



Planning Committee B

GARAGES TO THE REAR OF CREELAND GROVE, SE6 4LE

Date: 19 October 2023

Key decision: No

Class: Part 1

Ward affected: Rushey Green

Contributors: Amanda Ghani

Outline and recommendations

This report sets out the Officer's recommendation for approval of the above proposal for full planning permission. This application is before committee as over 10 valid planning objections have been received.

Application details

Application reference number(s): DC/23/130975

Application Date: 19 October 2023

Applicant: Northhill Properties (South) Limited

Agent: MJP Planning Limited

Proposal: Demolition of the existing garages and construction of 3 x part one/part two storey dwellings and 3 x two storey plus roof space dwellings, together with associated landscaping, refuse storage and 14 cycle spaces on the garages to the rear of Creeland Grove SE6.

Background Papers: (1) Submission drawings and documents
(2) Internal Consultee Responses
(3) External Consultee Responses.

Designation: Small HMO Article 4 Direction
PTAL 4
Archaeological Priority Area
Local Open Space Deficiency
2 x ash trees (TPO)

1 SITE AND CONTEXT

Site description and current use

- 1 The site is largely rectangular in shape located on the eastern side of Creeland Grove and consists of land on which a row of 26 garages is sited. Access to the site is from Creeland Grove. The site abuts the rear gardens of residential properties in Exbury Road, Elm Lane and Bargrove Crescent.

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Character of area

- 2 The surrounding area is predominately residential in nature comprising two storey, semi-detached, terraced and flatted properties.

Heritage/archaeology

- 3 The site is not within a conservation area, it is subject to an Article 4 Direction that has removed permitted development rights for change of use from a single dwelling (Use Class C3) to a small HMO (Use Class C4)
- 4 The site is within an area of archaeological priority.

Surrounding area

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

Local environment

- 6 Two ash trees (T4 & T5) on site are subject to a Tree Preservation Order (TPO)

Transport

- 7 Catford and Catford Bridge Railway Stations are 600m and 675m north of the site and there are bus stops within the vicinity. The site is within an area with a PTAL 4 rating.

2 RELEVANT PLANNING HISTORY

- 8 DC/05/060331 - The demolition of the existing garages and electricity sub-station on the site at the east end of Creeland Grove SE6 and the construction of a two storey building comprising 8 one bedroom and 2 two bedroom self-contained flats, together with associated landscaping, construction of a replacement electricity sub-station at the southern end of the site, provision of external storage areas and a new open car park for 16 cars, 2 motorcycles and 8 bicycles with access onto Creeland Grove. Refused 19/10/05 for the following reasons:

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1. *The proposed two-storey block is considered to represent an over-development of the site, contrary to Policy URB 3 Urban Design, HSG 4 Residential Amenity and HSG 16 Density in the adopted Unitary Development Plan (July 2004).*
2. *The proposed two-storey block would be visually intrusive and over dominant when viewed from adjoining houses and gardens, especially those in Exbury Road and flats in Creeland Grove, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 16 Density in the adopted Unitary Development Plan (July 2004).*
3. *The proposed two-storey block on this small site would cause overlooking and loss of privacy to residents in nearby houses in Exbury Road, contrary to Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Adopted Unitary Development Plan (July 2004).*
4. *The front doors to the proposed units are all at the rear and this is likely to cause detriment to residents of the proposed flats for reasons of overlooking / loss of privacy and would also result in an inactive appearance to the front elevation, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*
5. *The proposed new site access runs close to the residential block at 9-31 Creeland Grove, which would lead to increased noise and disturbance and thus have a negative impact on the amenities enjoyed by residents in Creeland Grove, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).*
6. *The proposal would result in the loss of mature trees, which would have a negative impact on the amenities enjoyed by residents in Creeland Grove and be contrary to policies URB 3 Urban Design, URB 12 Landscape and Development, URB 13 Trees, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens in the adopted Unitary Development Plan (July 2004).*
7. *The proposal would result in the loss of the existing garages on the site and therefore be likely to result in an increase in on-street parking in the vicinity, contrary to Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).*

9 The application was subsequently dismissed at appeal (APP/C5690/A/06/2012734) on 9th October 2006. The inspector concluded that the proposed development would involve the unacceptable loss of the protected trees and result in overlooking and loss of privacy for adjoining residents.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

10 Demolition of the existing garages and construction of 3 x part one/part two storey dwellings and 3 x two storey plus roof space dwellings comprising 6 family sized units, together with associated landscaping, refuse storage and 14 cycle spaces on the garages to the rear of Creeland Grove SE6.

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- 11 During the assessment of the current application, changes were made to the proposal which included:
- a reduction in the scale of development and the number of dwellings from 7 x 3b5p units to 5 x 3b5p and 1 x 3b6p units, and
 - the retention of the two TPO ash trees to the front of the site.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

12 Prior to the lodgement of the current planning application, pre-application advice was sought for the demolition of the existing garages and the construction of 9 dwellings in the form of 1 x 2b4p two-storey dwelling, 2 x 3b5p two-storey dwellings and 6 x 3b5p three-storey dwellings, including cycle and refuse storage and associated landscaping.

13 Officers had concerns over the size of the development, quantum and arrangement of amenity space, and its impact on neighbouring amenity as well as the loss of two protected trees. The applicant was advised to reduce the size of the development and to retain the two protected trees.

4.2 APPLICATION PUBLICITY

14 Site notices were displayed on 12th April 2023.

15 Letters were sent to residents in the surrounding area and the relevant ward Councillors on 12th April 2023.

16 17 number responses received, comprising 17 objections, 3 of which were from one property and a further two were from outside the Borough, from the objector's extended family members.

