

Committee	PLANNING COMMITTEE C	
Report Title	Land adjacent to 1 Avignon Road, London, SE4 2JN	
Ward	Telegraph Hill	
Contributors	Felicity Tait	
Class	PART 1	12 OCTOBER 2017

Reg. Nos. (A) DC/17/102552

Application dated 13.07.17

Applicant Mr Heath Dawson Heath Property Limited

Proposal The change of use of the former industrial units on land adjacent to 1 Avignon Road SE4, including the demolition and re-building of the single storey buildings, renovation and extension of the existing 2-storey building to provide 1 one bedroom, 5 two bedroom and 1 three bedroom self-contained flats, together with the provision of cycle and refuse storage, associated landscaping and new entrance gates and wall onto Avignon Road.

Applicant's Plan Nos. D/001; D/002;- D/003; D/004; D/005; D/006; D/102; D/103; PL/110; PL/111; PL/112; D/113; D/114; PL/116; PL/117; Planning Statement (ECE Planning, July 2017); Acoustic Report Environmental Noise Assessment (N. M. & S, 28 June 2017); Arboricultural Impact Assessment (W J Kent Tree Consultancy Ltd, July 2017); Tree Protection Plans And Caveats (W J Kent Tree Consultancy Ltd, July 2017); Preliminary Ecological Appraisal Internal and External Bat Survey (The Ecology Partnership, July 2017); Phase 1: Environmental Report (Contaminated Land Solutions, 14 July 2017); Commercial Feasibility Report (Pedder Development Consultancy, July 2017); Design And Access Statement (Dawson Heath Property, July 2017) received 17 July 2017

D/118 rev A; D/118/a received 24 August 2017

D/101 rev A; D/104 rev A; D/105 rev A; D/115 rev A; D/119; 1a Avignon Road (response letter – trees); Ceramapave Brochure (Langford Direct Ltd) received 12 September 2017

D/100 rev A received 14 September 201

Background Papers (1) DE/70/A/TP

(2) Development Management Local Plan
(adopted November 2014) and Core Strategy
(adopted June 2011)

Designation

PTAL 3
PTAL 4
Local Open Space Deficiency

2.0 Property/Site Description

- 2.1 The site is situated on land adjacent to 1A Avignon Road and has an area of approximately 0.1ha. The site was formerly used as a builder's joiner's yard, but this use ceased approximately 15 years ago. The site is still occupied by a mix of one and two storey buildings from this use, which have fallen into a state of disrepair and has been vacant for approximately 15 years. The site sits next to a MOT garage which is still in use. These two sites are located on a triangle of land behind Avignon Road, Dundalk Road and St Asaph Road.
- 2.2 The surrounding area is generally residential in nature, the dwellings being mainly two storey late Victorian, with some three storey flatted blocks.
- 2.3 There are two access points to the site, a vehicular access from Avignon Road (to the west) and a pedestrian access from Dundalk Road (to the south). The views of the site from the public realm are limited. The site can be seen through the gap between 3 Avignon Road and Monmouth House, Avignon Road, and also glimpsed from the entrance drive to the MOT garage on Dundalk Road.
- 2.4 The site has a PTAL rating of 3/4 and is located in close proximity to the Nunhead and Brockely Train Stations. The site is not located in a conservation area and no buildings on the site are listed. The site is not within the setting of a listed building.

3.0 Planning History

- 3.1 PRE/14/01969: pre-application advice provided on a proposal to redevelop the site to provide six 2 bedroom, 4 person flats, three storeys in height. Feedback was provided that Council agreed with the general principle of demolition of the former workshop and the construction of residential units on the site provided that a report was provided demonstrating that the site was no longer suitable for employment use.
- 3.2 PRE/17/002884: concept advice provided on the principle of residential development on the development site. Feedback was provided that Council agreed with the general principle of demolition of the former workshop and the construction of residential units on the site provided that a report was provided demonstrating that the site was no longer suitable for employment use. It was advised that if the applicant wanted more detailed advice in relation to development options, that they should organise a pre-application meeting.
- 3.3 PRE/17/002884: pre-application advice provided on the 2 residential housing options. Option A 6 x 2 bedroom flats and Option B 6 x 2 bedroom mews type houses Feedback provided that the proposed redevelopment of the subject site could be acceptable in principle, subject to a viability assessment report that demonstrates

that the site is no longer viable and the design being of a very high standard and comply with the relevant policies and statutory requirements.

