

Committee	PLANNING COMMITTEE A	
Report Title	GARAGES TO THE REAR OF 55 BROSELEY GROVE SE26	
Ward	Sydenham	
Contributors	Elizabeth Donnelly	
Class	PART 1	Date: 16 th February 2017

Reg. Nos. DC/16/095645

Application dated 24.02.2016

Applicant Mr Christopher Barnes (Architecture Design)

Proposal The demolition of the existing garages on the site at the rear of 55 Broseley Grove SE26 and the construction of 2 three bedroom semi detached chalet bungalows, together with the provision of car parking and associated refuse storage.

Applicant's Plan Nos. Site Location Plan; Design and Access Statement; Energy and Sustainability Statement Received 25th February 2016; Planning Statement Received 21st April 2016; Access Details Received 22nd November 2016; (00)01 Rev E; (00)02 Rev E; (11)01 Rev E; (11)02 Rev E; (11)03 Rev E; (11)04 Rev E; (11)05 Rev E; Detail Sheet 1 Rev E Received 9th January 2017; (11)06 Rev E Received 13th January 2017

Background Papers Case File LE/165/55/TP

Designation PTAL 2
Not a Listed Building

1.0 Property/Site Description

- 1.1 This application relates to a back land garage site which is located to the rear of 55 Broseley Grove. The site is accessed via an access road between No. 53 and No. 55 Broseley Grove.
- 1.2 The site is approximately 675sqm in area and comprises 21 single storey garages. The garages are used for storage and car parking. 4 of the garages are vacant.
- 1.3 The north, west and south, the site adjoins the rear garden boundaries which serve two storey housing. To the east, the site adjoins the land surrounding Orchard Court, a 4 storey apartment block.
- 1.4 The site is not located within a conservation area, nor is it subject to an Article 4 direction. It is not in the vicinity of a listed building.

2.0 Planning History

2.1 **DC/04/58609** – Planning permission refused on 14/02/2005 for the demolition of existing garages at the rear of 55 Broseley Grove SE26 and the construction of a two storey plus roofspace terrace of 3, four bedroom houses, together with associated landscaping and provision of 4 car parking spaces with access onto Broseley Grove. The application was refused for the following reasons:

1) The shared pedestrian and vehicular access to the site along a 19 metre long, 3.2 metre wide service road is inadequate for the servicing of the proposed development contrary to Policies URB 2 Urban Design, HSG 4 Layout and Design of New Residential Property and HSG 6 Backland and in-fill Development in the adopted Unitary Development Plan (July 2004).

2) The proposed building due to its overall height and proximity to neighbouring buildings represents an obtrusive form of development detrimental to the amenities of neighbouring residential occupiers in terms of privacy, sunlight and outlook, this impact increased by the change in ground level contrary to Policies URB 2 Urban Design, HSG 3 Residential Amenity, HSG 5 Gardens and HSG 6 Backland and in-fill Development in the adopted Unitary Development Plan (July 2004).

An appeal in relation to the above proposal (Ref. APP/C5690/054/1179671) was subsequently dismissed by the Inspector.

2.2 **DC/13/83507** – Planning permission was refused on 26/02/2015 for the demolition of the existing 21 garages on land at the rear of 55 Broseley Grove SE26 and the construction of 2 three-bedroom bungalows, together with the provision of 2 car parking spaces, 4 bicycle spaces and refuse storage. The application was refused for the following reasons:

1) The loss of the existing 21 garages would displace the existing off-street garage parking into surrounding streets, particularly Broseley Grove, Elvino Road and Knighton Park Road and thereby cause significant increased congestion in surrounding streets that have limited on-street parking capacity, contrary to Policy 14: Sustainable Movement & Transport of the Core Strategy (June 2011) and DM Policy 33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

2) The scale of development proposed and the resulting level of activity, the narrow width of the proposed access onto the site, inadequate pedestrian footways and the potential conflict between vehicle manoeuvring and pedestrian routes, would create conditions prejudicial to the safety of pedestrians and other visitors to the site, contrary to Policy 14: Sustainable Movement & Transport of the Core Strategy (June 2011) and DM Policy 33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

3) The substantial size of the pyramid rooflights and their close relationship to the windows in the rear elevation of 55 Broseley Grove would result in a significant impact of the occupiers of that property by reason of light pollution, contrary to DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

3.0 Current Planning Application

3.1 This application relates to the demolition of the existing garages and the construction of 2 x 3 bedroom semi-detached bungalows.

