

Committee	PLANNING COMMITTEE A	
Report Title	34 ST MARGARET'S PASSAGE, LONDON, SE13 5BS	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	1st November 2018

Reg. Nos. DC/18/105484

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; SK.002 Rev P0 Received 8th June 2018

20.101 Rev P3; 20.204 Rev P4; SK.004 Rev P1 Received 13th August 2018

20.252 Rev P5; 20.253 Rev P5; 20.254 Rev P4 Received 19th September 2018

20.203 Rev P5; 20.251 Rev P7; 20.271 Rev P4; SK.003 Rev P2 Received 8th October 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)
- (5) NPPF (2018)

Designation Blackheath Conservation Area

Screening

N/A

1.0 Background

- 1.1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as:
- The recommendation is to approve and there are more than three valid planning objections.

2.0 Property/Site Description

- 2.1 The application site is located within the Blackheath Conservation Area and sits between St Margaret's Passage, an alleyway accessed from Church Terrace, and the western end of Eton Grove, a cul-de-sac. The subject property is a post-war, detached two storey single family dwellinghouse on land which used to pertain to no. 32 (to the south) 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 Margaret's Passage, although primary access is 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 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.
- 3.2 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.**

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 by 5m. 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 to 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 a pitched roof fronting St Margaret's Passage and Eton Grove with two ridges and a valley between to minimise the overall height, resulting in two gable ends to the north and south sides of each house. 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 11.7m wide by 8.4m deep, although it would taper to 7.6m wide at the southern elevation. It would be a maximum of 9.4m high to the Eton Grove elevation, 9.8m to the St Margaret's Passage frontage, 10.4m to the south side elevation and 8.5m to the north side elevation. The eaves height would be 9.1m to the south side elevation and 7.1m to the north side elevation.
- 4.5 Each dwellinghouse would have four bedrooms—three double (two on the first and one on the second) and a single 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 to give both homes direct access to their garden to the south. The GIA (Gross Internal Area) of House 1 would be 166m² and 177m² for House 2.
- 4.6 The proposed materials are:

Pitched roof	Nature 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.
- 4.8 Officers consider that the submitted drawings are correct, being based upon two measured surveys by independent survey specialists.

5.0 **Consultation**

- 5.1 Pre-application advice was sought on four occasions with the last response on 16th January 2018 prior to submission.
- 5.2 The Council's consultation and publicity 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:

Overdevelopment	Para. 7.6
Overlooking / lack of privacy	Paras. 7.46-7.49
Poor quality and inappropriate design	Paras. 7.25-7.32
Harmful impact on the Blackheath Conservation Area and listed buildings, including obscuring views of the latter	Paras. 7.16, 7.21-7.23
Location and nature of refuse store	Para. 7.72
Reduction in sunlight and daylight and increase in overshadowing	Paras. 7.38-7.43
Inaccurate drawings	Para. 4.8
Reduction in green space and area for gardens and poor quality external amenity space, plus impact on trees	Paras. 7.19, 7.33 and 7.57
The proposed building would reduce outlook, create a sense of enclosure and be overbearing	Paras. 7.21 and 7.44
Reduction in security	Conditions (3), (10) and (11)
Impact on highways; removal of pavement, removal of off-street parking, increase in parking stress and construction issues	Paras. 7.65-7.72
The creation of a dangerous, noisy and dusty environment	Para. 7.49 and Condition (3)
Loss of habitat for local wildlife	Para. 7.36
Adverse impact on foundations due to excavation	Para. 7.50
Insufficient information on groundwater and drainage issues	Para. 7.81
Proposals contrary to the Human Rights Act	Paras. 7.83-7.85

- 5.5 The Blackheath Society object on the following grounds:

Overdevelopment	Para. 7.6
Unsympathetic and visually intrusive design, creating a claustrophobic effect	Paras. 7.22-7.23, 7.26, 7.29-7.30
Reduction in garden space to the detriment of amenity and ecology	Paras. 7.19 and 7.57
Lack of on-site parking and adverse impact from construction process on local residents	Paras. 7.64-6.67 and 7.69-7.70
Inadequate information about the excavation of basements, including soil and groundwater conditions	Para. 7.81

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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.
- 6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

National Planning Policy Framework (NPPF) 2018

- 6.4 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.
- 6.5 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)'.
- 6.6 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 paragraph 213 of the revised NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.7 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 difference subject areas.

The Development Plan

- 6.8 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 together constitute the borough's Development Plan.

