

Committee	PLANNING COMMITTEE B	
Report Title	34 ST MARGARETS PASSAGE, LONDON, SE13 5BS	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	30th August 2018

Reg. Nos. DC/17/105484

Application dated 23.01.2018

Applicant Mr J Selby

Proposal The demolition of the existing dwellinghouse at 34 St Margaret's Passage, SE13 and the construction of two, three storey plus lower ground floor semi-detached dwellinghouses with associated cycle and refuse storage, landscaping and boundary treatment.

Applicant's Plan Nos. 00.101 Rev P0; 10.101 Rev P0; 10.151 Rev P0; 10.152 Rev P0; 10.153 Rev P0; 10.154 Rev P0; 10.251 Rev P0; 10.252 Rev P0; 10.253 Rev P0; 10.254 Rev P0; Archaeological Desk Based Assessment; Daylight and Sunlight Study (Neighbouring Properties); Design and Access Statement Rev: 02; Draft Construction Management Plan; Heritage Statement; Planning Statement Rev: 02; Transport Statement Received 23rd January 2018

20.151 Rev P2; 20.152 Rev P2; 20.153 Rev P2; 20.154 Rev P2; 20.201 Rev P6; 20.202 Rev P5; 20.205 Rev P3; 20.253 Rev P5; 20.254 Rev P3; 20.271 Rev P3; SK.002 Rev P0 Received 8th June 2018

20.101 Rev P3; 20.203 Rev P4; 20.204 Rev P4; 20.251 Rev P5; 20.252 Rev P5; 20.254 Rev P4; SK.003 Rev P1; SK.004 Rev P1 Received 13th August 2018

Background Papers

- (1) Case File LE/750/34/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Blackheath Conservation Area  
Affecting the setting of Listed Building  
PTAL 4  
Local Open Space Deficiency  
Area of Archaeological Priority - Lee

## **1.0 Background**

- 1.1 This report sets out Officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:
- Permission is recommended to be approved and there are more than three valid planning objections, plus there is an objection from the Blackheath society, who are a recognised amenity group within this area.

## **2.0 Property/Site Description**

- 2.1 The application site sits between St Margarets Passage, in effect an alleyway, and the western end of Eton Grove, a cul-de-sac. The subject property itself is a post-war, detached two storey single family dwellinghouse on land which used to pertain to no. 32 and served as its garden. It is constructed in red brick, but features large sections of render, with a low-pitched roof and a canted bay facing the garden to its south elevation. Its front door is to the west elevation, set back from St Margarets Passage, although primary access is taken from Eton Grove.
- 2.2 The existing dwelling on site is of no special architectural or historic interest and it has a neutral impact on the character of the Conservation Area. The neighbouring pairs of Villas edging the southern side of Church Terrace to the west of the site are Grade II listed buildings and the eastern most component of the group sits in close proximity to the development site. In addition, the terrace of houses facing Eton Grove are locally listed.
- 2.3 The site is located within Blackheath Conservation Area, but is not subject to an Article 4 direction or listed. It has a PTAL rating of 4, is within an Area of Archaeological Priority and a Local Open Space Deficiency area.

## **3.0 Relevant Planning History**

- 3.1 Planning permission was **granted** on 25<sup>th</sup> March 1970 for the formation of a new roof to provide an additional bedroom at No.34 St. Margaret's S.E.13.
- 3.2 Pre-application advice was sought on various occasions (refs. PRE/16/002195 and PRE/17/104418) for the redevelopment of the site for two dwellings. Officers have been consistent in their advice that there is no objection in principle to the proposed demolition and redevelopment subject to the proposed development being of the highest quality design and materials, and the landscaped qualities of the proposal site being largely preserved.
- 3.3 DC/17/102915: The demolition of the existing dwellinghouse at 34 St Margaret's Passage, SE13, and the construction of two, three storey plus lower ground floor dwellinghouses with associated cycle and refuse storage and boundary treatments. Withdrawn on Officers' advice.

