

Committee	PLANNING COMMITTEE C	
Report Title	367 Baring Road SE12 0EE	
Ward	Grove Park	
Contributors	Lewis Goodley	
Class	PART 1	14 March 2019

<u>Reg. Nos.</u>	(A) DC/18/107143
<u>Application dated</u>	09.01.2019
<u>Applicant</u>	The Oakwood Group
<u>Proposal</u>	Demolition of the existing house at 367 Baring Road SE12, and construction of 8 houses with associated access, car and cycle parking and landscaping..
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/302/367/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Local green space deficiency.
<u>Screening</u>	N/A.

1.0 Summary

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 3 or more valid planning objections

2.0 Property/Site Description

- 2.1 The proposed site includes number 367 Baring Road and a landlocked rectangle of amenity space to the rear, in the single ownership of the applicant.
- 2.2 Number 367 is one half of a pair of semi-detached bungalows on the eastern side of Baring Road close to the junction with Wydeville Manor Road. To the rear of the property is a private green space that is sited behind the rear gardens of 347-367 Baring Road, 3-8 Abbey Lodge, Windsor Court and 2-48 (evens) Wydeville Manor Road. The green space was used as a garden but does not appear to be at present. The land is roughly lawned with mature shrubs and some trees on its borders. The site is undeveloped.
- 2.3 There are two garages to the rear of 369 Baring Road which belong to number 367 and 369. They are accessible via a gated vehicle access way that runs along the northern boundary of number 365. This access would remain unaltered.

- 2.4 The local area is largely residential and characterised by a mix of residential dwellings. Properties in close proximity to number 367 include a three storey block of flats (Balmoral Court) and two-storey semi-detached Edwardian houses along Baring Road. Abbey Lodge sited north of the site consists of two modern two-storey blocks of four flats. Bounding the site to the east are six, two storey blocks each with four flats. The two upper flats in each block having access to a purpose built rear outside roof terrace. To the south of the site is a three storey block of 15 flats that has underground car parking.
- 2.5 Properties on Baring Road are sited at a higher natural ground level than those properties in Wydeville Manor Road. As such, the subject site slopes down in a westerly direction from the Baring Road frontage.
- 2.6 The site is not located within a conservation area and the site is not subject to an Article 4 direction. The site has a PTAL rating is 3/4 which signifies moderate/ good access to public transport. It is a five minute walk to the station, bus stops and amenities at Grove Park.

3.0 Planning History

- 3.1 **DC/18/107143** – Demolition of one existing house at 367 Baring Road and erection of 8no. houses with associated access, car and cycle parking and landscaping. Refused 28/11/2018.

- 3.2 Planning permission was refused for the following reason (with emphasis):

1. The proposed development by reason of siting and scale, would appear as an **overbearing form of development** that would result in **unacceptably reduced outlook** and increased **sense of enclosure** to the occupants of No.s 18, 22, 26, 28, 30, 32, 36, 40, 42 and 46 Wydeville Road and a **harmful reduction in privacy** for the occupants of 3, 4, 5, 6, 7 and 8 Wydeville Manor Road. The development proposals are therefore unacceptable and contrary to Paragraph 127 of the National Planning Policy Framework (2018); Policy 3.5 'Quality and design of housing developments' of the London Plan (2016); Policy 15 'High quality design for Lewisham' of the Core Strategy (2011); DM Policy 32 'Housing design, layout and space standards' and DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' of the Development Management Local Plan (November 2014); and the Residential Standards Supplementary Planning Guidance (updated 2012).

4.0 Current Planning Application

The Proposals

- 4.1 Planning permission is sought for the demolition of 367 Baring Road and erection of eight no. two- and three-storey houses. The development would comprise:
- 1 x two-storey three bed detached house;
 - 4 x three-storey semi-detached houses; and
 - 3 x three-storey terraced houses.

- 4.2 All proposed houses would have a private enclosed garden and cycle storage. Eight parking spaces are proposed, equal to one space per dwelling.
- 4.3 The application is made to overcome the reason for refusal associated with DC/18/107143.

Revisions

- 4.4 No revisions were made during the course of the application.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.2 A site notice was displayed and letters were sent to residents in the surrounding area. All relevant ward Councillors, internal and statutory consultees were consulted.

Pre-Application Consultation

- 5.3 The applicant undertook pre-application engagement with local residents. This is detailed within the Design and Access Statement. The applicant through their pre-application engagement identified local support for family housing. The Council was not party to this pre-application engagement.