London Plan (March 2016)

- 6.9 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 draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 and minor modifications before the EIP were published on 13 August. As such, this document now has some limited weight as a material consideration when determining planning applications. 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

The relevant draft policies are listed below and discussed within the report:

Policy GG1 Building strong and inclusive communities
Policy GG2 Making the best use of land
Policy D1 London's form and characteristics
Policy D2 Delivering good design
Policy D4 Housing quality and standards
Policy D5 Accessible housing
Policy H2 Small sites
Policy HC1 Heritage conservation and growth
Policy G7 Trees and woodlands
Policy T5 Cycling
Policy T6 Car parking

Policy T6.1 Residential parking

London Plan Supplementary Planning Guidance (SPG)

6.10 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

6.11 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

6.12 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)

6.13 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 Officers recognise that 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 it is within a street frontage.

7.4 It is suitable for development as residential property exists on site and the proposal would increase the density, thus making efficient use of land.

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, 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 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 In London Plan Policy 3.4, Optimising housing potential, Table 3.2 outlines the required density for housing schemes depending on their PTAL rating and setting. Since this site has a PTAL of 4, is within an urban setting and most of the surrounding properties have 4-5 habitable rooms, the density should be 45-185 units per hectare. The density of this development would provide the equivalent of slightly over 58 units per hectare and is therefore acceptable.
- 7.7 The proposed development must be of the highest design quality and relate successfully and be sensitive to the existing design quality of the streetscape, and to the setting of heritage assets. This will be assessed in the next section of the report and most of the requirement of DM Policy 33 are design-based. The loss of car parking will be addressed within the highways section of this report.
- 7.8 On the basis of the above, Officers support the principle of development.

Design and conservation

- 7.9 Para. 127 of the revised NPPF details within its core planning principles that the planning system should enhance and improve the places in which people live their lives.
- 7.10 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.
- 7.11 Para. 184 of the revised NPPF states that (in summary) heritage assets (that is conservation areas and/or listed buildings) should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.12 Chapter 16 of the revised NPPF relates to conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making, decision-taking and design.
- 7.13 Paragraph 185 of Chapter 16 states that "*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment*" which "*should take into account:*
- *the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
 - *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
 - *the desirability of new development making a positive contribution to local character and distinctiveness; and*
 - *opportunities to draw on the contribution made by the historic environment to the character of a place.*"

- 7.14 Paragraph 193 of Chapter 16 states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*"
- 7.15 Paragraph 194 of Chapter 16 states that "*Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification*".
- 7.16 Officers consider that the current proposal would lead to less than substantial harm to the Blackheath Conservation Area.
- 7.17 Paragraph 196 of Part 16 states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 7.18 The Council's Conservation Officer considers that the current proposal would not create any significant public benefits beyond the addition of a family home to the borough's housing stock.
- 7.19 The proposed demolition of the existing dwellinghouse and associated buildings on the site is acceptable due to their low heritage value. The building does not not make a positive contribution to the character of the Blackheath Conservation Area by reason of not being architecturally or historically significant. Whilst there would be some loss of amenity space (52m², or 65%), this is hard landscaping, not green space and therefore the loss would not materially harm the character of the Conservation Area. Both dwellings would benefit from ample external amenity areas.

Massing, scale and footprint

- 7.20 The height and scale responds to the surrounding context. Given that it has frontages onto the two and three storey plus basement properties on Eton Grove and St Margaret's Passage, and it is very close to three storey plus basement properties on Church Terrace, it is these properties that has informed the massing.
- 7.21 The proposed dwellinghouses would be lower 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 with the same number of bedrooms and floors. This satisfactorily responds to the size of the plot. As such, their scale is considered acceptable.
- 7.22 Whilst views of the listed buildings on Church Terrace from Eton Grove would be at least partially obscured, it is not considered that this is a particularly important view, or of strategic importance. Furthermore, none of the Council's planning policies protect views of listed buildings, and Core Strategy Policy 17 does not apply, nor are the proposals defined as 'tall buildings'.
- 7.23 Concern has been raised that the building would unacceptably enclose the end of Eton Grove. It is accepted that the buildings would bookend the street, which whilst is not the historic urban form of this street, causes no significant harm to the

character or appearance of the surrounds and is not an unusual relationship in the context of the wider area.