4.2.1 Comments in objection

Comment	Para where addressed
Overbearing, overdevelopment of site, proposal is excessively high	52-55, 90-94
Increased noise, disturbance and loss of privacy due to a lack of off-street parking provision and increased parking stress	126-128
Loss of daylight and sunlight to west facing Exbury Road gardens.	171-174
Loss of privacy and negative visual impact	140-143, 143-153
Scheme does not take into account TPO trees	214
The scheme does not allow enough room for landscaping or greenery.	186-190

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Loss of biodiversity on site.	206-208
There are only 16 cycle storage spaces	132-134
Flat roof of Unit 7 could be used as a terrace by occupiers who could overlook gardens of 10 and 12 Exbury Road.	153
Additional noise from future occupiers	179-180
Development will block existing views	142-144
Proposal does not include any affordable housing	56
Neighbours affected by building works	180
Increase in surface water	194
Loss of 25 garages/off street car parking spaces	45, 124

17 Other comments were also raised as follows:

18 There is no nearby sewer, until they have a plan to connect to a sewer they cannot be given permission to build. Officer response – Drainage and waste disposal is covered separately by The Building Regulations 2010

19 Excavations and foundations will cause damage to the structure of existing gardens in Exbury Road. Officer response – Excavations and foundations are covered separately by The Building Regulations 2010.

20 There is a dispute as to who owns the wall that abuts the rear gardens of Exbury Road properties. Officer response – This is a civil matter and not a planning consideration.

4.3 INTERNAL CONSULTATION

21 The following internal consultees were notified on 12th April 2023.

22 Highways: raised no concerns subject to waste management and short stay cycle parking conditions. See para 6.4 for further details.

23 Urban Design: design is supported. See para 6.3 for further details.

24 Environmental Protection: no objection subject to a land contamination assessment and associated remediation study to be secured by condition. See paragraph 6.7 for further details.

25 Tree Officer: proposal is acceptable. See para 6.7.2 for further details.

4.4 LOCAL MEETING

26 A Local Meeting was held on the 14th of September 2023 as 10 or more objections had been received. The meeting was held virtually and was chaired by Councillor Krupski.

27 Fifteen people attended the local meeting.

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28 The summary note of the local meeting has been attached as Appendix 1.

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

30 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.

31 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.

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

33 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

34 Lewisham SPG/SPD:

- Small Sites Design Guide (October 2021)

35 London Plan SPG/SPD:

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- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

36 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 37 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development.
- 38 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.
- 39 LPP H1 looks to increase housing supply by optimising the potential for housing delivery on all suitable and available sites especially those within areas of PTAL 3-6 or which are located within 800m distance of a station or town centre boundary. The application site is approximately 660m from Catford train Station, consequently the application meets this criterion.
- 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 DM Policy 33 States that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings. Development on these sites must meet the policy requirements of DM Policy 30 (Urban design and local character), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).
- 42 The provision of housing is a key priority in the Borough and is highlighted in the policies of the Council's Local Development Framework. The Core Strategy seeks to provide for

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the housing needs of new and existing population that will include affordable housing, appropriate mix of dwellings as well as lifetime homes and specialist accommodation

43 DM Policy 33 (7) sets out specific principles for backland development, which includes the following to be achieved:

- a) proper means of access and serving, which is convenient and safe both for drivers and pedestrians;
- b) no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens; and
- c) appropriate amenity space in line with the policy requirements in DM Policy 32.

44 Small Sites SPD at paragraph 31.1 defines Backland sites as those that are largely landlocked by surrounding development. Such sites generally fall into one of two categories: garages/yards and mews/alleys. Garages and yards are defined by backland sites which are accessed via a single passageway from the public highway.

Discussion

45 Officers have confirmed with the developer that the existing garages, due to their small size are in use as storage units rather than accommodating cars. As such, there would be no loss of off-street parking provision.

46 As an area of land with access onto Creland Grove, the application site can be considered a backland site and would need to adhere to the criteria as set out in DM Policy 33. The site is also considered a backland site in the Small Sites SPD and so consequently, the principle of development on this site is supported subject to the proposal meeting the relevant policy criteria.

47 The principle of residential development would achieve the wider benefit of providing six additional family sized homes within the Borough which is considered a planning merit. As such, the principle of development is acceptable.

6.1.1 Principle of development conclusions

48 In summary, officers raise no objection to the principle of development, subject to matters including design, standard of accommodation, neighbour impact, highways and natural environment are to be met.

6.2 HOUSING

49 This section covers: (i) density and (ii) the standard of accommodation.

6.2.1 Density

Policy

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

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

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

- 52 London Plan Policies H1, H2 and D3 support the most efficient use of land and development at the optimum density. The London Plan has removed the density matrix. Defining optimum is particular to each site and is now the result of the design-led approach. Consideration should be given to: (i) the site context, (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport and (iii) the capacity of surrounding infrastructure.

Discussion

- 53 The site has an area of 0.27 hectares and is in a PTAL of 4 in a suburban location. The surrounding area has a mixed towers and slabs/urban (free form low rise) character in the form of four-storey flatted development, terraces and detached period properties.
- 54 The London Plan has moved away from a density matrix approach to site capacity. LPP D3 requires a design-led approach to optimising site capacity, where design options determine the most appropriate form of development that responds to a site's context, capacity for growth and existing and planned supporting infrastructure capacity. The current proposal is considered a minor application with the proposal providing 6 residential units. Plan Policy D2 states '*it will not normally be necessary for minor developments to undertake infrastructure assessments or for boroughs to refuse permission to these schemes on the grounds of infrastructure capacity.*' Due to its size the proposed development is considered to have a minor incremental impact on local infrastructure capacity. As such, an infrastructure assessment was not required in this instance.
- 55 It is considered that the development proposal would optimise an existing underutilised site. As such, the proposed density is considered to be acceptable.
- 56 It is noted that as the application is for minor development rather than major, therefore there is no requirement for the developer to provide affordable housing as part of the proposal.