## **4.0 Current Planning Application**

- 4.1 The current application proposes the demolition of the existing dwellinghouse on the site and the construction of two, three storey plus lower ground floor semi-detached dwellinghouses.
- 4.2 The proposed dwellinghouses would be sited in much the same place as the existing property, although they would extend further southwards. However, they would be set further back from Eton Grove to allow the provision of a lightwell and steps up to the upper ground floor. The properties would have dual frontage for access from the east and west. The existing garden would be divided into two to provide external amenity space for each dwellinghouse, which would be accessed from the lower ground floor.
- 4.3 The building would have an 'M-shaped' roof punctured by a rooflight with a lead clad upstand separated by a party wall. It would feature recessed windows (some of which would be hidden behind hit-and-miss brickwork), entrance doors to both elevations, patio doors leading into the garden and railings and brick walls as boundary treatments.
- 4.4 The building would measure 11.67m wide by 8.42m deep, although it would taper to 7.63m wide at the southern elevation. It would be a maximum of 9.42m high to the Eton Grove elevation, 9.84m to the St Margarets Passage frontage, 10.43m to the south side elevation and 8.47m to the north side elevation. The eaves height would be 9.13m to the south side elevation and 7.11m to the north side elevation.
- 4.5 Each dwellinghouse would have four double bedrooms (two on the first and two on the second), an open plan kitchen / dining / living area on the lower ground floor, another living room on the upper ground, a WC on the lower ground and bathrooms on the first and second floors. The entire lower ground floor would be rotated 90° southwards to the rest of the house. The GIA (Gross Internal Area) of House 1 would be 165.7m<sup>2</sup> and 176.8m<sup>2</sup> for House 2.
- 4.6 The proposed materials are:

Pitched roof	Natural slate tiles
Walls	Light yellow brick laid in common bond
Windows	Black metal framed with metal surrounds
Doors	Timber with black metal ironmongery for the principal elevations and black painted aluminium for those to the patio
Hard landscaping	Yorkstone with buff coloured mortar
Railings	Black painted metal

- 4.7 The development would also involve hard and soft landscaping of the site, boundary treatment and the provision of four cycle parking spaces as well as refuse storage.

## **5.0 Consultation**

- 5.1 Pre-application advice was sought on four occasions with the last response prior to submission being on 16th January 2018.

- 5.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.3 Public and site notice were displayed and letters were sent to 26 adjoining addresses, Blackheath Ward Councillors, the Blackheath Society, Historic England and Met Police's Designing Out Crime Officer.

#### Written Responses received from Local Residents and Amenity Societies

- 5.4 20 objections and one comment were received, raising the following concerns:
- The plot is simply not big enough for two, 4 bedroom houses and represents overdevelopment of the land. Furthermore, the layout results in the garden of House 2 being heavily overlooked by House 1.
  - The quality of design of the proposal falls far short of the standard to be expected for a conservation area and a site surrounded by listed buildings and those of Special Local Interest. It fails to contribute to the distinctiveness and character of the location, lacks character and high quality detail, and destroys the open nature of the surrounding streets.
  - The use of 'hit and miss' brickwork and horizontal brick patterning are unsympathetic to the surrounding area and the protruding metal window frames will jar with the environment. The production of a daytime illustration would show how ugly and prison-like the building would appear.
  - The brick proposed lacks texture, depth of colour and interest, looks cheap and would jar with the locally listed neighbouring properties on Eton Grove.
  - The siting of the windows has resulted from an attempt to prevent overlooking, resulting in an incongruous patterning. The angled windows are unsightly and not in keeping with the surrounding properties.
  - The siting of the bin store less than 2m from windows would result in the introduction of vermin and smells, general noise and disturbance and trespass to 7 Eton Grove when used, and would be an eyesore.
  - The proposal, particularly its height, would 'box in' the end of the cul-de-sac creating an oppressive, claustrophobic environment and blocking out views of trees and the light.
  - Significantly more steps would be required to access the garden from the lower ground floor, which would reduce the garden by approximately 11.5m<sup>2</sup>, making it an unrealistic amount of outdoor space for two family homes.
  - The houses are too close to 32 St Margarets Passage, setting a dangerous precedent in terms of privacy, and would look into bedrooms and gardens.
  - The south-facing windows would be less than 20m from neighbouring properties and directly look into habitable rooms. The proposal would also reduce outlook from those rooms.
  - The two, four storey houses feature multiple large windows allowing views into neighbouring dwellings on Eton Grove and vice-versa, particularly where there is currently no overlooking to certain floors and rooms.
  - The proposal would result in the loss of both daylight and sunlight, particularly for those properties to the north side of Eton Grove, and would cast a long and large shadow across both sides of the street.
  - The side elevation of the proposed building would be 3.2m higher than the existing dwelling and dominate the garden of 18 Church Terrace, creating an unacceptable sense of enclosure, having an overbearing impact and the loss of light into the garden and a rear window. The submitted Daylight and