Scale

3.2 The proposed building (the pair of bungalows) would be single storey. It would have a flat roof and a maximum height of 2.9m. The building would have a maximum width of 18.8m and a depth of 13.3m.

3.3 It is proposed that a 1.8m close boarded fence would surround the site.

Materials

3.4 Officers also sought amendments to the scheme to improve the quality of the materials proposed. The proposed materials include Golden Buff masonry brick for the external walls and timber windows. The roof would be a flat roof constructed from fibreglass.

Residential Units

3.5 The proposal seeks to provide two 3 bedroom units with private rear gardens. The table (Table 1.1) below outlines the details relating to the proposed units.

Unit Type	Policy requirement	Unit size (GIA) (sqm)	Bedroom sizes (sqm)	Living/ kitchen /diner sizes (sqm)	Floor to ceiling heights (m)	Private amenity space (m) (usable)
3 bed 5 person x 2	86	86	Bed 1: 13 Bed 2: 13.5 Bed 3: 9	42	2.5	112.7 (house 1) 116.6 (house 2)

Car Parking

3.6 The proposed units would each have an on-site parking space.

Access

3.7 The development would be accessed via an 18m long access road off Broseley Grove. The access road is 2.9m in width.

Cycle parking

3.8 Each house would be provided with a cycle store for 2 bikes to the side.

Refuse

3.9 Refuse bins would be stored within the site. A refuse collection zone, located at the opening of the site, is also shown on the plans.

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 Letters were sent to adjoining neighbours. The Councillors for Sydenham were also consulted.
- 4.3 9 objection letters were received from neighbouring residents. A further objection, outlining support for the resident objections, was received from Councillor Chris Best.

Written responses received from local residents

- 4.4 Objections were received from 9 local residents. The objections referred to the following issues:
- Inaccuracies in the documents and plans, including non-specific Lifetime Homes Statement.
 - Refuse collection would give rise to cluttering of bins at opening of access road causing obstruction
 - Inadequate/ restricted access for delivery vehicles and emergency vehicles, including fire engines
 - Pedestrian safety/ visibility issues due narrowness of access road
 - Surface water drainage and pollutant run-off concerns due to topography and previous uses
 - Loss of parking and increased parking stress on surrounding streets
 - Security issues for adjoining properties
 - Increased noise and disturbance for neighbouring occupiers
 - Site stability issues

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 any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The Development Plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.4 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)'.
- 5.5 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.

London Plan (as amended 2016)

The London Plan policies relevant to this application are:

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- 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 6.9 Cycling
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

The London Plan SPG's relevant to this application are:

Housing (2016)
Sustainable Design and Construction (2006)

Core Strategy (2011)

- 5.6 The Core Strategy, together with the London Plan and the Development Management Local 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
Core Strategy Policy 1 Housing provision, mix and affordability
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

Development Management Local Plan (2014)

- 5.7 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:

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 7 Affordable rented housing
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 24 Biodiversity, living roofs and artificial playing pitches
DM Policy 26 Noise and vibration
DM Policy 27 Lighting
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 33 Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 35 Public realm

Residential Standards Supplementary Planning Document (August 2006)

This development sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self-containment, noise and room positioning, room and dwelling sizes, amenity space and materials

6.0 Planning Considerations

The planning considerations relevant to this application include the following:

- Principle of development
- Design
- Standard of accommodation
- Highways/transport
- Impact on adjoining neighbours
- Sustainability and energy
- Flooding

Principle of Development

- Loss of existing garages

6.1 Officers must consider the acceptability of the loss of the garages. The main concern would be the impact of this loss upon on-street parking in the surrounding area.

