SINCs) nearby. These are the Forest Hill to New Cross Gate Metropolitan SINC, the Nunhead Cutting SINC, and the Brockley to St Johns SINC, which respectively lie east, north-west, and north-east of the appeal site; the first of these is of London-wide significance, while the other two are of borough importance. All three are based on the railway lines which cut through the area, and include their cuttings and embankments, as well as other areas of railway (or former railway) lands.

#### *Transport*

8 Brockley Railway Station is located less than 50m to the east of the site, and there are bus stops within its vicinity. The site has a PTAL rating of 4.

## **2 RELEVANT PLANNING HISTORY**

9 **DC/21/123072:** The construction of a five storey building at 3 Mantle Road SE4 comprising a ground floor commercial unit and 9 self-contained flats, together with the provision of refuse and cycle storage – refused on 15 November 2022 for the below reasons, and dismissed at appeal on 23 June 2023.

1. *The proposed development, by reason of its design, materials, plot coverage and excessive scale and bulk, would represent an over-dominant and visually obtrusive form of development that would substantially over-develop the restricted plot and result in a building of poor quality appearance, failing to respect the character and appearance of the surrounding streetscene, contrary to the provisions of paras 126, 130 and 134 the NPPF (2021); Policy D3 'Optimising site capacity through the design-led approach' of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and the Small Sites SPD (October 2021), in particular Section 26 "Infill Development: Street Infill".*
2. *The overall standard of accommodation, by reason of the sub-standard levels of outlook and poor quality private external amenity spaces for Flats 1, 2, 4, 5, 6 and 7, would fail to achieve an acceptable standard of residential accommodation as required by Policy D6 'Housing quality and standards' of the London Plan (March 2021), Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011) Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014), and Paragraph 130 of the National Planning Policy Framework (2019).*
3. *It has not been demonstrated that the site would be capable of providing well integrated, easily accessible cycle facilities for the proposed commercial unit, which is indicative of the overdevelopment of the site, contrary to Policy T5 'Cycling' of the London Plan (March 2021) and Policy 14 'Sustainable movement and transport' of the Lewisham Core Strategy (June 2011).*

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4. *In the absence of a Section 106 agreement securing appropriate mitigation in the form of a financial contribution to consultation for a local CPZ, restriction of access to parking permits and membership of a Car Club Scheme for future residents, the scheme would fail to justify the proposed car-free layout or to effectively mitigate the effects of over-spill parking in the area, contrary to Policy T6 Car parking and Policy T6.1 Residential parking of the London Plan (March 2021), Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011), Policy 29 Car parking of the Development Management Local Plan (November 2014) and Paragraphs 102 and 109 of the National Planning Policy Framework.*
5. *Insufficient information has been submitted to demonstrate that the Forest Hill to New Cross Gate Metropolitan SINC, the Nunhead Cutting SINC and Brockley to St Johns SINC would be protected as a result of the proposed development contrary to Policy G6 Biodiversity and access to nature of the London Plan (March 2021), Policy 12 Open Space and environmental assets of the Core Strategy (June 2021), Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014) and Paragraph 180 of the National Planning Policy Framework (2021).*

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 10 The proposal would see the demolition of the existing buildings on site to facilitate a mixed-use redevelopment to provide 133sqm of commercial ground floor space and nine residential units above. The building would be comprised of six storeys that would include a recessed top storey clad in rust coloured metal sheeting. The rear elevation would have a stepped design, with three storeys facing the rear boundary and the main five-storey element set in from the rear boundary.
- 11 The building would be feature facing brickwork to the bottom (ground floor) and middle sections. The ground floor would feature a darker brown colour brick with the middle section constructed from a lighter brown/yellow brick. It would include a modern shopfront and balconies to the front and rear elevations. The commercial unit and residential accommodation would be provided with separate bin and cycle storage, all located at ground floor level. The entrances to the commercial unit and residential accommodation would be located on the front elevation fronting Mantle Road with the residential entrance to the north of the commercial entrance.
- 12 New drawings were provided during the current application. The revised plan drawings indicate that a northern part of the top floor has been pushed away 1m from the rear elevation. Also, the ground floor layout has been revised, and the shopfront elevation has been redesigned. Updated CGI images were also provided.

### **3.2 COMPARISON WITH PREVIOUS SCHEME**

- 13 The current proposal is an evolution over the previously refused scheme DC/21/123072. Both schemes were for mixed use developments comprising commercial to the ground floor and nine residential units above.

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14 The most apparent departures from the previous refusal relate to the general design approach:

- The building as proposed features an additional, set-back floor and fewer stepped portions to the front and side elevations.
- The building also makes use of different materials. Where grey brick was the main facing material previously, a darker brown brick has been selected. White-, grey-, and green-coloured metal cladding has also been substituted for a dark bronze colour.
- The commercial space has been enlarged, from approximately 45m<sup>2</sup> to approximately 130m<sup>2</sup>.
- This has also seen the reconfiguration of the ground floor more generally, including the removal of a residential unit to the ground floor which was previously proposed.

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

15 One pre-application meeting was held following the refusal of DC/21/123072. Two options were proposed in this meeting, one being broadly identical to the scheme currently being assessed (Option A), the other being similar in its general approach but with seven rather than six storeys (Option B).

### 4.2 APPLICATION PUBLICITY

16 Site notices were displayed on 14/03/2023.

17 Letters were sent to residents and business in the surrounding area and the relevant Ward Councillors on 07/02/2023.

18 Five responses received from residents and businesses, comprising three letters of objection and two letters in support.

#### 4.2.1 Comments in objection (residents and businesses)

Comment	Para where addressed
Loss of light/sunlight	126-132
Loss of privacy	123-125
Increased noise and disturbance	133-134
Not in keeping with vicinity	79-84
Proposed building too tall	79-84
Unacceptable level of sunlight to proposed dwellings	65-67
Issues with refuse collection and servicing	111-113
No social housing provided	Minor applications (in the case of residential developments those with nine

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	or less units) are not required to provide social housing.
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#### 4.2.2 Comments in objection (councillors)

Comment	Para where addressed
Unacceptable residential quality relating to room size.	59-61
Height of the building	79-84

19 A number of other comments which are not material planning considerations were also raised as follows (*officer comments in italics*):

- Errors in the application submission. – *all the plans and documents submitted are correct to enable officers to make an accurate and proper assessment of the proposals.*

#### 4.2.3 Comments in support

Comment	Para where addressed
Enhanced appearance of the area	90
The development will facilitate new jobs	45