- Sunlight report is unreliable and incorrect, and fails to consider Average Daylight Factor (ADF) as well as the overshadowing impact from 21/06-21/12.
- Eton Grove is already at maximum parking stress, as evidenced by parking reports conducted for the now-withdrawn redevelopment of 12A Eton Grove. Parking stress on Church Terrace should be completely discounted as there is no access from Eton Grove. The combination of the removal of off-street parking, the extension of the pavement and the doubling of the number of people due to be living on this site is simply unacceptable.
  - The parking survey also does not accurately measure the space available and uses borough-wide census figures to calculate that average car ownership is 0.74 when it is closer to 1.5. This suggests at least three cars for the new dwellings.
  - The developer should enter into a Section 106 Agreement to prevent residents of the dwellings applying for residents' parking permits.
  - It is difficult to park a car on Eton Grove due to it being narrow, even more so at the bottom. Therefore, the risk of damaging cars is great from construction traffic and it would be dangerous to children who regularly play in this quiet residential cul-de-sac.
  - The turning around of trucks at the end of the cul-de-sac is unworkable and more than four parking spaces would need be suspended, and damage would occur to the kerbstones through vehicles having to mount the pavements.
  - The excavations could have a potentially adverse impact on the foundations of neighbouring properties, and it would create a dangerous and incredibly noisy and dusty environment whilst the works are going on. Furthermore, the installation of a concrete slab and subsequent excavation from underneath does not appear to be a practical and viable solution.
  - The construction phase would make St Margarets Passage unsafe and unusable, particularly for the schoolchildren who use it. The replacement of the solid brick wall with hit-and-miss brickwork reduces security for residents.
  - Some of the surrounding properties are home to colonies of stag beetles, an endangered species in the UK. The loss of habitat would set back the progress made in the area to increase the numbers. It is likely that the scale of the building work and the subsequent enclosure of formerly open space would scare green and black and white woodpeckers away.
  - Trees subject to TPOs and close to the boundary wall would be adversely affected by the reduction in light and the proposed basement excavation.
  - Further detail should be provided in relation to the impact on groundwater and drainage issues.
  - The proposal would be contrary to Protocol 1, Article 1 and Article 8 of the Human Rights Act.

#### 5.5 The Blackheath Society objection on the following grounds:

- The attempt to squeeze two houses onto a site which can only realistically accommodate one creates design problems that seem, in our view, to be insurmountable and represents overdevelopment.
- The proposed design is problematic and unsympathetic to the surrounding buildings as the 'hit and miss' brickwork is a highly discordant element, the configuration of the windows on the Eton Grove and St Margaret's Passage elevations is uneven, the dormers on the top floor are entirely unsuitable and the 'splayed' fenestration to the south elevation is entirely unsuccessful.
- The development would effectively enclose Eton Grove in a visually intrusive and claustrophobic manner as a result of having two houses on the site.

- The existing garden space would be significantly reduced, which is an integral part of the original design of the area, providing valuable amenity space and an ecological resource.
- The rotation of the basement floors through 90 degrees to the rest of the houses is a clumsy solution to the challenges of the site.
- Inadequate information is given about how the excavation of substantial basements will be undertaken without posing risks to the surrounding historic buildings. No assessment appears to have been made of soil or groundwater conditions and hence the suitability / feasibility of basement excavations, which must be accompanied by a comprehensive basement impact survey undertaken by an appropriately qualified specialist.
- It is essential that any new development also has on-site parking to ensure that the already significant pressures on parking are not exacerbated. There should be a requirement for continued on-site parking.
- Access to the site is particularly difficult, but the 'draft' Construction Management Plan does not provide any reassurance that the demolition and construction phases can, in practice, proceed as suggested and / or that local residents would not be subject to intolerable stress and loss of amenity.
- The Society could support the construction of a well-designed single house with appropriate massing which complements the surrounding historic fabric while maintaining a sense of openness and providing on-site parking.

## **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).

- 6.2 Section 38(6) of the Planning 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 (adopted in June 2011), Development Management Local Plan Document (adopted in November 2014), the Site Allocations Local Plan and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework (NPPF) 2018

- 6.3 The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '...due weight should be given to them, 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)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan 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.