4.0 Current Planning Applications

The Proposals

- 4.1 The proposal is for a residential development of 7 apartments, comprising one 1-bed, five 2-bed and one 3-bed. The development is partly 2-storey, with additional single storey elements. The proposed residential development is considered the maximum the site will bear, and due to the size of the proposed development (less than 10 units) it will not have to provide affordable housing.
- 4.2 The 2 storey part of the existing industrial building will be retained and extended to the north, and the surrounding single storey elements will be demolished. The 2 storey various single storey elements will be constructed, with a similar footprint to existing.
- 4.3 The existing entrance into the 2 storey building will be retained and will provide access into a communal hallway, leading to the four units in the main building. The remaining three units will have their own independent entrances off the main courtyard.
- 4.4 In relation to the materials for the existing a 2 storey industrial element it is proposed to retain the existing brickwork, clean and restore it. The existing 2-storey building will be extended in matching bricks and a new north gable wall created to match the south one, except with 'blind' window reveals. The pebbledash will be removed and the original yellow stock brickwork restored. The asbestos roofs will be removed and a new 'standing seam' zinc roof is proposed, in keeping with the industrial heritage of the building. Window frames will be replaced with 'warehouse' style metal-framed windows in grey.
- 4.5 The proposed (new build) single storey buildings will be constructed out of contrasting dark grey brick with charcoal mortar and square recessed joints. Brickwork detailing to this element to be in a 'sharp' modern manner, with minimal detailing. Roofs to these areas will be flat and planted to encourage bio-diversity and aid with the environmental strategy for the site. Window frames will be large-format.
- 4.6 A 2.4m porous access path from Avignon Road to a central courtyard surrounding by a narrow landscape strip on either side has also been proposed.
- 4.7 Refuse storage will be located in the access handle to the development, and screened from view behind an existing electricity substation. Each dwelling will have a designated cycle store sized to hold a minimum of two cycles.
- 4.8 The front wall to Avignon Road will be repaired and extended, with new pillars, and the gates will be replaced with laser-cut Corten steel gates, secured with an intercom system is proposed.
- 4.9 The proposed site footprint will be less than the current buildings.

5.0 Consultation

- 5.1 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.
- 5.2 Site notices were displayed and 141 letters were sent to the immediately surrounding neighbours. The local ward councillors were also informed of the application.

Application Consultation

- 5.3 Four letters of objection and one letter of support was received during the course of the assessment of the application. A summary of these submissions is provided below:

Objections

- Concern that there will be too many properties on such a small site and that the building footprint appears to exceed that of the existing building footprint.
- That the site has been a haven for wildlife for the past 20 years and it will be sad for that to go.
- That the trees adjacent to some properties along Asaph Road will block out sunlight.
- Concerns about the plot becoming residential and the associated increase in footfall, noise, people, cars that will be associated with the development.
- Concerns about the roof gardens overlooking adjacent properties.
- That the increase in foot traffic could result in break-ins.
- There is no need for additional flats within Brockley and that the site would be better used as a business site such as a yoga studio, art space or community facility where the operation would be primarily restricted to weekdays.
- Request that trees be planted to ensure privacy.
- 2 metre space between the proposed development and 18 Dundalk Road.
- That a wall or fence be built to maintain the end of property and not just open on the Dundalk Road access.

Support

- Is in keeping with the surrounding residential development.
- Support the proposed design, as it retains the historic London building that will be used for much needed residential flats that are well designed.
- The architects have worked extensively with the local community to address concerns which they are supportive of.
- That a wall or fence be built to maintain the end of property and not just open on the Dundalk Road access.

Written Responses received from Statutory Agencies

Highways

5.4 The Council's Highways department was consulted in relation to the application. They were generally happy with the application, however did have concerns initially in relation to access width of the driveway for emergency services. However, the applicant provided an amended plan increasing the width of the driveway to enable an emergency vehicle to enter the site which Highways are now satisfied with. The Highways issues are considered in further detail in paragraphs 7.38 and 7.39.