### 4.3 INTERNAL CONSULTATION

20 The following internal consultees were notified on 07/02/2023.

21 Urban Design: Did not provide comments for this application.

22 Highways (*officer comments in italics*):

- If there is evidence of high levels of car ownership the applicant will need to enter into an agreement for a minimum of 3 years car club membership for each of the units and this should be secured via S106 agreement. – *This shall be secured via S106 agreement*
- Comments were received regarding the location of the short-stay cycles and how this may obstruct the movement of the refuse – *the layout of services to the ground floor have been rationalised accordingly.*
- More information on servicing and refuse collection is required – *this shall be secured by condition.*

23 Environmental Protection:

- Environmental Noise Assessment undertaken by XCO2 dated August 2021 should be secured via condition.
- Sound insulation for commercial premises condition required.
- Construction management plan required as a condition

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- Noise protection condition required for the residential units.
- Contaminated Land condition required.
- Data used for the Air Quality Assessment is out of date and should instead be reflective of pre-pandemic levels. Officers will secure further information of the air quality via condition.

24 Ecological Regeneration (*officer comments in italics*):

- Roofs should be wildflower 'living' roofs. *This was discussed with and agreed by the applicant – further details of the roof shall be secured via condition*
- Urban greening does not appear to be maximised – see 6.6.2

## 4.4 EXTERNAL CONSULTATION

25 The following External Consultees were notified on 07/02/2023:

26 Thames Water: No objection, requested a condition securing details of a piling method statement.

27 London Fire Brigade: No observations made.

## 5 POLICY CONTEXT

### 5.1 LEGISLATION

28 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(as amended).

### 5.2 MATERIAL CONSIDERATIONS

29 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.

30 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.

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

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## 5.3 NATIONAL POLICY & GUIDANCE

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

## 5.4 DEVELOPMENT PLAN

32 The Development Plan comprises:

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

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPG/SPD:

- Small Sites SPD (October 2021)

34 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

## 6 PLANNING CONSIDERATIONS

35 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

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## 6.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

- 36 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.
- 37 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*

- 38 LP Objective GG2 supports the development of brownfield land, particularly in Opportunity Areas. The application site is designated as a Regeneration and Growth Area (Spatial Policy 2).
- 39 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average.
- 40 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.
- 41 Core Strategy Policy 1 states that the Council will seek the maximum provision of affordable housing on qualifying sites (strategic target up to 50%). This is defined as a scheme providing 10 or more units.
- 42 CS Policy 5 provides a framework for considering the redevelopment of employment sites, including the accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show the site should no longer be retained in employment use.
- 43 DM Policy 11 aims to retain employment uses, where possible, on smaller sites including those in residential areas. Paras (4) and (5) are particularly relevant. The Council will support redevelopment for other business uses suitable for a residential area where (a) the site has become vacant for an appropriate length of time and evidence is provided that it is no longer suitable and viable for its existing or an alternative business use by reason of access difficulties or environmental incompatibility and (b) a suitable period of active marketing for the site for business use that reflects the market value has been undertaken.

### *Discussion*

- 44 The site does not fall squarely within one use class as the site contains an office, a builder's yard and ancillary parking. The use is therefore Sui Generis but does provide an employment function with two FTE employees and therefore benefits from the policy protection provided by CSP 5 and DMP 11. DMP parts 11.4 and 11.5 are relevant in this case as the site is located in a residential area. The existing business remains operational at the site contrary to DMP 11.4(a), which requires that sites to be vacant. Furthermore, no marketing or viability evidence has been submitted in support of the application as required by DMP11.4(b).

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- 45 The applicant has therefore failed to demonstrate that the site is no longer viable as an employment site. Despite this Officers do not consider that the loss of employment floorspace should warrant the refusal of the application given that DMP 11.5 is generally supportive of redevelopment that includes a mix of uses. Accordingly, Officers have given weight to the provision and quality of the commercial unit proposed within the scheme. The commercial unit is of a greater size than the existing office on the site, which as a purpose-built space would be of higher quality than the existing office on site. Given the size of the commercial unit proposed, it is likely that there will be a greater provision of jobs than the two jobs current facilitated on the application site.
- 46 It is noted that no extract flues or ventilation have been shown on the plans for the proposed commercial unit, thus the potential uses of the space would be more limited than the unfettered enjoyment of Use Class E – Commercial, Business and Service. Furthermore, there are concerns that unrestricted enjoyment of Class E uses would generate an unacceptable degree of harm to residents above, which is discussed further below. A condition is recommended to be secured limiting the uses to sub classes of Use Class E:
- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
  - (c) for the provision of the following kinds of services principally to visiting members of the public—
    - (i) financial services,
    - (ii) professional services (other than health or medical services), or
    - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
  - (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms or use as a swimming pool or skating rink, principally to visiting members of the public,
  - (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, and
  - (g) for—
    - (i) an office to carry out any operational or administrative functions,
    - (ii) the research and development of products or processes, or
    - (iii) any industrial process,being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 47 Officers have also given weight to the condition of the site and the potential costs involved in converting to an alternative use taking into account that the existing business is relocating to an alternative location.
- 48 In housing terms, the scheme would contribute nine additional residential units to both overall housing targets and the small sites target established by LPP HC2. This contribution to local housing targets is identified as planning merits of the scheme and is attributed weight within the overall planning balance. This contribution is given greater weight still when considered in light of paragraph 11(d) of the NPPF. Since Lewisham Council has failed its Housing Delivery Test, decisions should be made with a presumption in favour of sustainable development, which results in greater weight being placed on housing contribution.
- 49 The scheme falls short of the ten-unit threshold that would require a contribution to affordable housing and Officers are satisfied that the site has been optimised and at a

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capacity that cannot support a major development. This is due to a number of factors. Firstly, the site is constrained such that in order to allow for the viability of the commercial space to the ground floor, only so much of the ground floor can be taken up by services such as cycle and refuse for the residential units. It is considered that a larger development would require additional cycle and refuse storage which could not be practically accommodated within the ground floor without having an impact on the retail functioning of the commercial unit. Secondly, the site currently exhibits a good residential mix, with a number of two-bedroom, four person dwellings, one of which is a fully wheelchair accessible unit, which is a benefit to the scheme more generally. In order to provide an additional unit, this would necessitate the reduction in the size of the two-bedroom units to single bedroom units. This alternative would represent a less optimal housing mix and would not reflect the needs of the borough more widely. Subsequently, Officers are satisfied that the scheme could not practically accommodate an additional residential unit without impacting the quality of the proposal overall.

