

Committee	PLANNING COMMITTEE C	
Report Title	1-3 COMET STREET, SE8 4AN	
Ward	Brockley	
Contributors	Jan Mondrzejewski	
Class	PART 1	5 NOVEMBER 2015

Reg. No. DC/15/92227

Applications dated 14/05/15 valid from 12/06/15

Applicant Planning Co-Operative obo Comet Street LLP

Proposal The demolition of 1-3 Comet Street, SE8 and the construction of 3, three bedroomed, three storey plus basement terraced houses and a three storey plus basement block providing 1, three bedroomed, self-contained maisonette, 1, two bedroomed self-contained maisonette and 4 one bedroom self-contained flats, together with refuse store, bicycle store, garden areas to the front and rear and roof gardens to the proposed flats.

Applicant's Plan Nos. S144459/01, EX01 rev PL1; EX02 rev PL1; EX04 rev PL1; EX05 rev PL1; EX06 rev PL1; GA02 rev PL1; GA03 rev PL1; GA04 rev PL1; GA05 rev PL1; GA06 rev PL1; GA08 rev PL2; GA10 rev PL2; GA11 rev PL1; LTH-01 rev PL1; LTH-02 rev PL1 (Proposed Ground Floor Plan); LTH-02 rev PL1 (Proposed Basement Plan); LTH-03 rev PL1; Front Elevation Along Comet Street; Rear Elevation; Comet Street Deptford\_Bird's Eye View (Eastside); Comet Street Deptford\_Bird's Eye View (Westside); Comet Street Deptford\_Model View; Model Views\_28-04-2015 (Top View & View 1-3); Comet Street Deptford\_Model View; Model Views\_28-04-2015 (View 4-7);View from Deptford High Street Looking Down to Comet Street (Existing Photographs); Planning Statement; Design and Access Statement; On Site Health and Safety Document; Comet Street Code for Sustainable Homes Pre-Assessment by Falcon Energy Ltd; Shadow Study Report by Mono Design Group; GLA - Room Size.

Statement of Community Involvement (received 12th June 2015);

GA12, Detailed Section (received 31st July 2015)

VSC Daylight Analysis (received 30th September 2015)

GA01 rev PL1; GA07 rev PL2 (received 6<sup>th</sup> October 2015)

Background Papers (1) Case File

- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (Nov. 2014)
- (4) The London Plan (March 2015)

Designation

Existing Use

## **OBSERVATIONS**

### **1.0 Property/Site Description**

- 1.1 The application site comprises an existing scaffold Yard occupying a corner plot in Comet Street to the rear of Nos 43-53 Deptford High Street. The site comprises a walled yard with chamfered corner to the street at the rear of No 51 Deptford High Street and two modern warehouse buildings with gabled elevations to the street. The modern buildings incorporate elements of a previous interwar building which occupied the site and is believed to have been a dairy. With regard to the buildings in Deptford High Street which adjoin the site:-
- a) Nos 39-44 is a three storey double fronted Victorian building of c1870 with a very obvious modern roof addition. The ground floor of the building is in A1 use and the upper part has been converted into flats.
  - b) No 45 is a three storey building with a three bay frontage and with a double span roof which appears to date from the late 1700s. However, the building was re-fronted in the early 1900s incorporating a sign for the Red Lion and Wheatsheaf, a Public House which existed at the site until the 1950s. The ground floor of the building is currently in A3 use and the upper part has been converted into flats.
  - c) Nos 47-49 Deptford High Street comprise a pair of two storey shops of c1850 with London roofs and a parapet cornice very similar to the three storey terrace at Nos 22-28 Deptford High Street which is dated by a stone plaque on the building to 1844. These properties are currently unoccupied and derelict
  - d) No 51 Deptford High Street is a two storey building of c1900 with double span pitched and a first floor frontage set back from the neighbouring properties to the south. The ground floor shop unit is vacant although the upper floors appear to be occupied as residential accommodation.
- 1.2 The application site faces onto a four storey block of post war flats and an area of amenity space laid to lawn on the south side of Comet Street. This green space adjoins a recent three storey residential development known as Shaftesbury Row.
- 1.3 To the north of the application site, Comet Street is a narrow two way road with its original Victorian granite sett surfacing largely intact. On its north side of the road is the flank wall of No 53 Deptford High Street, a building which appears to be of interwar date and which contains a first floor residential flat accessed from Comet Place at the rear via an external staircase.
- 1.4 The property is located within the Deptford District Centre, the Deptford High Street Conservation Area and an Archaeological Priority Area..