6.2.2 Residential Quality

General Policy

- 57 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 58 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity.

Internal space standards

Policy

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59 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

60 The Technical Housing Standards (2015), Mayor’s Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out to make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

61 In particular, DM Policy 32 states that it will assess whether new housing development provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms.

Discussion

62 The table below sets out proposed dwelling sizes.

Table []: Internal space standards – proposed v (target)

Dwelling	Layout	GIA m ² ()	Bed 1 (proposed (target))	Bed 2 (proposed (target))	Bed 3 (proposed (target))	Built-in storage m ² (proposed (target))	External amenity m ²
Unit 1	3b5p on two floors	103 (93)	18 (11.5)	12 (11.5)	8 (7.5)	3 (2.5)	64 (8)
Unit 2	3b5p on two floors	107 (93)	17 (11.5)	14 (11.5)	8 (7.5)	4 (2.5)	46 (8)
Unit 3	3b5p on three floors	102 (99)	17 (11.5)	14 (11.5)	8 (7.5)	3.5 (2.5)	28 (8)
Unit 4	3b5p on three floors	102 (99)	17 (11.5)	14 (11.5)	8 (7.5)	4.7 (2.5)	31 (8)
Unit 5	3b6p on three floors	114 (108)	13 (11.5)	12 (11.5)	12 (11.5)	6.2 (2.5)	17 (8)
Unit 6	3b5p On two floors	96.5 (93)	13 (11.5)	12 (11.5)	8 (11.5)	5.1 (2.5)	23 (8)

63 All units have been designed to exceed the London Plan minimum standards in terms of overall unit sizes and the internal space standards of individual rooms as set out in LPP

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D6 and DM Policy 32. The internal storage space requirements would be exceeded in all dwellings in the form of dedicated storage areas and inbuilt wardrobes. All residential units would have a minimum floor to ceiling height of 2.5m. Dwellings will be designed to meet M4(2) 'accessible and adaptable' requirements. To ensure the dwellings are built to M4(2) specifications a condition will be attached.

Outlook & Privacy

Policy

- 64 LPP D1(8) requires development to achieve appropriate outlook, privacy and amenity.
- 65 DMLP Policy 32 expects all new units to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units.

Discussion

- 66 The proposed scheme presents a good level of outlook and privacy for all proposed residential units. The layout and floor plan has been designed in such a way so as to reduce overlooking between proposed units.

Overheating

Policy

- 67 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

Discussion

- 68 All units are dual aspect which is considered sufficient to avoid unacceptable overheating.

Daylight and Sunlight

Policy

- 69 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers.
- 70 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.

Discussion

- 71 A daylight/sunlight assessment has been provided. The assessment has been based on the provision of seven residential units. The assessment concluded that all 29 rooms within the proposed development meet or surpass the spatial daylight autonomy test and

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the proposed accommodation will meet Sunlight exposure requirements. Since the assessment was made, the scheme has been reduced in size and the quantum of development is now for six residential units (24 habitable rooms). A reduction in the quantum of development on site would not decrease the proposed dwellings accessibility to daylight and sunlight. As such, officers consider the daylight and sunlight levels to remain acceptable.

Noise & Disturbance

Policy

- 72 With regards to internal noise levels of the residential units, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning. Although London Plan Policy D14 highlights the management of noise by encouraging the right acoustic environment, both externally and internally; as this is important to promote good health and a good quality of life within the wider context of achieving sustainable development.
- 73 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS:8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30dB(A) in bedrooms during the night time.
- 74 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq, T with an upper guideline value of 55dB LAeq, T.

Discussion

- 75 A noise assessment has not been provided with this application however it is recommended that a condition is secured ensuring that the internal and external areas proposed are within the relevant range as set out within BS8233.

External space standards

Policy

- 76 Private outdoor space should be practical in terms of its shape and utility and the space should offer good amenity. With regards to private amenity space, LPP D6 requires a minimum of 5sqm of private outdoor amenity space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

Discussion

- 77 All six dwellings would be provided with readily accessible, secure, private and useable external spaces that comfortably exceed the minimum requirements. All of the dwellings would have a rear garden; Unit 1 would have a wrap-around rear/side garden and Unit 2 would benefit from three separate outdoor spaces.

6.2.3 Housing conclusion

- 78 It has been demonstrated that the proposed development would provide an uplift in housing over that which existed previously.
- 79 The proposal would optimise the site, providing six family sized dwellings with a high-quality standard of residential accommodation provided for potential future occupiers

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and provide a number of high-quality new homes within the Borough. This material public benefit is afforded significant weight by officers.

6.3 URBAN DESIGN

General Policy

- 80 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 81 London Plan Policy D1 requires Borough's to define the characteristics, qualities and value of places in order to develop an understanding of different areas' capacity for growth. Policy D3 requires all development to take a design-led approach that optimises capacity of sites.
- 82 DM Policy 33 seeks to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.
- 83 DM Policy 30 states that all new development should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 84 Core strategy Policy 15 repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 85 Backland sites present an opportunity to achieve high-quality placemaking and a sense of identity. As these sites are often some distance from neighbouring properties, they can often allow a good architect to create a high-quality living environment which is visually distinct from its surroundings.

6.3.1 Appearance and character

Policy

- 86 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG)
- 87 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and setting, while not preventing or discouraging appropriate innovation and change (para.130) At para.134, the NPPF states great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.