### 6.1.1 Principle of development conclusions

50 The principle of development is supported, subject to other further material planning considerations to be met and these details are considered below. The site would retain and would represent an improvement to employment while being a better use of the site, given its location within Brockley and its proximity to transport connections. The new residential units would help contribute to the housing targets in the borough and London in general.

## 6.2 RESIDENTIAL QUALITY

### *Policy*

51 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of residential amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CSP 15), the Local Plan (DMP 32), and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

52 More specifically, LPP D6 requires new homes to meet specific space and other standards. DMP 32 requires all new residential development to provide accommodation of a good size, a good outlook, well ventilated with acceptable shape and layout of rooms., and adequate privacy. There is therefore an expectation within both policies that all new residential dwellings should be dual aspect. DMP 32 is also clear that single aspect, north-facing units will not be supported.

53 DMP 32.1b expects new development to provide a satisfactory level of natural lighting for its future residents.

54 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

55 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

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- 56 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 57 LPP D13 Agent of Change states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses can be mitigated. The policy also aims to safeguard the ongoing operation of existing uses.
- 58 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

*Discussion*

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

**6.2.1 Internal and External Space Standards**

Flat No.	Unit Size	Required GIA	GIA	External Area	Floor
1	2b4p	79	98.2	7.5	1st
2	1b2p	50	50.3	7.5	1st
3	1b2p	50	52.2	7.6	1st
4	1b2p	50	50.3	7.4	2nd
5	1b2p	50	52.2	7.6	2nd
6	1b2p	50	50.3	7.5	3rd
7	1b2p	50	52.2	7.6	3rd
8 (M4(3))	2b4p	70	104.5	7.5	4th
9	2b4p	70	71	12.3	5th

- 60 All of the proposed flats would either meet or exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height of the dwellings would be 2.5m as shown on the submitted section drawing. The proposed layouts are well considered and efficient ensuring that circulation space is minimised.
- 61 All of the units would be provided with appropriately sized balconies which would provide private external amenity space that would either meet or exceed the requirements of LPP D6.

**6.2.2 Outlook, Privacy, and Noise**

- 62 All dwellings would be at least dual aspect, however, in some instances, particularly with regards to the side elevations, outlook would be restricted by high level windows in order to maintain privacy of neighbouring properties. Nevertheless, the outlook enjoyed by the primary living spaces would be acceptable in all circumstances. All balconies would have restrictive screening to their sides, in order to maintain privacy for neighbouring properties. However, this would not restrict the balconies' primary outlook.
- 63 No dwellings would be overlooked unacceptably from neighbours. Windows to the side of Maypole Court could not view into adjacent units, owing to the high-level windows proposed to the side elevation of the proposed development.

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64 An Environmental Noise Assessment (XCO2, July 2021) has been submitted in support of the application. The report recommends an enhanced specification for glazing in order to safeguard the peaceful enjoyment of the dwellings for future residents from external noise producers, details of which are recommended to be secured by condition.

### **6.2.3 Daylight and Sunlight**

65 A Daylight and Sunlight Report (Avison Young, February 2023) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the residential accommodation against the relevant BRE standard. The report concludes that the proposed development would achieve a very good level of daylight given that almost all of the rooms proposed would meet minimum requirements of the BRE guidance with the others being acceptable within the dense urban context.

66 With regards to sunlight, again, all habitable rooms meet the standard guidance for dense urban contexts.

67 Overall, Officers are satisfied that the levels of daylight and sunlight for the proposed residential accommodation would be acceptable given that the majority of the windows meet BRE guidance, and the level of transgression is modest. This approach is compliant with GLA guidance for daylight and sunlight, which advises that BRE guidance should be applied flexibly in urban locations.

### **6.2.4 Ventilation and Overheating**

68 The Energy Strategy (XCO2, July 2021) submitted with the application notes that all of the proposed units would benefit from passive ventilation due to being dual aspect but also recommends that a MVHR system should be installed to ensure that the residential units do not overheat in the summer. The MVHR system would also provide mitigation against air pollution but is not identified within the Air Quality Assessment (XCO2, July 2021) as being necessary. In light of this, officers recommend the installation of the MVHR system to be secured by condition.

### **6.2.5 Accessibility**

69 A lift is provided to enable all future occupiers are able to gain level access into their individual properties from street level. Flat eight would be designed as a wheelchair user dwelling (requirement M4(3)). This would exceed the 10% of units required by LPP D7. The rest of the proposed flats would be 'accessible and adaptable' dwellings (requirements M4(2)) and this would accord with LPP D7 and would be secured by condition.

### **6.2.6 Residential Quality Conclusion**

70 All units would meet the Development Plan requirements with regards to space and accessibility standards, and would enjoy acceptable degrees of outlook, privacy, sunlight, daylight, and ventilation. As such, officers assess the proposal to be acceptable with regards to residential quality.

## **6.3 URBAN DESIGN**

### *Policy*

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- 71 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. Para 130 is also relevant, while 134 says "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."
- 72 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.
- 73 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.
- 74 LPP D9 states that development plans should define what is considered a tall building for specific localities, although not less than 6 storeys or 18 metres.
- 75 CSP 18 relates to tall buildings and states that these need to be of the highest design quality and appropriately located
- 76 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.
- 77 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.
- 78 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Section 26 is of particular relevance.

#### *Discussion*

- 79 As mentioned above, the design has evolved significantly since the original scheme was refused. Primarily, the design has been rationalised, and the ground floor has been dedicated almost wholly to a commercial unit. Furthermore, an additional storey has been proposed over the previously refused scheme. The building is largely a brick construction, featuring bronze-coloured metal accents, and full-height aluminium windows. It features set-in balconies, which are partially obscured by making use of hit-and-miss brickwork. The building makes extensive use of intensive green roofs.
- 80 The surrounding context, as demonstrated within the application's design and access statement, is varied. Indeed, the site sits at a transitional stage between mid-rise, denser urban developments to the north and east, and lower-scale developments to the south.
- 81 The previously refused scheme was not proposed to be as tall as the scheme currently under assessment but was refused principally on the grounds of overall bulk and massing. However, in the case of the previously refused scheme, Officers and the