## **2.0 Planning History**

- 2.1 1949 - Planning permission granted for the use of 1 Comet Street, SE8, for shop, office or storage or any uses falling within Classes I, II or XI of the Town and Country Planning (Use Classes) Order, 1948.
- 2.2 1960 - Planning permission for the use of the site of Nos. 1 and 2 Comet Street, SE8, for an extension to the adjoining milk redistribution centre.
- 2.3 1964 - Planning permission for the retention of existing fence, forming access with gates, and the paving and use for the parking of vehicles of the sites of Nos 1 and 2 Comet Street, SE8.
- 2.4 1985 - Refusal of planning permission for the erection of a single-storey warehouse/factory building at 2 Comet Street, SE8.

### Reasons

1. The proposal would result in an increased generation of vehicle movements to and from the premises and, combined with the lack of off-street parking or adequate turning facilities, would be prejudicial to the free flow of traffic and conditions of general safety in Comet Street and surrounding roads.
  2. The proposal would be likely by reasons of noise and general disturbance, to be detrimental to the amenities of the locality and to the enjoyment of their properties by neighbouring occupiers.
- 2.5 1989 – Planning permission for the erection of a 3,7m high brick boundary wall at 1-3 Comet Street, SE8, together with the provision of a new roller shutter door.
  - 2.6 2006 - Planning permission (DC/06/61753) refused for the demolition of the existing buildings on the site, and the construction of a part three/part four storey building comprising, 6, one bedroom and 11, two bedroom self contained flats.

### Reasons

1. The proposed development, by reason of its form, bulk, mass, and design would be detrimental to the streetscene in this important location, would provide unsatisfactory accommodation by reason of poor outlook from a number of habitable rooms, would result in overdevelopment of the site and would fail to preserve or enhance the character and appearance of the Deptford High Street Conservation Area, contrary to Policies URB 3 Urban Design and URB 16 New Development, Changes of Use & Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).
  2. The proposed refuse collection arrangements are unsatisfactory and would be likely to result in refuse bins being left in the street or blocking the pedestrian access to the rear of the development, contrary to Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- 2.7 Also of relevance to this application is the grant of planning permission (DC/05/59423) in 2005 for the alteration and conversion of the upper floors at 45, 47 and 49 Deptford High Street SE8, together with the construction of extensions at first and second floor levels to the rear of 47 and 49 Deptford High Street, to provide

5, one bedroom and 1, two bedroom, self-contained flats, alterations to the front and rear elevations and the provision of an external metal staircase to the rear to second floor level. Although this permission has expired and was never implemented, the application took account of the impact of the proposed development on the site of 1-3 Comet Place. The planning officer's states that:

*'The proposal has been designed in consideration of the potential future development of the scaffold site, in terms of overlooking and outlook. The rear windows of the proposed dwellings, which would be kitchen/living area windows, would be approximately 9.5m from the edge of the site boundary.'*

This planning permission was never implemented and expired in 2010. However, from the objections received to the current application it will be noted that one of these is from the owner of Nos 47 & 49 Deptford High Street (see para 4.3) and relates to the impact of the proposed development on the development potential of these adjoining properties. Just as Officers in 2006 took into account the impact of the development of 45-49 Deptford High street on 1-3 Comet Street, so the impact of the development of 1-3 Comet Street on 47 & 49 Deptford High street will also need to be considered.