#### National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in different subject areas.

#### The Development Plan

- 6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

#### London Plan (March 2016)

- 6.8 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, and does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to in this report. The policies in the current adopted London Plan (2016) 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 5.3 Sustainable design and construction  
 Policy 5.10 Urban greening  
 Policy 5.13 Sustainable drainage  
 Policy 5.14 Water quality and wastewater Infrastructure  
 Policy 5.15 Water use and supplies  
 Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

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

Housing (March 2016)  
Sustainable Design and Construction (April 2014)  
Character and Context (June 2014)

#### Core Strategy

6.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together 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 1 Housing provision, mix and affordability  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and constructions and energy efficiency  
Core Strategy Policy 13 Addressing Lewisham's waste management requirements  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Plan

6.11 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 22 Sustainable design and construction  
DM Policy 25 Landscaping and trees  
DM Policy 26 Noise and vibration  
DM Policy 29 Car parking  
DM Policy 30 Urban design and local character  
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 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservations areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

- 6.12 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**

- 7.1 The relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the Blackheath Conservation Area
- c) Ecology
- d) Impact on the amenities of adjoining properties
- e) Proposed standard of residential accommodation
- f) Traffic, parking and highways issues
- g) Prevention of crime and disorder
- h) Sustainability and energy
- i) Community Infrastructure Levy

***Principle of development***

- 7.2 Housing is a priority use in the borough and infill sites are a sustainable use of land to help meet housing targets. DM Policy 33 is relevant here and it states that development on infill sites will only be permitted where they:
- a. make a high quality positive contribution to an area
  - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
  - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
  - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
  - e. retain appropriate garden space for adjacent dwellings
  - f. repair the street frontage and provide additional natural surveillance
  - g. provide adequate privacy for the new development and
  - h. respect the character, proportions and spacing of existing houses.
- 7.3 The proposal constitutes infill development as defined by DM Policy 33 because, whilst the site is not a former builders yard, small workshop or garages, a gap in terraces or a garden to the side of houses (although it does involve building over part of it), it is within a street frontage.

- 7.4 Officers appreciate that the policy states that some sites will not be considered suitable for development and planning permission will not be granted, however in this case a residential property already exists on site and the proposal would increase the density.
- 7.5 London Plan Policy 3.4 includes a sustainable residential quality (SRQ) density matrix table, which sets out the range of suggested units per hectare based on the location and the PTAL rating of the site. In this case, as the application site is within a suburban location, has a PTAL rating of 4 and most of the surrounding properties have at least four habitable rooms, the relevant density range would be 45-185 units per hectare. The proposal would provide 73.5 units/ha, which is at the lower end of the scale, but still in character with the surrounds and therefore compliant. Furthermore, Officers welcome the provision of family-sized dwellinghouses, which would meet an identified need in the borough.
- 7.6 The proposed development must however also be of the highest design quality and relate successfully and be sensitive to the existing character of the streetscape, and to the setting of heritage assets. This will be assessed in the next section of the report. The loss of car parking will be addressed within the highways section of this report.
- 7.7 Therefore, Officers support the principle of development.

### ***Design and conservation***

- 7.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.
- 7.9 Officers consider that the proposed demolition of the existing dwellinghouse and associated buildings on the site is acceptable because they are of low heritage value and do not make a positive contribution to the character of the Blackheath Conservation Area by reason of not being architecturally or historically significant. The loss of garden space is not considered to be of a significant amount and both dwellings would still benefit from ample external amenity areas.
- 7.10 The pre-application discussions for this scheme have been extensive. Officers consider that the advice has been followed and further changes have been made during the course of this application due to comments from Officers, the Blackheath Society, ward councillors and local residents.

### **Massing, scale and footprint**

- 7.11 The height and scale has been directly formed following analysis of the surrounding context. Given that it has frontages onto the two and three storey plus basement properties on Eton Grove and St Margarets Passage, and it is very close to three storey plus basement properties on Church Terrace, it is these properties that have informed the proposed massing.
- 7.12 The dwellinghouses would be lower in scale than all of those properties and therefore, given their subordinance, are considered to be of an appropriate height.

It is noted that they have wider frontages and a larger footprint than the surrounding historic properties. This is considered acceptable given their separation from surrounding buildings. As such, their scale and footprint is considered to be acceptable.