Written Responses received from Local Residents and Organisations

- 5.4 In total four objections were received from local residents who live near to or adjoin the site.
- 5.5 The material planning considerations related to:

Loss of daylight and sunlight	Para 7.64 – 7.87
Loss of outlook/ sense of enclosure	Para 7.49 – 7.57
Reduction in privacy	Para 7.58 – 7.62
Surface water flooding and drainage	Para 7.99 – 7.102
Loss of habitat and wildlife	Para 7.96 – 7.97
Loss of trees and hedges	Para 7.93 – 7.95
Increase in activity, noise and light.	Para 7.87 – 7.89
How the proposals differ to the previously refused scheme DC/18/107143.	Para 7.49 – 7.57; 7.59 – 7.61.

- 5.6 The other points raised relate to matters that are not normally considered material planning considerations:
- Dust, vibration and noise during construction
 - Alternative suggested land use
 - Sewage capacity

5.7 These matters are considered comprehensively within the relevant sections of the report below.

Written Responses received from Statutory Agencies

5.8 None received.

Lewisham Design Panel

5.9 N/A

Strategic Housing

5.10 N/A

Sustainability Manager

5.11 N/A

Ecology

5.12 During the previous application (LBL reference DC/18/107143) Ecology requested an Ecological Impact Assessment as the ecology report identified further reptile surveys were required.

5.13 After clarifying that the presence of reptiles is unlikely and in light of the Assessment submitted by the applicant, ecology officers confirmed that it is appropriate, in this instance, for the reptile survey to be conditioned as a pre-commencement condition. The application was therefore not refused on ecology grounds.

5.14 This advice is taken forward for this application.

Highways and Transportation

5.15 During the previous application (LBL reference DC/18/107143) Highways objected to the proposed level of parking, access arrangements and servicing arrangements. These objections were withdrawn, subject to the imposition of a condition relating to car parking management plan and a refuse collection and storage plan, following changes and clarifications by the Applicant.

5.16 Highways have confirmed that they do not object to the proposals based on this advice, subject to the imposition of a condition relating to car parking management plan and a refuse collection and storage plan.

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

National Planning Policy Framework (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 difference 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 1.1 Delivering the strategic vision and objectives for London
- Policy 2.18 Green infrastructure: the network of open and green spaces
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed & Balanced Communities
- Policy 3.13 Affordable housing thresholds
- Policy 3.14 Existing housing
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands
- Policy 8.2 Planning obligations

London Plan Supplementary Planning Guidance (SPG)

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

- Planning for Equality and Diversity in London (October 2007)
- London View Management Framework (March 2012)
- All London Green Grid (March 2012)
- Sustainable Design and Construction (April 2014)

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

Core Strategy (June 2011)

- 6.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
 Spatial Policy 5 Areas of Stability and Managed Change
 Core Strategy Policy 1 Housing provision, mix and affordability
 Core Strategy Policy 7 Climate change and adapting to the effects
 Core Strategy Policy 8 Sustainable design and construction and energy efficiency
 Core Strategy Policy 9 Improving local air quality
 Core Strategy Policy 10 Managing and reducing the risk of flooding
 Core Strategy Policy 14 Sustainable movement and transport
 Core Strategy Policy 15 High quality design for Lewisham
 Core Strategy Policy 21 Planning obligations

Development Management Local Plan (November 2014)

- 6.11 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
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 35	Public realm

Site Allocations Local Plan (June 2013)

- 6.13 There are no relevant Site Allocations relating to this application site.

Lewisham Town Centre Local Plan (February 2014)

6.14 N/A

Residential Standards Supplementary Planning Document (2006, updated 2012)

6.15 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.

Planning Obligations Supplementary Planning Document (February 2015)

6.16 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Draft Supplementary Planning Documents

6.17 Draft Lewisham Alterations and Extensions SPD (December 2017)

Draft London Plan - Minor Suggested Changes (August 2018)

6.1 The Mayor of London published a draft London Plan 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 relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this application are:

GG1 Building strong and inclusive communities
GG2 Making the best use of land
GG3 Creating a healthy city
GG4 Delivering the homes Londoners needs

D1 London's form and characteristics
D2 Delivering good design
D3 Inclusive design
D4 Housing quality and standards
D5 Accessible housing
D13 Noise

H1 Increasing housing supply
H2 Small sites
H3 Monitoring housing targets
H12 Housing size mix
H13 Build to Rent

G1 Green Infrastructure
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands

SI12 Flood risk management
SI13 Sustainable drainage
T1 Strategic approach to transport
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessment and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking

DF1 Delivery of the Plan and Planning Obligations

7.0 Planning Considerations

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

- Principle of Development
- Design
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy
- Ecology and Landscaping
- Surface Water and Flooding
- Planning Obligations

Principle of Development

General presumptions

- 7.2 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 7.3 Paragraphs 68 of the NPPF identifies the important role small sites have for the delivery of new homes whilst Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 reinforces this stating that planning decisions should promote and support the use of under-utilised land and buildings, especially if this would help to meet identify needs for housing where land supply is constrained.
- 7.4 Emerging draft London Plan policy H2 (small sites and small housing developments) proposes a presumption in favour of small housing development (25 or fewer homes) which: (i) is infill development on brownfield sites; (ii) increasing density of existing residential houses within PTAL 3-6 or within 800m of a station or town centre boundary; and (iii) the redevelopment of flats, garages and non-residential buildings. This presumption applies unless the development would give rise to

unacceptable harm that outweighs the benefits of additional housing provision and several other conditions.