6.2 As the landowner, the applicant has provided information which outlines how they are used and the addresses of the current garages occupiers. This demonstrates that 12 of the garages are used for storage (household items or building material) purposes, 5 for the parking/storage of a car and 4 are vacant. The information provided also demonstrates that the 5 garages in car parking use do not belong to residents of the surrounding streets, rather, they are scattered across the borough. For this reason, officers are satisfied that the loss of garages would not give rise to an unacceptable level of parking displacement into the streets surrounding the application site, nor a particular area elsewhere in the Borough.

- Proposed residential use

6.3 The application site is considered to constitute a backland site when assessed against DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas'. In relation to backland sites (part 6), the policy reads:

New development on sites of this type will only be permitted where they provide:

a) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians

b) no significant loss of privacy, amenity and no loss of security for adjoining houses and rear gardens

c) appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards)

6.4 Whilst the above policy generally supports the principle of the residential redevelopment of backland sites (where the loss of the existing use is considered to be acceptable), the acceptability of the scheme is dependent on the details which will be discussed throughout the report.

6.5 Further to this, the general principles of this policy, which are mainly design related, also apply and will be discussed in the design section.

Design

6.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Core Strategy Policy 15, DM Policy 33 and DM Policy 30 seek to ensure that development is high quality, sensitive to the local context and creates a positive relationship with the existing townscape.

- Scale of development

6.7 The surrounding context comprises a mix of semi-detached housing, bungalows and terraced housing. There is also a 3 storey flatted block that adjoins the site on the eastern side. To the west, north and south, the site adjoins rear gardens attached to 2 storey houses.

6.8 The existing garages are partially visible from Broseley Grove, when looking down the access road towards the site. However, due to the proposed siting of the development, the built form would not be visible from the street, rather the proposed landscaping.

6.9 Whilst the surrounding existing development presents a mixed character, the site is largely adjoined by two storey development. As stated within DM Policy 33, backland development needs sensitive design in order not to detract from the character of the streetscene and the scale of adjacent buildings.

6.10 As the proposal seeks to deliver single storey buildings, it is considered that the development would provide adequate subordination with the frontage buildings, therefore, relating sensitively to surrounding existing development.

- Materiality

6.11 Officers have worked with the applicant to ensure that the proposal would give rise to a high quality development. This has included the revisions to the scheme to incorporate brickwork to all external elevations and windows reveals to improve the relationship between the proposed timber windows and external wall.

6.12 As originally submitted, the scheme included a living roof, however, as the details submitted in this regard were not considered to give rise to a high quality living roof, they were removed from the plans.

6.13 A living roof would however be considered to improve the appearance of the building when viewed from the adjoining neighbouring buildings, in addition to the sustainable drainage and biodiversity advantages. For this reason, it is proposed that details of a high quality living roof are required by condition. An informative will also be added to guide the applicant towards submitting acceptable details.

Housing

6.14 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan.

- Unit mix

6.15 In terms of unit type, the development seeks to deliver two family sized homes. This is aligned with the Borough's identified housing need and is therefore welcomed.

- Standard of accommodation

6.16 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. It outlines that the design of all new dwellings should include adequately sized rooms, convenient and efficient room layouts and meet the changing needs of Londoners' over their lifetimes.

6.17 Each of the units are considered to comply with the minimum GIA space standards set out in the London Plan (as demonstrated in table 1.2) and present good internal layout. The sections provided also confirm that the floor to ceiling heights would be 2.5m throughout.

6.18 DM Policy 32 requires proposals to provide accommodation with a good outlook, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. Within this policy there is also a presumption that residential units provided should be dual aspect.

6.19 The proposed units would be dual aspect, with windows to the front and rear elevations. The outlook, daylight and sunlight is therefore considered to be adequate. With regards to privacy, there would be a minimal level of overlooking into the rear gardens of the proposed units from existing surrounding development, however, this is considered to be a normal and acceptable situation within the Borough.