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Proposed view from the west (fronting on to Creeland Grove)



Proposed view from the north



Proposed view from the South

Discussion

88 A contextual and townscape analysis has been completed as part of the Design and Access Statement. The immediate vicinity has an eclectic mix of residential dwellings in terms of architectural styles and periods, with buildings ranging from two to four storeys in height.

89 Officers consider that the contemporary design approach is suitable in this instance.

Layout

Policy

90 London Plan Policy D3 states that the design of new buildings and spaces they create should help respond to and enhance the character, legibility and permeability and accessibility of the neighbourhood.

Discussion

91 The surrounding context, as demonstrated within the application’s design and access statement is varied. The site sits at a transitional point between four storey flatted development to the west and two-storey semi-detached dwellings to the east and south.

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Four of the six dwellings are semi-detached, the other two are detached. Each detached and semi-detached pair sit comfortably within the site and are clearly readable as separate dwellings, further defined by the gaps between the built form that allows views through the site to trees beyond. The pedestrian pathway to the front of the site provides a permeable and legible route through the site, allowing easy orientation and navigation. The quantum of development is optimum for the site, providing high quality residential accommodation and attractive landscaped communal space that enhances this part of Creeland Grove.

Form and Scale

Policy

- 92 LPP D3 requires sites to be optimised through the design-led approach and the Small Sites SPD states that proposals should make efficient use of available space.

Discussion

- 93 The proposal is for one detached and one semi-detached pair of three-storey dwellings that include pitched mansard style upper floors; bookmarked by three one/two storey flat roofed dwellings at either end of the site. The three storey dwellings would have a maximum height of 8.7m and an eaves height of 6.4m. The part one/two storey dwellings would have a maximum height of 6.2m and the single storey elements would measure 3.2m high.
- 94 The urban morphology is reflective of the surrounding context, with semi-detached pairs with relief provided in the gaps between houses. The form and scale of the proposal is appropriate for the site.

Detailing and Materials

Policy

- 95 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG)
- 96 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and setting, while not preventing or discouraging appropriate innovation and change (para.130). At para.134 the NPPF states that great weight should be given to outstanding and innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area.

Discussion

- 97 Due to the lack of a dominant architectural style in the road, the proposed design has been developed as a contemporary stand-alone scheme.
- 98 The dwellings would be brick built and include brick soldier course detailing. Aluminium framed windows and canted tiled roofs. A minimal neutral colour palette of high-quality materials is proposed, which is considered appropriate to the location and form of the buildings proposed and is in sympathy with the surrounding context. Exact specifications of all materials would be captured by condition to ensure that this design quality is carried through to construction of the proposal.

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99 In summary, the design approach in terms of appearance and materiality is supported given its high-quality contemporary nature.

6.3.2 Public Realm

Policy

100 Streets are both transport routes and important local public spaces. Development should promote accessibility and safe local routes. Attractive and permeable streets encourage more people to walk and cycle. LPP D8 requires development proposals to ensure there is a mutually supportive relationship between the space surrounding the building and its use, so that the public realm enhances the amenity and function of buildings and the design of buildings contributes to a vibrant public realm.

Discussion

101 The buildings would be set back within the site but would provide a good level of natural surveillance over the public realm and onto Creeland Grove. The area of public realm is assessed as good, with step-free permeable paving and generous footways to the west of the site, which form the primary access route for the homes toward the south.

6.3.3 Urban design conclusion

102 Officers acknowledge the constraints of the site. The overall design approach is suitable to ensure that in urban design terms, the scheme would result in a form of development that sits comfortably with the wider character and appearance of the local area.

103 The proposal achieves a high-quality design and significant public benefits by providing six family sized dwellings. As such, it is considered the proposal is acceptable with regards to urban design and accords with the Development Plan.

6.4 TRANSPORT IMPACT

General policy

104 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para.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.

105 Paragraph 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

106 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.

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107 Objective 9 and Policy 14 of The Core Strategy reflects the national and regional priorities

6.4.1 Access

Policy

108 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.

109 CPS 14, states that the access and safety of pedestrians and cyclists will be promoted and prioritised and that a restrained approach to parking provision will be adopted.

Discussion

110 The existing access into the site would be maintained. The front boundary treatment of the site would consist of 1.2m high metal railings; as such the front facades of the dwellings would appear clearly legible within the streetscene and the dwellings would have active frontages with windows looking out onto the front of the site and beyond, into Creeland Grove, providing natural surveillance and activity and the opportunity for resident's social interaction. Maximising active frontages is a critical element of the London Plan's approach to designing out crime.

111 The proposed access to the site is acceptable.

6.4.2 Local Transport Network

Policy

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

Discussion

113 Catford and Catford Bridge railway stations are both located within 10 minutes walking distance from the site. Bus routes 75, 181 and 202 stop at the Beechfield Road bus stop which is located 95m from the site entrance. The site also benefits from being a 15-minute walk from Catford Town Centre and its associated retail amenities.

114 The proposed development is located close to Catford and Catford Bridge railway stations and has a good PTAL level of 4. As such, it is considered that intensification at the site in terms of the provision of six residential units could be accommodated within the local transport network.

6.4.3 Servicing and refuse

Policy

115 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.

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- 116 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.
- 117 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 118 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

- 119 Two communal refuse stores are proposed, both on the front boundary of the site, with one in front of Unit 6 (store A) and the other in front of Unit 1 (store B). Bin store A would service units 4-6 and bin store B which is over 40m from the accessway where it meets the public highway, would serve units 1-3. Usually, bins should be within 25m of the waste collection point specified by the waste collection authority. When this cannot be achieved, a waste management plan is required so that occupiers of the properties do not have to drag bins in excess of 30m.
- 120 The bin collection point is provided along the access road within 10m of the public highway. According to the submitted transport statement, the local council will collect the waste from the site, but a management company will be employed to bring bins to this point on collection day and return them to the bin store once collected.
- 121 A condition will be added requiring details of the refuse management strategy to be submitted and approved by the Council, including details of the management company and specific arrangements.