Specific policy tests for this site

- 7.5 Core Strategy Policy 1 and DM Policy 2 support development that does not result in the net loss of housing. The proposed demolition of the existing bungalow would be off-set by the net gain in additional housing.
- 7.6 Located in position within an established perimeter block the site would be considered to be a backland site as opposed to a back garden site. The historic use of the site as a garden is acknowledged however the landlocked nature of the site, its size and layout relative to that of No.367 Baring Road and the proposed independent access indicate that this is best defined as a backland site.
- 7.7 The tests for the principle of backland development are set out in DM Policy 33. General principles are that the development (i) is of the highest design quality; (ii) relates successfully to the existing design quality; and (iii) meets the requirements of DMP25, 30 and 32. Specific principles for backland development require the following to be achieved:
- a. a proper means of access and servicing which is convenient and safe both for drivers and pedestrians
 - b. no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens and
 - c. appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards).
- 7.8 The development would meet the relevant parts of DM Policy 33. Principally the development would provide a safe independent access which would be convenient for pedestrians, cyclists and cars and service vehicles. The development would not result in an disproportionate harmful impact on the amenity of nearby and adjoining properties and all proposed units would have access to high quality private amenity space. These matters are considered in more depth within the report.
- 7.9 The principle of development in land use terms is therefore established, subject to the material planning considerations below.

Size and Tenure of Residential Accommodation

- 7.10 A total of eight new homes are proposed. This would see the net addition of seven new family homes within the borough. This should be afforded considerable weight given that the proposed development meets the tests of DM33.
- 7.11 The proposed development would not trigger a requirement for affordable housing given the proposed number of units and size of the site.
- 7.12 The proposed tenure is outlined in Table 1 below.

Table 1: Residential Tenure and Size Mix

	1 Bed	2 Bed	3 Bed	4 Bed +	Total

Private	-	-	8	-	8
Social Rent	-	-	-	-	-
Affordable Rent	-	-	-	-	-
Shared Ownership	-	-	-	-	-
Total	-	-	8	-	8

Design

- 7.13 Surrounding development is predominantly two to three-storey in height and characterised by a mix of architectural styles. These reflect the era in which development occurred ranging from Edwardian, post-war and more contemporary development. The site is highly enclosed, and public views into the site from surrounding streets are limited.

Policy

- 7.14 Urban design is a key consideration in the planning process. Part 12 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.15 London Plan Policies 7.1-7.7 (inclusive) and Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Policy DM 30 Urban design and local character states that the Council will expect a high standard of design in new development. The policies also look for developments to create a positive relationship to the existing townscape, natural landscape and local topography. The quality and appropriateness of materials will be assessed in relation to the surrounding area and the height, scale and massing should relate to the urban typology of the area.
- 7.16 DM Policy 33 states that planning permission will not be granted for development on backland sites unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.

Discussion

- 7.17 The design of the proposed development responds in scale and positioning to existing development and the wider built context. The design approach has sought to retain an open appearance, staggering development and maximising opportunities to retain existing trees of amenity value and increasing green cover. The proposed development responds to the scale and configuration of surrounding development.

- 7.18 Whether the test of the highest design quality has been achieved will depend upon the context of the site. This site is not located in or adjacent to a Conservation Area and there are no other heritage assets nearby. The surrounding development lacks a coherent character beyond scale. The proposal would achieve high design quality relative to that context. The proposed architecture is traditional and successfully draws from the mixed suburban character of surrounding development. The brick walls and tiled roofs would complement those employed on nearby properties, utilising materials of a traditional appearance. These would be secured by condition.
- 7.19 The overall design approach would result in a form of development which would not detract or appear at odds with the wider character and appearance of the immediate locality. It would not rely on outlook across or over nearby and properties and associated gardens.
- 7.20 The development would provide its own independent access and legible street layout. The proposed configuration would establish clear delineation between private and public elements of the development. Internally the development would provide animated frontages to streets with good levels of natural surveillance.

