



Planning Committee B

GARAGES AT LAND ON WESTERN SIDE OF MILLBANK WAY, LONDON SE12

Date: 21 February 2024

Key decision: No

Class: Part 1

Ward affected: Lee

Contributors: Max Curson, Senior Planning Officer

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as the application received 11 objections from local residents.

Application details

Application ref. no:	DC/23/133105
Application Date:	15 September 2023
Applicant:	Afraa Homes Limited
Agent:	Planning Architecture Ltd
Proposal:	Demolition of existing garages and construction of 9 dwellinghouses (Use Class C3), together with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated works on land to the Western Side of Millbank Way, London, SE12.
Background Papers:	(1) Submission drawings (2) Submission technical reports and documents (3) Statutory consultee responses
Designation:	PTAL 3 Lee Neighbourhood Forum Air Quality Management Area HMO Article 4 Direction Not in a Conservation Area Not a Listed Building
Screening:	N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a plot of land on the western side of Millbank Way. The site comprises four rows of 1960/70s garages, with associated hard and soft landscaping. The garages are not in use having been boarded up since 2012. Bollards have been installed to prevent access to the garage area.
- 2 A large mature unprotected tree is located at the southern end of the site and is prominent when viewed from Dorville Road.

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Figure 1: Site Location Plan

Character of area

- 3 The surrounding area is predominantly residential in character. The built form of the surrounding area is mixed. Millbank Way comprises a terrace of two storey 1960s/70s housing on the eastern side, with the associated but now defunct garages, the subject of this application, located opposite. Three storey blocks of flats are located to the east of the site. Large three and four storey Victorian housing borders the site on its western

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edge. The properties adjoining the site to the north on Osberton Road comprise a three storey block of flats, and generously sized 1930s detached and semi-detached dwellings. The built form on Dorville Road and Silk Close broadly comprises two storey post war terraced properties.

Heritage/archaeology

- 4 The site is not located within a conservation area, nor is it subject to a relevant Article 4 Direction that revokes its permitted development rights to carry out alterations or extensions to the existing garages. It is not a listed building nor located in the vicinity of one.

Surrounding area

- 5 The Edith Nesbitt Pleasure Ground is located 50m to the north of the site. Burnt Ash Road, which provides a range of good and services, is located 200m to the west of the site. The Leegate Centre, which is set to be redeveloped, is located within a 200m radius of the site.

Local environment

- 6 The site is located within Flood Zone 1 which indicates a low risk of flooding. It is also located within an Air Quality Management Area.

Transport

- 7 The site has a moderate Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 8 Lee Railway Station is located 400m to the south-west of the site. Burnt Ash Road provides access to a number of bus services.

2 RELEVANT PLANNING HISTORY

- 9 **DC/15/092720:** The demolition of the existing garages on Site A, Land on Western Side of Millbank Way, Lee Green Estate, Cambridge Drive SE12, the construction of a part two/part three storey building to provide 4 one bedroom, 4 two bedroom and 4 three bedroom self-contained flats together with associated landscaping, amenity space, refuse storage and detached cycle store. Granted on 22 February 2018. This permission has now lapsed.



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Figure 2: Front Elevation of previously approved application DC/15/092720.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 Full planning permission is sought for the demolition of the existing garages at the site and the construction of nine residential dwellings (Use Class C3), together with associated cycle parking, refuse storage, car parking, amenity space and landscaping.
- 11 The development would provide 1 (one) two-bedroom four-person unit, 6 (six) three-bedroom six-person units, and 2 (two) three-bedroom five-person units resulting in 9 (nine) units in total.
- 12 Eight of the dwellings would be three storeys in height, with the most northerly dwelling being two storeys. The primary facing material would be red and buff stock brick. Timber cladding would be used in the inset section at ground floor level. The three storey dwellings would each have a mansard style roof finished in grey slate style roof tiles with single front dormers and rooflights to the front and rear roofslopes. All units would have planted green roofs.
- 13 Each dwelling would have access to private amenity space in the form of a rear garden. Cycle storage would be located in the rear garden, with refuse storage located in the front garden. Two parking spaces including a single accessible bay would be provided along the northern edge. The existing dropped kerbs at the site would be reinstated. The existing opening at the north of the site would be enlarged to allow for safe access to the two parking spaces.
- 14 A pocket park would be created at the south of the site facing onto Dorville Road.
- 15 The case qualifies as a major application as it has a GIA in excess of 1,000sqm.
- 16 Minor amendments have been made to the scheme during the course of the application. These amendments were broadly to address concerns raised by technical colleagues. Solar PV equipment, along with other energy efficiency measures, have been incorporated at the request of the Net Zero Manager. Minor amendments to the layout have also been undertaken to address sustainable urban drainage concerns.



Figure 3: Proposed Front Elevation

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3.2 COMPARISON WITH PREVIOUS SCHEME

- 17 Beyond the differences in design, the key variance between the current and the previously consented scheme (DC/15/092720) is the quantum of development and unit mix. The previous scheme provided 4 one-bedroom flats, 4 two-bedroom flats and 4 three-bedroom flats. Whilst the current scheme provides fewer units, it does provide 8 single family homes (defined as three-bedroom units with access to provide amenity space), an increase of 4 when compared to the previous scheme.
- 18 The consented scheme also did not provide any off-street parking or a pocket park. It also provided a lesser quantum of cycle parking.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 19 Pre-application advice was provided under reference PRE/23/131160 in May 2023. The pre-application document commented on the number of units, design of the development, servicing and amenity, and the potential impact on trees.

4.2 APPLICATION PUBLICITY

- 20 Site notices were displayed on 10 October 2023 and a press notice was published on 11 October 2023.
- 21 Letters were sent to residents and business in the surrounding area and the relevant Ward Councillors on 10 October 2023. The Lee Manor Society and Lee Neighbourhood Forum were also consulted.
- 22 11 Objections were received regarding the proposal.

4.2.1 Comments in objection

Comment	Para where addressed
Impact to neighbouring residential amenity through loss of privacy and light.	167-170, 176-178.
Loss of green spaces. Insufficient soft landscaping in the design.	195-196, 223-224.
Three storey height is out of keeping with the area.	130
Objection to draft construction management plan.	185
Impact on parking capacity and a lack of parking spaces proposed.	154-156
Overdevelopment of the site in terms of the built footprint.	77
Impact during construction.	185

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Impact on trees.	223
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23 A number of non-material planning considerations were also raised, including impact to those who work from home during the construction period and the impact on private views.

24 The Lee Manor Society commented in support of the scheme, welcoming the provision of family homes. The retention of the green space facing onto Dorville Road was supported, with the request that the area is kept open without being enclosed by railings.

4.3 INTERNAL CONSULTATION

25 The following internal consultees were notified on 10 October 2023:

26 Highways: raised no objections subject to conditions. See paras 140-157 for further details.

27 Environmental Protection: no objections subject to conditions. See paras 108, 182-185, 228, 233 for further details.

28 Urban Design: no objections subject to conditions. See parass 123-135 for further details.

29 Net Zero Manager: requested revisions to the scheme. The scheme was subsequently amended in line with the comments provided. See para 191-192 for further details.

30 Flood Risk Manager: requested revisions to the scheme. The scheme was subsequently amended in line with the comments provided. See para 205-207 for further details.

31 Ecology: requested revisions to the proposed green roofs. See paras 187 and 217 for further details.

32 Tree Officer: raised no objections subject to conditions. See para 223-224 for further details.

4.4 EXTERNAL CONSULTATION

33 The following External Consultees were notified on 10 October 2023.

34 London Fire: did not provide comments.

35 Metropolitan Police: raised no objection subject to a Secure by Design condition. Given the scale of development, and its typical residential terraced form, Officers have decided not to include a secure by design condition due to the impact it would have on the pocket park (no benches or seating areas to prevent loitering and a hoop top boundary treatment).

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5 POLICY CONTEXT

5.1 LEGISLATION

36 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

37 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.

38 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.

39 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.

40 However in this case a slightly different situation exists. The delivery of housing is a government priority set out in the NPPF. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

NPPF paragraph 11(c)

‘approving development proposals that accord with an up-to-date development plan without delay; or’

NPPF paragraph 11(d)

‘where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.’ (This is known as the tilted balance).