6.4.4 Transport modes

Private cars

Policy

- 122 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.
- 123 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.
- 124 An absence of local on-street parking controls should not be a barrier to new development.

Discussion

- 125 Officers have confirmed with the developer that there is no existing off street car parking on site.

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- 126 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 unrestricted on the surrounding roads with no CPZ's in operation. As part of the application a parking beat survey was undertaken by Nationwide Data Collection, providing an overnight 'snapshot' of parking conditions within a 200m walking distance of the site and records the parking stress as percentages as well as highlighting the availability of parking spaces.
- 127 Results of the parking beat survey identified a minimum of 52% (11 spaces) to be available in Creeland Grove and a limited number of additional unrestricted parking spaces on Rathfern Road.
- 128 As part of the transport statement, census information was obtained that shows 41% of households in Lewisham have no private car. In terms of the proposed development, the census therefore indicates that at least two of the proposed dwellings are unlikely to accommodate occupants that have a private car. Nevertheless, the survey has evidenced that there would be sufficient parking available on-street should the occupants of all six dwellings wish to park on the street. Consequently, the proposed development is not considered to contribute to a significant increase in on-street parking stress.

Walking and cycling

Policy

- 129 Residential developments are required to provide cycle parking in accordance with the requirements of LPP T5 and Table 10.2 of the London Plan.
- 130 All developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed dwellings, 1.5 per 1 bedroom, two person dwellings and 2 per all other dwellings. Two short-stay parking spaces are required for proposals of 5 to 40 new dwellings.
- 131 Communal cycle storage outside the home should be secure, sheltered (weatherproof) and easily accessible.

Discussion

- 132 Catford town centre is located approximately 1.3km north-east of the site and can be accessed in 10-15 minutes by walking or in 5 minutes by bicycle. The Waterlink Way comprises part of the National Cycle Network Route 21 and can be accessed from Catford Hill approximately 400m north-east of the site and is a walking and cycling route that connects Sydenham to the Thames via Catford, Lewisham and Deptford.
- 133 The proposed scheme requires 12 long term secure cycle storage spaces. These spaces have been provided in the form of two communal cycle storage facilities, one to the side elevation of Unit 3 (store A) and one sited between Units 4 and 5 (store B). Additionally short stay cycle storage for two bicycles would be sited adjacent to refuse store A.
- 134 Cycle storage A consists of a matt green metal cycle hanger as outlined in drawing 1095-DFA-02109. Cycle storage B is a vertical slat timber, flat roofed store, with three doors to the front elevation, as outlined in drawing 1095-DFA-02110. Each storage facility is capable of accommodating six bicycles. Officers consider that the requirements as noted under Policy T5 of the London Plan for cycle storage to have been met, though

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further details of the short stay cycle storage are recommended to be secured via condition, since no details have been provided.

6.4.5 Transport impact conclusion

- 135 Given the site's good PTAL rating, the parking survey results and the proposed scheme's size, it is considered that the development would not result in unacceptable impacts to the local transport network.
- 136 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

- 137 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).
- 138 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.
- 139 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.
- 140 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

Policy

- 141 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

Discussion

- 142 Officers have given weight to the urban character of the area where increasing density and constraints to outlook across neighbouring sites are typical.
- 143 The proposed scheme would result in an increase in height in terms of built form on the eastern boundary. However, where the elements of the dwellings are more than single storey in height, additional stories have been set back from this boundary and roof forms are angled away to minimise visual impact when viewed from the adjacent Exbury Road properties.
- 144 The first-floor elements of Units 1 & 2 are set away from the nearest windows at 14 Bargrove Crescent and the windows in the side elevation of 9-31 Creeland Grove will

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have direct views through the site created by the gap between units 1 & 2 and the side elevation of Unit 3. Consequently, there will be no significant impact regarding outlook on adjacent dwellings due to the sensitive setbacks and siting of the development.

6.5.2 Privacy

Policy

145 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

146 As a general rule, DMP 32 requires a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations. The policy can be applied flexibly dependent on the context of the development.

Discussion

147 Lewisham is an inner-London borough, and expectations of individual privacy need to be balanced with the need to achieve appropriate levels of residential density. The Small Sites SPD expects a gap of no less than 16m between new and existing principle facing windows at upper levels.

148 On the eastern elevation that faces the rear elevations of Exbury Road properties only Units 3, 4 & 5 have upper floor windows. All eight windows serve either a bathroom or landing, other than at Unit 5 where one window serves a bedroom. The bedroom window is a secondary window to the bedroom and can be conditioned to be obscure glazed as can the bathroom windows. Landings are not considered to be primary habitable rooms in planning terms.

149 Additionally, these windows are set back from the rear boundary by 2.5m and set back a further 19.8m from the rear elevations of the dwellings on Exbury Road; exceeding the separation distance requirement in Policy DM32 and the Small Sites SPD. Consequently, there would be no significant levels of overlooking or loss of privacy to the rear gardens of the Exbury Road dwellings.

150 To the west of the site are the rear elevations of Nos.12 & 14 Bargrove Crescent. These neighbouring properties are set back between 6.5m and 8.8m from the flank wall of Unit 1. There are no upper floor windows from Unit 1 that face onto the rear gardens of these neighbours. A 1.8m high closed board timber fence will be sited on this shared boundary and will prevent any overlooking at ground floor level to No.12 & 14 from the occupiers of Unit 1.