6.20 In light of the above, the standard of proposed accommodation is considered to be acceptable.

- Amenity space

6.21 The London Plan Housing SPG states that a minimum of 5sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1sq m should be provided for each additional occupant. Further to this, the Shaping Neighbourhoods: Play and Informal Recreation (SPG) states that a minimum of 10sq m of outdoor space should be provided per child.

6.22 As shown in table 1.1, the proposed development provides each of the units with private rear gardens. The gardens are considered to be of a good size, provide space for children's play and adequate privacy for future occupiers. In light of this, the proposed amenity space is considered to be acceptable.

Highways and Transport issues

6.23 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Safe and suitable access to the site should be

achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.24 Core Strategy Policy 14 'Sustainable movement and transport' supports this policy approach and promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have Travel Plans. Core Strategy Policy 7 'Climate change and adapting to the effects' and Core Strategy Policy 9 'Improving local air quality' further promote sustainable transport.

- Car parking

6.25 The objections received have raised concern in relation to the loss of parking and increased parking stress on surrounding streets.

6.26 As discussed in the principle of development part of this report and based on the evidence provided, it is not felt that the proposed development would displace a significant amount of parking onto the surrounding streets as a result of the loss of garages.

6.27 Further to this, the proposed development seeks to provide a car parking space per unit. This is considered to be adequate. The applicant has also demonstrated that there is adequate space to manoeuvre in and out of the parking spaces to enable cars to leave the site in a forwards direction.

6.28 Officers raise no concerns in this regard.

- Cycle parking

6.29 The proposal seeks to deliver 2 cycle parking spaces per unit. This is in line with the policy requirements in terms of numbers.

6.30 The cycle storage would comprise an enclosed structure located to the rear of the house, the details of which have been provided as part of the application. It is considered that the proposed structure would be dry, secure and accessible. It is proposed that the cycle storage is secured by condition.

- Access/ servicing

6.31 The previously refused schemes include reasons for refusal relating to the nature of the access route to the site. Concerns were raised in relation to inadequate servicing of the development due to narrow width of access road and safety issues resulting from conflict between pedestrians and vehicles using the access.

6.32 Objections received from local residents also raise concerns in relation to the access of delivery and emergency vehicles, including fire engines, the cluttering of bins at the opening of the access road and pedestrian safety/visibility issues due to narrowness of access.

6.33 In relation to refuse, the proposal includes refuse storage provision within the site which is located in close proximity to the units. It is noted that the refuse collectors will not collect the bins from within the site on collection day due to the distance they would be required to travel on foot. As a result, the proposed plans show a refuse

collection zone in the opening of the access road where the rubbish would be left/collected from on collection day. The application submission demonstrates that 2 refuse bins and 2 recycle bins would fit in the zone without restricting vehicular movement and outlines the proposed management strategy.

- 6.34 Whilst the bins would further narrow the access road (on collection day only), this solution allows the collection of rubbish without obstructing the footpath outside of the site boundary. In the context of a constrained site which seeks to provide two family units, on balance, it is considered to be an acceptable solution.
- 6.35 In terms of servicing, a service vehicle, including fire engines, would not be able to access the site via the access road due to the narrowness of the route. However, it should be noted that where fire engines cannot directly access residential properties, the furthest corner of any part of the proposed dwelling must be within 45 metres of any emergency appliance parked at the entrance of the site. The application submission suggests that the proposal would be capable of achieving this. However, further to this, there are alternative measures that can be taken in order for the proposal to comply in this regard. This includes the provision of sprinklers within the properties. The regulation of this falls with Building Control. It is proposed that an informative is added to the permission to remind the applicant that in order to comply with Building Regulations, the necessary measures must be implemented.
- 6.36 In relation to general delivery vehicles, it is also likely that they would not be able to enter the site due to the narrowness. Nevertheless, as the opening of the site is located at the part of the street that is a dead-end, it is not felt that the temporary stopping of delivery vehicles at the kerb side would be detrimental to the movement of traffic.
- 6.37 In light of the above, the proposed development is considered to be acceptable in highways/planning terms. However, the proposal will be expected to comply with Building Regulations should planning permission be granted.