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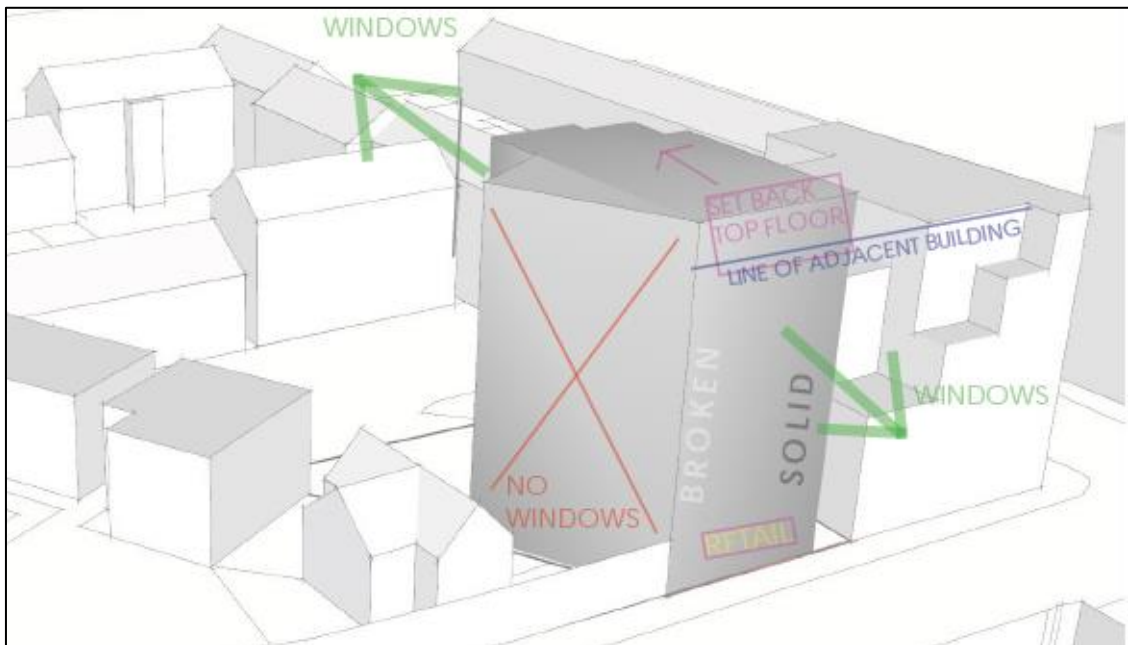
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Inspector agreed that this was not owing to the proposed density and height of the building, but due to the general design approach:

*“In this case harm to the character and appearance of the area would not arise from a dense development per se, but from the way the form and details of this scheme have sought to maximise the plot coverage while still responding to the interface with the lower buildings to the south and west of the site.”* (Appeal Decision, APP/C5690/W/22/3298739, 23<sup>rd</sup> June 2023)

82 The above excerpt from the appeal decision demonstrates that the proposed height of the scheme was in principle acceptable, but that the design approach resulted in a bulky, poorly resolved design, which was ultimately unacceptable.

83 As proposed, the building would sit half a storey higher than the surrounding context (see fig.2). In line with the guidance within Small Sites SPD, streets with varying heights can usually accommodate buildings slightly taller than others in the vicinity. Officers assess this to be a situation where this guidance is applicable, notwithstanding the location of the site adjacent to a local transport node.



**Figure 2: Proposal in context, showing additional height compared to surrounding developments**

84 In light of the Inspector’s position, the guidance of the small sites SPD, and the location of the site nearby to significant transport infrastructure, the principle of such a design approach is supported by Officers – this site is one which could accommodate modest additional height when compared to the surrounding context. Thus, the design, with regards to detailing and material choice, becomes the guiding factor as to the acceptability of the scheme.

85 The scheme generally is designed using sound architectural principles and is less cluttered and of a more elegant appearance than the previously refused scheme. The building features a clear bottom, middle, and top. The ‘bottom’ has the greatest degree of prominence, with the distinct bronze metal cladding distinguishing the commercial use of the ground floor from the rest of the building. The ground floor is also taller and thus more prominent than other floors.

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- 86 The central portion of the building, as read from Mantle Road, is largely uncluttered, making use primarily of brickwork with a warm, complementary tone to the ground floor metal. This metal is also used sparingly in this portion. The only significant architectural feature is the use of hit-and-miss brickwork, which acts to soften the façade of the building and block direct overlooking of residents to neighbouring areas.
- 87 Finally, the top of the building is predominantly constructed from bronze-coloured standing seam metal and is set back significantly from the front façade. The material choice assists in reducing the prominence of the top floor, which is further aided through the setting back of this floor, resulting in the top floor not being visible from the front entrance of the building, and having a more lightweight appearance from long views.
- 88 It is noted that the building takes up a high proportion of the site, with the southern elevation featuring less articulation or architectural intrigue than other parts of the building. Officers consider the plot usage to be suitable, given the dense urban context and proximity to Brockley Railway Station. The paired back nature of the design along the southern elevation is considered acceptable, as this limits direct views from the residential units to the nearby school. Nevertheless, officers note that the building's general form is broken up to the side and rear elevations, which assists in reducing the bulk of the southern elevation. Furthermore, the side elevation makes use of hit-and-miss brickwork and horizontal banding to break up the bulk of this elevation. Overall, officers consider the approach taken, given the constraints, to be successful.
- 89 As mentioned, the rear of the building is broken up in portions more so than all other elevations. This is considered to be acceptable, owing to the adjacent building also taking a similar approach, which helps to reduce the bulk of this elevation. It is noted that where practical the top floor is also modestly set back from the rear elevation, helping to reduce the bulk of the building overall.
- 90 The design of the building is an improvement over the existing, unsightly plot, and is also considered to be of a higher quality than the surrounding other, modern buildings. Officers therefore consider the building to make a positive contribution to the street with regards to its design. Officers place weight on the proximity of the site to Brockley Railway Station, and to the need for gentle density within this area and assess the design to be well-resolved given these considerations.

### **6.3.1 Urban design conclusion**

- 91 Officers acknowledge the constraints of the site, in tandem with the need for the site to respond to the denser urban context. It is also noted that this area of Brockley is a location in which increasing density is suitable, especially given its proximity to the busy Brockley Railway Station. As such, officers consider the principle of a building of this height to be suitable and compliant with the Council's policy and guidance. The particular design approach is successful in providing suitable density while allowing for an uncluttered, well-proportioned building.
- 92 In light of the above, officers consider the proposal to be a high-quality design, with the development being acceptable with regards to urban design.