Layout, form and detailed design

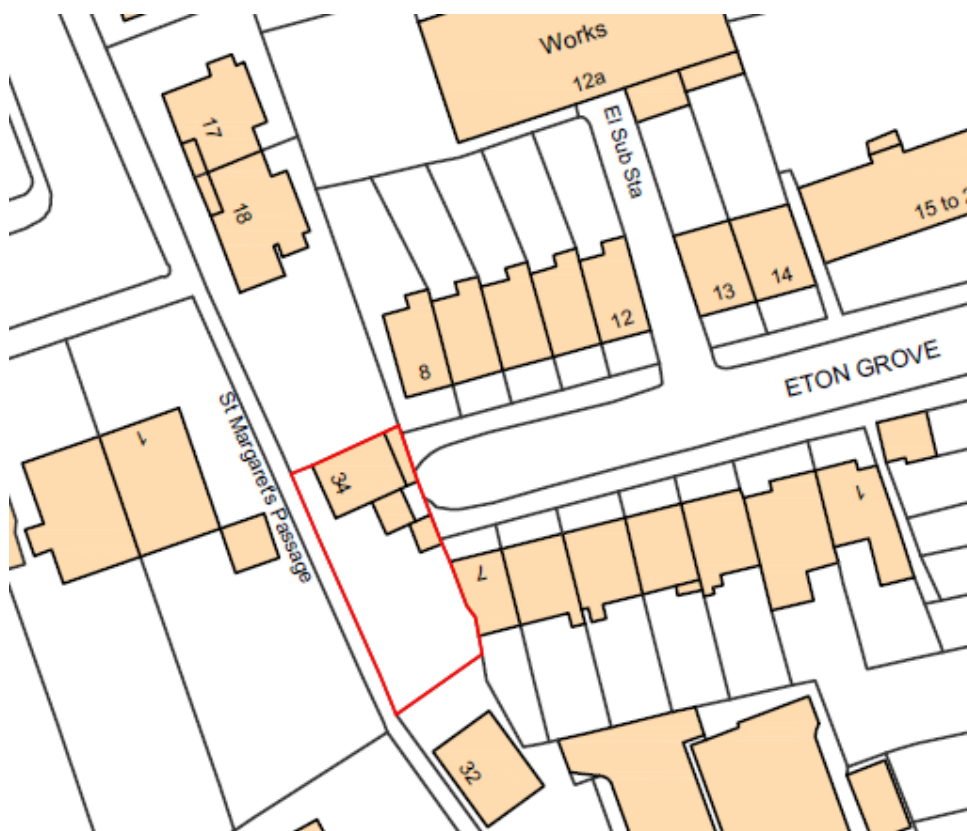
- 7.24 These properties would be laid out such that they have dual frontage; both onto Eton Grove and St Margaret's Passage. The provision of active elevations, particularly just setback from an alleyway is welcomed, although the design must respond to both sides of the application site.
- 7.25 The pivoting of the lower ground floor such that it gives the future occupants access to the garden from that level is considered to be an innovative way of achieving this while providing frontages onto the adjacent highways.
- 7.26 The roof form 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.
- 7.27 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.
- 7.28 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 usually be acceptable. Instead, development should be 'of their time', particularly in Conservation Areas.
- 7.29 One of the ways this is achieved is by reinterpreting historic features. This proposal incorporates dormer windows that break the eaves of the roof (see properties on Church Terrace), brick banding (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 that the details of the features proposed are secured by condition. Officers, however, deem that the existing detail submitted demonstrate that the proposed development would be carried out to a high standard.
- 7.30 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. Officers consider the mix of modern elements and re-interpretations allow the buildings to be seen as of their time.
- 7.31 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, and it would complement the surrounding rendered properties. However, it should have tonal differences within to add visual interest.
- 7.32 Given that the design, including the scale and massing, is acceptable and further details of the materials can be secured by condition, there is no objection to the development being visible from outside the application site.

- 7.33 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 turfed. This is considered to result in improved visual amenity throughout the site. An old apple tree would be removed and replaced within the rear garden closest to 7 Eton Grove. This is acceptable since it is severely leaning over to one side. 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, to include a suitable replacement tree, are recommended to be secured by condition.
- 7.34 Furthermore, the boundary wall with St Margaret's Passage is to be demolished and re-built, incorporating the cycle store and new lighting. No objection is raised to this since it is non-original and built with reddish brick and details of the replacement wall is covered within the boundary treatment condition. A new boundary wall would also front onto Eton Grove with railing to prevent people falling into the lightwells behind.
- 7.35 Therefore, the proposal is considered to be acceptable in design and conservation terms, 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

- 7.36 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 Nature Conservation Importance (SNCI), not in woodland or close to such an area and that stag beetles are quite widespread in the borough, the relevant ecological survey is not required. It is noted that the extent of their legal protection is that they are protected from sale.