Impact on adjoining neighbours

- 6.38 Core Strategy Policy 15 'High quality design for Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers. Further to this, Development Management Policy 31 'Alterations and extensions to existing buildings including residential extensions' states that residential extensions should result in no significant loss of privacy, sunlight and daylight to adjoining properties.
- 6.39 Given the single storey nature of the proposed units and the blank side elevations, the proposal is considered to be acceptable in relation to privacy, sunlight and daylight to adjoining properties. The proposed boundary treatment is also considered to be acceptable in this regard.
- 6.40 Furthermore, objection in relation to security issues arising from the proposed development was raised. In introducing residential development to this backland site, the proposed would increase the amount of natural surveillance to the rear of surrounding gardens. As a result, officers have no concerns in this regard.
- 6.41 The proposed development also includes low level lighting. In the context of the backland nature of the site and the narrow and lengthy access road, this is

supported from a designing out crime perspective and would be expected to increase the safety of future occupiers. From a neighbouring amenity perspective, the application submission confirms that the lighting would not exceed 2 lux at the closest residential window and is therefore considered to be acceptable in this regard. It is proposed that a condition is added to secure this lighting level.

Energy and sustainability

- 6.42 Policy 5.2 'Minimising Carbon Dioxide Emissions' states that development should make the fullest contribution to minimising carbon dioxide emissions. Further to this, Policy 5.3 'Sustainable Design and Construction' of the London Plan states that the highest standards of sustainable design should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.43 Core Strategy Policy 8 'Sustainable design and construction and energy efficiency' outlines the Council's commitment to prioritising the reduction of the environmental impact of all new development. It outlines the focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction, to meet the highest feasible environmental standards during design, construction and occupation. Core Strategy Policy 8 therefore requires all new residential development to achieve a minimum of Level 4 Code for Sustainable Homes.
- 6.44 However, following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, elements of which will now be incorporated into building regulations. Nevertheless, residential development is still expected to meet code level with regards to energy performance and water efficiency.
- 6.45 The application submission includes an Energy and Sustainability Statement which suggests that the proposal would be capable of achieving Code Level 4.
- 6.46 It is proposed that a condition is added to secure energy performance and water efficiency.

Flooding

- 6.47 Objections have been received in relation to surface water drainage and pollutant run-off concerns due to the topography of the site and its previous uses.
- 6.48 The proposed development includes large garden areas and additional soft landscaping. The site is not located within a Flood zone and is also considered to be largely permeable with much opportunity for drainage. The proposal does however also include areas of hard landscaping (paving). It is proposed that a condition is added to the permission to ensure the permeability of the paved area.
- 6.49 In terms of pollutants, it is also proposed that a land contamination condition is added to the permission. This would require a full site investigation and the identification of the necessary remediation works required to make the land good. This would take place prior to the commencement of works and would be submitted to the Council for assessment and approval. Officers are therefore satisfied that pollutant run-off would not occur.

Other

6.50 The objections also suggest that there are inaccuracies on the documents and plans submitted. Officers are satisfied that the application submission has enabled a full and accurate assessment.

7.0 Equalities Implications

7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

7.2 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.

Community Infrastructure Levy

7.3 On 1st of April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.

7.4 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. It should be noted that the applicant is required to apply for the exemption however.

7.5 This development is CIL liable.

8.0 Conclusion

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

8.2 The proposed development is considered to be acceptable and of no significant harm to the character of the area or neighbouring amenity.

9.0 RECOMMENDATION: 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:

Site Location Plan; Design and Access Statement; Energy and Sustainability Statement Received 25th February 2016; Planning Statement Received 21st April 2016; Access Details Received 22nd November 2016; (00)01 Rev E; (00)02 Rev E;

(11)01 Rev E; (11)02 Rev E; (11)03 Rev E; (11)04 Rev E; (11)05 Rev E; Detail Sheet 1 Rev E Received 9th January 2017; (11)06 Rev E Received 13th January 2017

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. (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).