Standard of Accommodation

- 7.21 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP3.5), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 7.22 LP3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.3 of the London Plan.
- 7.23 Emerging policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. D4 encourages high quality design with comfortable and functional layouts. D4(F) promotes 'sufficient' daylight and sunlight while avoiding overheating. D4(GA) sets minimum space standards.
- 7.24 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 7.25 The main components of standard of accommodation are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity.

Space standards

- 7.26 All proposed units would meet or exceed the London Plan Standards for room size, storage and outdoor amenity space. All units would achieve at least dual aspect over two floors and would have access to high quality private gardens. The proposed units would meet the standards prescribed by DM Policy 32.
- 7.27 Seven of the units (Units 1-7) are shown as having a 'study'. These rooms are substantially smaller than the minimum size for bedrooms. This is considered a welcome design response to increased flexible working patterns. Each of the unit types with these rooms would be three storeys in height with a total of three

compliant bedrooms: it is evident that these rooms would function as a study and are therefore deemed, in this instance, to not affect the assessment against the relevant standards.

Outlook & privacy

- 7.28 It is noted that the proposed back to back separation of 16.8metres of units 4 & 5 from 6 & 7 would not meet the preferred 21m outlined in the supporting text DM Policy 32. This policy can be applied flexibly. In this instance separation would only marginally and would only affect properties within the development. Further, the application (LBL reference DC/18/107143) previously refused by the Council did not cite this as a reason for refusal and accepted a similar proposed arrangement as being acceptable.
- 7.29 Adequate outlook would be provided. All units would be at least dual aspect over two or three storeys with access to high quality outdoor amenity space.

Overheating

- 7.30 All units are at least dual aspect with the ability to open windows to allow cross-ventilation.

Daylight and sunlight

- 7.31 The proposed properties would benefit from adequate daylight and sunlight, with each unit being dual aspect over three floors.

Accessibility and inclusivity

- 7.32 LP3.8(c) and (d) require that ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Core Strategy Policy 1 requires that 10% of all new housing is wheelchair accessible or easily adapted.
- 7.33 A condition should be imposed to ensure the provision of wheelchair adaptable unit and all other units to meet M4(2)

Summary

- 7.34 The proposed development is considered to offer a good standard of accommodation for future occupants.

Transport Impact

Development Management Policy 33 requires development on backland sites to provide a proper means of access and servicing which is convenient and safe both for drivers and pedestrians. Core Strategy Policy 14 and paragraph 109 of the NPPF (2018) requires development to prioritise the access and safety of pedestrians and cyclists, seeking to prevent conflict between pedestrians, cyclists and vehicles. Core Strategy Policy 14 states that a restrained approach to parking provision will be adopted to contribute to the objectives of traffic reduction, with the car parking standards contained within the London Plan used as a basis of any

assessment. Cycle parking that is convenient, secure and weatherproof, in line with London Plan standards must be provided for all new residential development.

Access

- 7.35 The proposed development would provide its own independent vehicular access. A segregated pedestrian pavement that connects with the pavement on Baring Road would be provided through the entirety of the site.
- 7.36 It has been demonstrated to Officers' satisfaction that the necessary turning circles and visibility splays can be accommodated within the site for vehicles entering the site, emerging from the site and manoeuvring within the site. This has been confirmed by LBL Highways. The development would accommodate the passing of vehicles within the development. The proposed development would therefore provide a layout that would not result in conflict between road users, offering a safe and attractive environment for pedestrians, cyclists and vehicles.
- 7.37 Access for the retained garage which is in the ownership of the occupants of No.369 Baring Road would be gained via the new proposed road. Access through the existing access which runs through the site would remain for those with the legal right. Any matters regarding access or maintenance of this strip of land would be a civil matter and would not be a material planning consideration.

b) Servicing

- 7.38 The proposed development can accommodate the safe turning of service vehicles associated with residential development, principally light goods delivery vehicles. This has been demonstrated by the applicant and confirmed by LBL Highways.

c) Cycle Parking

- 7.39 The development proposals would provide two secure and weatherproof cycle spaces for each proposed dwelling. These spaces would be located within the private enclosed garden of each property. This arrangement is appropriate and compliant with the requirements of the London Plan. A condition requiring their provision prior to the occupation of the development is recommended.

d) Car Parking

- 7.40 A total of eight spaces are proposed. This would be an appropriate amount of parking for a development of this quantum and within an area with a moderate/good PTAL rating a short walking distance from a station and bus stops. A car parking management plan would need to be conditioned to provide further detail demonstrating that the proposed parking would be managed effectively to prevent parking that could compromise the turning of vehicles or the obstruction of pavements.