Building Control

5.5 Building Control was consulted in relation to the vehicular access, however no response was received.

Ecology

5.6 Ecology is supportive of the living roof wildflower principles, as these will provide a biodiversity enhancement if they are installed, established and are maintained effectively. Ecology are also happy with the integration of PV onto this system, but questioned the depth of substrate indicated, as it appeared to be as little as 50mm in places and suggested a minimum sedum blankets of 80-150mm. The applicant revised the plans to comply with this requirement, of which Ecology is now satisfied.

Urban Design

5.7 The Urban Design Officer was consulted in relation to the application and is supportive of the development, as the design has responded to the constraints of the site in a sensitive matter.

Tree Officer

5.8 The Council tree officer was consulted in relation to the application. The Tree officer raised a few concerns in relation to the location of the two Sycamore trees located on the rear garden of Monmouth House and how these would be affected by pruning in the future, in addition to the ultimate size of the proposed Himalayan Birch trees proposed in the mews courtyards area. The site is not subject to a Tree Preservation Order.

Environmental Health

5.9 Given the developments location next to an adjacent operating MOT site, the application was referred to Council's noise consultant. Feedback was provided that as the façade overlooking the MOT centre does not have any windows, the aspect of noise control provided by this will be sufficient.

National Grid

5.10 Given the developments location next to an existing substation, the application was referred to the National Grid, however no response was received.

6.0 Policy Context

Introduction

- 6.1 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)

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

- 6.2 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)'.
- 6.3 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

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

London Plan (2016)

6.5 The London Plan (2016) policies relevant to this application are:

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 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)
Character and Context (2014)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

6.6 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
Core Strategy Policy 2 Housing Provision and Distribution

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 15 High quality design for Lewisham

Development Management Local Plan

6.6 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
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 33	Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (August 2006 and updated 2012)

6.8 This document 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, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Accommodation Standards
- d) Highways
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

g) Ecology and Landscaping

Principle of Development

- 7.1 The principle of the proposal will be assessed in relation to DM Policy 11 'Other Employment Locations' and DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity locations'.
- 7.2 The site was formerly used as a builder's joiner's yard but has been vacant for approximately 15 years. Whilst not designated as a strategic industrial or employment site, the site did and does provide a site that has the ability to generate local employment. Core Strategy Policy 5 states that with regard to 'other employment locations' the Council will 'protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations'. However, other uses including residential will be supported if it can be demonstrated that the site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use'. Policy DM 11 of the Development Management Local Plan, echoes Core Strategy Policy 5, by requiring high quality design, requiring contributions to training/ local employment schemes where there is a loss of local employment as a result of redevelopment and demonstration that the site has been shown to be no longer viable for commercial purposes through the submission of a marketing report.
- 7.3 The applicant has provided a viability assessment that states that the site has been vacant for a period of approximately 15 years. During this time, the site has fallen into disrepair due to a lack of use and maintenance. The viability report states that there were many enquiries to the site from property developers and 5 from parties looking at using the site for a commercial use. However all 5 of these parties withdrew their interest after viewing the property interested parties citing that it was not economically viable to restore the buildings for commercial use. The costing estimates of repair and the rent return estimates prepared by Pedder Development Consultancy stated that taking into account to cost of the repairs to the building (approximately £260,000) and the purchase price that the gross yield over a 10 year period would be of 3.85%, which is significantly lower than other yield offered by other commercial properties. The report also indicates that there is adequate or better commercial stock within other locations in the area. The narrow access to the site proposes a major encumbrance to the continued operation of the site as a commercial use due to the traffic conflicts that would result.
- 7.4 As such, the change of use of the site, to that of a residential use is acceptable subject to a high quality design and compliance with other applicable policies and standards.
- 7.5 Having regards to the principle of residential backland development. The London Plan (2016) outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2, 'Housing Provision and Distribution' supports the delivery new housing to meet local need.