## **6.4 TRANSPORT IMPACT**

### *General Policy*

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- 93 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 94 Paragraph 111 states that '*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*'.
- 95 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 96 The Core Strategy at Objective 9 and CSP14, reflect the national and regional priorities

#### **6.4.1 Motor and Cycle Parking**

- 97 The NPPF at paragraph 104 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.
- 98 LPP T6 sets out car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity, with car-free the starting point where public transport accessibility is good. LPP T6.1 states that the maximum parking standards of Table 10.3 should not be exceeded, with all spaces providing infrastructure for electric or ultra-low emission vehicles. Table 10.3 states that inner London boroughs in areas with PTAL of 4 or above should be car-free.
- 99 Residential developments are required to provide cycle parking in accordance with the requirements of LPP T5 and Table 10.2 of the London Plan.
- 100 All developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed, 1.5 per 1 bedroom two person dwelling and 2 per all other dwellings.
- 101 Individual or communal cycle storage outside the home should be secure, sheltered (weatherproof) and adequately lit, with convenient access to the street. Cycle storage identified in habitable rooms or on balconies will not be considered acceptable.

#### *Discussion*

- 102 The proposed development is located within close proximity to Brockley Station and has a good PTAL level of 4. As such, it is considered that intensification at the site in terms of the provision of nine residential units could be accommodated within the local transport network. However, this does not apply to parking.
- 103 The provision of a car free scheme is not objectionable as it would comply with LPP T6.1 and the principles of the development plan more generally. Parking is largely unrestricted on the surrounding rounds with no CPZs in operation. The Transport Statement (Odyssey, July 2021) submitted with the application found that the

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surrounding area is 87% parked. This indicates that there is limited capacity within the surrounding roads to accommodate for the likely increase in parking. It is commonly accepted that 85-90 percent parking stress (10-15 percent reserve capacity), is the threshold for acceptable parking stress.

- 104 Therefore, some form of mitigation would be required to ensure that the impacts to parking capacity would be acceptable. A contribution towards future CPZ consultation and restriction of rights of future residents of this scheme to have parking permits for any future CPZ is required as part of a legal agreement, along with membership to a car club scheme.
- 105 With regards to cycling, the residential mix requires there to be at least 12 long term, secure cycle storage spaces and two short stay spaces. The commercial space requires one long term cycle space, and two short term spaces (meeting the requirements of the recommended permitted uses within Class E). These spaces have been provided to the rear of the property – the long term spaces within a dedicated cycle storage room, and the short term spaces to the rear – two for each the residential and commercial spaces. The long-term stay spaces would be arranged on a two tiered rack and therefore confirmation would be required that the racks would feature gas-assisted lifting and that there is sufficient space to allow cycles to be turned and loaded.
- 106 Officers consider the requirements as noted under policy T5 of the London Plan for cycle storage to have been met, though further details of the design of both short and long term cycle storages is recommended to be secured via condition.

#### **6.4.2 Servicing and Refuse**

##### *Policy*

- 107 The NPPF at paragraph 104 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.
- 108 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 109 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 110 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*

- 111 The provision of independent refuse and recycling storage for the residential accommodation and commercial space is welcomed. The storage is easily accessible and provides enough space for the needs of the residential and commercial uses.
- 112 No details have been provided in terms of deliveries and servicing, therefore further details with regards to these matters are recommended to be secured via condition to ensure that deliveries to the commercial space and servicing of the building generally is not to the unacceptable detriment of the surrounding area and transport network.

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113 The information submitted with the application in terms of construction is considered acceptable in transport terms. A full Logistics Plan is recommended to be secured as part of the Construction Management Plan condition to ensure that construction deliveries do not conflict with drop-offs and pick-up times of the adjacent school as this would increase risk to highway and pedestrian safety.

### **6.4.3 Transport Impact Conclusion**

114 Given the site's PTAL, it is considered that the development would not result in unacceptable impacts to the local transport network, this would, subject to legal agreement, also be the case with the car-free nature of the development.

115 Furthermore, the development would have an acceptable provision of cycle and refuse storage, and, subject to condition, should not unacceptably impact transport safety with regards to servicing once constructed and deliveries both during and after construction.

## **6.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

116 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).

117 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.

118 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.

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

### **6.5.1 Enclosure and Outlook**

120 The proposed redevelopment would increase the scale of development on the site. The greatest impact would be to Maypole Court, which adjoins the site to the north and the School Keepers House to the side.

121 The School Keepers House features one first floor door in the northern elevation and a first floor terrace that infills the space between the side elevation and boundary. The terrace features large perimeter fences that enclose the space. The proposed development may block a degree of outlook for this amenity space, however, this would be limited given the proposed presence of a courtyard opening to the first floor directly to the north of the amenity space. Furthermore, views to the west would not be blocked extensively since the proposed development features only one additional storey at this point directly to the west of the amenity space, which would not be significantly taller than the existing perimeter enclosure of the terrace. In coming to this conclusion Officers have given weight to the existing perimeter fences that limit outlook and the aspect towards the front that would not change as a result of this application.

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122 Maypole Court features external terraces with dual aspect that overlook the application site. The existing levels of outlook to the side are unusual for an urban environment such as this and derived from the unusually low scale of development on the existing site. Consequently, the proposed building would reduce outlook to the side elevation terraces and adjoining doors and windows at Maypole Court. This impact is not considered harmful as all of the terraces would retain the existing aspect to the front and/or rear. Officers have also given weight to the urban character of the area where increasing density and constraints to outlook across neighbouring sites are typical.

### 6.5.2 Privacy

123 The proposed building would feature windows and/or balconies in the front, side and rear elevations introducing additional views at raised levels. In the northern (side) elevation windows are located at a high level, restricting outlook while allowing for light. These measures would ensure that there would be no material loss of privacy at Maypole Court. At the rear elevation the site is separated from the fronts of the houses at Reynard Close by a road and parking spaces measuring 15m. This distance would be acceptable, taking into account that the rear elevation of the building is not directly facing rear elevations.

124 To the south the site adjoins the School Keepers House associated with John Stainer Primary School. The southern (side) elevation features obscure, limited glazing, thus not allowing for overlooking into the School Keepers House. The building would feature a courtyard section into which eastern- and western-facing windows look. The western-facing windows would not provide direct overlooking into the School Keepers House, being oblique to its external amenity space. The east-facing window on the first floor of flat one, while looking into the proposed courtyard, would not overlook the School Keepers House, being obscure glazed.

125 Overlooking of the school would be possible from the third and fourth floor levels rear windows but this would be from oblique angles and therefore would be partial rather than direct. These would prove effective in protecting the privacy of the adjoining house and school.