#### Layout, form and detailed design

- 7.13 These properties would be laid out such that they would have dual frontage; both onto Eton Grove and St Margarets Passage. The provision of active elevations, particularly just setback from an alleyway is welcomed, although the design must respond to both principal sides of the application site.
- 7.14 The pivoting of the lower ground floor such that it gives the future occupants access to the garden from that level is considered to be a innovative way of achieving this, yet providing frontages onto the adjacent highways.
- 7.15 The roof form would be comprised of an 'M-shaped' roof, one over each property. It would reference the styles on Dacre Park, the rear roofslopes of which are visible from Eton Grove. This is considered a relevant, local precedent and also allows some views through to the listed buildings on Church Terrace.
- 7.16 Analysis has been carried out on the properties on Eton Grove and this has influenced fenestration pattern as well as the solid-to-void ratio, which is 79%-21%. As this is broad in line with those properties, Officers find it acceptable.
- 7.17 Discussions have been had between the applicant team and Officers as to the current window and door configuration. The Eton Grove and St Margaret Passage elevations, with the exception of the location of the front doors, would match so there would be one door and one window (part covered by hit-and-miss brickwork) to the ground floor, two to the first (one covered by hit-and-miss) and two on the second. The south-facing elevation would feature two sliding patio doors on the lower ground floor, two ground floor windows, three on the first floor and two on the second. The north-facing elevation would feature three on the first and two on the second, all obscured by hit-and-miss brickwork. The windows, from a design perspective, help to activate the facades and provide visual interest. Their impact on neighbouring amenity is to be assessed in the next section of this report.
- 7.18 As mentioned within the previous section, the proposed buildings must be of high quality design, which should be evident in the detail, and relate successfully to the surrounds, which requires sensitive consideration given the existence of designated heritage assets. Therefore, a pastiche design would not be encouraged. Instead, new developments, including those in conservation areas, should be 'of their time'.
- 7.19 One of the ways of achieving this is by reinterpreting historic features. This proposal incorporates dormer windows that break the eaves of the roof (see properties on Church Terrace), brick banding (read string courses) and projecting window frames (a reference to the projecting stucco). It is recognised that the original features are ornate and therefore it is considered necessary that the details of the features proposed are secured by condition. Officers, however, deem that the existing details submitted demonstrate that the proposed development would be carried out to a high standard.

- 7.20 The use of hit-and-miss brickwork, splayed window reveals and slimline metal framed windows introduce modern elements into the design of the dwellinghouses, but there is no objection to this so long as they are of a high quality and complementary to the existing character, which has been adequately demonstrated within the submitted Design and Access Statement. Officers consider the mix of modern elements and re-interpretations allow the buildings to be seen as being of their time.
- 7.21 Physical samples of the materials are recommended to be secured by condition, but Officers do not object in principle to the use of a lighter brick than 17 and 18 Church Terrace, which it is considered would complement the surrounding rendered properties. However, it should have some variation in colour to add visual interest.
- 7.22 As such, the design, including the scale and massing, is acceptable and further details of the materials can be secured by condition in order to ensure that the indicated quality of design is delivered at construction stage.
- 7.23 In terms of the landscaping, the site would be hard and soft landscaped in the form of a patio at lower ground level with steps up to a garden, which would be grassed over. This is considered to result in improved visual amenity throughout the site. One tree would be removed and replaced by the proposals within the rear garden closest to 7 Eton Grove. This is also close to where the enclosed refuse store would be located, in a similar location to the existing outbuilding. Further details of the landscaping are recommended to be secured by condition.
- 7.24 Furthermore, the boundary wall with St Margarets Passage is to be demolished and re-built, incorporating the cycle store and new lighting. A new boundary wall would also front onto Eton Grove with railings around the lightwells behind.
- 7.25 Therefore, the proposal is considered to be acceptable in design terms, would preserve the character and appearance of the conservation area and therefore be compliant with London Plan Policies 7.1, 7.4, 7.6 and 7.8, Core Strategy Policies 15 and 16 and DM Policies 25, 30, 33 and 36.

### ***Ecology***

- 7.26 A comment was made by a neighbouring occupier regarding stag beetles residing in their garden close to the proposed development. Given that the site is not a Site of Importance for Nature Conservation (SINC), not in a woodland or close to such an area and that stag beetles are quite widespread in the borough, an ecological survey is not required.

### ***Impact on the amenity of neighbouring occupiers***

- 7.27 In terms of residential amenity, the proposals have the potential to have the most impact on 1 and 18 Church Terrace, 32 St Margarets Passage and 6-9 Eton Grove. The issues of relevance are levels of sunlight, daylight, associated overshadowing, outlook, sense of enclosure and privacy, and whether the development would be overbearing. Noise impacts would be limited to the construction phase.