- 7.6 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 7.7 DM Policy 33 states that 'planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the street scape'. DM Policy 33 also states that 'infill sites may present urban design problems in harmonising the development with the existing built form'.
- 7.8 The proposal constitutes backland development as defined by DM Policy 33 because the land to be developed is a backland parcel of land located via an access handle from Avignon Road and Dundalk Road and located at the rear of 1-3 Avignon Road, 1-21 Monmouth House, 50a-70 St Asaph Road and adjacent to the rear of the MOT garage located off Dundalk Road.
- 7.9 The evidence for Lewisham shows an overwhelming housing need which is spread across the borough and for a mix of housing tenures as well as housing size. The main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms. The proposal seeks to provide one, 3 bedroom / 5 person dwelling, in addition to four, 2 bedroom / 4 persons dwellings, one, 2 bedroom / 3 persons dwelling and one, 1 bedroom / 2 person dwelling. As such, the proposal would provide a dwelling of suitable size for family accommodation. Consequently, the proposal is considered to be consistent with the NPPF, the London Plan and Council's relevant planning policies (in particular Core Strategy Policy 1) in this regard.
- 7.10 The site also has a PTAL rating of 3/4 which is good and represents public transport that is readily accessible and available.
- 7.11 Given the above, it is considered that the principle of providing new residential accommodation is acceptable and complies with DM Policy 11 and DM Policy 33, subject to the proposed scale, layout and a high quality design, sensitive to the character of street scape and provides a suitable standard of residential accommodation for future occupiers.

Design

- 7.12 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.
- 7.13 London Plan Policy 7.4 states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. High quality design requires that the development, amongst other things, is human in scale, ensuring buildings create a positive relationship with

street level activity and people feel comfortable with their surroundings and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.

- 7.14 Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 7.15 DM Policy 30 requires all development proposals to be of a high quality design.
- 7.16 DM Policy 32 states that Council 'expects all new residential development to be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours and meet the functional requirements of future residents'.
- 7.17 As above, DM Policy 33 states that 'planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the street scape, and is sensitive to the setting of heritage assets'.
- 7.18 The proposal has been designed to respond to the surrounding context, respecting the amenity of adjacent residential neighbours. The 2 storey part of the existing industrial building will be retained and extended to the north, and the surrounding single storey elements will be demolished. The 2 storey various single storey elements will be constructed, with a similar footprint to existing.
- 7.19 The existing entrance into the 2 storey building will be retained and will provide access into a communal hallway, leading to the four units in the main building. The remaining three units will have their own independent entrances off the main courtyard.
- 7.20 The proposed development will effectively retain the historic layout of the site, as historic mapping suggests that the existing workshop building is contemporary with the surrounding residential dwellings. Officers support this design, as by placing the new buildings around the perimeter of the site, against solid external walls, the dwellings naturally orientate inwards, avoiding any issues of overlooking or loss of privacy to surrounding residential dwellings. This has then provided the opportunity for a mews type of development to be created with a landscaped communal space within the centre of the site.
- 7.21 The scale and massing of the proposed additional single storey element is considered to compliment the scale of the existing building on site and the neighbouring residential buildings surrounding the site, whilst still allowing natural light into each proposed dwelling. Solar access has been considered when designing and orientating the dwelling layouts, in order to capitalise on the sun and daylight into every dwelling in addition to avoiding overshadowing.
- 7.22 Single storey elements will be flat roofed to in order minimise the visual impact of the building, and provided with green roofs which will create a more pleasant visual experience for the surrounding residential occupiers and for the occupiers of the 2 storey element of the development that overlook the single storey element.

7.23 Officers support the 2 types of approach to the design, being old and new. The 2 elevational typologies differentiate between the original 2-storey factory (and its extension), and the new more contemporary single storey building creating a contrasting aesthetic that reflects the industrial history of the site.

7.24 It is further noted that the applicant has taken on board the officer's advice from the pre-application meetings and the proposed development has been designed so that the development does not compromise the future development of the adjacent MOT garage site.

7.25 For the reasons set out above, officers consider that the layout, scale and design are acceptable and comply with the NPPF, the London Plan, Core Strategy Policy 15, DM Policy 30, DM Policy 32 and DM Policy 33.

Accommodation Standards

7.26 At a regional level, guidance on the implementation of London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016), as well as more recently to respond to the Department for Communities and Local Government's publication Technical housing standards – nationally described space standard (in March 2015).