### **3.0 Current Planning Application**

- 3.1 The current application is for the demolition of the existing scaffolding yard (Class B8) and the construction of 3, three bedroomed, three storey plus basement terraced houses and a three storey plus basement block providing 1, three bedroomed, self-contained maisonette, 1, two bedroomed self-contained maisonette and 4 one bedroom self-contained flats, together with refuse store, bicycle store, garden areas to the front and rear and roof gardens to the proposed flats.
- 3.2 The application was the subject of pre-application enquiries with officers This resulted in the reduction in height of the proposed flats from four storeys with semi-basement to three storeys with semi basement. Further discussions then took place regarding the use of the flat roof of the block as a roof garden. Officers, considered that this should be restricted in size to small amenity spaces with views towards Comet Street. Screening in materials such as acid etched glass would be used to prevent overlooking of properties to the rear in Deptford High Street. The proposed amenity spaces would be surrounded by an extensive green roof which would not be accessible to residents. This would allow the occupiers of the flats in question to have the benefit of rooftop views with no consequential loss of privacy to the occupiers of surrounding properties.
- 3.3 Officers also secured an improved north elevation incorporating window openings and a triangular corner bay to Comet Street and the chamfered north east corner of the proposed building. In the scheme as initially submitted there were proposed as largely blank expanses of brickwork.
- 3.4 In order to avoid overlooking to existing properties in Deptford High Street from windows in the rear elevation of the proposed development, triangular oriel windows are proposed with obscure glazing to the hypotenuse facing towards the rear of the High Street and clear glazed windows facing due south. All the proposed dwellings will have a dual aspect..

- 3.5 The proposed three storey houses feature a ground floor kitchen/living room/ diner, which although below the recommended size in the London Housing SPG, has access to large basement room with natural light from a covered light well to the street and lantern light in structural glass incorporated into the rear patio gardens of the units. The proposed houses have rear gardens of up to 9m in length while the ground floor and basement maisonettes have small private amenity spaces to the rear. All the remaining flats have balconies to Comet Street angled towards the south west.
- 3.6 Each of the 3 town houses has a bin store onto the street which is an integral part of the proposed elevational design. There is also a communal bin store at the rear of the site accessed directly from Comet Street. The houses will have bike storage areas located in the rear gardens of the units and the flats will have a communal bike store accessed from Comet street.
- 3.7 The three town houses are intended to relate to the existing green to the West of the site. Although lower in scale than the recent three storey residential terrace located to the south of the green, it is considered the intended use of this portion of the site coupled with its scale and massing would reinforce and formalize the square as a central/focal point of this residential quarter of the District Centre.
- 3.8 The proposed elevations use a combination of a grey brick with 'Corten' steel to highlight projecting balconies and bays. These materials are intended to provide a link back to the maritime and industrial heritage of the area. The surrounding area and Deptford High Street in particular does not have a consistent fabric material commonly used. Painted brickwork, render and facing brick in a variety of colours are evident. Closer to the site Shaftsbury Row, is a light grey stock brick with the contemporary artist studio adjacent to the site, finished in anthracite grey zinc cladding. The applicant states that high quality materials will be specified to provide a complementary and high quality addition to the urban fabric.

#### Supporting Documents

- 3.9 The application is submitted with a Design and Access Statement, a statement of community engagement, which includes consultation with local residents prior to the submission of the application, a Lifetime Homes Assessment, a sustainability statement demonstrating that the proposed scheme will meet level 4 of the Code for Sustainable Homes, a shadow path analysis and daylight study showing the level of impact on rear elevation windows to properties in Deptford High Street.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### Written Responses received from Local Residents and Organisations

- 4.3 6 replies received from the owner of Nos 45 - 49 Deptford High Street and occupiers of Flat 1, 43, 45A & 45B Deptford High Street, 448 New Cross Road and