### 6.5.3 Daylight and Sunlight

126 A Daylight, Sunlight and Overshadowing Report (Avison Young, July 2021) has been submitted with the application. The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:

- 1 Mantle Road (Maypole Court)
- School Keeper's House
- 2-20 Reynard Close
- 1 -11 Foxwell Street
- 1-34 Jude Court, 4 Mantle Road
- John Stainer Community Primary School

127 The report finds that the majority of the windows would retain sunlight and daylight levels in compliance with BRE guidelines.

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- 128 With regards to 1 Mantle Road, only three windows on the affected elevation would fall short of BRE guidance, however, this would only be marginally so (0.38%, 3.22%, and 5.57% over the recommended 4% loss of sunlight) which, given the dense urban context, would be acceptable.
- 129 With regards to the School Keeper's House, BRE guidance is largely met, with the areas not achieving guidance either relating to non-habitable areas, to rooms served by multiple windows, or would retain acceptable values for a dense urban context.
- 130 While some windows within 4 Mantle Road would not meet the guidelines, this is due to the unique design of the building resulting in any small changes distorting the overall results. The ground and first floors of 4 Mantle Road have a smaller footprint than the floors above, resulting in the residential units to the first floor being shaded considerably by the floors above. These windows are constrained and only take a small change in conditions to give a misleading percentage difference in light received. The proposed development, given the unique design of 4 Mantle Road and dense urban context, would result in acceptable degrees of impact to 4 Mantle Road.
- 131 All other potentially impacted buildings meet the standard BRE guidance with regards to loss of light/sunlight.
- 132 The proposed development significantly satisfies the default BRE recommendations, and as such complies with national and local planning policy and best practice guidance with regards to daylight and sunlight.

#### **6.5.4 Noise and Disturbance**

- 133 In terms of noise, the introduction of residential accommodation within a predominantly residential area is not likely to result in any adverse noise impacts. Officers recommend a Construction Management Plan (CMP) to be secured by condition in order to minimise disruption and pollution from the construction phase of the development.
- 134 Officers note that since no ventilation has been proposed for the commercial space, it is not likely that more noisy and disruptive uses, such as a bar, café, or restaurant would be feasible, thus limiting noise impacts. Notwithstanding, such uses (falling under subclasses (b) and (f) of Use Class E) would be likely to generate unacceptable impacts to the amenity of neighbours, and as such it is recommended that a condition is secured which excludes subclasses (b) and (f) of Use Class E from the uses permitted within the commercial space. In line with this limitation of use classes, officers assess that the impacts on neighbours generated from the commercial unit would be very limited, and acceptable. It is also noted that the surrounding context predominantly features commercial uses to the ground floor, thus it is not expected that a commercial use at the ground floor of the proposed building would introduce any out of character use which would generate unacceptable impacts with regards to noise and disturbance.

#### **6.5.5 Impact on Neighbours Conclusion**

- 135 All neighbouring properties would have an acceptable degree of impact resulting from this development, especially given the dense urban context. The School Keeper's House would be the most impacted by this development, but would enjoy sufficient levels of daylight and sunlight, and would not lose unacceptable levels of outlook or privacy within its external terrace, in part due to the presence of high boundary fencing surrounding the terrace.

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136 Officers are satisfied that the proposal would not unacceptably impact the living conditions of its neighbours.

## 6.6 SUSTAINABLE DEVELOPMENT

### *General Policy*

137 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

138 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### 6.6.1 Energy and Carbon Emissions Reduction

#### *Policy*

139 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

140 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

#### *Discussion*

141 The proposed development falls below the threshold for a major development and as such, the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, an Energy & Sustainability Statement (XCO2, July 2021) has been submitted with the application that details that regulated CO2 savings for the development as a whole would be 40.9%, exceeding the London Plan target of 35%. This is a planning merit that carries modest weight within the overall planning balance.

### 6.6.2 Urban Greening

#### *Policy*

142 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.

143 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

#### *Discussion*

144 The site currently offers little by way of urban greening. The proposed scheme, owing to constraints to the ground floor, does not make extensive use of greening. Nevertheless,

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officers note that opportunities for greening having been taken where practical, and weight is given to the location of the site allowing for a denser development with less extensive greening on the ground floor.

- 145 However, it is noted that the proposal has made extensive use of intensive green roofs. Further details of the green roofs, with regards to the plants used and the way in which they are planted, will be secured via condition. Officers assess that the green roof proposed would, in principle, provide a good level of ecological benefit to the scheme.

### **6.6.3 Sustainable Infrastructure conclusion**

- 146 The proposed development would represent an acceptable degree of CO2 saving, and through its use of extensive living green roofs, would be acceptable with regards to sustainable development.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

- 147 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 148 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 149 The NPPF at para 180 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, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development

### **6.7.1 Ecology and biodiversity**

#### *Policy*

- 150 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.
- 151 NPPF para 170 states 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 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 152 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 153 CSP 12 seeks to preserve or enhance local biodiversity.
- 154 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

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- 155 The site is within 50 meters of the Forest Hill to New Cross Gate Metropolitan SINC, the Nunhead Cutting SINC and Brockley to St Johns SINC. An Ecological Impact Assessment was submitted with this application which satisfied officers that there would be only very limited impact on the aforementioned SINCs by way of potential increased footfall into the Forest Hill to New Cross Gate Metropolitan SINC, which would be limited given the modest increase in dwellings proposed.
- 156 The Council's Ecological Regeneration Manager offered no objection to the document submitted. A number of conditions have been recommended in order to mitigate any other impacts to the nearby SINC, which are listed below.

### **6.7.2 Ground pollution**

#### *Policy*

- 157 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 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.
- 158 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 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.
- 159 DMP 28 reflect national policy and are relevant.

#### *Discussion*

- 160 The existing use of the site as a builder's yard means there is a risk that contaminants may be present on site. A Phase 1 Desk Study (Lustre, June 2021) has been submitted with the application and concludes that there is potential for contamination to be present on site which could lead to risks to identified receptors. The risks identified include the former use as Coal Depot and potential contamination of shallow soils and the clearance of former buildings and likely contamination from asbestos, metals, inorganics, polyaromatic hydrocarbons and petroleum hydrocarbons.
- 161 The Environmental Protection Team offered no objection with regards to the desk study produced and recommended a land contamination assessment and associated remediation study be secured by condition.