Impact on the amenity of neighbouring occupiers



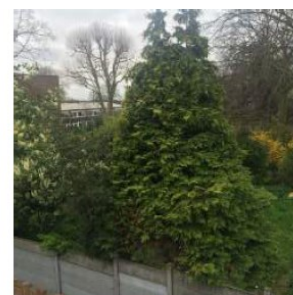
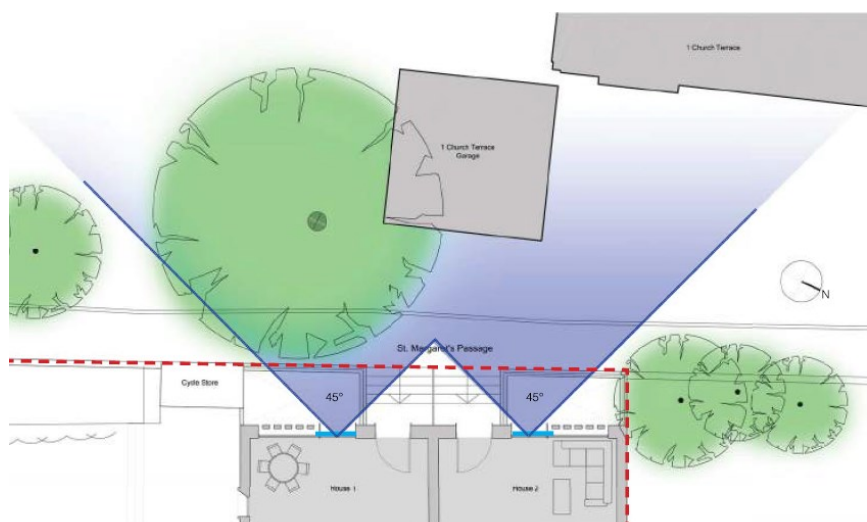
- 7.37 In terms of residential amenity, the proposals have the potential to have the most impact on 1 and 18 Church Terrace, 32 St Margaret's Passage and 6, 7, 8 and 9 Eton Grove. The issues of relevance are levels of sunlight, daylight, associated overshadowing, outlook, sense of enclosure and privacy, and whether the development would be overbearing. Noise would be limited to that generated by domestic properties.
- 7.38 A Daylight and Sunlight Study has been submitted by the applicant which concludes that the new dwellings would not materially harm levels of daylight and sunlight to the aforementioned properties, nor to their gardens.
- 7.39 The Study 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.
- 7.40 The Daylight and Sunlight Study used two tests that measure diffuse daylight: Vertical Sky Component (VSC). 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 level. The highest loss is 2.9% to the living room (window 17) of 7 Eton Grove, which is a minor loss. Where a new development is proposed within a relatively dense urban environment such as this, an element of loss is inevitable.
- 7.41 All windows within the new building that 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.



- 7.42 Turning to the effect on sunlight to neighbouring gardens, the results of the Study 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 due to the positioning on the buildings on site being that they would be set back from Eton Grove. The garden

of no. 1 would be unaffected. As such, the proposed development passes the BRE overshadowing to gardens and open spaces test.

- 7.43 Officers note that Average Daylight Factor (ADF) is used when calculating how much light there would be in a certain room, not to calculate reflectance of the exterior of a building, as the objections suggested.
- 7.44 Turning to matters of outlook and privacy, the separation distance between the application property and no. 34 would decrease by approximately 5m. However, the proposal still leaves a gap of 19m, which is sufficient distance so as not to affect outlook. The garden space for the proposed dwellings would be in the same location as existing and the garden space for no. 34 would still not be visible for future occupiers. The first and second floor windows facing no. 34 serve bedrooms and bathrooms. A condition is recommended for obscure glazing to the bathrooms.
- 7.45 The new dwellings would be no closer to 18 Church Terrace, though it would be higher than the existing dwelling by a storey. Officers accept that there would be some impact on their outlook, but given the length of their garden (nearly 19m), the presence of an existing structure on the boundary and the fact the garden is not enclosed by structures to either side, the impact would not be materially harmful. Views from the second floor windows would be obscured by hit and miss brickwork, and would be obscure glazed, therefore it is not considered that they would give rise to overlooking.
- 7.46 Officers recognise that some opportunities for overlooking have been introduced from the first and second floor bedrooms of House 1 towards the rear garden of 1 Church Terrace (shared between Flats A and B), the boundary of which is 4.5m from the windows. However, given the location of two large trees on their boundary and the fact the garden is communal, the resulting loss of privacy is not considered to be materially harmful to the extent that permission should be refused for that reason.