12 Flamingo Court, Hamilton Street, objecting to the application on the following grounds:-

- (1) The development will be detrimental to the potential extension and development of the vacant shops at Nos 47 & 49 Deptford High Street..
- (2) The proposed development would blight the potential for bringing the flats above the shops at 47 & 49 back into residential use and should therefore be either modified to take these concerns into account or refused.
- (3) The Proposed development would by reason of its height and scale reduce the provision of natural light to the windows of adjoining buildings in Deptford High Street.
- (4) The proposed development would give rise to overshadowing which will impact on the quality of peoples lives living in the buildings to the rear.
- (5) This imposing structure is not suitable for this location and is basically too big.
- (6) The proposed development would give rise to overlooking of adjoining residential properties in Deptford High Street.
- (7) The proposal would create a precedent for increasing the height/scale of buildings in the local area.
- (8) The Bedroom window of 45A Deptford High Street is only 10 feet away from the boundary wall of the application site and provides a small garden for the occupier of this flat.
- (9) The height of the building is totally inappropriate and detrimental to the character and appearance of the Deptford High Street Conservation Area.
- (10) The wholly below ground basements would not provide a good standard of living accommodation for the occupiers of the proposed development.
- (11) The proposed garden areas would be dark and of questionable value to the occupiers of the proposed development, plants would be unlikely to thrive in this space.
- (12) The scheme offers no enhancement to the surrounding area with landscaping and trees visible from the public realm.
- (13) The proposed dark cladding and materials would emphasize the height of the building unnecessarily.
- (14) The brick indicated in the planning application is very dark and the Corten steel cladding will weathers quickly to a dark rust - this will not reflect much light in what is a very tight urban site.
- (15) The applicant does not appear to have delivered the promised report (Demolition and Construction Management Report). This needs to be the subject of a condition as the site extends to the immediate rear of the properties in Deptford High St, which means that the normal working

hours may need to be further restricted in order to protect the amenities of adjoining residents, particularly at 39-43 Deptford High St.

- (16) The Shadow Study Report. Shows that the first floor roof terrace of No.39-43 will be affected by the shadow of the proposed development from about 1900 in the Summer Solstice model; which is more than a negligible impact. The Report also talks about the East elevation when it clearly means the West.
- (17) No indication has been given as to the boundary treatment between the application site and the part-open staircase hall of 39-43 Deptford High St.
- (18) There needs to be an adequate new boundary wall with facing bricks of an appropriate height, texture and colour - not simply the retention of the existing rear wall of the demolished scaffolding yard, which is only 1m high and a confused mess of blocked openings and concrete lintels.
- (19) The slanted oriel windows at the rear of the three new houses should be obscure-glazed to prevent loss of privacy to High St residents.
- (20) The rear of the proposed houses face onto what is a tight urban light well. The concern is not just overshadowing but the absorption of light in a congested group of buildings - traditionally a light well is treated with lighter materials to reflect light into the windows of adjoining properties..

(Letters available to Members).

The above comments are addressed in Section 6 of this report.

#### Highways and Transportation

- 4.4 No objection in principle to a car free scheme subject to a section 106 agreement requiring a two year subscription to a car club for all initial occupiers of the proposed development.

#### Thames Water

- 4.5 Comments provided on water supply and foul and surface water management (which have been passed on to the applicant) but raising no objection to the proposed development. It is recommended that informatives suggested by Thames Water on water supply and foul and surface water management be added to the decision notice.

### **5.0 Policy Context**

#### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
  - (a) the provisions of the development plan, so far as material to the application,

- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) 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
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply



Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.11 Green roofs and development site environs  
Policy 5.13 Sustainable drainage  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 8.2 Planning obligations

London Plan Supplementary Planning Guidance (SPG)

5.7 The London Plan SPGs relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

5.8 The London Plan Best Practice Guidance relevant to this application are:

Control of dust and emissions from construction and demolition (2006)

Wheelchair Accessible Housing (2007)

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application::

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 2 Regeneration and Growth Areas

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Core Strategy Policy 21 Planning obligations

#### Development Management Local Plan

5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

5.11 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 4 Conversions of office space and other B Use Class space into flats

DM Policy 11 Other employment locations

DM Policy 22 Sustainable design and construction

DM Policy 23 Air quality

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 25 Landscaping and trees

DM Policy 27 Lighting

DM Policy 28 Contaminated land

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

## **6.0 Planning Considerations**

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design/Conservation
- c) Quality of the proposed Housing
- d) Highways and Traffic Issues
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Planning Obligations

### Principle of Development

6.2 In the case of the last refusal of planning permission (DC/06/61753) for a residential development of this site (17 units), in 2006, the reasons for refusal were the form, bulk, mass, and design of the proposed building, which was considered detrimental to the streetscene, unsatisfactory accommodation by reason of poor outlook, overdevelopment and failure to preserve or enhance the character and appearance of the Deptford High Street Conservation Area. There was also a secondary objection on the basis unsatisfactory arrangements for refuse collection. Notably, loss of employment was not a reason for refusal.