151 The rear bedroom windows of Units 1 and 2 are sited 12m from the shared southern boundary and a further 13.5m from the nearest rear window in the rear elevation of Lane Cottage in Elm Lane to the south of the site; exceeding the separation distance requirements.

152 The three windows on the side elevation of the flats (9-31 Creeland Grove) to the west of the site will not be directly overlooked by windows in the front elevation of the proposed development.

153 Furthermore, occupiers will not be allowed to use any of the flat roofs as amenity space. This can be secured by condition. Consequently, the proposal is acceptable in terms of impact on privacy.

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6.5.3 Daylight and Sunlight and Overshadowing

Policy

- 154 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 155 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site
- 156 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. It is clear that the BRE standards set out below are not a mandatory planning threshold.
- 157 In the first instance, if a proposed development falls beneath a 25-degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.
- 158 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.
- 159 *Daylight Guidance*
- 160 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF) and (iii) No Sky Line (NSL).
- 161 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 162 In terms of material impacts, the maximum VSC for a completely unobstructed vertical window is 39.6%. If the VSC falls below 27% and would be less than 0.8 times the former value, occupants of the existing building would notice the reduction in the amount of skylight. The acceptable minimum ADF target value depends on the room use: 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. If the NSL would be less than 0.8 times its former value, this would also be noticeable.
- 163 While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:
- 164 - 0-20% reduction – Negligible 21-30% reduction – Minor Significance 31-40% reduction – Moderate Significance Above 40% reduction – Substantial Significance.

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165 It is important to consider also that the context and character of a site when relating the degree of significance to the degree of harm. It is also noted that recent planning decisions (including appeal decisions made by the Planning Inspectorate) in London and Inner London have found retained VSC values in the mid-teens to be acceptable

166 *Sunlight Guidance*

167 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH) and (ii) Area of Permanent Shadow (APS)

168 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants. The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March.

Overshadowing Guidance

169 The BRE Guidelines suggest that sun hours on ground assessments should be undertaken on the equinox (21st March or 21st September). It is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March, or that the area which receives two hours of direct sunlight should not be reduced to less than 0.8 times its former value (i.e. there should be no more than a 20% reduction).

170 It must be acknowledged that in urban areas the availability of sunlight on the ground is a factor which is significantly controlled by the existing urban fabric around the site in question and so may have very little to do with the form of the development itself. Likewise, there may be many other urban design, planning and site constraints which determine and run contrary to the best form, siting and location of a proposed development in terms of availability of sun on the ground.

Discussion

171 A daylight & sunlight amenity study was submitted as part of the application. The assessment has calculated the effect of the proposed development on the amenity of 1-7 and 9-31 Creeland Grove, 14 Bargrove Crescent to the west, 8-28 (even) Exbury Road, to the north and east and Lane Cottage, Elm Lane to the south.

172 The daylight has been assessed to neighbouring properties using Vertical Sky Component and Daylight distribution tests. The results demonstrate 100% compliance.

173 Overshadowing has been assessed to 19 amenity spaces, the results demonstrate that there would be a negligible impact on neighbouring properties.

174 The proposed development satisfies the BRE recommendations and as such complies with national and local planning policy and best practice guidance with regards to access to daylight and sunlight and overshadowing.

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6.5.4 Noise and disturbance

Policy

- 175 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 176 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations.
- 177 A range of legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.
- 178 Further guidance is given the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014)

Discussion

- 179 Given the nature of the proposed development itself, being a residential scheme in a residential area, it is unlikely that the use of the development proposal would result in unreasonable levels of noise pollution.
- 180 Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that demolition and construction is undertaken in a manner that does not affect the wider highway and utilises best practice, a condition requiring the submission to the LPA for approval of a demolition and construction management plan should be imposed were this application to be approved.

6.5.5 Impact on neighbours conclusion

- 181 All neighbouring properties would have an acceptable degree of impact resulting from this development, especially given the urban context.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 182 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

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183 LPP SI2 states 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

184 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 (The PES, 9 February 2023) has been submitted with the application that details that regulated CO2 savings for the development as a whole would be 68.03%, exceeding the London Plan target of 35%. These CO2 savings will be undertaken through the adoption of very high standards of insulation, heat pump driven heating and water systems and roof mounted photovoltaic panels. Whilst these energy saving measures are welcomed, they are not a requirement for minor developments. Consequently, no planning weight can be attributed to the energy saving measures.

6.6.2 Urban Greening

Policy

185 LPP G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of the site and building design and by incorporating measures such as high-quality landscape, including trees, green roofs and nature based sustainable drainage.

186 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

187 The site currently offers little by the way of urban greening. The proposed scheme seeks to improve the quantity and quality of greening on site through the introduction of green roofs, additional trees and soft landscaping.

188 The current proposal is considered minor rather than major development; however, an urban greening factor report has been submitted as part of the application, (Northill Properties (South) Limited – 9th June 2023).

Urban greening factor

189 The Mayor recommends a target of 0.4 UGF for residential schemes. The proposed development seeks to improve the overall quality of the landscape through the planning of trees, shrubs, groundcovers, climbers, perennials and areas of lawn. The proposal will improve the urban greening and biodiversity of the site. The urban greening factor calculation for the site is 0.43 UGF which exceeds the recommended target.

190 The proposal includes green roofs and photovoltaic (PV) panels. Three PV panels per dwelling will be sited on green roofs as shown in drawing 1095 -DFA -02005.