In other words, the tilted balance weighs a development's adverse impacts against its benefits, not on a level playing field, but tilted towards granting permission.

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- 41 For planning applications involving the provision of housing as is the case with the present application, footnote 8 to NPPF paragraph 11(d) specifies that policies will be considered out-of-date where:
- (a) the local planning authority cannot demonstrate a five-year supply (or a four-year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or
 - (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- 42 Having regard to the above the Council has failed its Housing Delivery Test (which is an annual measurement that compares the number of net homes delivered over the previous three financial years to the homes required over the same period).
- 43 The latest Housing Delivery Test results demonstrate that across Lewisham housing completions are significantly under-performing, at 51% of the requirement delivery target of 75%. Therefore, the presumption requires that permission should be granted unless either i or ii set out in paragraph 40 above applies. In this instance, although NPPF paragraph 11(d)(i) is not triggered as the site does not relate to a designated heritage asset, NPPF paragraph 11(d)(ii) is still applicable, and any harmful impacts must be significant and demonstrable in outweighing the planning benefits in the tilted balance presumption towards granting planning permission.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2023 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

44 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

45 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

46 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)

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- The control of dust and emissions during construction and demolition (July 2014)
- Crossrail Funding (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- 'Be Seen' Energy Monitoring Guidance LPG (September 2021)
- Whole Life-Cycle Carbon Assessments LPG (March 2022)
- Circular Economy Statements LPG (March 2022)
- Energy Assessment Guidance (June 2022)
- Characterisation and Growth Strategy LPG (June 2023)
- Optimising Site Capacity: A Design-led Approach LPG (June 2023)
- Small Site Design Codes LPG (June 2023)
- Housing Design Standards LPG (June 2023)
- Urban Greening Factor LPG (February 2023)
- Air Quality Positive LPG (February 2023)
- Air Quality Neutral LPG (February 2023)
- Sustainable Transport, Walking and Cycling LPG (November 2022)

EMERGING LEWISHAM LOCAL PLAN

- 47 On the 3rd of November 2023 Lewisham Council submitted the Lewisham Local Plan and its supporting documents to the Secretary of State for its independent examination. Relevant policies may now be given weight as appropriate in accordance with para 48 of the NPPF.

6 PLANNING CONSIDERATIONS

- 48 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

- 49 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan. Due to the failure of the HDT, as the policies are deemed out of date as set out in paragraph 41 of the NPPF, the presumption is to grant planning permission unless the circumstances in paragraph 11(d) i or ii applies

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50 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.

Provision of residential units

Policy

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

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

53 The South East London Strategic Housing Market Assessment identifies a local need for family sized dwellings within Lewisham. A family dwelling suitable for households including children is defined as consisting of three or more bedrooms.

54 LPP D3 sets out that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.

55 *Discussion*

56 The Housing Delivery Test is an annual statutory measurement of housing delivery. It provides a similar but parallel performance measurement to that required under the five-year housing land supply statement. The latest Housing Delivery Test results demonstrate that across Lewisham housing completions are significantly under-performing, at 51% of the requirement delivery target. The result imposes three penalties upon the Council which are:

- i. At 95% under-delivery, the failing local planning authority is required to prepare, publish, and implement an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years.
- ii. At 85% under-delivery the failing local planning authority must apply a 20% buffer on top of their established housing requirement, with the intended ambition that the application of the buffer boosts housing delivery; and
- iii. Below 75% under-delivery the presumption in favour of granting planning permission will apply,

These take effect immediately.

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57 For decision-takers, the imposition of the presumption in favour of granting permission and the engagement of the 'tilted balance' is the most significant and immediate consequence of significant under-performance.

58 The South East London Strategic Housing Market Assessment identifies a local need for family sized dwellings within Lewisham. A family dwelling suitable for households including children is defined as consisting of three or more bedrooms with access to provide amenity space. The proposal would see the provision of 8 well-sized family units, with a further single two-bedroom unit. This would make a welcome contribution to Lewisham's housing targets and provide family accommodation which would meet an identified housing need and carry a significant planning and public benefit.

Infill Development

59 The site is considered to be suitable infill development for the purposes of DMP 33 and the Small Sites SPD. The wording of DMP33 states that Development within street frontages and on street corners will only be permitted where they:

- a. make a high quality positive contribution to an area
- b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
- c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
- d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
- e. retain appropriate garden space for adjacent dwellings
- f. repair the street frontage and provide additional natural surveillance
- g. provide adequate privacy for the new development and
- h. respect the character, proportions and spacing of existing houses.

60 The site has a convenient and direct access to the public highway for servicing and is located within a residential area. The massing and height of the development sits comfortably between the two storey properties on Millbank Way and the three and a half storey properties on Leyland Road. The development wouldn't harm the amenity of the neighbours and would provide a sufficient garden amenity space and an overall high standard of residential quality. As such, the site is considered to be suitable for an infill development.

Loss of garages

61 The Council previously supported the principle of the development of the site through application DC/15/092720. The Small Sites SPD notes that planning applications which propose the replacement of existing garages will need to demonstrate these structures are no longer required. In many cases, the loss of garages can be supported as they are often in disrepair, and not sufficiently large to accommodate modern vehicles. The existing garages at the site are not in use, having been boarded up and bollards have been erected to prevent vehicle access since 2012. As they are not currently used for

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parking there would not be a net loss in off-street parking availability. Therefore, in principle, the loss of the garages can be supported.

62 The existing garages offer limited architectural contribution and are a reflection of their function. The demolition of the garages is supported subject to the replacement development being of high-quality design.

6.1.1 Principle of development conclusions

63 In planning policy terms, the recently published Housing Delivery Test results demonstrate that the development industry is significantly under-performing on delivery across the Borough, completing only 51% of the measured target. For this reason, the Council's decision-takers must take account of the Housing Delivery Test triggered tilted presumption in favour of granting permission.

64 The proposal would provide nine high quality residential units, eight of which would be family-sized dwellings. The provision of family-sized dwellings would make a welcome contribution to Lewisham's housing targets and deliver a housing type of identified need. This carries a substantial planning merit and public benefit. The site is also suitable for an infill development and the loss of the existing garages is acceptable as they have been boarded up and not been in use since 2012. The principle of development is therefore acceptable subject to other material planning considerations are to be met such as the design, standard of living accommodation and highway impacts among others. These matters are discussed further in detail in the remainder of this report.

6.2 HOUSING

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

6.2.1 Contribution to housing supply and housing mix

Policy

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

67 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

68 LLP H10 states that schemes should generally consist of a range of unit sizes. This is supported by CSP 1.

69 Policies H1, H2 and D6 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is 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 (including PTAL); and (iii) the capacity of surrounding infrastructure.

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Discussion

- 70 A key component of the NPPF is the presumption in favour of sustainable development in Paragraph 11. For decision-making this means approving applications that accord with the development plan without delay (paragraph 11(c)), or, where there are no relevant development plan policies, or where the policies most important for determining the application are out-of-date, granting permission unless either:
- i. the NPPF policies that protect areas or assets of particular importance provides a clear reason for refusing a proposed development; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. (paragraph 11(d) – also referred to as the ‘tilted balance’).
- 71 Criterion i) of NPPF paragraph 11(d) would not be triggered as the proposed development would not affect any designated heritage assets, and as such criterion ii) is applicable. Whether a ‘straight balance’ (where harms outweigh the benefits) or a ‘tilted balance’ is appropriate will depend on whether the policies which are most important for determining the application proposals are out of date. NPPF Paragraph 11 footnote 8 defines ‘out of date’ as including, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five-year housing supply, or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirements over the previous three years.
- 72 In this instance, the policies which are most important for determining the application are out of date i.e. the ‘tilted balance’ is engaged because, the Council failed the 2022 Housing Delivery Test, delivering only 51% of its housing target between 2019 and 2022.
- 73 The proposal is a housing windfall site. This is a key consideration in respect of the Housing Delivery Test triggered presumption in favour of granting permission. Proposals on such sites have the greatest potential to address under-performance and consequently the Council’s decision-takers must positively consider these opportunities when they arise. It is important that Council’s decision-takers have confidence that the developer, and their proposal, has a reasonable prospect of being completed within three-years of consent being granted. This is a higher bar than that required within the context of the housing supply triggered presumption.
- 74 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Table 1: Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	0.12	n/a
Units	9	75
Habitable rooms	43	358.3
Bedrooms	27	225
Bedspaces	50	416.6