e) Car Club

- 7.41 It is not considered necessary or proportionate to require the applicant to provide a contribution towards car club provision given the provision of on-site parking and appropriate cycle parking provision.

f) Refuse

- 7.42 Whilst refuse vehicles could turn within the site this would require a number of movements. It has therefore been agreed by the applicant that refuse vehicles would not enter the development. Instead waste would be collected from the kerb side on Baring Road. To ensure that this arrangement is satisfactorily agreed and overseen a condition should be imposed requiring the submission of further details of how refuse will be stored and collected.
- 7.43 The proposals show that refuse could be accommodated within the curtilage of each proposed dwelling. Arrangements to move the refuse to a collection point nearer to Baring Road could be accommodated within the site and details of any arrangement secured by condition.

Impact on Adjoining Properties

- 7.44 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 7.45 LP7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing. Emerging draft policy D1 requires proposals to deliver 'appropriate outlook, privacy and amenity'.
- 7.46 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for both its future residents and its neighbours.

The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and other disturbance.

- 7.47 The Council has published the Residential Standards SPD (2012) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 7.48 The application was previously refused on amenity grounds as outlined in the planning history section of this report. This application seeks to overcome that reason for refusal.

Enclosure, Outlook and Overbearing

- 7.49 The previously refused application stated in the single reason for refusal that the proposed development by reason of siting and scale, would appear as an **overbearing form of development** that would result in **unacceptably reduced outlook** and increased **sense of enclosure** to the occupants of No.s 18, 22, 26, 28, 30, 32, 36, 40, 42 and 46 Wydeville Road
- 7.50 Overbearing and sense of overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and from boundaries

- 7.51 The previously refused development rose to a full height of three storeys as a mansard roof configuration was proposed. The proposed development now proposes a hipped roof to units 03,05 and 07.
- 7.52 Separation between proposed units 03, 05 and 07 has also been increased from the eastern boundary since the previously refused application. The separation from the boundary at the narrowest point is outlined in the table below.

Proposed unit	Distance from eastern boundary at narrowest point of refused scheme DC/18/107143	Proposed distance from eastern boundary at narrowest point
Unit 03	1.33m	1.66m
Unit 05	1.1m	1.97m
Unit 07	1.18m	1.48m

- 7.53 Officers consider that the change in roof configuration to units 03, 05 and 07 coupled with an increase in the separation from the eastern boundary sufficiently overcomes the harmful impact on the occupants of No.s 18, 22, 26, 28, 30, 32, 36, 40, 42 and 46 Wydeville Road relating reduced outlook and increased sense of enclosure.
- 7.54 The proposed hipped roofs along the eastern boundary coupled with the increase in separation from the eastern boundary sufficiently reduce the mass of development along this boundary in comparison to the previously refused scheme.
- 7.55 Further, the change in pitch at roof level offers a physical reduction in mass. The change in materials at roof level would also provide visual relief, for those properties to the east of the site.
- 7.56 The proposed increase in separation from the boundary is also considered to be a necessary solution in overcoming the previously identified harm. Coupled with the large gaps between the proposed buildings and the staggered position of all the proposed units this would ensure that reasonable outlook is maintained for the properties to the east, with views of the sky and mature trees to the west maintained.
- 7.57 The development is therefore considered by officers to be appropriate for the suburban London context.
- 7.58 A condition requiring soft and hard landscaping detailing and boundary treatment details should be imposed to ensure that high quality arrangements are proposed to maintain and enhance the established green boundaries of the site

Privacy

- 7.59 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

- 7.60 Previously it was identified in the delegated officer report that the proposals would result in the loss of privacy for the occupants of 3-8 Wydeville Manor Road. The position of the nearest terrace (units 01, 02 and 03) has increased to reduce the potential overlooking. Distances between existing and proposed habitable rooms now meet the guidance, providing 21.04metres at the narrowest point. Greater separation from the northern boundary from the rear elevations of units 01, 02 and 03 is now provided.
- 7.61 A degree of overlooking into the gardens to the north toward 3-8 Wydeville Manor Road and to the east would remain, however these views would be limited to the ends of neighbouring gardens. More limited overlooking would arise to the west.
- 7.62 Officers now consider the proposed impacts would not be materially harmful, with only oblique views being created given that all proposed houses would be located at a 90 degree angle to existing properties. Furthermore it should be noted that all affected gardens are already mutually overlooked given the configuration of these properties and their relationship with one another. The proposed development would therefore not represent a departure from this established relationship.
- 7.63 A condition preventing the insertion of any new openings into the eastern elevation of the proposed dwellings is recommended. Any proposed windows that might result in significant loss of privacy would be required to be fixed shut and obscure glazed, as proposed. A condition is recommended to secure this.