### **6.7.3 Natural Environment conclusion**

- 162 The proposal would, subject to condition, have an acceptable impact with regards to ecology and biodiversity, having only minimal impacts to the nearby SINC. Additionally, subject to condition, officers are satisfied that concerns surrounding historic ground pollution at the site can be mitigated.

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## 7 LOCAL FINANCE CONSIDERATIONS

163 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).

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

165 The CIL is therefore a material consideration.

166 £65,039 Lewisham CIL and £42,016 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

167 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.

168 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.

169 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.

170 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

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guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 171 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
- 172 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 173 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

- 174 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
  - Protocol 1, Article 2: Right to education
- 175 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.
- 176 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.

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177 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including Article 8; and Protocol 1, Articles 1 and 2 are not considered to be unlawfully interfered with by this proposal.

## 10 LEGAL AGREEMENT

178 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
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

179 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

180 The Heads of Terms would be as follows:

- A financial contribution of £15,000 towards the consultation of a future local CPZ or other mechanism which would assist in active travel.
- To restrict the eligibility of residents parking permits for future occupiers in the event of a new CPZ being implemented.
- Carclub membership.
- S278 works for the removal of the existing drop kerb and reinstatement of the existing adjacent footway to adoptable standards.

181 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

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

183 Principally, the proposal seeks to make a contribution to housing supply while maintaining and intensifying the employment use to the ground floor, both of which are

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of benefits to the proposal in planning terms. The building also would result in an improvement to biodiversity on the site through the incorporation of extensive green roofs and would make an improvement to the urban environment in design terms, which both should be considered to be planning benefits. The impacts to the neighbouring buildings with regards to overlooking, privacy, loss of light, and noise disturbance are, on balance, not considered to be unacceptable. Thus, these factors do not outweigh the benefits of the scheme identified above. Other considerations surrounding transport, residential quality, sustainable development, and the natural environment are all considered to be acceptable subject to a number of conditions.

184 In light of the above, officers consider the proposal to be beneficial to the wider area, and would meet requirements of the development plan, and recommend granting permission, subject to conditions.

## 12 RECOMMENDATION

185 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

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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) DEVELOP IN ACCORDANCE WITH APPROVED PLAN

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

- BDS-1716-P01
- BDS-1716-P02
- BDS-1716-PA200 REV A
- BDS-1716-PA201 REV A
- BDS-1716-PA202 REV A
- BDS-1716-PA202 REV A
- BDS-1716-PA202 REV A (Coloured)
- BDS-1716-PA203 REV A
- BDS-1716-PA204 REV A
- Design and Access Statement Rev A
- Urban Greening Rev A
- Side Elevation Render
- Rear Elevation Render
- Planning Statement
- Acoustic Statement
- Air Quality Assessment
- Contamination Phase 1 Desk Study
- Energy Sustainability Statement
- Transport Statement
- Ecology Report
- Daylight Sunlight Report

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

### 3) **ARCHITECTURAL DETAILS**

- a) Notwithstanding the details hereby approved, no development shall commence until detailed plans showing residential and commercial entrances, shopfront, balustrade to terraces, window details, metal cladding detail, and hit-and-miss brickwork at a scale of 1:10 or 1:20 have been submitted to and approved in writing by the local planning authority.
- b) The development shall be carried out in accordance with the approved details prior to the first occupation of the development and be maintained for the lifetime of the development.

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

### 4) **MATERIALS SCHEDULE**

- a) No development of the relevant part of the development above ground shall take place on site until a detailed schedule and specification (digital submission)/samples (to be viewed on site) of all external materials and finishes to be used on the building have been submitted to an approved in writing by the local planning authority.
- b) The development shall be carried out in accordance with the approved details prior to the first occupation of the development and be maintained for the lifetime of the development.

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

### 5) **CONSTRUCTION MANAGEMENT PLAN**

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

- (i) Dust mitigation measures.
- (ii) The location and operation of plant and wheel washing facilities.

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

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

- Rationalise travel and traffic routes to and from the site.
- 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.
- Measures to deal with safe pedestrian movement.

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

(vi) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

The development shall be constructed in accordance with the approved Plan.

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).

## 6) **LIVING GREEN ROOF DETAILS**

- a) No development above ground level shall take place until detailed design for the wildflower biodiversity living green roof is submitted and approved by the local planning authority.
- 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) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The living roof must be kept in accordance with the approved detail under part (a).

Reason: To comply with Policy G5 Urban greening in the London Plan (March 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).

## 7) **SOFT LANDSCAPING**

- a) No development above ground level shall take place until detail design proposal for soft landscaping is submitted and approved by the local planning authority. The soft landscaping scheme should include the following:

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- Location, number, species, size for the proposed plans
  - Information on how the proposed trees would be planted
  - Management and maintenance of the landscaping for a period of five years
- 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).

## 8) **HARD LANDSCAPING**

- a) No development above ground level shall take place until detailed design proposals of the scheme of hard landscaping have been submitted to the local planning authority for their approval.
- b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to the first occupation of the development and maintained 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.

## 9) **REFUSE STORES**

- a) Prior to first occupation of the development hereby approved details, manufacturer's literature, and a product specification of proposals for the storage of refuse and recycling facilities for the commercial and residential units, have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding

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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)

10) **CYCLE STORES**

- a) Prior to first occupation of the development hereby approved full details of the cycle parking facilities for the commercial and residential units shall be submitted to and approved in writing by the local planning authority.
- b) All cycle parking spaces shall be provided and made available for use prior to the first occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

11) **LAND CONTAMINATION ASSESSMENT AND REMEDIATION STUDY**

- a) Any development hereby approved shall not be implemented until such time as a contaminated land assessment and associated remediation strategy based on a phase 2 intrusive investigation highlighted in the Phase 1 Desk Study prepared by Lustre Consulting (Ref: -3967 - 210610 – ML dated June 2021) is carried out.
- b) Any remediation works identified in this assessment shall be completed on site, in accordance with a quality assurance scheme agreed as part of the contaminated land assessment.
- (c) On completion of the agreed remediation works, a closure report and certificate of compliance shall be submitted to and agreed in writing by the Local Planning Authority.

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).

12) **AIR QUALITY IMPACT ASSESSMENT**

- a) No development shall commence until a revised Air Quality Assessment making use of up-to-date data has been submitted to and approved in writing by the local planning authority.
- b) The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

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- c) Where the revised Air Quality Assessment submitted identifies a further reduction in air quality over the originally submitted Air Quality Assessment, remediation measures mitigating the reduction in air quality shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details under part (b) of this Condition prior to the first occupation of the residential units and shall be maintained for the lifetime of the development.