### **Daylight, sunlight and overshadowing**

- 7.28 A Daylight and Sunlight Study has been submitted by the applicant to support the view that the new dwellings would not adversely impact on levels of daylight and sunlight to 1 and 18 Church Terrace, 32 St Margarets Passage and 6-9 Eton Grove, as well as to neighbouring gardens.
- 7.29 It confirms that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests and that the development also satisfies the BRE overshadowing to gardens and open spaces requirements. As such, the proposed development is considered to have a low impact on the light currently received by neighbouring properties and their gardens.
- 7.30 The Daylight and Sunlight Study used two tests that measure diffuse daylight: Vertical Sky Component (VSC) and Average Daylight Factor (ADF). Whilst there is a loss of VSC, this is within the acceptable recommendations of the BRE Guide since no habitable room window has a reduction greater than 20% of its existing levels (the point at which a change in light levels would be noticeable). The greatest loss is 2.9% to the living room of 7 Eton Grove (window 17), which is minor and would not constitute a significant impact.
- 7.31 All windows which face within 90 degrees of due south have been tested for direct sunlight, which all pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21st September and 21st March). The proposed development therefore satisfies the BRE direct sunlight to windows requirements.
- 7.32 The results of the assessment show that, on average, 85% of the area of the amenity space pertaining to 18 Church Terrace would receive at least two hours of sunlight on 21st March. This is, in fact, an increase of 3% on the existing situation. The garden of no. 1 would be unaffected. As such, the proposed development passes the BRE overshadowing to gardens and open spaces test.

#### Outlook and privacy

- 7.33 The separation distance between the application property and no. 32 would decrease by approximately 5m. However, the proposal still leaves a gap of 19m, which is sufficient distance so as not to affect outlook or privacy. A degree of overlooking of the garden of no 32 would occur, however this relationship exists in the current situation, is typical in an urban environment and not considered to cause significant harm.
- 7.34 The new dwellings would be no closer to 18 Church Terrace. The north elevation would have opaque windows, covered by hit and miss brickwork and as such there would be no increased overlooking to 18 Church Terrace. The massing and general scale of the building is considered acceptable and would not result in an overbearing relationship on occupiers of 18 Church Terrace.
- 7.35 Officers recognise that some opportunities for overlooking have been introduced from the first and second floor bedrooms to the western elevation towards the rear garden of 1 Church Terrace. However, given the location of two large trees on the intervening boundary and the use of hit and miss brickwork to restrict views, the impact is not considered to be significant.

- 7.36 Visibility splay drawings have been submitted to address concerns that views from the front windows on upper ground, first and second floors would not be had through the front windows of 6-9 Eton Grove. Officers consider that they demonstrate that views would be had of the front doors of nos. 7 and 8 at upper ground floor level and at the blank walls above the front door at first and second floor levels. Due to the use of hit and miss brick at ground levels to prevent views into those windows at nos. 7 and 8, Officers consider that the impact is adequately mitigated.
- 7.37 Construction working hours, noise and dust pollution is covered by Lewisham's Good Practice Guide - Control of Pollution and Noise from Demolition & Construction Sites. The introduction of a residential use to a residential area is not considered to cause a significant problem. Compliance with this document within a Construction Management Plan is recommended to be secured by condition.
- 7.38 Therefore, the scheme is considered acceptable in terms of neighbouring amenity in accordance with London Plan Policy 7.6 and DM Policies 32 and 33.

*Standard of accommodation for proposed occupiers*

- 7.39 London Plan Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 7.40 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours as well as meet the functional requirements of future residents.
- 7.41 There is no GIA standard for 4b8p units of four storeys within the Technical Housing Standards - Nationally Described Space Standard. However, they do exceed the GIAs of 4b8p units over three, and even exceed 6b8p units over three storeys. This is welcomed by Officers. The bedrooms generally comply with the requirements, however Bedroom 4 in both dwellinghouses measures 8.5m<sup>2</sup> and 9.1m<sup>2</sup> respectively and therefore can only be used as single bedrooms. House 1 is the only one which has been provided with dedicated storage space (2.65m<sup>2</sup>), but since these properties are oversized, it is possible to accommodate the 3m<sup>2</sup> required.
- 7.42 Lower ground, upper ground and first floor all have an internal floor to ceiling height of 2.5m with the second floor having a pitched ceiling of between 1.775m and 2.89m. Since more than 75% of the GIA is above 2.3m, this is considered acceptable.
- 7.43 In terms of outlook, all units are dual aspect and the windows and rooflights are considered to give adequate light and ventilation.
- 7.44 The amenity space provided for each dwelling would be in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG of 10sqm (5sqm for 1-2 person dwellings and an extra 1sqm being provided for each additional occupant).

7.45 As such, Officers deem that the proposals would provide a high standard of accommodation for future occupiers.

*Highways and traffic*

7.46 London Plan Policy 6.3 Assessing effects on development on transport capacity states that development proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Development should not adversely affect safety on the transport network.

7.47 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).

7.48 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

7.49 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.

7.50 The proposal results in the loss of two parking spaces, which are located on the hardstanding south of the property and accessed from Eton Grove via lockable gates. There is no pavement in front of the entrance and therefore no dropped kerb, so it is level access.