7.27 DM Policy 32 states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.28 The proposed development would accord with the London Plan National Technical Housing Standards minimum gross internal area (GIA), internal floor space, amenity space requirements and storage space requirements with the exception of the storage space requirements for Unit 7 as seen in the table below.

Unit No.	Beds	Proposed GIA	Required GIA	Proposed Amenity	Required Amenity	Proposed Storage	Required Storage	Complies
1	2b 4p	82.3sqm	79sqm	20sqm	5sqm	2.6sqm	1.8sqm	Yes
2	2b 3p	66.2sqm	61sqm	7sqm	6sqm	2.3sqm	1.3sqm	Yes
3	3b 5p	92.7sqm	86sqm	45.6sqm	8sqm	3.1sqm	1.2sqm	Yes
4	2b 4p	76.5sqm	70sqm	15.6sqm	7sqm	2.5sqm	1.8sqm	Yes
5	1b 2p	50sqm	50sqm	18.8sqm	5sqm	1.5sqm	0.8sqm	Yes
6	2b 4p	74sqm	70sqm	7sqm	7sqm	2.5sqm	1.8sqm	Yes
7	2b 4p	71sqm	70sqm	8.5sqm	7sqm	1.4sqm	1.8sqm	Yes (with the exception of storage)

7.29 Having regards to the non-compliance of the storage space for Unit 7, both the bedrooms are good sized rooms that can accommodate a double wardrobe (1200mm x 600mm), a dressing table (500 x 1050mm) and a chest of drawers (450mm x 750mm) in addition to the 1.4sqm of storage space. Therefore, despite

this non-compliance officers are satisfied that Unit 7 will provide sufficient storage space for future occupiers of the dwelling.

- 7.30 In terms of the floor to ceiling heights, the Technical Housing Standards identifies the minimum floor to ceiling height for new dwellings which is set at 2.3m with a preference for 2.5m. The proposed development complies with this minimum standard.
- 7.31 DM Policy 32 requires accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight as a result of the floor plan layout. All the proposed developments units', have dual aspect. In addition, the living and dining areas having been designed to be open plan, maximising the sunlight into the respective rooms, taking into account site restraints of the site, which is that the perimeter of the building is largely unable to be used for windows and light sources in order to mitigate privacy and noise concerns. Further, as shown on page 15 of the Design and Access Statement privacy and overlooking concerns within the development itself has also been considered and designed accordingly to reduce overlooking. Where the orientating of the windows has not been able to achieve this opaque glass has been proposed to ensure privacy is maintained. The amenity areas are also directly accessible from the communal areas ensuring that any residents of the respective units have an ability access these spaces.
- 7.32 Section 3.10 Gardens and amenity space of the Residential Standards SPD states that rear gardens for dwelling houses should be a minimum of 9m in depth, which is not achieved given the arrangement of the buildings. However the London Plan Housing SPG Standards 26 and 27 requires states that minimum amenity area ranging from 5sqm to 8sqm, with a minimum width of 1.5m should be provided for a dwelling of this size. The proposed development meets or exceeds both these minimum requirements. Further, the proposed family dwelling (Unit 3) has an amenity area of 45.6sqm and a depth of 9m which will ensure sufficient areas of space for families and their associated activities.
- 7.33 To conclude, although some elements of the proposal do not meet the minimum requirements that are specified within the relevant standards, on balance the proposed development is considered to be acceptable and complies with DM Policy 32.

Highways and Traffic Issues

- 7.34 London Plan Table 6.2 Car parking standards states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. DM Policy 29 states that it requires parking standards in accordance with Core Strategy Policy 14 'Sustainable movement and transport', which states that the Council will take a restrained approach to parking provision.
- 7.35 The applicant has proposes a car free development with no off-street parking. Given that the site is located in an area with a PTAL rating of 3/4 and is well serviced by numerous bus routes, in addition to the Brockley and Nunhead train stations, a car free development is considered to be acceptable.