Daylight, sunlight and overshadowing

- 7.64 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 7.65 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sun rise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.
- 7.66 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 7.67 The GLA states that ‘An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.’ (GLA, 2017, Housing SPG, para 1.3.45).
- 7.68 Alternatives may include ‘drawing on broadly comparable residential typologies within the area and of a similar nature across London.’ (ibid, para 1.3.46).
- 7.69 It is therefore clear that the BRE standards set out below are not considered a mandatory planning threshold.

- 7.70 The three methods for calculating daylight are as follows: (a) Vertical Sky Component (VSC); (b) No Sky Contours (NSC); and (c) Average Daylight Factor (ADF)
- 7.71 Sunlight is measured as follows: (a) Annual Probable Sunlight Hours (APSH); and (b) Area of Permanent Shadow (APS)
- 7.72 In the first instance, if a proposed development falls beneath a 25 degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability
- 7.73 The application is accompanied by a Daylight & Sunlight Assessment (Daylight and Sunlight Report, prepared by GL Hearn Ltd, 17th May 2018). This sets out daylight and sunlight impact. The Assessment concludes: *“that the vast majority of windows will be fully compliant with the daylight and sunlight guidance given in the BRE Report. Where transgressions of the guidance occur, the retained value is comparable with values typically seen in the local area and at a level where there is a potential for a well day lit appearance to be maintained”*.
- 7.74 The refused application did not identify impacts on daylight and sunlight as being materially harmful for the occupants of nearby and adjoining properties. This therefore did not form a reason for refusal. The applicant has submitted a daylight and sunlight report which assessed the previous, refused scheme. Given that the proposals reduced in massing and increased the separation from the eastern boundary an updated report was not produced.
- 7.75 Sufficient separation would be maintained between all other properties. As confirmed there would be no harmful impact on daylight, sunlight or overshadowing for these properties.

2-48 Wydeville Manor Road

- 7.76 These properties comprise maisonettes with separate ground and first self-contained flats. Given the uniform construction of the semi-detached properties on Wydeville Road, it is reasonable to assume that the internal arrangements are similar, if not the same, for each maisonette.
- 7.77 As detailed at paragraph 4.4.2 of the Assessment, all windows would meet the BRE Report guidance for daylight amenity using the Vertical Sky Component (VSC) test.
- 7.78 Only one window would transgress the guidance for annual sunlight using the Annual Probable Sunlight Hours (APSH) test. The window ‘W2’ of 42-48 serves a bedroom.
- 7.79 With regard to sunlight to bedrooms, the BRE Report states the following at paragraph 3.2.3:

“...It is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within ninety-degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. In non-domestic buildings any spaces which are deemed to have a special requirement for sunlight should be checked; they will normally face within ninety degrees of due south anyway.”

- 7.80 Notwithstanding the above, the bedroom would continue to receive 22% of available sunlight, marginally below the 25% recommended in the BRE Report.
- 7.81 There are several windows which retain 4% for winter sunlight amenity, which is only marginally below the recommended 5% for winter sun.
- 7.82 It is considered that the impacts identified are minor and are, on balance, acceptable within the context of an urban environment and the wider public benefit of providing new family homes. Further to this all nearby and adjoining residents would retain good outlook with views of the sky maintained. The proposed development therefore complies with DM Policy 32, providing neighbourly development which provides a satisfactory level of outlook and natural lighting for the occupants and future occupants of 2-48 Wydeville Manor Road.

Windsor House

- 7.83 The proposed detached house would be sufficiently set back from the bedroom and living rooms of the nearest flats at Windsor House which orientate north, with the nearest proposed house positioned in front of the bathrooms. As confirmed by the Daylight and Sunlight Report the windows which serve the bedrooms and living rooms of these flats would not harmfully affected with the amount of sunlight received to these windows unchanged.
- 7.84 The nearest ground floor living room would retain 0.8 times the current VSC value which is in line with BRE recommendations. The bedroom window would retain 0.77 times the current value, just 0.03 below the recommended ratio.
- 7.85 When considering this very small deviation from the BRE's numerical guidelines, which are purely advisory, it is important to highlight the affect that the design of Windsor House has on the change in daylight received. The north elevation of Windsor House steps out to the east of the bedroom window. The projecting elevation itself obstructs the current sky visibility, giving the bedroom window a VSC of 27.47% compared to 31.55% for the living room window. Both ground floor rooms would not affect the vertical sky components.
- 7.86 The proposed development, in addition to the changes which have been proposed beyond the scheme previously assessed the development complies with DM Policy 32, providing neighbourly development that provides a satisfactory level of outlook and natural lighting for the occupants and future occupants of Windsor House.
- 7.87 It is recommended that a condition is imposed restricting all permitted development rights for the proposed houses. This will ensure that any future additions and extensions are controlled and would require the prior authorisation of the local planning authority where impact on amenity can be assessed.