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- 75 Table 1 demonstrates that the overall density for the site is relatively modest for all measures given the location.
- 76 LPP D2 advises that density should be linked to the provision of infrastructure for the area and accessibility in terms of sustainable transport modes. The site has a PTAL rating of 3, with Lee Railway Station located 400m from the site. Burnt Ash Road, 200m from the site provide access to a number of bus routes and goods and services, whilst the Edith Nesbitt Pleasure Ground is located 50m north of the site. Given the proximity to public transport and services, and the existing built form and urban grain, the level of density proposed is considered appropriate.
- 77 The key issue is whether the site is being optimised. Policy D3 of the London Plan requires development to make the best use of the land by following a design-led approach to optimise the capacity of sites. As established through application DC/15/092720, the site can accommodate 12 residential units. The unit mix provided was 4 x 1 bedroom units, 4 x 2 bedroom units and 4 x 3 bedroom units. The built footprint of the current scheme is considered appropriate of the site given the need to provide sufficiently sized residential rear gardens, cycle parking, refuse storage, car parking and children's play space. The mature tree facing onto Dorville Road is of high ecological and visual value and prevents the proposed terrace extending to the south. Officers are satisfied that the built footprint proposed is maximised for the site. As such, any objection to the scale of development would need to be through the unit mix.
- 78 Internally, whilst the units are large, they are not egregiously oversized. The largest unit would be 34 sqm above the minimum requirements of Policy D6 of the London. The Housing Design Standards LPG, adopted in 2023, introduces best practice minimum space standards of residential dwellings, to accompany the minimum space standards set out in LPP D6 to ensure new homes are for fit-for-purpose and of the highest design quality. For a three-bedroom six-person unit, the largest unit sized proposed, the best practice GIA is set at 120sqm for a three-storey dwelling. The proposed six person units, at 128sqm and 133sqm, are broadly in line with the best practice guidance.
- 79 Whilst the proposal would provide three fewer units than the previous permission, it would provide twice as many family-sized units, with the units provided being of a greater housing need and standard of accommodation exceeding the best practice minimum space standards. If a 12-unit scheme had not previously been consented at the site, Officers would have no objections to the scale of development proposed in the current scheme. As such, Officers are satisfied that the proposed development optimises the site. The provision of eight high-quality family-sized units is welcomed and carries a substantial planning merit. The unit mix predominantly comprises three-bedroom family sized units, with an additional two-bedroom unit. The surrounding area is suburban in nature and characterised by family use. Family housing (three bedrooms with a garden) is of the highest value and demand to Lewisham's housing stock. Given the suburban location Officers are satisfied that the unit mix proposed is appropriate.

Summary

- 80 The proposed density and contribution to housing supply is considered proportionate and the unit mix appropriate for the site and scale of development proposed.

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6.2.2 Affordable Housing

Policy

- 81 Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, a community-led development exception site or a rural exception site.
- 82 Policy H4 of the London Plan states that all major developments of 10 or more units triggers an affordable housing requirement. CSP1 requires housing development on qualifying sites (10 or more dwellings) to provide as much affordable housing as is financially viable. Policy H03 of the draft Lewisham Local Plan states that Development proposals for new housing, including mixed-use developments, with site capacity to accommodate 10 or more dwelling units must deliver the maximum amount of genuinely affordable housing.

Discussion

- 83 The proposed development is a major development by virtue of new development being greater than 1,000sqm in residential floor area. It would not provide any affordable housing units.
- 84 It is noted that the NPPF which is a material planning consideration requires all major development proposals should expect at least 10% of the total number of homes to be available for affordable home ownership. This conflicts with the affordable housing policies of the current and emerging Development Plan which set the threshold for a scheme delivering affordable housing as development proposals of 10 or more units. The London Plan and wider Lewisham Development Plan clearly set the threshold for affordable housing at 10 units. Lewisham has consistently taken the approach that affordable housing provision would only be required for developments of 10 units or more. Whilst the failure to provide affordable housing would conflict with NPPF paragraph 65, given the wider policy stance of the Development Plan, the significant material planning benefit of the provision of eight family housing units (out of the nine residential units proposed in total), and the engagement of the titled balance in favour of development through the Council's failure of the HDT, Officers consider the non-provision of affordable housing to be acceptable in this instance.

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6.2.3 Residential Quality

General Policy

- 85 NPPF para 135 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).
- 86 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

Internal space standards

Policy

- 87 LPP D6 requires new homes to meet specific space and other standards. LPP D6 requires single bedrooms to have a floor area of at least 7.5sqm and double bedrooms to have a floor area of at least 11.5sqm. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the GIA.
- 88 DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.
- 89 LPP D6 states that for 1-2 person dwellings, a minimum of 5sqm private external amenity space is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

Discussion

- 90 Four dwelling types are proposed. The table below sets out proposed dwelling sizes.

Table 2: Internal space standards – proposed v target

Unit type	No of bedrooms	No. of persons	2 storey dwelling (proposed (target))	3 storey dwelling (proposed (target))	Built-in storage (proposed (target))
1	2b	4p	94 (79)	N/A	Complies (2.0)
2	3b	6p	N/A	132 (108)	Complies (2.5)
3	3b	6p	N/A	128 (108)	Complies (2.5)
4	3b	5p	N/A	133 (99)	Complies (2.0)

- 91 All of the proposed residential accommodation would exceed the internal space standards in terms of overall GIA, bedroom sizes and the provision of storage. The

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internal floor to ceiling heights would meet the London Plan requirement set by policy D6 of 2.5m for 75% of the overall GIA. All of the gardens are appropriately sized to provide private amenity space which would exceed the requirements of LPP D6.

- 92 Overall, Officers are satisfied that the proposed floorplans would provide well considered and efficient layouts that comply with the internal and external space standards.

Outlook & Privacy

Policy

- 93 LPP D6 requires development to achieve ‘appropriate outlook, privacy and amenity’. Policy D6 also seeks to maximise the provision of dual aspect dwellings. This is echoed in DM policy 32.
- 94 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.
- 95 Section 12.4 of the Small Sites SPD (October, 2021) sets out that there should generally be no less than 10m between the blank wall of a new home and an existing principal window serving a habitable room, and no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way

Discussion

- 96 All units proposed would be dual aspect with unobstructed outlook to the front and rear. The fenestration patterns are typical of those generally provided in family housing. Each habitable room would be served by a generously sized window which would provide a good quality level of outlook.
- 97 The front garden landscaping provides a level of natural screening and privacy to the ground floor front windows. The layout of the development would generally provide in excess of 16m separation distance between the front facing windows of the proposed development and the properties opposite on Millbank Way. The only transgression would be between Unit 03 and No.8 Millbank Way, which would have separation distance of 15.2m. Given the minor nature of the transgression, and the fact that the properties are located at an angle, Officers are satisfied that the separation distances are reasonable.

Overheating

Policy

- 98 LPP D6 states that housing development should be designed to achieve adequate levels of ventilation.
- 99 LPP SI 4 states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating.

Discussion

- 100 Each unit would be dual aspect which would provide good levels of passive ventilation to prevent overheating. An Overheating Assessment (Mach Group, December 2023, Rev 01) was submitted with the application. The measures proposed, along with the dual aspect nature and generous ceiling height, are sufficient to prevent overheating. All units

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would meet Part O Building Regulations and London Plan guidance for overheating. No mechanical ventilation is required.

Daylight and Sunlight

Policy

- 101 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 102 DMP 32(4)(c) sets out that there will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved. North facing single aspect flats will not be supported.
- 103 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context. In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours. All of the daylight sensitive spaces have been assessed (Living rooms/Kitchens, Study room & Bedrooms).

Discussion

- 104 An Internal Daylighting Assessment (Mach Group, September 2023, Rev 01) was submitted with the application. The report focuses on assessing House Type 4 as the worst-case building for internal daylighting. Considering all spaces have large glazing areas, house type 4 was chosen because it contains the rooms with the deepest layout among other house types which might become a major limiting factor of daylighting performance. All habitable rooms comfortably meet the BRE standard targets in terms of daylight distribution and sunlight hours. As such, Officers are satisfied that the proposed development would receive sufficient levels of natural light.