6.3 Since the consideration of the 2006 application for the redevelopment of this site, the Core Strategy (Adopted June 2011) places the Deptford District Centre within a Regeneration and Growth Area. Spatial Policy 2 of the Plan states that these areas have the potential to deliver 14,975 additional new homes within the period of the Core Strategy. This accounts for approximately 82% of the borough's forecast housing growth. In particular Spatial Policy 2 notes that 'housing development will also feature prominently within the area known as Deptford Creekside and the Deptford Town Centre'.

6.4 DM Policy 11: Other employment locations Sites in Town Centres, Local Hubs and other clusters of commercial and/or retail uses, states that the Council will seek to retain employment uses (B Use Class) on sites and buildings in Town Centres, and Local Hubs *where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context.*

6.5 The presence of a scaffold storage yard in close proximity to existing residential accommodation would normally be considered anomalous, particularly in a Conservation Area where the current buildings and yard present such poor elevations to the street. On the other hand, residential development, subject to appropriate design, has the potential to greatly improve the living conditions of adjoining occupiers as well as the character and appearance of the Deptford High Street Conservation Area.

### Design/Conservation Area Considerations

6.6 Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

- 6.7 Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where: a. new development .... is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials
- 6.8 Through the paid pre-application enquiry procedure, officers have had the opportunity to assess this scheme prior to submission. Compared to the scheme as initially presented to officers, the proposed flats at the corner of Comet Street have been reduced in height by a full storey on the basis of officer advice. This followed a detailed inspection of the site by planning, conservation and design officers, accompanied by the applicant, his agent and architect. Officers were particularly concerned that the new development would not be visible from the High Street or in long views from Reginald road. The applicant, again on the basis of officer advice, has also introduced windows to the north elevation and made more of a feature of the chamfered north west corner of the building. While these changes have greatly improved the scale, massing and appearance of the proposed building within the context of the Deptford High Street Conservation Area, the architect's initial concept of a contemporary design with bold bays in Corten steel, forming a frontage to the Comet Street Green still finds expression in the submitted proposal. Officers also consider that the proposed development would complement the recently erected residential development on the west side of the green. Compared to the existing building, the proposal would, in the opinion of officers, represent an enhancement to the character and appearance of the Deptford High Street Conservation Area,
- 6.9 In terms of the colour of the proposed brick, officers are not convinced that the suggested Staffordshire Blue would be appropriate for a new building in this location and would prefer to see a lighter brick perhaps similar to the grey brick used on the new building to the west of the green. This is of course an aspect of the scheme which has attracted some interest from local residents who have concerns about the building being too dark and diminishing light levels for existing residents. In this respect officers would suggest that if the Committee is minded to grant permission for the proposed development, the exact colour of brick and choice of material for the oriel windows on the rear elevation of the building forms the basis of a planning condition.

### Housing

- 6.10 Policy 3.5 in the London Plan requires new housing developments to be of the highest quality in terms of making new dwellings 'a place of retreat' by ensuring safe access, adequate room sizes and practical layouts. The policy also refers to ensuring that the design of new dwellings has a clearly defined 'point of arrival' so that occupiers take ownership of their dwellings. Further detail about what is necessary in order to create the high standards of accommodation, are found in the London Plan Housing SPG and Lewisham's Residential Standards SPD.
- 6.11 Core Strategy Policy 1 Housing provision, mix and affordability. This states that the Council will seek an appropriate mix of dwellings within a development, having regard to a number of relevant criteria. DM Policy 32 Housing design, layout and space standards deals with the siting and layout of development as well as internal standards within schemes.

*a) Size and Tenure of Residential Accommodation*

- 6.12 As the scheme is below 10 units in size there is no requirement to provide affordable housing.
- 6.13 The proposed mix of unit types and, in particular, the inclusion of family sized units of accommodation is in keeping with Core Strategy Policy 1 Housing provision, mix and affordability. This states that the Council will seek an appropriate mix of dwellings within a development, having regard to the following criteria:
- a. the physical character of the site or building and its setting
  - b. the previous or existing use of the site or building
  - c. access to private gardens or communal garden areas for family dwellings
  - d. the likely effect on demand for car parking within the area
  - e. the surrounding housing mix and density of population
  - f. the location of schools, shops, open space and other infrastructure requirements
- 6.14 Officers consider that this highly accessible location, close to shops, schools, Public Library and leisure facilities is clearly suitable for family accommodation. The proposed 3 Bedroom town houses have private rear gardens of up to 9 metres in depth and are on a par with or exceed amenity space provision for three bedroom units within new build developments in the local area.
- 6.15 The proposed ground floor and basement maisonettes have small private amenity spaces to the rear while all the remaining flats have balconies to Comet Street angled towards the south west and the top floor flats have the benefit of roof terraces.