- 7.36 The applicant proposed to provide 2 cycle spaces per unit (14 in total). These will be located adjacent to the entrance pathway to encourage usage which complies with the London Plan.
- 7.37 Having regards to refuse, the applicant has complied with the relevant storage minimum requirements for a development of this size with two 770 litre bins (one for refuse and for recycling) located behind the existing substation being provided. These will be located 9m from the back of the pavement, which is within the 10m requirement.
- 7.38 Having regards to access for emergency vehicles, officers initially had concerns in relation to the access to the development for emergency vehicles. The Lewisham Residential Development Standards states the following in relation to *access for refuse vehicles and emergency services* “*developers need to allow appropriate access for refuse vehicles and the emergency services. This may for example involve remote collection points for refuse in some development layouts. Access for these vehicles is governed by the Building Regulations (Part B for Fire Brigade Access and Part H for Refuse Vehicle Access).*”
- 7.39 The applicant notes that it is difficult to achieve access to the site and in order to address the building codes and in order to address this non compliance have proposed that each dwelling has its own standalone sprinkler system to comply with BS9251:2005. Officers were still not satisfied by this and after discussions with the applicant the driveway width was increased to 2.4m to be constructed out of a porous material and the gates widened to accommodate an emergency vehicle should the need arise. Highways and Planning officers are now satisfied that adequate access for emergency vehicles has been achieved.

Impact on Adjoining Properties

- 7.40 DM Policy 32 generally states that development within street frontages and on street corners will only be permitted where they result in no significant loss of amenity to adjacent houses and gardens and where they retain appropriate garden space for adjacent dwellings.
- 7.41 The proposals have been designed to minimise impact on neighbouring residents, and has been substantially redesigned following the several iterations being presented to Council through the pre-application process. The proposal is now primarily ‘inward looking’, with buildings located around the perimeter of the site, facing inwards towards the central landscaped space.
- 7.42 With regard to the two storey element (both the existing industrial building and the extension) the proposed north elevation of the building does not contain any windows, further the extension to this building also contains no windows on the eastern elevation that is adjacent to the existing MOT site.
- 7.43 It is noted that the extended two storey element has been moved 4.75m from the northern boundary (the boundary with the rear gardens on St Asaph Road) from previous iterations of the scheme presented during the pre-application process to comply with the ‘25° rule’ in order to minimise overshadowing to the adjacent gardens. The width of this facing elevation has also been reduced by 2m, from 9m to 7m and the single storey element to this boundary has also been designed to include

a pitched roof element to respond to the existing Ash tree and to further reduce the height of the proposal along this section of the boundary.

- 7.44 There are two roof terraces at first floor level, also outside the 21m 'zone' and both located to avoid direct overlooking into neighbouring properties or gardens. The incorporation of a 1.8m high opaque glass screen will provide additional visual privacy. Ground floor windows all face into the central courtyard, private gardens or private courtyard spaces.
- 7.45 Having regard to the single storey elements all the habitable windows do not look into any adjacent properties. The windows either look into the courtyard or private amenity spaces attached to the respective dwelling.
- 7.46 It is also noted that the majority of the accommodation has been placed on the ground floor, to reduce the massing of the building and also to reduce the potential of overlooking to adjacent properties. Green roofs have been incorporated on the roofs of the single storey elements of the development to make a more visually appealing outlook for those outlooks from the first floor windows. It is noted that although the design has evolved to ensure that the privacy and overlooking concerns have been addressed, the quality of the accommodation and outlook have not been compromised.
- 7.47 Officers recommend that if this application is approved and conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that "conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances". Officers in this case consider that exceptional circumstances exist to justify the limited removal of the following permitted development rights (listed A-E below) because of the arrangement of the proposed building and relationship to existing neighbouring properties and the need to manage amenity considerations and as set out further in the reasons to the relevant proposed conditions. It is considered that the proposed development complies with DM Policy 32.
- a. *No satellite dishes shall be installed on any elevation of the building.*
 - b. *No extensions or alterations of the buildings shall be permitted*
 - c. *The new opaque windows to be installed on the building(s) hereby approved and indicated on the approved plans D/100, D/101 and D/102 shall be fitted as obscure glazed and retained in perpetuity.*
 - d. *No new windows (or other openings) shall be constructed in any elevation of the buildings approved as part of the permission other than those expressly authorised by this permission.*
 - e. *No development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.*
- 7.48 Amongst the representations received, potential crime has been raised as a concern. Section 17 of the Crime and Disorder Act 1998 requires the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonable can to prevent:

- a) *Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment) and;*
- b) *The misuse of drugs, alcohol and other substances in its area; and*
- c) *Re-offending in its area*

7.49 Officers do not consider that the application will have any crime or disorder impacts.

7.50 It should be noted that the applicant undertook extensive community engagement with the adjacent residential property owners in order to develop a design that addressed their concerns. In total 2 community engagement sessions were undertaken on the 22nd of April 2017 and the 23rd of June 2017, respectively. At these sessions development options were presented to those who attended and concerns and questions answered. These sessions have ultimately informed the current iteration of the design that has come forward.

Sustainability and Energy

7.51 London Plan Policies 5.1-5.8 and Core Strategy Policy 8 advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

7.52 The March 2015 NPPF update brought measures in prohibiting local authorities from adding conditions to planning permissions requesting Level 4 Code for Sustainable Homes except for the Level 4 equivalent with regard to water consumption and energy. An energy and sustainability statement should be submitted with any planning application in order to demonstrate a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations and a water efficiency of 110 litres per person per day (including a 5 litre allowance for external water use).

7.53 The Sustainability Statement contained within the Design and Access Statement submitted with the application documents advises that the development has been designed to meet and exceed a performance standard equivalent to level 4 of the Code for Sustainable Homes. The proposal is therefore acceptable with regard to sustainability.

Ecology and Landscaping

7.54 The proposed landscaping is considered to be appropriate to the design and the 'mews' type environment and sense of place that will be created by the development. The central pathway will create a legible path into the development. The proposed Silver Birch trees will provide summer shade but will not grow so large, as to result in excessive shade throughout the remainder of the year. The surrounding internal borders of the site will also be heavily planted with a variety of low level shrubs and flowering plants, the details of which will be secured via condition.

7.55 The site is not subject to a Tree Preservation Order. It is noted that initially the tree officer has raised concerns that the proposed four birch trees which may not develop to have large canopies to replace the existing ash and sycamores which will be removed. The Tree officers concerns have been negated as if larger trees were incorporated into the proposals they could grow to a scale which would adversely overshadow the courtyard space, light into the units and also excessive leaf drop.

- 7.56 In relation to ecology, officers are supportive of the living roof wildflower principles, as these will provide a biodiversity enhancement if they are installed, establish and are maintained effectively. Further, the sedum blanket complies with the minimum standards.
- 7.57 There are several trees that are not located in the site but are currently visible and make contribution to the streetscene being an Ash T4 and to a lesser degree Ash tree T1 that are visible between 1 Avignon Road and 56/58 St Asaph Road and Sycamores T2 & T3 are also visible to the street scene between 3 Avignon Road and Monmouth House, Avignon Road.
- 7.58 The tree officer has raised concerns in relation to the reduction in the radius of the canopies of several of the existing trees on-site, namely the crown reduction works to reduce the radius of the canopies of the four (just off-site) and specifically the two sycamore trees T2 & T3 which will overhang the small enclosed garden to Unit 5. These concerns were relayed to the applicant. The applicant acknowledges that there may be a requirement for ongoing maintenance to these trees, but they state that this would be no more than would ordinarily be required to any tree so close to a neighbours' boundary in an urban setting. The applicant believes that the additional tree planting proposed to the central courtyard as part of this application will result in an overall improvement to the rear outlook of surrounding residents. Further, having regard to Unit 5 the area has been designed to address the adjacent trees. The reception space is orientated to face the courtyard garden, with entirely glass walls facing in this direction. The adjacent trees will provide shade to the courtyard in the summer, to prevent overheating. In the winter, the trees will shed their leaves and allow sunlight into the courtyard. In addition, the reception space is provided with a large skylight, located at the far end of the courtyard, which will provide additional daylight.
- 7.59 The Tree officer initially was also concerned about the lack of sustainable urban drainage (SUDS) and drainage details of the landscaping proposed on site. However the applicant has subsequently provided details in relation to this. The current development on-site results in 92% of the rainwater falling on the site being directed either into storm drains or onto neighbouring properties, with only 8% of the surface enabling natural permeation. The amended proposal that now includes a porous pavement, significantly reduces or delays the amount of surface water runoff, as it enables 65% of this rainwater to permeate naturally into the ground, or be held in green roofs. As such the Tree officer is now satisfied that the development satisfies Core Strategy Objective 6 which requires '*sustainable urban drainage systems in new development, wherever feasible*'. Nonetheless in order to ensure this, a condition requiring that further details of the proposed hard and soft landscaping be provided, will be conditioned.