Noise & Disturbance

Policy

- 105 The NPPF at para 180 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Paragraph 180 goes on to state that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Discussion

- 106 A Noise Impact Assessment (Compliance 4 Buildings Ltd, July 2023, v2) was submitted with the application. Sound levels were measured from two different positions with the ambient noise levels found to be 53 and 48 dba during the daytime and 48 and 42 dba at night. Environment Health reviewed the submitted details and raise no concerns, subject to the conditions for sound insulation and a Construction Management Plan.

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Air Quality

Policy

- 107 NPPF para 180 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 air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

Discussion

- 108 An Air Quality Assessment (Compliance 4 Buildings Ltd, August 2023, v2) was submitted with the application. The assessment concludes that existing and future concentrations of pollutants at proposed residential use are predicted to be below the relevant air quality standards. The AQA was reviewed by Environmental protection who raised no objections to the proposal, subject to conditions for a Dust Management Plan, further details of the Air Source Heat Pumps and a standard Non-Road Mobile Machinery condition.

Accessibility and inclusivity

Policy

- 109 LPP D7 requires that 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. All the remaining dwellings should achieve M4(2) 'accessible and adaptable' standards.

Discussion

- 110 No wheelchair housing units are proposed as the development, being nine units in size, is under the threshold for providing wheelchair accessible units. The units are designed to M4(2) standards and this would be secured via condition.

Children's play space

Policy

- 111 Policy S4 expects development proposals for schemes that are likely to be used by children and young people to increase opportunities for play and informal recreation, and for residential developments to incorporate at least 10sqm per child of play provision for all ages. D3.D(8) development proposals should provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity. D6 states communal play space should meet the requirements of LPP S4.
- 112 CSP 12 seeks to provide opportunities for sport, recreation, leisure and well-being by, inter alia, maximising opportunities for sport and recreation through well-designed and managed spaces, which take into account the Mayor's Children and Young People's play space requirements in a safe environment.

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113 DMP 32 expects all new-build housing development will be required to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play.

114 Play and Informal Recreation (GLA, 2012) provides detailed guidance, including Table 4.6 which sets out prospective play space typologies, summarised as (i) doorstep playable space; (ii) local playable space; (iii) neighbourhood playable space; and (iv) youth space.

Discussion

115 Using the GLA's population yield calculator, the proposed development is estimated to have a child yield of 4.3. The Mayor's Play Space SPG (2012) sets out that for proposals generating a child yield of less than 10 children, on site designated play space is not required. Nevertheless, the proposal would provide 175sqm of children's play space at the southern end of the site, facing onto Dorville Road. The area would be surrounded by planting. It is expected that older children would travel offsite to local parks, such as the Edith Nesbitt lease Ground, located 50m to the north of the site. As such, the provision of children's play space is supported and is considered to be a planning merit of the scheme.

Summary of Residential Quality

116 Subject to standard conditions regarding air quality and sound insulation, the proposed residential quality is assessed to be of sufficient standard to satisfy the relevant policies.

6.2.4 Housing conclusion

117 The unit mix and density proposed is assessed to be appropriate for the site and context. The standard of accommodation is of sufficient quality. The proposal is non-objectionable with regard to housing.

6.3 URBAN DESIGN

General Policy

118 The NPPF at para 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

119 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

120 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

121 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

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- 122 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site-specific creative response to the character and issues of the street frontage typology.

Discussion

- 123 The existing site comprises a number of single-storey 1960/70s garages and hardstanding. The garages are unused and in a poor state of repair, having been boarded up at some point in the past. Bollards have been erected to prevent access to the garages and discourage fly tipping and informal parking. The site at present is not attractive in appearance and does not positively contribute to the character or appearance of the surrounding area.
- 124 The development would see the construction of a single part two, part three staggered terrace comprising 9 residential dwellings oriented on the western side of Millbank Way. The southernmost eight dwellings would be three storeys in height, and the northern most dwelling would be two storeys. The primary facing material would be red and buff stock brick. Timber cladding would be used in the inset section at ground floor level. The three storey dwellings would each have a mansard style roof, finished in grey slate style roof tiles. All units would have planted green roofs.

Layout

- 125 Each unit would be of generous width with short front gardens and larger rear gardens. Two car parking spaces would be provided at the north of the site. Refuse storage would be provided in the front gardens and cycle parking in the rear gardens. The exception to this is Units 01 and 09, the end units, which have side access to refuse storage and cycle parking in their rear gardens. The layout proposed is considered appropriate given the nature of the plot.
- 126 The development would retain the open/landscaped corner at the southern aspect of the site facing onto Dorville Road. This is supported as it would protect the large category A tree while providing additional play space within the neighbourhood. Community consultation for the previous application found that the tree was valued highly.
- 127 The play space could benefit from further design details and a way to differentiate it from the playground already provided at Edith Nesbitt Gardens. Further details on the landscaping and the boundary treatment would be secured via condition.

Form and Scale

- 128 The proposal is for a row of nine townhouses staggered in three sets. Units 02-09 would be three storeys in height, set across a traditional two storeys with a mansard roof. Unit 01 at the northern end is the anomaly at two storeys in height with a flat roof design. The height of Unit 01 has been determined as a result of complying with the BRE 25 degree daylight rule for the properties on Osberton Road (illustrated in figure 31 of the Small Sites SPD).
- 129 Whilst the break in roofline is unfortunate in design terms, it is a requirement to protect neighbouring amenity and is unavoidable. Officers consider that the drop in roof line, from three storeys to two, is a better design solution at the site than a gradual rise from two storey to three (for example going from two storey to two and a half storeys,

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potentially via an internal mezzanine level). This allows the family housing provision at the site to be maximised.

- 130 The overall massing, although more solid along the street, has a lower roof pitch than that previously consented. The built form, scale and mass proposed broadly follows the design principles set out in the Small Sites SPD section 32 (garage sites) which states that the height of proposed development should generally follow the predominant height of the properties surrounding it. The rear properties on Leyland Road are three and a half storeys and those opposite the proposal site on Millbank Way are two storeys with a pitched roof. Overall, the proposal at 2 principal floors with a mansard roof angled away from the primary façade is a successful transition between the properties on Leyland Road and Millbank Way.

Aspect and Internal Layout

- 131 The internal layouts are well arranged on the ground floor, maximising cross ventilation and dual aspect, while also allowing for flexibility in the future; the kitchen/dining room could be sectioned off if desired by future occupants, which is encouraged in the housing design standards LPG.
- 132 The upper floors of the units would provide generously proportioned bedrooms which would suit family living, as well as a small study which would support home working.

Materiality and Appearance

- 133 The proposal includes red and buff brick; slate roofs, anthracite grey windows/rain-water goods, and timber cladding highlights on the ground floor. The most northern and southern three properties on the terrace would be clad in red brick, with the middle three in a lighter buff brick.
- 134 The material palette has been chosen to complement the context, but in a detailed and contemporary way. The use of different bricks, and the staggered style of the footprint, helps to break up the massing of the terrace. The planted green roofs would ensure that the green character of the surrounding area is maintained. The overall design of the dwellings and the material palette is considered to be of high quality. The development would utilise contemporary design features, whilst the use of red and buff brick, allows the proposed terrace to sit comfortably within the properties at Millbank Way and Leyland Road. Further details of the materials would be secured via condition.

6.3.1 Urban design conclusion

- 135 The design of the development would utilise contemporary design features, whilst referencing the material palette of the surrounding properties through the choice of brick. The height of the development sits comfortably between the two storeys properties on Millbank Way and the three and a half storey properties on Leyland Road. The result is a well design scheme of appropriate scale, which would sit comfortably within the existing streetscene.

6.4 TRANSPORT IMPACT

General policy

- 136 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport

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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.

137 Para 109 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”.

138 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.

139 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

Discussion

140 The existing site, due to its use as garages, has dropped kerbs to facilitate vehicle entry and egress. The dropped kerbs would be reinstated throughout most of the site to provide more convenient pedestrian access. At the north of the site, two parking spaces would be established. The area in which the parking spaces would be located currently has a dropped kerb. There would be alterations to the dropped kerb and hardstanding arrangement to provide the parking spaces. This would be secured via the legal agreement.