Noise and other disturbance

- 7.88 The proposed development would be residential. This use is considered compatible with the surrounding area which is residential in nature. Given the quantum of development vehicle movements within the site would not result in a materially harmful increase in noise or disturbance
- 7.89 Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that

demolition and construction is undertaken in a manner that does not affect the wider highway and utilises best practice a construction and management plan a condition requiring a demolition and construction plan would be imposed were the application to be approved.

- 7.90 Given the backland nature of the site any street lighting could give rise to an increase in potential light nuisance. To avoid this a condition is recommended requiring further information relating to details of artificial external lighting could be attached were the application to be approved.

Summary

- 7.91 Officers are satisfied that the development proposals have overcome the reason for refusal associated with DC/18/107143 and that the proposals would safeguard the amenity of all nearby and adjoining occupants in line with adopted policy.

Sustainability and Energy

- 7.92 The quantum of development does not require a carbon reduction beyond normal building regulations. Buildings would be required to meet relevant building control standards.

Environmental Impacts

- 7.93 DMP 24 requires development to take full account of biodiversity, ensuring that impacts are minimised and opportunities to maximise biodiversity are captured. DMP 25 requires development to consider how development can provide opportunities to enhance the local landscape and in turn biodiversity. S.197 of the Town and Country Planning Act requires provisions be made in respect of trees.

Trees and landscaping

- 7.94 A full arboricultural assessment was submitted with details of how trees of amenity value to the western boundary would be protected. These measures are considered appropriate in safeguarding trees and vegetation of value. A condition requiring that the trees which are shown as being retained should be imposed to ensure that those trees are safeguarded were the application to be approved. Construction would be required to be carried out in accordance with these submitted details.
- 7.95 A full arboricultural assessment was submitted with details of how trees to the western boundary would be protected. These measures are considered appropriate in safeguarding trees and vegetation of value. A condition requiring that the trees which are shown as being retained should be imposed to ensure that those trees are safeguarded. Construction would be required to be carried out in accordance with these submitted details. A condition requiring the works to be carried out in accordance with the tree protection plan set out in the Assessment is also recommended.
- 7.96 The trees shown as being felled are of low value and Officers raise no objection to the loss of these trees. The applicant has sufficiently demonstrated that the trees of value would not be harmed as a result of the development proposals. A condition which requires the submission of hard, soft and boundary landscaping details should be imposed to ensure that opportunities to re-plant and offer an overall greening of the

site are captured and a good standard of landscaping is achieved across the site. Native species and wider habitat creation would provide an opportunity to provide an overall net increase in biodiversity. Particular emphasis should be placed on replacement trees as part of the future landscaping plan.

Ecology

- 7.97 A preliminary ecology appraisal was undertaken and accompanies the application. LBL ecology officer confirmed previously for application DC/18/107143 that the report sufficiently demonstrates that the development is unlikely to harm any protected species. The ecology appraisal does identify that further survey work is required to establish if reptiles are present on the site.
- 7.98 While ecology officers noted that ordinarily further survey work should be taken prior to the grant of planning permission in this instance a condition requiring this survey work to be undertaken prior to commencement would be appropriate given the ecological value of the site being low as it until recently formed primarily mown lawn. It is therefore recommended that a condition requiring additional survey work should be undertaken should the application be approved.

Contamination

- 7.99 The status of the land and the likelihood of the presence of contamination is unknown. Were the application acceptable in all respects a condition requiring a land contamination report would need to be imposed to ascertain likely risks.

Flood Risk and Surface Water Management

- 7.100 Core Strategy Policy 10 requires development to ensure that development will deliver a reduction in the risk of flooding. The site lies in Flood Zone 1, less than 1ha and there is no known risk from other sources of flooding. A Flood Risk Assessment is therefore unnecessary. The site is presently undeveloped; any development therefore has the potential to increase surface water flooding as areas of impermeable surface would be increased. This would be mitigated by the use of Sustainable Urban Drainage.
- 7.101 To mitigate against any harmful impact it is recommended that a condition is attached requiring details of sustainable urban drainage measures and supporting technical data to demonstrate that surface water run off would not be increased and water controlled to maintain greenfield infiltration rates.
- 7.102 No basement development is proposed and groundwater flows are unlikely to be affected by the proposed development.
- 7.103 Matters relating to sewage are not a direct consideration for an application of this scale. Connecting to the sewage network would be a matter for the applicant and Thames Water.