Community Infrastructure Levy

- 7.60 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).

- 7.61 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.62 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 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 Officers consider that the development has now overcome issues highlighted in the various iterations of the scheme submitted during the concept and pre-application meetings in relation to the principle of development, mass, design overlooking and privacy concerns. As such the proposed development is considered to deliver a high quality accommodation standard that complies with all the relevant legislation and planning policies and will not result in an adverse impact on the amenity of adjoining residential occupiers. As such, the proposed dwellings are considered to be acceptable and planning permission is therefore recommended, subject to conditions.

10.0 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:

D-001; D-002;- D-003; D-004; D-005; D-006; D-102; D-103; D-110; D-111; D-112; D-113; D-114; D-116; D-117; Planning Statement (ECE Planning, July 2017); Acoustic Report Environmental Noise Assessment (N. M. & S, June 2017); Arboricultural Impact Assessment (W J Kent Tree Consultancy Ltd, July 2017); Tree Protection Plans And Caveats (W J Kent Tree Consultancy Ltd, July 2017); Preliminary Ecological Appraisal Internal and External Bat Survey (The Ecology Partnership, July 2017); Commercial Feasibility Report; Arboricultural Impact Report (Peddar Development Consultancy, July 2017); Commercial Feasibility Report (Contaminated Land Solutions, July 2017); Design And Access Statement (July 2017) received 17 July 2017

D-118 rev A; D118a received 24 August 2017

D-101 rev A; D-104 rev A; D-105 rev A; D-115 rev A; D-119; 1a Avignon Road (response letter – trees); Ceramapave Brochure (Langford Direct Ltd) received 12 September 2017

11.0 D-100 rev A received 14 September 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. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (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).

4. (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).

5. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472. The sound insulation scheme shall be maintained in perpetuity in accordance with this condition.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

6. (a) The development shall be constructed in those materials as submitted namely: (i) for the existing building - yellow stock brick, grey metal warehouse windows, red brick arches, grey zinc standing seam metal roof and grey zinc guttering and (ii) the modern addition - dark grey brickwork with charcoal mortar and square recessed joints, dark grey aluminium frames, grey metal parapet and green roof and in full accordance with PL110; PL111; PL112; PL116; PL/117; D114; D115 rev A.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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) The storage of refuse and recycling facilities for each residential unit shall be as shown on approved plan D/105 rev A and shall not be left on the highway or footpath after collection.
- (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).

8. (a) A minimum of 14 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved D/100 rev A and D/101 rev A.
- (b) Prior to first occupation full details of the cycle parking facilities shall be 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).

9. (a) No development above ground level 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.

10. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

11. (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).

12. Details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

13. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. D/103 and D/118 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).

14. The development hereby approved shall not be occupied until the vehicular access as shown on plan D/105 has been constructed in full accordance with the said plan.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

15. The development hereby approved shall not be occupied until the existing access on Dundalk Road has been closed, the highway reinstated and the new access has been constructed in accordance with the permitted plans.

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).

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any elevation 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).

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

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 building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

19. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the buildings approved as part of the permission other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance 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 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

20. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new opaque windows to be installed in the building(s) hereby approved and indicated on the approved plans D/100, D/101 and D/102 shall be fitted as obscure glazed 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, DM Policy 32 Housing design, layout and space

standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

21. The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. D/100 rev A, D/101 rev A and D/102 hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with 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)

22. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building(s) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas 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 is advised that Conditions 3 and 10 require details to be submitted prior to the commencement of works due to the importance to minimise disruption on the local highway network and to the amenity of surrounding properties during construction and the protection of trees which form part of the setting of the site as a backland site between St Asaph Road, Avignon Road and Dundalk Road.