*b) Standard of Residential Accommodation*

- 6.16 The Council's adopted Residential Standards SPD (updated 2012) sets out criteria for new residential units but this document is largely superseded by Core Strategy and London Plan requirements. The London Plan Housing SPG sets out guidance to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) and access arrangements.
- 6.17 All the proposed flats are dual aspect facing Comet Street to the West and private/shared amenity areas to the east. Several of the flats also have additional natural light/outlook from windows on the north and north east elevation of the proposed building.
- 6.18 All flats exceed the minimum floorspace specified in Table 3.3 of the London Plan and most rooms meet or exceed the minimum floorspace required by the London Housing SPG., the exception being the kitchen/living room/diners of the three town houses which at approximately 21sqm are 10sqm below the recommended 'Good Practice' minimum floor area set out in the guidance. However these units have the benefit of a basement area of up to 40sqm in area which is well provided with

natural light, although somewhat lacking in outlook. On the basis of this additional provision officers consider the units to be of an acceptable standard.

- 6.19 New residential development is no longer required to meet the Lifetimes Home Criteria at planning stage. However, this remains a matter to consider. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The applicant has advised all units would meet these criteria. No wheelchair accessible units are proposed as the site is not capable of providing any on-site wheelchair accessible parking space.

#### Highways and Traffic Issues

- 6.20 Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. However, this also depends of the size of the unit; 4+ beds should have a maximum of 2 spaces, and units of 1-2 beds, a maximum of 0-1 car parking space. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- 6.21 Policy 6.9 Cycling of the London Plan states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the Plan.
- 6.22 In the case of this application it was agreed that given the good accessibility of the site, a car free scheme would be acceptable, subject to the provision of a Section 106 Agreement offering all initial occupiers of the development a two year subscription to a car club.

#### *Access*

- 6.23 Only pedestrian access to the proposed flats and town houses are proposed and the existing crossovers in Comet Street will be removed. A planning condition requiring the removal of the existing crossovers and the reinstatement of the footway in perpetuity will be required in the event that planning permission is granted.

#### a) *Cycle Parking*

- 6.24 The proposed development meets the standards set out Table 6.3 of the London Plan. Each of the proposed town houses has a storage area in the rear gardens of the properties capable of accommodating two bicycles, although the cycle storage areas for the proposed town houses are located in rear gardens and are therefore only accessible via the front entrance of the properties onto Comet Street. A communal bike store accessible from the street will also be provided for the proposed flats to provide secure and weather proof storage area in compliance with London Plan requirements. Should the Committee be minded to grant permission for the proposed development, this will be subject to a planning condition requiring full details of the proposed bicycle storage facilities to be submitted and approved by the Council.

#### b) *Car Club*

6.25 As the site lies within an area of good accessibility to public transport (PTAL 6a), a car free scheme is considered acceptable. . Although the site does not lie within a controlled parking zone and access to on-street parking is currently unrestricted, the applicant has indicated a willingness to enter into a Section 106 Agreement for the provision of free car club membership for all residents of the development for an initial two year period. The reason for this is to reduce the need for private car ownership and to therefore reduce congestion and improve air quality in the local area.

c) *Refuse*

6.26 Each of the 3 town houses has a bin store accessible from Comet Street which is an integral part of the proposed elevational design. There is also a communal bin store at the rear of the site accessed directly from Comet Street.

#### Impact on Adjoining Properties

6.27 The applicant has provided a shadow path analysis and daylight study (submitted 21 September 2015) to show that the impact of the proposed development on windows located in the rear elevation of adjoining properties in Deptford High Street.