6.4.1 Local Transport Network

Policy

141 The NPPF at paragraph 114 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

142 The application site has a PTAL rating of 3 which indicates an average access to public transport. Lee Railway Station is located 400m to the south-west of the site. Burnt Ash Road, located 200m to the west, provides access to a number of bus services. The scale of development is relatively modest. Officers are satisfied that nine additional residential units could comfortably be accommodated within the local transport network.

6.4.2 Servicing and refuse

Policy

143 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.

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144 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.

145 Paragraph 12.14.3 of the Small Sites SPD (2021) sets out that generally residents should have to carry their waste no more than 30m from their front door to a storage point, and this collection point should be positioned no more than 10m from the public highway.

Discussion

146 Refuse storage would be located in the front garden for seven of the units, with refuse storage located in the rear garden for Units 01 and 09, accessed via a side path. The refuse storage for all units would have convenient and level access to Millbank Way for collection. All refuse storage would be comfortably located within 10m of the public highway.

147 240l of refuse storage is required for each three bedroom unit, with 170l required for the two bedroom unit. The plans show two 240l bins would be provided for each residential dwelling. This is a sufficient quantum of refuse provision and is considered acceptable. A condition requiring the refuse storage is provided ahead of occupation is recommended.

6.4.3 Transport modes

Cycling

Policy

148 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan. LPP T5 also requires that cycle parking would meet the London Cycling Design Standards.

149 For residential schemes of between 5-40 dwellings, two short stay cycle parking spaces should be provided.

Discussion

150 Two cycle parking spaces are required for each unit. The cycle parking spaces would be provided in the rear gardens. The quantum of cycle parking proposed is considered acceptable. Units 01 and 09 would have direct access to the street from the garden. The other units would not and would need to carry the bicycles through the house to the cycle parking spaces. Whilst this arrangement is suboptimal, Officers consider it to be an acceptable compromise given the tight nature of the site, the existing narrow footpath at the front of the houses, and the small front gardens. To ensure the cycle parking is sufficiently secure and weatherproof, further details of the enclosures would be secured via condition.

151 Two short stay cycle parking spaces would be provided in the children's play space. This is a sufficient quantum of short stay cycle parking. The cycle parking spaces would be appropriately located and are non-objectionable.

Private cars

Policy

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152 LPP T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

153 LPP T6.1 states that disabled persons parking should be provided for development proposals delivering 10 or more units. Disabled parking counts towards the maximum parking provision for the development

Discussion

154 Table 10.3 allows up to 0.25 parking spaces per dwelling for PTAL 3 areas within Inner London Boroughs. The proposed development would provide nine residential units, which allows for 2.25 parking spaces, rounded down to two. The two proposed parking spaces are non-objectionable and comply with the requirements of LPP T6 and Table 10.3. One of the parking spaces to be provided would be a disabled persons parking space. Whilst nine unit schemes are not required to provide accessible parking, the provision of an accessible parking space is welcomed. A parking design and management condition is recommended for any approval to ensure the final design, allocation and monitoring of the parking is acceptable.

155 The site is not located within a controlled parking zone (CPZ), nor is the surrounding road network. Therefore, the Council do not have any means to restrict parking on the surrounding road network. A Parking Survey / Transport Statement (Green Rhino Planning) was submitted with the application. A parking survey, using the Lambeth methodology, was undertaken at 02:30am on Monday 10th and Tuesday 11th of July 2023. The Lambeth Parking Survey Methodology states that an area of 200 meters from the development should be surveyed, then extend to the next junction, in all available directions. This area is a reasonable length that people will walk to find a parking space around their home. 200m also approximately equates to an average two minute walk, again a reasonable distance to walk to park and retrieve a car. At the time of the surveys all local schools were in operation and no school holidays had started. There were also no travel restrictions imposed, therefore the number of people traveling for business and holidays would not be impacted.

156 The parking survey found 403 parking spaces were located within 200m of the site. Of that 403, 197 (49%) spaces were parked on the 10th and 196 (48%) were parked on the 11th. 206 parking spaces were available on the 10th and 207 available on the 11th. The current parking capacity is well below the 85% threshold for when parking capacity is considered to be stressed. The parking survey was reviewed by Lewisham's internal Highways Department who did not raise any objections. The results of the survey demonstrate that there is sufficient parking availability on the surrounding area, and the development would not lead to any unreasonable impact on parking stress or highway safety.

6.4.4 Transport impact conclusion

157 The proposal would provide a sufficient level of refuse storage and cycle parking. The application has demonstrated that the surrounding area could comfortably accommodate any overspill parking associated with the development. As such, the transport impacts of the proposal are considered acceptable.

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6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 158 NPPF para 135 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 191 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.
- 159 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).
- 160 The main impacts on amenity that generally arise from this type of development include: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; (iv) noise and disturbance and (v) light pollution.

6.5.1 Enclosure and Outlook

Policy

- 161 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours.

Discussion

- 162 The proposed development would see the construction of a terraced block comprising eight three storey dwellings and a single two storey dwelling. The Small Sites SPD, at figure 27 and 31, sets out how impacts to outlook will be assessed. New buildings should not obstruct a line drawn from the vertical centre of a habitable room window at a 25 degree angle, nor a 43 degree line struck from a point 1.6m above ground level at the boundary, where that boundary is within 10m of the rear of the existing property. The section drawings on page 20 of the Design and Access Statement demonstrate that the 25 degree test would be passed for the ground floor windows of both the existing properties on Millbank Way and Leyland Road. As such, Officers are satisfied that the proposal would not impact outlook.

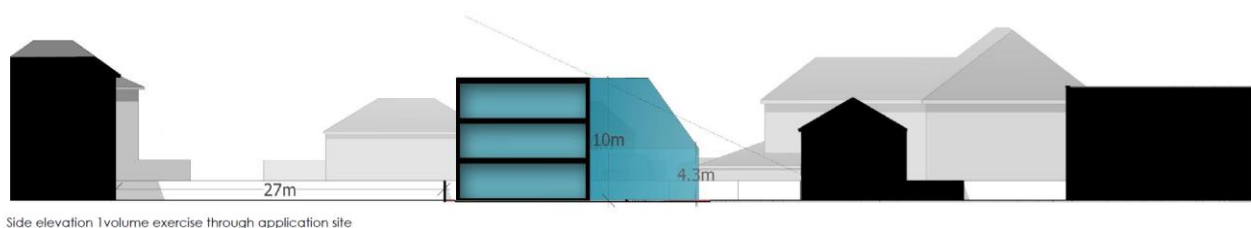


Fig 4: section showing a 25-degree test from Millbank Way.

- 163 The massing of the development would be located a sufficient distance from the gardens of the properties on Millbank Way to prevent any impact in terms of increased enclosure. The three storey properties would be approximately 9m in height. The massing at third storey would be set at an angle due to the mansard roof. The shallowest rear garden would be at least 3m in depth for units 07-09 and increasing for the other units as the footprint of the developments staggers forwards. Officers are satisfied that given the size

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of the gardens at Leyland Road (around 27m in depth), that the massing of the proposed development would not harm the impact of the properties at Leyland Road through increased enclosure. Flats 08 and 09 would be located 3m from the shared boundary with No.17 Dorville Close. Officers are satisfied that the 3m set in from the boundary is sufficient to prevent any unreasonable impact to the outlook of No.17. No.17 would continue to have unobstructed direct views rearwards to the north and westwards.

- 164 Unit 01 would have a shared a boundary with the rear gardens of No.4 and 6 Osberton Road. Unit 01 would be set in 2.7m from the boundary of the rear gardens on Osberton Road. Unit 01 is two storeys with a height of 6.25m. The rear windows of No. 4 and 6 pass a 25-degree test. The reduced height and set in from the boundary are sufficient to prevent any unreasonable impact to the in terms of loss of outlook or increased enclosure for the properties on Osberton Road.

6.5.2 Privacy

Policy

- 165 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours.
- 166 The Small Sites SPD notes that 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. Generally, there should be no less than 16m between new and existing principal facing windows at upper levels. Windows within two walls that are at an angle of more than 30 degrees to one another do not generally count as facing.