7.51 A car-free scheme is proposed with the expectation that future occupiers either do not own a car and use public transport or a bicycle, or own a car, but be prepared to park further away. It is noted that the site has a PTAL rating of 4 (where 0 is the worst and 6b is the best), and that a store holding four bikes (two for each dwelling) would be provided as part of the development.

7.52 A parking beat survey was submitted within the Transport Statement. This concludes that overall the parking stress for the surrounding streets is at 89%, including 76% for Church Terrace, 89% for the northern part of Dacre Park and 100% for Eton Grove. It is worth noting that the Lambeth Methodology, to which this survey was carried out, states that anything up to 95% is acceptable.

7.53 Officers recognise that the proposed dwellings only front onto one street, and this did not have any capacity between 00:30 and 05:30 on 29<sup>th</sup> and 30<sup>th</sup> March 2017, as recognised by the objections to this scheme. However, whilst there is no pedestrian access through to Church Terrace, this does have capacity (eight spaces at the time of the survey) and current and future occupiers can park here.

The proposal would therefore be considered acceptable in relation to the relevant policies.

- 7.54 It is, however, considered reasonable to prevent future occupiers of the proposed dwellings, with the exception of disabled persons, from obtaining permits within the Blackheath Controlled Parking Zone (CPZ), which operates from 09:00-19:00 Monday to Saturday. Officers recommend that this be secured by condition.
- 7.55 As previously stated, each house has been provided with two cycle parking spaces, which meets London Plan standards, and is therefore acceptable. However, further details of how they would be secure and dry are recommended to be secured by condition.
- 7.56 Following revisions to the swept path analysis within the Draft Construction Management Plan submitted, delivery vehicles would not mount the pavement. It has been agreed in writing between Officers and the applicant that the 2m wide 4.6t light van shown in Figure 5 of the Swept Path Analysis could access Eton Grove, but the 2.5m wide small tipper shown in Figure 4 must load / unload at the top of Eton Grove. This would minimise the risk of damage to neighbours' cars. Whilst the length of the construction phase would be increased, this is preferable to the alternative. Furthermore, the use of the 2m wide 4.6t light van would only require the suspension of one parking bay as opposed to four.
- 7.57 The final Construction Management Plan would be developed by the contractor, who has not yet been chosen, so it is recommended that this is to be secured by condition prior to works commencing. It is worth noting that Officers were satisfied with its contents once the arrival and departure times took account of school pick up hours, a booking system was adopted and wheel wash facilities were shown on a plan.
- 7.58 The proposal includes the provision of a footpath to the end of Eton Grove, which is supported otherwise future occupiers would step out straight onto the street, which is deemed unsafe.
- 7.59 A refuse store is proposed to be located in its current location, albeit within a new store, which the applicant has confirmed would be in solid brick, have a roof and would be otherwise vermin-proof. The Council's refuse service currently services the existing dwelling on site from Eton Grove and therefore the current arrangements are to remain as existing.

- 7.60 Officers raise no objection on highways or traffic grounds subject to conditions.

#### *Sustainability and energy*

- 7.61 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction.
- 7.62 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the

Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.

- 7.63 The houses would be built to a higher standard than Part L1A of the Building Regulations, through the incorporation of insulation, double glazed windows, mechanical ventilation with heat recovery and low energy lighting. This is considered acceptable.

*Prevention of crime and disorder*

- 7.64 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of 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 reasonably can to prevent:
- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
  - b) the misuse of drugs, alcohol and other substances in its area; and
  - c) re-offending in its area.

- 7.65 No issues of crime or anti-social behaviour were raised as a consequence of the public consultation undertaken in respect of this application. However, it is important that the application addresses its relationship with St Margarets Psaage, a long and narrow alleyway. It has a limited number of street lights, and would benefit from more lighting, which is proposed within the boundary wall of the proposals. Details are recommended to be secured by condition.

- 7.66 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

*Community Infrastructure Levy (CIL)*

- 7.67 On 1st 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.

- 7.68 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. However, it should be noted that the applicant is required to apply for the exemption.

- 7.69 Under the CIL charging schedule, the amount of CIL payable for the SE3 postcode for new residential development is £100 per sqm. The Mayor CIL is charged at £35 per sqm of new development.

- 7.70 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

*Issues raised by consultation*

- 7.71 Issues regarding soil or groundwater conditions, structural implications of a basement excavation, foundations, drains, vermin and smell from bins are not

planning considerations. Therefore, they have not been taken into account in the consideration of this application.

### *Removal of permitted development rights*

- 7.72 Officers recommend that if this application is approved conditions are imposed to remove 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 removal of permitted development rights as set out in draft condition (12) for the reasons stated therein.