4. Prior to the commencement of works, details of landscaping shall be submitted to the local planning authority for approval prior to the commencement of works. The details shall include the following:

Hard Landscaping:

- (a) Details of any hard surfaces on any part of the site not occupied by buildings, including details of permeability;

(b) Details of boundary treatment, including any gates and boundary treatment between rear gardens;

Soft Landscaping:

(a) Details of any trees within the site, or within close proximity to the site and affected by the development (including tree categories and root protection areas);

(b) Details of any trees to be retained;

(c) Details of proposed plant and tree numbers, species, size of trees and tree pits;

(d) Details of the management and maintenance of the landscaping for a period of five years;

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.

All soft and hard landscaping shall be implemented prior to occupation and permanently retained and maintained.

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. (a) A minimum of 4 (2 per unit) secure and dry cycle parking spaces shall be provided within the development as indicated on the plans (drawing no. (11) 02 Rev E) hereby approved.

(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 14: Sustainable movement and transport of the Core Strategy (2011).

6. The refuse storage area and refuse collection zone shown on drawing no. (11)06 Rev E shall be provided in full prior to the occupation of the development and shall thereafter be permanently retained and maintained, in accordance with the management strategy hereby approved.

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. 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).

8. (a) Each of the dwellings hereby approved shall meet standard M4(2) of the Approved Document M of the Building Regulations (2015).

(b) No development shall commence until written confirmation from the appointed building control body has been obtained.

(c) The development shall be carried out in accordance with the details approved under part (b).

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

9. The residential units hereby approved shall be constructed in order to achieve the following requirements:

- (a) a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
- (b) a reduction in potable water demand to a maximum of 110 litres per person per day

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

10. Notwithstanding the details submitted, any external lighting that is to be installed at the site must not exceed 2 lux at the nearest 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).

11. (a) No development shall commence until full details of a living roof, including full detailed plans (to scale) showing and stating the area of the roof, a scaled section through the actual roof showing details of the extensive substrate base and living roof components, details of the proposed plug planting and seed composition and planting methodology and details of the proposed plug plant and seed composition.

(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 the details approved in relation to part (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).

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. The applicant is reminded that they are required to obtain full building control approval.

C. 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>

D. For further guidance in relation to the requirements of condition (11), please see the following information:

The Council favour specifically designed & locally appropriate biodiverse living roof systems that meet the Mayor of London (Policy 5.11 Green Roofs and Development Site Environs) preferred standard for contributing to biodiversity and will resist the use of homogenous mat based living roof products.

Biodiverse living roof systems use a low nutrient substrate base and should vary to make a mosaic of different substrate depths between 80-150mm with peaks and troughs (but averaging at least 133mm). They should be seeded and plug planted with native wildflower species and include other materials to vary the micro-habitat/typography characteristics of the locality in which the roof is situated e.g. larger boulders/rocks, mounds of sand for solitary bees/wasps and/or one natural hardwood per 20m² (dimensions 100mm diameter x 1m long), for other invertebrates. Further advice, species lists, recommended specifications can be obtained from the Council's Nature Conservation Section and Lewisham's Biodiversity Planning Guidance Notes that are available from that Section.

Developers should avoid using pre vegetated mat based living roof products. These tend to be expensive, they frequently use inappropriate species that are not locally appropriate and result in a less biologically interesting/biodiverse, uniform and homogenous vegetated roof. Intensive living roofs (roof gardens) differ from extensive living roofs as they have a much greater depth of growing medium (+200mm) and tend to replicate a terrestrial landscape at roof level. Intensive living roofs should still aspire to use flowers, plants, shrubs and trees known to benefit local wildlife.

Living roofs should not be seen as an automatic substitution for ground level landscaping. Further, information can be found at: <http://livingroofs.org/>