Discussion

- 167 The front windows would face eastwards at the rear windows would face westwards. As detailed in the residential quality section of this report, the layout of the development would generally provide in excess of 16m separation distance between the front facing windows of the proposed development and the properties opposite on Millbank Way. The only transgression would be between Unit 03 and No.8 Millbank Way, which would have separation distance of 15.2m. Given the minor nature of the transgression, and the fact that the properties are located at an angle, Officers are satisfied that the separation distances are sufficient to prevent any unreasonable loss of privacy to the properties on Millbank Way.
- 168 In general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.
- 169 The rear windows of units 01 to 07 would be located around 27m from the rear elevation of the properties on Leyland Road, significantly in excess of the 16m requirements of the Small Sites SPD. As such, Units 01 to 07 would not impact the privacy of the neighbours.
- 170 Units 08 and 09 would adjoin the rear garden of No.17 Dorville Road. The upper floor windows would look out onto the 10m protected privacy zone of the rear garden of No.17

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and potentially No.15. The upper floor layouts of Units 08 and 09 have been designed to protect privacy. Non-habitable rooms are located at the rear of the property at first floor level, with the windows serving a bathroom and study respectively. The windows serving these rooms would be located at a high level. A condition is recommended that the windows are obscure glass to protect the privacy of the rear gardens of No.15 and 17. The rear rooflights at second floor level would be located high on the rear roof slope and faced skywards. Officers are satisfied that the rooflights would not impact the privacy of the neighbours.

6.5.3 Daylight and Sunlight

Policy

- 171 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 172 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.
- 173 The NPPF does not express particular standards for daylight and sunlight. Para 129 (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.
- 174 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. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).
- 175 The Vertical Sky Component (VSC) is the amount of skylight received at the centre of a window from an overcast sky. The Annual Probably Sunlight Hours (APSH) and Winter Probably Sunlight Hours (WPSH) is a measure of how much sunlight the window can receive with and without the new development.

Discussion

- 176 A Daylight and Sunlight Impact Assessment Report (Mach Group, August 2023, Rev 00) was submitted with the application. The report assessed the impact on the following properties:
- 15 & 17 Dorville Road (south)
 - 41 Leyland Road (west)
 - 39 Leyland Road
 - 37 Leyland Road
 - 35 Leyland Road
 - 33 Leyland Road
 - 31 Leyland Road
 - 29 Leyland Road

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- 2 & 4 Osberton Road (north)
- 6 Osberton Road
- 8 Osberton Road
- 1- 8 Millbank Way (east)

177 The report assessed the impact of the proposed development on 150 windows throughout the above properties. The report found that all 150 assessed windows comfortably passed the BRE recommended guidelines in terms of VSC, APSH, and WPSH. As such, the proposed development would have a negligible impact on access to daylight and sunlight.

6.5.4 Noise and disturbance

Policy

178 The NPPF at para 180 (e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 191 (a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

179 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:

- a significant adverse effect is occurring or likely to occur;
- an adverse effect is occurring or likely to occur; and
- a good standard of amenity can be achieved.

180 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.

181 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.

Discussion

182 A Noise Impact Assessment (Compliance 4 Buildings Ltd, July 2023, v2) was submitted with the application. Sound levels were measured from two different positions with the ambient noise levels found to be 53 and 48 dba during the day and 48 and 42 dba at night.

183 The proposal would introduce additional residential development into a residential area. The development would not introduce any noise or disturbance beyond typical residential use. Environmental Protection reviewed the document and raised no objections in terms of neighbouring impact.

184 A condition for further details, including noise rating of the Air Source Heat Pumps is also proposed. Given the separation distances between the site and the neighbouring

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properties, Officers are satisfied that ASHPs could comfortably be installed and operated without impact neighbouring amenity.

- 185 There is potential for short-term impacts during the construction phase of development given that there is residential development within the surrounding context. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a comprehensive Construction Management Plan is recommended to be secured by condition in order to minimise the impacts of the development. A condition would also be imposed limiting the time of works and deliveries relating to the construction phase.

6.5.5 Impact on neighbours conclusion

- 186 No unreasonable adverse impacts to the living conditions of the neighbouring properties have been identified and therefore the development would comply with LPP D3, CSP 15 and DMP 32.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 187 Para. 158 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.

- 188 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

- 189 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; Be green: use renewable energy; and Be seen.
- 190 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission and make a financial contribution to a carbon offset fund if this cannot be adequately achieved on site.

Discussion

- 191 A Sustainability and Energy Statement (Mach Group, August 2023, Rev 00) was submitted with the application. The statement was reviewed by the Net Zero Manager who raised concerns with the proposal to put in new gas connections at the site as Air Source Heat Pumps will be installed and used for both heating and hot water. A gas connection is not required for these properties and is not in line with the phasing out of gas in domestic properties. The failure to provide solar PV panels was also noted to be unacceptable. Concerns were also raised with regard to fabric efficiencies, air tightness and overheating.

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192 Following reception of the Net Zero Manager's comments, the Applicant subsequently amended the scheme to provide solar PV panels and improved the fabric efficiencies and air tightness to increase the saving achieved on residential CO2 emissions from 55% to 64%. The Net Zero Manager confirmed that the revised CO2 emissions are acceptable. A financial contribution of £14,040 for carbon offsetting would be secured via s106 agreement.

6.6.2 Urban Greening

Policy

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

194 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

195 The application site currently comprises a number of single storey garages and hardstanding. An area of greenery is located at the south of the site, facing onto Dorville Road. 11 would be removed due to poor health or to facilitate development. Three of the trees are category B and five are category C.

196 The development would incorporate planted green roofs, replacement trees, flower planting, hedges and amenity grassland. A UGF of 0.4 would be achieved, satisfying the requirements of LPP G5. As such, Officers are satisfied that the urban greening of the proposed development would be considered acceptable, and a considerable improvement over the existing arrangement.

Living roofs

197 Planted green roofs would be provided on each of the units. The Ecological Regeneration Manager reviewed the proposal and recommended that biodiverse living roofs are used on all units. A standard condition for further details of the biodiverse living roofs is recommended.

6.6.3 Flood Risk

Policy

198 NPPF para 165 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

199 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.

200 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

201 Further guidance is given in the NPPG.

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Discussion

- 202 The site is located within Flood Zone 1 which indicates a low risk of flooding. As such, the proposed development is not considered to be vulnerable to flooding and additional mitigation is not required.

6.6.4 Sustainable Urban Drainage

Policy

- 203 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 204 CSP 10 requires applicants to demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

Discussion

- 205 The application initially proposed to attenuate runoff using water butts, permeable paving with an underlying attenuation tank and green roofs. It proposed to discharge at a peak rate of 2 l/s to a combined sewer along Dorville Road. The Flood Risk Manager reviewed the submitted documents and requested further details on the topography of the site, why other smaller scale green SuDS such as tree pits and rain gardens have not been included and provide further justification on the proposed drainage rates.
- 206 The Applicant subsequently provided revised documents, including a Surface Water Drainage Strategy Report (T.A. Tompson LLP, November 2023, Rev A) and a revised surface water drainage layout plan. The Applicant confirmed that small scale green SuDS measures were scoped out of the development due to the small size of the rear gardens, which has been maximised for amenity use (grassed area). The front garden areas provide permeable paving or access, with the small remaining area designated for planting. Officers are satisfied that this is a reasonable SuDS approach to take.
- 207 Two litres per second drainage rate represents a 95% reduction from the brownfield/existing run-off rate, which is well below the Planning Policy Guidance of a minimum 50% reduction and has been agreed by Thames Water. The revised documents were reviewed by the Flood Risk Manager who confirmed their previous concerns have been addressed. As such, Officers are satisfied with the run-off rates the development would provide, subject to conditions for details of the final drainage design and evidence is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

6.6.5 Sustainable development conclusion

- 208 The proposed development would be the UGF target score of 0.4 and would result in a considerable increase in greenery and soft landscaping at the site. The site has a low level of flood risk, whilst the sustainable urban drainage proposal is considered acceptable. A carbon offsetting financial contribution would be secured via s106. As such, the proposed development is considered with regard to sustainable development.

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6.7 NATURAL ENVIRONMENT

General Policy

- 209 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 210 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 211 The NPPF at para 191 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

- 212 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.
- 213 NPPF para 180 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 185 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 214 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 215 CSP 12 seeks to preserve or enhance local biodiversity.
- 216 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

- 217 A Preliminary Ecological Appraisal Preliminary Roost Assessment (Arbtech, August 2023) was submitted with the application. The PEAR was reviewed by the Ecological Regeneration Manager who noted the findings and supported the recommendations. The PEAR does not recommend any enhancements for hedgehogs or invertebrates, and these should be provided in the form of hedgehog highways in boundary fences and invertebrate hotels. A condition is recommended to secure details of the hedgehog highways, invertebrate hotels, along with bat and bird bricks and swift bricks. A wildlife sensitive lighting scheme would also be secured via condition, as recommended in Table 8 of the PEAR.