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Type of Living Roof/Wall	Size of Living Roof/Wall (m2)	Size of Living Roof (as % of total roof space)
Extensive green roofs	197	77.8
Total	197	77.8

6.6.3 Flood Risk

Policy

- 192 NPPF para.155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas highest as risk. Para 167 states development should only be allowed in areas at risk of flooding where mitigation measures can be included.
- 193 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 194 CSP 10 requires developments to result in a positive reduction in flooding to the Borough. Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

Surface water flood risk

- 195 According to the Ground condition desk top study (Ground Condition Consultants May 2023) the surface water flood risk on site is negligible.

Ground water flood risk

- 196 According to the desk top study, the risk of groundwater flooding on site is low.

6.6.4 Sustainable Urban Drainage

Policy

- 197 London is at particular risk from surface water flooding, mainly due to the large extent of impermeable surfaces. LPP SI 13 require developments to incorporate sustainable drainage into development proposals.

Discussion

- 198 The site is within a Flood zone 1, which means the risk of flooding from the nearest river is low. The proposal includes permeable paving to the communal walkways and private patios. Details of the permeable paving will be conditioned.

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6.6.5 Sustainable Infrastructure conclusion

199 As the current application is for a minor development, there is no requirement for the submission of an urban greening factor and whilst the inclusion of green roofs and PV panels is welcomed, there is no requirement to provide them for a development of this size. The proposed development would incorporate air source heat pumps and urban greening of the site, which would be acceptable with regards to sustainable development; to which modest weight is given.

6.7 NATURAL ENVIRONMENT

General Policy

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

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

202 The NPPF at paragraph 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

203 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.

204 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.

205 CSP 12 seeks to preserve or enhance local biodiversity.

206 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

207 A preliminary ecological appraisal and preliminary roost assessment has been submitted as part of the application (arbtech 3 February 2023). Officers note that the appraisal takes into consideration the loss of six trees on site. The appraisal was undertaken before the scheme's revision, which now retains the two mature ash trees on the site.

208 The existing site consists of a garage block with associated concrete driveway. Gravel and bare ground is present scattered around the site. Ephemeral and ruderal plants are growing on the hardstanding.

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209 The roost assessment concluded that there are no bats within 2km of the site. The existing site offers low habitat value for foraging and commuting bats due to the low number of trees on site and the urban location. Other protected species such as amphibians, reptiles, badgers, hedgehogs and dormice were likewise not found on site, due to the lack of vegetation and suitable habitat on site. As a consequence, the development will have no detrimental impact on the site in terms of ecology and biodiversity.

6.7.2 Green spaces and trees

Policy

210 S.197 of the Town and Country Planning Act gives LPA's specific duties in respect of trees.

211 LPP G7 requires development proposals to ensure that existing trees of value are retained. The planting of additional trees should generally be included in new developments. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

212 Para.131 of the NPPF (2021) states that trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change. Planning policy and decisions should ensure that existing trees are retained wherever possible.

Discussion

213 An updated Tree Survey and Arboricultural Impact Assessment (Arborclimb Consultants - June 2023) was submitted as part of the application. In line with development constraints and proposed landscape improvements one category C tree and four category U trees will be removed from site. These include trees T6 to T10 as shown on the tree constraints plan. All five trees are located on the site's western boundary.

214 The trees within this backland site make a significant contribution to both biodiversity and the quality of the public realm. Views of the trees glimpsed through gaps between buildings and from the junction of Creeland Grove with Catford Hill, provide important visual interest and depth to an otherwise built-up urban area.

215 The Council's tree officer undertook two site visits to the site, on 7th May and 19th July 2023 and observed that the two protected Ash trees to the front of the site are in good health and free from disease. The revised scheme layout which now includes the retention of the two ash trees is welcomed. The proposed footpath that will be sited within the root protection area of the two ash trees (T4 and T5) will include Geo-cellular ground protection as part of the construction subbase which will protect the roots from compaction damage.

216 As part of the landscaping scheme, five trees will be planted along the western boundary of the site; four callery pear trees and one crab apple tree. A further 4 trees will be planted within the site; along with communal and private lawned areas, shrub and bulb planting.

217 The Council's Ecological Regeneration Manager offered no objection to the documents submitted. The tree officer has concerns regarding post development pressure on the retained trees, however the revised scheme is considered an improvement.

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6.7.3 Ground pollution

Policy

218 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.

219 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.

220 DMP 28 reflect national policy and are relevant.

Discussion

221 The existing garages are used as storage spaces for individuals. There is a risk that contaminants may be present on site. A Phase 1 Desk Study (Ground Condition Consultants May 2023) has been submitted with the application and concludes that there is potential for contamination to be present on site. The risks identified include asbestos beneath the site and in the construction of the current garages. There is also potential for ground gas generation, if significant thickness of Made Ground are present.

222 The Environmental Protection Team offered no objection with regards to the desk study produced and recommended a land contamination assessment and associated remediation study to be secured by condition. Since the site is within an area of archaeological importance an Archaeological desk-based assessment has been undertaken (RPS - JAC28754 Version 1 February 2023). In summary, the site has been assessed for its below ground archaeological potential and concluded a low to moderate potential at the site for significant remains. However, it was considered that it would be reasonable for further evaluation and mitigation works to be secured by condition.

6.7.4 Natural Environment conclusion

223 The proposal would, subject to conditions, have an acceptable impact with regards to ecology and biodiversity. Additionally, subject to a condition, officers are satisfied that concerns surrounding the historic ground pollution at the site can be mitigated.

7 LOCAL FINANCE CONSIDERATIONS

224 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).

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- 225 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 226 The CIL is therefore a material consideration.
- 227 £31,086.49 Lewisham CIL and £20,539.29 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

- 228 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.
- 229 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.
- 230 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.
- 231 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 232 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

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- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

233 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>

234 The new dwellings have been inclusively designed for the wider community, and therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

235 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

236 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.