Reason: In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) Policy 23 Air quality.

### 13) **HOURS OF OPERATION**

The use of the ground floor Class E premises hereby permitted shall not be open to members of the public other than within the hours of 0600 Hours to 2200 Hours any day including Sundays and public holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraphs 130 and 174 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014) and to align with Lewisham's Licensing Policy 2020-25.

### 14) **MECHANICAL VENTILATION**

Prior to the first occupation of the development hereby approved a Mechanical Ventilation and Heat Recover Unit as recommended by the Energy Strategy (XCO2, July 2021) shall be installed and be maintained in perpetuity.

Reason: In order that officers are satisfied that the residential units hereby approved will enjoy adequate levels of ventilation and that the air within the residential units is free from pollutants, complying with London Plan (March 2021) Policy D6, and Development Management Local Plan (November 2014) Policy 32.

### 15) **SPECIFICATION OF WINDOWS FOR SOUNDPROOFING**

- a) No development shall commence on site until details and detailed schedule and drawings/specification/samples/technical brochures of windows and doors to be used on the new residential units to demonstrate their design compliance and noise resistance have been submitted to and approved in writing by the local planning authority.
- b) The development shall be carried out in accordance with the approved details prior to the first occupation of the residential units and maintained for the lifetime of the development.

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Reason: To ensure that the design and noise resistance is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard in detailing and safeguard amenity of future occupiers in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 26 Noise and Vibration and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

#### 16) **RESTRICTION OF USE**

The ground floor commercial floor space hereby approved shall not be used for any purpose whatsoever other than for purposes within Use Class E(a), E(c), E(d), E(e) and E(g) of Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications.

Reason: In order to enable the local planning authority to control any future change of use or subdivision of the property in the interests of protecting the commercial floorspace at ground floor level in accordance with Core Strategy Policy 5: Other employment locations and to ensure an acceptable standard of amenity is provided in the upper floor residential unit in accordance with Core Strategy Policy 1: Housing provision, mix and affordability and with DM Policy 30 Urban design and character of the Development Management Local Plan (November 2014).

#### 17) **NOISE INSULATION MEASURES**

- a) No development shall commence until a detailed scheme of noise insulation measures for all divisions walls and/or floors separating proposed commercial/residential areas shall be submitted to and approved in writing by the Local Planning Authority.
- b) The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the Approved Document E standard dwelling houses and flats for airborne sound insulation and -5dB for impact sound insulation.
- c) The approved scheme shall be implemented prior to the first occupation of the residential units and be permanently retained thereafter.

Reason: To ensure that the design and noise resistance is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard in detailing and safeguard amenity of future occupiers in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 26 Noise and Vibration and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

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18) **PILING METHOD STATEMENT**

- 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

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

19) **EMISSIONS FROM BOILERS**

In the event that gas boilers are proposed the boilers shall have dry NOx emissions not exceeding 40 mg/kWh.

Reason: To comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

20) **M4(2) RESIDENTIAL UNITS**

Except for Flat 8, the dwellings hereby approved shall be constructed to be easily adapted in full accordance with Part M4(2) 'Accessible and adaptable dwellings' of Building Regulations 2015 (as amended) as shown on approved drawing BDS-1716-PA201 prior to their first occupation.

Reason: To ensure the new residential units are inclusively designed and laid out and can be easily adapted to meet the future needs of the occupiers 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).

21) **M4(3) RESIDENTIAL UNIT**

Prior to the first occupation of Flat 8 shall be constructed as wheelchair accessible in full accordance with Part M4(3) 'Wheelchair user dwellings' of Building Regulations 2015 (as amended) as shown on approved drawing BDS-1716-PA201.

Reason: To ensure the unit is inclusively designed and laid out to meet the needs of future wheelchair users 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).

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## 22 DELIVERY AND SERVICING PLAN

- a) The development hereby approved shall not be occupied until a Delivery and Servicing Plan for both the commercial and residential elements of the building has been submitted to and approved in writing by the local planning authority.
- b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

## 23 NON-ROAD MOBILE MACHINERY

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

Reason: To ensure that air quality is not adversely affected by the development in line with London Plan policy SI 1 and the Mayor's SPG: The Control of Dust and Emissions During Construction and Demolition.

## 24 SECURE BY DESIGN

No development shall commence until a certificate of accreditation to Secured by Design Standards has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and be maintained for the lifetime of the development.

Reason: To ensure that the development maintains and enhances community safety in accordance with Policy D11 Safety, security and resilience to emergency of the London Plan (March 2021).

## 25 SATELLITE DISHES

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of the building.

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

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## 26 PLUMBING AND PIPES

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

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

## 27 PRIVACY SCREENS

The 1.8m high opaque glazed privacy screens to Flats 3, 5, and 7as shown in approved drawing BDS-1716-PA201 shall be installed prior to the first occupation of these residential units hereby approved and shall be retained in perpetuity.

Reason: To avoid the direct overlooking of the adjoining Maypole Court properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 28 OBSCURED GLAZING

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows referred to as being obscure glazed under approved drawing BDS-1716-PA201 shall be fitted as obscure glazed to a minimum of Level 5 on the 'Pilkington Scale' and fixed shut prior to the first occupation of the residential units hereby approved and shall be retained in perpetuity.

Reason: To avoid the direct overlooking of opposite properties on the site and adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 29) MARKETING STRATEGY

Within 4 months of built shell and core, a Marketing Strategy for the commercial unit hereby approved shall be submitted to and approved in writing by the local planning authority. Details of the Marketing Strategy shall include:

- The potential occupiers identified for the commercial unit which the Marketing Strategy relates to;
- The steps intended to be taken in marketing and letting the commercial unit referred to in the Marketing Strategy; and
- The timescale over which such marketing is intended to occur

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The Marketing Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that reasonable attempts have been made to occupy the commercial unit in accordance with Spatial Policy 4 of the Core Strategy (June 2011) and DM Policy 15 Neighbourhood local centres of the Development Management Local Plan (November 2014)

## 12.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).
- 3) 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
- 4) Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5) The applicant is 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.
- 6) The applicant is advised that any advertisements to be installed for the commercial unit will require separate Advertisement Consent.

## 13 BACKGROUND PAPERS

- 1) Submission Papers

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- 2) Submission Technical Reports and Supporting Documents
- 3) Internal Consultee Responses
- 4) Appeal Decision APP/C5690/W/22/3298739

## 14 REPORT AUTHOR AND CONTACT

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