Photograph showing screening of 1 Church Terrace amenity space from first floor of existing 34 St. Margaret's Passage.

- 7.47 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. The drawings demonstrate that views would be had of the front doors of nos. 7 and 8 at upper ground floor level and largely of the blank walls above the front door at first and second floor levels.

However, it is acknowledged that there would be some indirect overlooking between bedrooms on second floors. This is not an unusual relationship in relatively dense urban areas such as this. There is present direct overlooking between odd and even numbered properties on Eton Grove across a 17.7m wide road (including pavements). In addition, the use of hit and miss brick will further reduce overlooking by limiting views from the rooms. In summary, Officers consider that the impact does not warrant a refusal of this application.

- 7.48 Whilst the windows of House 2 would overlook the garden of House 1, this is usual in the tight urban environment in which the dwellings would sit.
- 7.49 Turning to the impact of development works and the eventual use of the building on local amenity, some degree of disruption is expected from construction works. Construction working hours, noise and dust pollution is covered by Lewisham's Good Practice Guide - Control of Pollution and Noise from Demolition & Construction Sites and by the Control of Pollution Act. It is recommended that Compliance with this document within a Construction Management Plan is secured by condition. The introduction of a residential use to a residential area is considered acceptable.
- 7.50 Concerns have been raised about the impact of the basement excavation on neighbouring properties. However, structural issues are not a relevant planning consideration and are covered by the Party Wall Act 1996 and Building Control regulations.
- 7.51 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

- 7.52 London 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 that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 7.53 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.
- 7.54 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 both 4b8p and 6b8p units over three storeys. This is welcomed by Officers. The bedrooms generally comply with the document, however Bedroom 4 in both dwellinghouses measure 8.5m² and 9.1m² respectively and therefore can only be used as single bedrooms. House 1 is the only one which has been provided with dedicated storage space (2.65m²), but since these properties are oversized, it is possible to accommodate the 3m² required.
- 7.55 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 1.8m and

2.9m. Since more than 75% of the GIA is above 2.3m, this is considered acceptable.

- 7.56 In terms of outlook, all units are triple aspect and the windows and rooflights are considered to give adequate light and ventilation.
- 7.57 The amenity space provided for each dwelling (46m²) 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). Whilst the objector's concerns have been acknowledged about the lower ground floor terraces being tightly enclosed, these would provide some respite from the summer sun in the shadows given the gardens face south.
- 7.58 As such, Officers deem that the proposals provides a high standard of accommodation for future occupiers.

Highways and traffic

- 7.59 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. Furthermore, transport assessments will be required in accordance with TfL's Transport Assessment Best Practice Guidance.
- 7.60 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).
- 7.61 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.
- 7.62 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.
- 7.63 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.
- 7.64 A car-free scheme is proposed on the basis that future occupants will not be able to secure a parking permit and instead can rely on non-car modes of transport. The PTAL rating of 4 is good (where 0 is the worst and 6b is the best), and that a

store holding four bikes (two for each dwelling) is provided as part of the development, to be secured by condition so it is provided prior to occupation.

- 7.65 A parking survey was submitted within the Transport Statement. This concludes that overall the parking stress (the percentage of total bays that are in-use) for the surrounding streets is on average 89%, including 76% for Church Terrace, 89% for the northern part of Dacre Park and 100% for Eton Grove. While the figures appear high for all streets, only Eton Grove would be considered to have materially significant parking stress when assessed against the Lambeth Methodology, which states that anything up to 95% is acceptable.
- 7.66 Officers note that the proposed dwellings only front onto one street, and this did not have any capacity between 00:30 and 05:30 on 29th and 30th March 2017, as raised by the objections to this scheme. However, whilst there is no pedestrian access between Eton Grove and Church Terrace, this does have capacity (eight spaces at the time of the survey) and current and future occupiers can park here. For residents of those properties on Eton Grove who own cars or vans who could not find a space on that street, Church Terrace is only a five minute walk away. There is no policy related reason why this would be unacceptable.
- 7.67 In light of the above it is 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), or any successor CPZ, which operates from 09:00-19:00 Monday to Saturday. Officers recommend that this be secured by condition.
- 7.68 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.
- 7.69 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.
- 7.70 The final Construction Management Plan would be developed by the contractor, who has not yet been chosen, so it is recommended that this 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.
- 7.71 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.