237 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.

238 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, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

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- 240 Principally, the proposal seeks to make a contribution to housing supply of six family sized dwellings which is considered a benefit in planning terms and to which significant weight is attributed. The proposal would also make an improvement to the urban environment in design terms and to biodiversity on the site through the incorporation of soft landscaping.
- 241 Subject to the imposition of an obscure glazed planning condition the impacts to neighbouring buildings with regards to overlooking, privacy and outlook are not considered to be unacceptable. Other considerations surrounding transport, residential quality and sustainable development are all considered to be acceptable subject to conditions.
- 242 In light of the above, officers consider the proposal to be beneficial to the wider area and would meet the requirements of the Development Plan. Consequently, it is recommended that permission be granted subject to conditions.

11 RECOMMENDATION

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

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11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

1095-DFA-01002; 1095-DFA-01003; 1095-DFA-01004; 1095-DFA-01005
(Received 29 March 2023)

1095-DFA-02001; 1095-DFA-02002; 1095-DFA-02003; 1095-DFA-02004; 1095-DFA-02005; 1095-DFA-02101; 1095-DFA-02102; 1095-DFA-02104; 1095-DFA-02105; 1095-DFA-02106; 1095-DFA-02107; 1095-DFA-02108; 1095-DFA-02109; 1095-DFA-02110; 1095-DFA-02111; L039 PL 02 Rev.A; L039 PL 01 Rev.A; L039 PL 03 Rev.A; L039 PL 04 Rev.A; L039 RP01 Rev.A; L039 RP02 Rev.A; L039 RP03 Rev.A; L039 RP04 Rev.A (Received 14 June 2023)

P73jrJune23_TCPex_FV1.dwg (Tree Constraints Plan for existing layout);
P73jrJune23_TCPpr_FV2.dwg (Tree Constraints Plan for proposed layout);
P73jrJune23_TPP_FV1.dwg (Tree Protection Plan) (Received 15 June 2023 as part of the Arboricultural Impact Assessment – Date June 2023)

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

3) CONSTRUCTION MANAGEMENT PLAN

No development shall commence on site until such time as a Demolition and 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) (ii) The location and operation of plant and wheel washing facilities.
- (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.

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- 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).

4) **SOFT LANDSCAPING**

All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following completion of the development, in accordance with the Planting Plan (drawing L039-PL-03 Rev.A) and the Planting Schedule (L039-RP02 Rev A). Any trees or plants which within a period of five years from the completion of the development, die or 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).

5) **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.

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6) 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.

7) OBSCURED GLAZING

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the first floor rear windows on the rear elevations of Units 3, 4 and 5 as shown in approved drawing 1095-DFA-02003 shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' prior to the first occupation of the residential units hereby approved and shall be retained in perpetuity.

Reason: To avoid the direct overlooking of the rear gardens of Exbury Road 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).

8) ARCHAEOLOGICAL WORK

- a. No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include:
 - i) the statement of significance and research objectives;
 - ii) the programme and methodology of site investigation and recording;
 - iii) the programme for post-investigation assessment, subsequent analysis, publication & dissemination and deposition of resulting material; and

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- iv) details of the nomination of a competent person(s) or organisation to undertake the agreed works.
- b. Prior to first occupation of the development, evidence of the post-investigation assessment, analysis, publication & dissemination and deposition of resulting material, completed in accordance with the programme set out in the WSI shall be submitted to the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021)

9) **REMOVE PERMITTED DEVELOPMENT RIGHTS**

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

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

10) **TREE PROTECTION**

The tree protection measures as set out in the approved Tree Protection Plan P73jrJune23_TPP_FV1.dwg shall be implemented before the start of any demolition works and should be kept in place throughout the construction process.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

11) **CYCLE STORES**

- a. Prior to first occupation of the development hereby approved, full details of the short stay cycle parking facilities for the residential units shall be submitted to and approved in writing by the local planning authority. The short stay cycle parking facilities shall be installed prior to occupation of the development and maintained thereafter.

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- b. All cycle parking as set out in drawings 1095-DFA-02109 and 1095-DFA-02110 and L039-PL-02 Rev.A 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)

12) **M4(2) RESIDENTIAL UNITS**

All 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 drawings, prior to their first occupation and maintained for the lifetime of the development.

Reason: To ensure the new residential units are inclusively designed and laid out and can easily be 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)

13) **AIR SOURCE HEAT PUMPS**

No development shall take place until a scheme including the details of the location, type and specification and enclosure of the proposed Air source heat pumps shall be submitted to and approved in writing by the local planning authority. The approved plant shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied and shall be retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in accordance with policy DMS1 and to accord with London Plan Policy SI 1 'Improving air quality' and Policy T7 'Deliveries, servicing and construction' of the London Plan (March 2021), and paragraph 181 of the NPPF.

14) **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 residential dwellings 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.

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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.

15) **REFUSE STORES**

- a) Prior to the first occupation of the development hereby approved details of the waste management strategy for the moving of bins to and from the collection point for the residential units hereby approved, have been submitted to and approved in writing by the local planning authority. The WMS shall be implemented in accordance with the approved details prior to occupation of the development and shall be maintained as such for the lifetime of the development.
- b) The facilities as approved in drawings 1095-DFA-02111 and 1095-DFA-02107 and L039-PL-02 Rev.A shall be provided in full prior to occupation of the development and shall be thereafter 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 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)

16) **LAND CONTAMINATION**

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

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

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

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

11.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted
- 2) 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.
- 3) 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
- 4) The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

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12 BACKGROUND PAPERS

244 Submission drawings, technical reports and documents

245 Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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