6.28 The analysis daylight study specifically considered the impact of the proposed development on 12 windows to neighbouring properties in Deptford High Street under both the existing (baseline) and proposed conditions. The Vertical Sky Component (VSC) was analysed at the centre of each window and the change from the existing (baseline) conditions calculated, in accordance with BRE digest 209 (2011). The results, show that 7 of the 12 windows (No. 1, 3, 6, 7, 10, 11, 12) have a VSC greater than 27%, under proposed conditions, and therefore adequate daylight levels within these rooms can be expected. The results also show that 4 of the windows (No. 2, 5, 8, 9) have a VSC less than 27% under both the existing and proposed conditions, but the change from baseline is not less than 0.8 times the former value. Therefore, according to BRE 209 (2011) the loss of skylight will not be noticeable to the occupants.

6.29 Only 1 window has a VSC less than 27% and a change from baseline less than 0.8 times the former value. The window (No. 4) has a VSC under proposed conditions of 21.0% with a change from baseline of 0.74. However, the room is currently used as storage for the shop below and is a non-habitable space. Therefore whilst the change from baseline is slightly below the recommended 0.8 times the former value, the loss of daylight will not have a detrimental impact of the use of the space.

6.30 In summary, the study concludes that the proposed development will not have a detrimental impact upon the neighbouring 12 windows analysed within the report, when considering the amount of receivable diffuse daylight (VSC) at each of the windows, under the proposed site conditions, compared to existing (baseline) conditions. .

6.31 Regarding the impact of the proposal on the potential redevelopment of the sites of Nos 44-49 Deptford High Street, the site in question does not have an approved planning permission and the current scheme has been evolved in discussions with officers to have no detriment impact in terms of the provision of natural light and privacy and overlooking of adjoining properties. It will be seen that the height of the proposed development has been limited and windows facing the rear of the Deptford High Street properties have been designed to give rise to no overlooking.

In view of this, officers do not accept that the current proposal would impede any reasonable attempt to develop an adjacent site in accordance with Council policies applicable to the Conservation Areas.

- 6.32 As previously noted, materials to be used in the proposed development will be subject to a pre-commencement planning condition and officers will attempt to ensure that materials to both the front and rear elevations are responsive to their context. In particular, that any advantage to be gained from reflected daylight/sunlight to the occupiers of properties at the rear of the site is maximised.

#### Sustainability and Energy

- 6.33 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.34 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Major developments should demonstrate that the proposed heating and cooling systems have been selected to minimise carbon dioxide emissions. In terms of being 'green', a reduction in carbon emissions from onsite renewable energy is expected.
- 6.35 A report by Falcon Energy Ltd submitted with this application states that If the requirements of the credits detailed within the pre-assessment estimator are met, in accordance with the Code for Sustainable Homes November 2010 Technical Guidance, it is anticipated that a score of 69.53% would be achieved for the assessment. This exceeds the minimum credit score required to achieve Code Level 4. The roof plan for the proposed town houses also shows the provision of photovoltaic panels as well as a green roof. Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.

#### Ecology and Landscaping

- 6.36 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. Development Management Local Plan Policy 25 Landscaping and trees requires new developments to submit landscaping schemes
- 6.37 At present the application site is wholly covered by a building and hard surfaced yard and provides no soft landscaping opportunities whatsoever. The current proposal will provide a soft landscaped garden area together with an extensive green roof which will increase opportunities for wild life and assist in the provision of sustainable drainage.

#### Archaeology

- 6.38 The site is located within an archaeological priority area. It lies to the rear of a section of Deptford High Street know to have been developed from the mid 1700s and the adjoining property at No 45 would appear to date from that period. In



addition, the south part of Deptford High Street is the location of a Roman building recorded in the late 1800s, while the site of the Dover Castle Pub in nearby Deptford Broadway was the subject of archaeological excavations in the early 1990s. The latter produced evidence of a ditch of the Roman period, two pagan period Anglo-Saxon burials, one with grave goods including a Bronze pendant, decorated with garnets over gold foil, as well as a medieval oven (probably linked to the St Christopher Inn, which was the Medieval predecessor of the later Public House). In addition, the standing buildings on the application site show evidence of Victorian as well as interwar brickwork incorporated into the existing structures and probably related to the previous use of the site as a dairy/milk distribution depot.