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6.7.2 Green spaces and trees

Policy

- 218 Section 197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 219 NPPF para 180 expects development to contribute to and enhance the natural and local environment.
- 220 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 221 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 222 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

Discussion

- 223 An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Trevor Heaps Arboricultural Consultancy Ltd, August 2023) was submitted with the application. 11 trees would be removed due to poor health or to facilitate development. Three of the trees are category B and five are category C. The large mature tree facing onto Dorville Road would be retained. The tree is of ecological and visual amenity value. Of the trees to be removed, T4 a category B sycamore, and T12 a category B mature horse chestnut, are of good quality in both ecology and visual amenity grounds. The loss of these trees is regrettable. Three replacement trees are proposed. Officers recommend a condition for further replacement trees, using the “right tree, right place, right reason” to offset the two good quality trees which are to be lost.
- 224 A scheme of soft landscaping is proposed. The proposed use of native species is welcomed. The private gardens are planned to largely have ‘turf grass roll’ and very minimal other planting. It is recommended to use flower rich turf which is better for biodiversity and can withstand frequent mowing and to increase the area of flower rich perennial planting. Small shrubs and trees could be also considered in the gardens. Final details of the soft landscaping are recommended to be secured via condition.

6.7.3 Ground pollution

Policy

- 225 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 180 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,

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unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

226 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 180). Further, the NPPF at para 189 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.

227 DMP 28 reflect national policy and is relevant.

Discussion

228 A Ground Investigation Report (RSA Geotechnics Ltd, March 2015) was submitted with application DC/15/092720. The report was reviewed by Environmental Protection who raised no concerns with ground contamination subject to a condition for a desk top study and site assessment, a site investigation report and a remediation scheme. The use of the site has not changed since the previous report in March 2015. As such, no new contamination would have arisen in the intervening period. Environmental Protection confirmed that ground pollution could be dealt with via a suitably worded condition.

6.7.4 Air pollution

Policy

229 NPPF para 180 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 air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

230 LPP SI1 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. Further guidance is given in the Mayor of London's Air Quality Strategy.

231 CSPs 7 and 9 reflect the national and regional guidance and are relevant.

232 DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

Discussion

233 An Air Quality Assessment (Compliance 4 Buildings Ltd, August 2023, v2) was provided with the application. The AQA concludes that existing and future concentrations of pollutants at the proposed residential use are predicted to be below the relevant air quality standards, and therefore the site is considered suitable for residential use. During operational phase, the proposed development would have no significant impact on local air quality and is air quality neutral. Dust mitigation measures are recommended during construction phase. The AQA was reviewed by Environmental protection who raised no objections subject to the imposition of conditions for Dust Management Plan (included

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within the Construction Management Plan condition), further details of the Air Source Heat Pumps and a standard Non-Road Mobile Machinery condition.

6.7.5 Natural Environment conclusion

234 The proposed development is assessed to be generally acceptable in regard to the impacts to the natural environment.

7 LOCAL FINANCE CONSIDERATIONS

235 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

237 The CIL is therefore a material consideration.

238 £67,205.64 Lewisham CIL and £49,644.68 MCIL2 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

239 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

240 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

241 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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- 242 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 243 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 244 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 245 All units would be built to Part M(2) inclusivity standards. Therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 246 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 247 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 248 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be

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legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

10 LEGAL AGREEMENT

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

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

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

- 252 The following are the draft heads of terms to which the Applicant has agreed in writing:

Financial Contribution

- Carbon Offsetting financial contribution of £14,040.
- Local labour financial contribution of £4,770

Non-Financial Contribution

- To fully participate in the Local Labour and Business Scheme.
- S278 highway works to reinstate existing crossovers to adoptable standards and the widening of the existing crossover.

Monitoring and Costs

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

- 253 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable

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in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

11 CONCLUSION

- 254 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 255 Planning permission was previously granted for a similar form of residential on the site which has now lapsed. The current proposals are similar save for the quantum, unit mix and some design changes.
- 256 In reaching an overall conclusion, the benefits and harms of the development proposals as a whole must be considered and balanced. Statutory duties as set out under section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise must be adhered to, and national policies and guidance followed, unless there is a good reason to depart from them. One of those material considerations include the NPPF paragraph 11(d) presumption in favour of granting permission and that the 'tilted balance' weighs a development's adverse impacts against its benefits, not on a level playing field, but tilted towards granting permission. At the heart of the NPPF in paragraph 11 is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay, or, where the Development Plan is silent on a matter, or the most relevant policies for determining the application are 'out of date', then the application should be approved unless it is in a protected area as defined by the NPPF, or the harms caused by the proposals would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole (referred to as the 'tilted balance'). Given the Council's failure of housing delivery, the relevant policies of the Development Plan are deemed to be out of date, and the 'tilted balance' is engaged. This is a material consideration weighing in favour of granting planning permission.
- 257 The provision of nine residential units is welcomed. In particular, the provision of eight family-sized units would deliver a housing type of an identified need and carries a significant planning merit and public benefit. The site is suitable for an infill development and the loss of the existing garages is acceptable. The units and well-sized for family living and would provide an overall high standard of residential quality. The design and massing of the development is well considered, sitting comfortably between the properties on Millbank Way and Leyland Road. The material palette, along with the design, would provide a high-quality scheme which would sit comfortably within the streetscene. The scheme meets the requirements of the London Plan in terms of car parking, cycle parking and urban greening. There are no environmental reasons to refuse the application.
- 258 In light of the above, Officers recommend that the committee resolve to grant planning permission subject to the completion of a S106 legal agreement.
- 259 Officers have considered the proposal as a whole and it is in accordance with the Development Plan. Even if Members considered that the extent of the departures from some aspects of certain Development Plan policies results in a conclusion that the development does not accord with the Development Plan read as a whole, there are other material considerations which would outweigh that departure. In particular, the

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planning balance is tilted towards granting planning permission given the Council's failure in relation to the Housing Delivery Test and the engagement of the presumption in granting planning permission for the development the 'tilted balance'. Owing to the significant public benefits such the provision of nine residential units eight of which to be family-sized the application of the tilted balance, even if the proposals were taken to involve a departure from the Development Plan, planning permission should be granted.

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12 RECOMMENDATION

260 That the Committee resolve to **GRANT** planning permission subject to the completion of a S106 legal agreement and to the following conditions and informatives:

12.1 CONDITIONS

1) Full Planning Permission Time Limit

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

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

2) Develop in accordance with the Approved Plans

01; 02; 04 Rev B; 05 Rev G; 06 Rev G; 07 Rev F; 09 Rev A; 10 Rev A; 11 Rev A; 50 Rev A; 52 Rev A; 53 Rev A; and 61. Received 21 September 2023.

PH/230692/100; and 48599BWLS-01. Received 01 November 2023.

100 Rev B. Received 14 December 2023.

3) Materials and detailed design

a) Prior to commencement of the above ground works, a detailed schedule and specification including manufacturer's literature or detailed drawings shall be submitted to and approved in writing by the local planning authority. Details shall include in respect of the follow:

- i) brickwork, mortar, bond and pointing (specification & sample panels to be constructed on site);
- ii) brick detailing, coping and lintels (sections at scale 1:5)
- iii) roofing materials, parapets and roof junctions (sections at scale 1:10);
- iv) windows, external doors and reveals (specification & sections at scale 1:5);
- v) rainwater goods;
- vi) balconies and balustrades;
- vii) residential entrances

b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the residential development and retained thereafter.

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

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4) **Soft Landscaping and replacement trees**

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

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

5) **Cycle parking**

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

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

6) **Refuse & Recycling Facilities**

The refuse storage hereby approved shall be provided in full accordance with Dwg Nos. 05 Rev B prior to first occupation of the development hereby approved and shall thereafter be permanently retained and maintained.