Planning Obligations

- 7.104 The proposed development would be below the threshold for affordable housing contributions. No other financial contributions have been identified as necessary to make the development acceptable in any respect.

8.0 Local Finance Considerations [delete if not relevant]

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration. When applying a discount for the existing floor space 810.8 square metres (sqm) of floor space would be CIL is liable on this application and the applicant has completed the relevant form.

9.0 Equalities Considerations

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is a no impact on equality.

10.0 Human Rights Implications

- 10.1 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:
- Article 8 - Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1 – Right to peaceful enjoyment of possessions and protection of property
- 10.2 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.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 and Protocol 1, Article 1 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.
- 10.4 This application has the legitimate aim of providing a net addition of 7 new family. The rights potentially engaged by this application, including respect for your private

and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

11.0 CONCLUSION

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider that the proposed development would provide a net increase in seven high quality family homes. All nearby and adjoining residents would retain satisfactory residential amenity and subject to the imposition of conditions the proposed development would provide a safe access for all potential road users. The scheme is therefore considered acceptable.

12.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

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

P_001 Rev 0;
P_002 Rev 0;
P_003 Rev 0;
P_004 Rev 0;
P_005 Rev 0;
P_010 Rev 0;
P_011 Rev 0;
P_012 Rev 0;
P_013 Rev 0;
P_040 Rev 0;
P_041 Rev 0;
P_042 Rev 0;
P_043 Rev 0;
P_044 Rev 0;
P_045 Rev 0;
P_050 Rev 0;
P_051 Rev 0;
P_052 Rev 0;
P_060 Rev 0;
TPP1_BR - Rev A - Tree Constraints Plan;
WIESA95 007 Rev A04;
WIESA95 010 Rev A01;
Arboricultural Appraisal and Implications Assessment - ACS (Trees)
Consulting (September 2018);

Daylight and Sunlight Assessment GL Hearn (May 2018);
Design and Access Statement - The Oakwood Group (January 2019);
Preliminary Ecology Appraisal - Icen Ecology Ltd (April 2018);
Planning Statement - GL Hearn (May 2018);
Transport Statement - Waterman Infrastructure & Environment (May 2018);
Transport Technical Note 3 - Waterman Infrastructure & Environment (August 2018);
Accommodation Schedule - The Oakwood Group - (January 2019).

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

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4. (a) No development or phase of development (including demolition of existing buildings and structures shall commence until :-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying

rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

- 5. (a) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (March 2016) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

6. No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings to be used on the building(s) 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(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

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

8. (a) Prior to above ground works a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works..
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

9. (a) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (March 2016) and Objective 6: Flood

risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

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 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 and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise 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 DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

11. (a) The development shall not be occupied until a Refuse Collection and Servicing Plan which includes details for on-site storage has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the arrangements for residents and moving refuse to a collection point within 10metres of Baring Road for collection from Baring Road, demonstrating that refuse vehicles will not need to enter the site.
- (c) The approved Refuse and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014)..

12. (a) The development shall not be occupied until a Car Parking Management Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the arrangements for car parking management which ensures that parking only occurs within the hereby approved eight spaces as shown on 'P_004 Rev 3' and parking is managed to ensure that parking does not occur elsewhere on the highway.

- (c) The approved Car Parking Management Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

13. No extensions or alterations to the building(s) hereby approved, whether or not permitted under Classes A, B or C of Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

14. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed on any elevation of the buildings hereby approved other than those expressly authorised by this permission. The windows to be installed in the east elevation of houses 03, 05, 07 hereby approved shall be fitted as obscure glazed/fixed shut and retained in perpetuity.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

15. None of the trees shown as being retained on the permitted plans or the Arboricultural Appraisal and Implications Assessment - ACS (Trees) Consulting (September 2018) shall be lopped or felled without the prior written consent of the local planning authority. All development must be undertaken in accordance with the Arboricultural Appraisal and Implications Assessment - ACS (Trees) Consulting (September 2018) and maintained in perpetuity.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

16. (a) Prior to the commencement of any above ground works on site a full reptile survey as outlined in the Preliminary Ecological Appraisal - Icen Ecology Ltd (April 2018) should be undertaken to ascertain if any statutory protected species are present at the site or likely to be affected by the proposed

development. The surveys should be undertaken between mid-March to mid-October in suitable weather conditions.

(b) Should any protected species be recorded, appropriate mitigation measures should be agreed in writing by the local planning authority and implemented prior to commencement of any development or works at the site and retained in perpetuity thereafter.

Reason: In order to safeguard protected species and their habitats in accordance with DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

I N F O R M A T I V E S

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

- A. 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>
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from

contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- D. 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.
- E. 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.