### **Local Finance Considerations**

- 7.73 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 would or could be, provided to a relevant authority by a Minister of the Crown; or  
(b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.74 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.75 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 7.76 The above development is liable for both the Mayor’s CIL and the Council’s CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the applicant to notify the Council when works commence.

### **Equalities Considerations**

- 7.77 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.78 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b. advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c. foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.79 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and

proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 7.80 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/>
- 7.81 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
- 7.82 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/>
- 7.83 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.

### **Human Rights Implications**

- 7.84 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-
- Right to a fair trial
  - Respect for your private and family life, home and correspondence
  - Freedom of expression
  - Freedom of thought, belief and religion
  - Freedom of expression
  - Freedom of assembly and association

- 7.85 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 7.86 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.87 This application has the legitimate aim of providing a new building for residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

### **Conclusion**

- 7.88 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 7.89 In summary, it is considered that the proposal is acceptable in terms of the principle of development, design, impact on the Conservation Area, standard of accommodation, impact on neighbouring properties, ecology, highways, crime and sustainability / energy. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.
- 8.0 **RECOMMENDATION: GRANT PLANNING PERMISSION** subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

- 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:

00.101 Rev P0; 10.101 Rev P0; 10.151 Rev P0; 10.152 Rev P0; 10.153 Rev P0; 10.154 Rev P0; 10.251 Rev P0; 10.252 Rev P0; 10.253 Rev P0; 10.254 Rev P0; Daylight and Sunlight Study (Neighbouring Properties) Received 23rd January 2018

20.151 Rev P2; 20.152 Rev P2; 20.153 Rev P2; 20.154 Rev P2; 20.201 Rev P6; 20.202 Rev P5; 20.205 Rev P3; 20.253 Rev P5; 20.254 Rev P3; 20.271 Rev P3; SK.002 Rev P0 Received 8th June 2018

20.101 Rev P3; 20.203 Rev P4; 20.204 Rev P4; 20.251 Rev P5; 20.252 Rev P5; 20.254 Rev P4; SK.003 Rev P1; SK.004 Rev P1 Received 13th August 2018

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) A plan (to scale) identifying the site access points and where safe and legal loading can take place
  - b) The location and operation of plant and wheel washing facilities
  - c) Measures to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings)
  - d) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
  - e) 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.
  - f) Security Management (to minimise risks to unauthorised personnel).
  - g) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

Reason: In order that the Local Planning Authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policies 5.3 Sustainable design and construction and 6.3 Assessing effects of development on transport capacity of the London Plan (March 2016).

- 4) (a) Notwithstanding the details hereby approved, no development other than demolition shall commence until horizontal and vertical sections through the projecting and recessed windows, their frames and hit-and-miss brickwork at a scale of 1:10 and elevations and sections through the dormers, windows at lower ground floor level and front doors at a scale of 1:10 have been submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the Local Planning Authority may be satisfied as to the detailed treatment of the proposal and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design

and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 5) No development shall commence on site other than demolition until a constructed sample panel with the mortar mix and correct bonding of the brick proposed for the external walls, window cills and heads, and splayed reveals has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 6) No development shall commence on site other than demolition until a detailed material schedule and product specification for the slate tiles and railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 7) (a) A minimum of four secure and dry cycle parking spaces shall be provided within the development.

(b) No occupation of the units shall commence until the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (2011).

- 8) (a) The proposed dwellings shall not be occupied 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 Policy 5.13 Sustainable Drainage of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

9) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

10) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage where appropriate, shall be submitted to and approved in writing by the Local Planning Authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security purposes and that the proposals minimise light pollution from glare and spillage.

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 Policy 7.3 Designing out crime of the London Plan (March 2016) and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

11) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the building, including the insertion of windows (or other openings), shall be constructed in any of the elevation of the buildings other than those expressly authorised by this permission. Any further alterations shall require 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 in the interests of amenity and privacy of adjoining properties in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 12) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), all windows indicated as opaque glazed on the drawings hereby approved 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, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 13) The whole of the amenity space as shown on drawing nos. 20.101 Rev P3, 20.201 Rev P6 and 20.202 Rev P5 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).

- 14) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policies 26 Noise and Vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 15) No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in which the application site is situated.

Reason: In order to ensure that the proposal does not add to existing parking stress within Blackheath CPZ in compliance with Policy 6.13 Parking of the London Plan (March 2016), Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 29 Car parking 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Positive discussions took place during the application process which resulted in further information being submitted so that the proposal was in accordance with the Development Plan.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.
- 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. 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 webpage.
- E. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.

- F. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- G. The applicant is advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's website.