- 6.39 A planning Condition requiring an archaeological investigation of the site, including a recording of the standing structure is therefore suggested..

#### Planning Obligations

- 6.40 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

- 6.41 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.

- 6.42 A Section 106 Agreement is recommended to ensure that the proposals are acceptable in transport terms, consistent with the recommendations of the Highways and Transportation group. This would require that two years membership of a car club for all initial residents of the proposed development would be secured.

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

## **7.0 Community Infrastructure Levy**

- 7.1 The above development will be CIL liable.

## **8.0 Equalities Considerations**

- 8.1 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.
- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.3 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.
- 8.4 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: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 8.6 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

8.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **9.0 Conclusion**

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

9.2 On balance Officers consider that the proposed Section 106 Agreement, requiring a two year subscription to a car club for initial occupiers of the building for a period of 2 years in order to minimise the impact of the proposed development on on-street parking in the local area. Officers also consider that there are no daylight/sunlight, overlooking or privacy implications associated with the proposed development which could not be controlled by appropriate conditions and which would justify refusal. The proposed development will therefore provide much needed new homes with good standards of amenity in a new building which will improve the character and appearance of the Deptford High Street Conservation Area.

## **10.0 RECOMMENDATION (A)**

Authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following matters: -.

- The provision of two years membership of a car club for occupiers of the development.
- The reimbursement of the Council's legal costs and a payment for monitoring to ensure that the requirements of the agreement are implemented.

## **RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106, within one month, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-

### **Conditions**

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

S144459/01, EX01 rev PL1; EX02 rev PL1; EX04 rev PL1; EX05 rev PL1; EX06 rev PL1; GA02 rev PL1; GA03 rev PL1; GA04 rev PL1; GA05 rev PL1; GA06 rev PL1; GA08 rev PL2; GA10 rev PL2; GA11 rev PL1; LTH-01 rev PL1; LTH-02 rev PL1 (Proposed Ground Floor Plan); LTH-02 rev PL1 (Proposed Basement Plan); LTH-03 rev PL1; Front Elevation Along Comet Street; Rear Elevation; Comet Street Deptford\_Bird's Eye View (Eastside); Comet Street Deptford\_Bird's Eye View (Westside); Comet Street Deptford\_Model View; Model Views\_28-04-2015 (Top View & View 1-3); Comet Street Deptford\_Model View; Model Views\_28-04-2015 (View 4-

7); View from Deptford High Street Looking Down to Comet Street (Existing Photographs); Planning Statement; Design and Access Statement; On Site Health and Safety Document; Comet Street Code for Sustainable Homes Pre-Assessment by Falcon Energy Ltd; Shadow Study Report by Mono Design Group; GLA - Room Size.

Statement of Community Involvement (received 12th June 2015);

GA12, Detailed Section (received 31st July 2015)

VSC Daylight Analysis (received 30th September 2015)

GA01 rev PL1; GA07 rev PL2 (received 6<sup>th</sup> October 2015)

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

3. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work (including recording of the standing building) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

4. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to:-
  - (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.

**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 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

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

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

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

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

6. (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:5, 1:10 and 1:20 (as appropriate) showing Sections and elevations through proposed windows, balconies, basement lightwells and roof terraces have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

7. (a) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable

urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

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

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

8. No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes, windows and external doors, roof coverings, roof terrace balustrades and privacy screens to be used on the buildings have been submitted to and approved in writing by the local planning authority. This shall include the erection on site of a sample panel of brickwork for inspection by officers and the development shall be carried out in accordance with the approved details.

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

9. (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

10. (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

11. (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

12. (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.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

13. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

14. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plans hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

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

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), 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).

15. Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

**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 and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

16. The development hereby approved shall not be occupied until the existing vehicular access points have been closed, the highway reinstated in accordance with the permitted plans and retained in perpetuity thereafter.

**Reason:** To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

17. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building.

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

18. 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).

19. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the rear elevation above ground level of the building hereby approved (with the exception of those facing due south) shall be fitted as obscure glazed/fixed shut and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to



existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## Informatives

- A. **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.
- B. 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>
- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. 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.
- E. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.