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

7) **Construction Management Plan**

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

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- a) Dust mitigation measures;
- b) The location and operation of plant and wheel washing facilities;
- c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process;
- d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- e) Security Management (to minimise risks to unauthorised personnel);
- f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant); and
- g) Details of the construction hours and activity. No works or deliveries in connection with the construction phase of development be undertaken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

8) Ground Contamination

- a) No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) shall commence until :-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being

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necessary or desirable for the remediation of the site) to and approved in writing by the Council.

- b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

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

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

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

9) **Obscure Glazed Windows**

The windows to be installed in the rear (western) elevations of Units 08 and 09 at first floor level, as shown on drawing 10 (Rev A) shall be fitted as obscure glazed prior to first occupation of these units and retained in perpetuity.

Reason: To safeguard the privacy of future residents and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

10) **Air Source Heat Pumps (ASHP)**

- a) 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 pump 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 or the use commences and shall be retained as such thereafter.

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

11) **Non-Road Mobile Machinery**

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://www.london.gov.uk/what-we-do/environment/pollution-and-air-quality/non-road-mobile-machinery-register/login/register>.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process will minimise air pollution and to comply with Policy S11 Improving air quality of the London Plan (March 2021).

12) **Sound Insulation**

No occupation of any residential unit shall occur until an acoustic compliance report has been submitted to and approved in writing by the local planning authority. The acoustic compliance report shall confirm that all recommended sound insulation measures set out within the Noise Impact Assessment prepared by Compliance 4 Buildings Ltd. Ref. 202321319M1319C/2 dated 21st July 2023 have been implemented in their entirety and that sound testing of the implemented works has been undertaken to demonstrate that with the residential units will achieve levels not exceeding 30dB LAeq (night) and 45dB LMax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the consented residential units and the area generally, specifically to prevent noise break-in and structural borne noise from the adjoining noise-generating use and wider noise generating activities such as the railway line and the Old Kent Road and to comply with Paragraph 180 of the National Planning Policy Framework, Policies D13 Agent of change and D14 Noise of the London Plan (March 2021) and DM Policies 26 Noise and Vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

13) **Boundary Treatment**

- a) Details of the proposed boundary treatments, including a detailed specification of any gates, walls or fences, shall be submitted to and approved in writing by

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the local planning authority prior to the first occupation of the development hereby approved.

- b) The approved boundary treatments shall be implemented in accordance with part (a) prior to first occupation of the buildings and retained and maintained in perpetuity.

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

14) Car Parking Spaces

The 2 car parking spaces, including the disabled persons car parking space, for the new residential accommodation shown on approved drawing 05 (Rev G) shall be provided prior to the first occupation of the development hereby approved and retained permanently thereafter.

Reason: To ensure the permanent retention of the spaces for parking purposes and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Residential parking and Table 10.3 of the London Plan (March 2021).

15) Urban Greening

The consented development shall achieve an Urban Greening Factor target score of 0.4 in full accordance with approved drawing 100 (Rev A) and shall be implemented in full accordance prior to first residential occupation of the development hereby approved and maintained as such thereafter.

Reason: To comply with Policy G5 Urban greening of the London Plan (March 2021).

16) Biodiverse Living Roof

a) Notwithstanding the hereby approved plans, details of the biodiverse living roofs shall be submitted to and approved in writing by the local planning authority prior to the above ground works of the development hereby approved commencing on site. A 1:20 scale plan of the living roof that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The living roof shall be:

- i) biodiversity based with extensive substrate base (depth shall vary between 150-220mm settled substrate depth with peaks and troughs - average not less than 133mm)
- ii) will include details of access and watering provision arrangements for the proposed biodiverse living roof along with details for management/establishment guarantees for a minimum of two growing seasons
- iii) plug planted & seeded with an agreed mix of species within the first planting season following the practical completion of the building works

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(focused on minimum 75% native and wildflower planting, and no more than a maximum of 25% sedum coverage) and additional features (e.g. logs, boulders, sand)

- iv) not used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency.

- b) The development shall be carried out strictly in accordance with the details so approved, shall be maintained for the lifetime of the development and no change there from shall take place without the prior written consent of the local planning authority.

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

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

17) **Wildlife Enhancement Measures**

- a) Details of the number and location of the wildlife enhancement measures, in accordance with the recommendations of Table 8 of the Preliminary Ecological Appraisal (Arbtech, August 2023, issue 2) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. Details shall include:
 - i. 3 integrated bat bricks,
 - ii. 2 integrated swift bricks (installed together)
 - iii. 2 other bird bricks
 - iv. 2 bug hotels (e.g. bricks)
 - v. hedgehog highways in boundary fencing

- b) The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be maintained as such for the lifetime of the development.

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

18) **External Lighting**

- a) Prior to first occupation of the development hereby approved a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority.

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- b) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.
- c) The external lighting strategy approved under part (a) shall be installed in full accordance with the approved drawings prior to occupation and such directional hoods shall be retained permanently.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky, wildlife habitats and neighbouring properties and to comply with DM Policy 24 Biodiversity, living roofs and artificial playing pitches and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

19) Tree Protection Plan

Any on-site and off-site trees identified to be retained in the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Trevor Heapds Arboricultural Consultancy Ltd, August 2023), hereby approved shall be protected in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations) for the entirety of the construction period including demolition and site preparation, such protection to include the use of protective barriers to form a construction exclusion zone, employ suitable ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

20) Piling Method Statement

- a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- b) Details of any such operations must be submitted to and approved in writing by the local planning authority (in consultation with Thames Water) prior to the commencement of development on site (excluding demolition) and shall be accompanied by details of the relevant penetrative methods.
- c) Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent damage to the underground sewerage utility infrastructure and pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

21) Sustainable Urban Drainage

- a) Prior to commencement of groundworks (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings and supporting calculations to the Lead Local Flood Authority for review and approval, aligned with the Surface Water Drainage

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Strategy Report (Revision A – November 2023) and associated drawings for written approval from the local planning authority. The applicant should confirm that there is a suitable infiltration rate for the area of the site discharging to the ground via infiltration. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.

- b) No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.
- c) The development shall be carried out in accordance with the approved scheme prior to first occupation of the hereby approved development and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy SI 13, its associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Lewisham Council's Core Strategy Policy 10 and to comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the National Planning Policy Framework (Paragraph 103), the London Plan (Policies SI 12 and SI 13) along with associated guidance to these policies and Lewisham Council's Core Strategy Policy 10.

22) Gas Boilers

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

Reason: To comply with Policy S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

23) Accessible Dwellings

All units hereby approved shall be constructed to meet Requirement M4(2) and delivered prior to first occupation.

Reason: To ensure that there is an adequate supply of accessible housing in the Borough in accordance with Policy D7 Accessible housing of the London Plan (March 2021), 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).

24) Air tightness

Prior to first occupation of the development hereby approved, evidence that the units have been constructed to achieve an air tightness figure below 3m³/m²/h shall be submitted to an approved in writing by local planning authority.

Reason: In order to comply with Policy S12 Minimising greenhouse gas emissions of the London Plan (2021) and Core Strategy Policies 7 Climate change and

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adapting to the effects and 8 Sustainable design and construction and energy efficiency (2011).

25) **Parking Management Plan**

- a) The development shall not be occupied until a Parking Design and Management Plan (PDMP) has been submitted to and approved in writing by the local planning authority. The PDMP must include all of the following information:
- i) The number of car proposed indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.
 - ii) Details of the proposed two parking spaces would be allocated.
 - iii) Details of monitoring and review
 - iv) Details of how informal parking would be managed and enforced.
- b) The development shall be implemented in accordance with the approved PDMP and shall be maintained for the lifetime of the development.

Reason: In order to prevent any adverse impacts to parking capacity and safeguard highway safety and to comply with Policies T6 Car parking and T6.1 Residential parking of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

26) **Water Efficiency**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

Reason: In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021).

27) **Permitted Development Rights Removed**

No extensions or alterations to the buildings 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).

12.2 **INFORMATIVES**

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

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- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 4) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- 5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
The notification must be in writing and must include—
 - (a)the name of the developer;
 - (b)the address or location of the development; and
 - (c)the date of completion.

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13 BACKGROUND PAPERS

- 261
- 1) Submission drawings
 - 2) Submission technical reports and documents
 - 3) Statutory consultee responses

14 REPORT AUTHOR AND CONTACT

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