- 7.72 Refuse bins are proposed to be located in a similar location to the existing, albeit within a store, which the applicant has confirmed would be in solid brick, have a roof and would be otherwise vermin-proof. They have also considered that the Council's refuse services currently service the existing dwelling on site from Eton Grove and therefore the current arrangements are to remain as existing.
- 7.73 Officers raise no objection on highways or traffic grounds subject to conditions.

Sustainability and energy

- 7.74 Paragraph 149 of the revised NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 7.75 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.
- 7.76 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.
- 7.77 The houses would be built to a higher standard than Part L1A of the Building Regulation, through the incorporation of insulation, double glazed windows, mechanical ventilation with heat recovery and low energy lighting. This is considered acceptable. A condition to secure this is not necessary.

Prevention of crime and disorder

- 7.78 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.
- 7.79 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 relation with St Margaret's Passage, a long and narrow alleyway. It has two street lights, but would benefit from more lighting, which is proposed within the boundary wall. Details are recommended to be secured by condition.
- 7.80 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

Other Issues raised by consultation

- 7.81 Issues regarding soil or groundwater conditions, structural implications of a basement excavations, foundations, drains, trespassing, freeholds, 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

- 7.82 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.

Human Rights Act

- 7.83 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
 - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
 - Right to a fair trial, under Article 6.

- 7.84 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.

- 7.85 On balance, it is considered that the interference with the owners’ human rights described in paragraph 7.84 are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

Equalities Considerations

- 7.86 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.

- 7.87 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.

- 7.88 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.
- 7.89 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 7.90 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
- 7.91 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 7.92 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.

Local Finance Considerations

- 7.93 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).
- 7.94 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.95 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

- 7.96 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.

Conclusion

- 7.97 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 emerging draft London Plan and the National Planning Policy Framework (2018).

- 7.98 In summary, 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. In reaching this recommendation, Officers have given significant weight to the merit of an additional family sized house in a sustainable location. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

8.0 RECOMMENDATION: Authorise the Head of Planning to 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; SK.002 Rev P0 Received 8th June 2018

20.101 Rev P3; 20.204 Rev P4; SK.004 Rev P1 Received 13th August 2018

20.252 Rev P5; 20.253 Rev P5; 20.254 Rev P4 Received 19th September 2018

20.203 Rev P5; 20.251 Rev P7; 20.271 Rev P4; SK.003 Rev P2 Received 8th October 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 including demolition or site clearance 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) 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.
 - g) A scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings)

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, 6.3 Assessing effects of development on transport capacity and 7.14 Improving air quality of the London Plan (March 2016). This is a pre-commencement condition because the Local Planning Authority needs to be satisfied that the proposed construction process would not have an unacceptable impact on the highways before development starts.

- 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 further details of the brickwork has been submitted to and approved in writing by the Local Planning Authority and shall include an on-site 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. 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 for the lifetime of the development.

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 under Classes A and C of Part 1, Schedule 2, including the insertion of windows (or other openings), shall be constructed in any of the elevation of the building 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), the north and west facing bathroom windows in the building 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 P2, 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) Before the development hereby permitted is occupied, arrangement shall be agreed in writing with the Local Planning Authority and be put in place to ensure

that, with the exception of disabled persons, no resident of either of the two new units in the development shall obtain a resident's parking permit at any time within Controlled Parking Zone (CPZ) BHA (Blackheath) or any successor CPZ which may be in force on any road within 800m of the site.

Reason: In order to ensure that the proposal does not add to existing parking stress within the aforementioned parts of 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).

16) The buildings hereby approved shall achieve the following:

(a) A minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and

(b) A reduction in portable water demand to a maximum of 110 litres per person per day.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies of the London Plan (2016), Policies 7 Climate change and adapting to the effects and 8 Sustainable design and construction and energy efficiency of the Core Strategy (2011) and DM Policy 22 Sustainable design and construction of the Development Management Local Plan (November 2014).

17) The refuse and recycling store hereby approved shall be provided in full in accordance with the plans and details listed in Condition 2 prior to occupation of the development and shall thereafter be permanently retained and maintained for the storage of refuse and recycling only.

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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

18) (a) A scheme of soft landscaping (including details of any trees or hedges lost 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 Section 197 of the Town and Country Planning Act 1990 (as amended), Policies 12 Open space and environmental assets and 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

INFORMATIVES

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.

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.

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>

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.

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.

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.

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.