

Committee	PLANNING COMMITTEE C	
Report Title	LAND AT REAR OF 148, DEPTFORD HIGH STREET, LONDON, SE8	
Ward	Evelyn	
Contributors	Zahra Rad	
Class	PART 1	6 AUGUST 2020

<u>Reg. Nos.</u>	(A) DC/20/114710
<u>Application dated</u>	19 11 2019
<u>Applicant</u>	Mr J. Leader
<u>Agent</u>	Ms Ana Popovic
<u>Agent Company</u>	Urbanist Architecture Ltd.
<u>Proposal</u>	The construction of a two-storey 3-bedroom single-family dwellinghouse on land at the rear of 148 Deptford High Street, SE8.
<u>Background Papers</u>	(1) Development Management Local Plan (adopted November 2014) (2) Local Development Framework Documents (3) Core Strategy (adopted June 2011) (4) The London Plan
<u>Designation</u>	PTAL 4 Major District Centre Shopping Non-Core Area Deptford Neighbourhood Forum Area of Archaeological Priority Deptford High St. & St Paul's Conservation Area Existing Use: C3
<u>Screening</u>	N/A

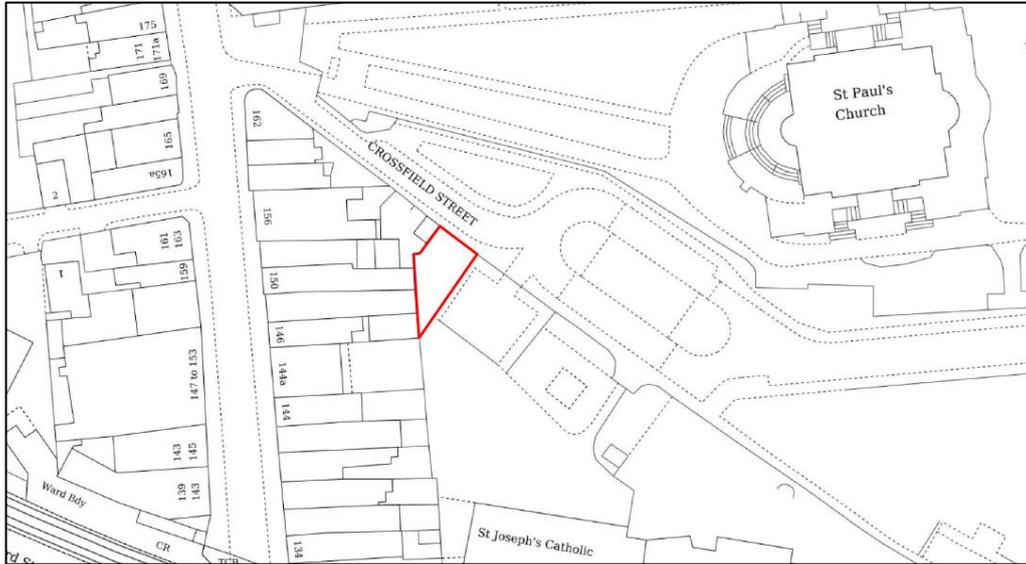
## 1 SUMMARY

- 1 This report sets out officer's recommendation to approve the above proposal. The case has been brought before members for a decision as permission is recommended to be approved and the Deptford Society has objected to the proposed development. In accordance with the extended delegated authority arrangements which are in place until 16th September 2020, this application has been reviewed by a chair person of one of the Council's planning committees who has confirmed they require the application to be decided by Members at Planning Committee.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is an irregular-shaped plot of vacant land at the back of No 148 Deptford High Street, with a 9.09m frontage on Crossfield Street. This plot was until recently associated with No 148 Deptford High Street for access. The plot housed a dwellinghouse during the pre-war period. The subject plot is accessed via a temporary timber gate on Crossfield Street, and still has a door with access from No 148 at the back.



**Figure 1 Site Location Plan**

- 3 The site is 136sqm in area and is an irregular shape. To the west, the plot shares an 8.9m long boundary wall with No 1 Crossfield Street. To the front is a wooden fence with a gate, which provides access to the site from Crossfield Street, which continues the brick wall frontage of No 1 Crossfield Street. It is not known when or why the brick wall fronting the site (identical to that on either side of the site) was removed. The boundary wall to the back is a brick wall with a height of 1.4m and a timber trellis fence on top (see photo below).



**Figure 2 photo of front of site**

***Character of area***

- 4 The surrounding area is characterised by a mix of building forms and land uses. Deptford High Street is comprised of two and three storey terraces with a mixture of residential (flats) and commercial (shops etc.) properties. The Grade I Listed, St Paul's Church, and its churchyard dominate this part of Crossfield Street on one side, as mixed

uses mostly workshops, residential, and St Joseph's primary School are in other parts of the area.

### ***Heritage/Archaeology***

- 5 The site is in the Deptford High Street and St Paul's Conservation Area, in the vicinity of the Grade I Listed St Paul's Church that was built by Thomas Archer between 1712 – 1730. ). It also sits within an Area of Archaeological Priority (Upper Deptford).
- 6 The Deptford High Street and St Paul's Church Conservation Area was formed by combining two smaller conservation areas and its Appraisal and Management Plan was adopted on 11 December 2019.
- 7 To the rear of buildings along this part of Deptford High Street are their back yards, the majority of which are related to the businesses at the ground floor level of Deptford High Street. Historically there was a terrace of houses along this side of Crossfield Street, thus this site is not an original, undeveloped yard associated solely with the frontage property on Deptford High Street. The new modern element and the only residential building in this part of Crossfield is No 1, adjoining the north west of the application site, built in 2018. To the immediate east of the application site is St Joseph's Primary School, which is significantly set back from Crossfield Street, and was constructed in the late 19th century.
- 8 Inside the application site, the only element remaining from the earlier terrace of houses is part of a wall and chimneybreast on the shared boundary with No1 Crossfield Street.

### ***Local environment***

- 9 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).
- 10 There is a mature tree (T1 which is a Sycamore) in the parking area of St Joseph's Catholic Primary School adjacent to the eastern boundary of the application site, and another one at the back of the plot (T2 is recognised as London Plane), within the back garden of No 146.

### ***Transport***

- 11 The site lies within a major District Centre and has a PTAL rating of 4. It has good connectivity and is within a walking distance of Deptford High Street, Deptford Station, and Deptford Bridge DLR station. There are also nearby bus stops located in Deptford Church Street, and Creek street.

## **3 RELEVANT PLANNING HISTORY**

- 12 The most relevant applications are:

- 13 DC/17/102362- The construction of a two storey, 4 bedroom dwellinghouse on land at the rear of 148 Deptford High Street, SE8 (fronting Crossfield Street). Refused 07/12/2017 (Appeal dismissed APP/C5690/A/14/2216363) for:

- The first floor mansard roof of the proposed development would fail to properly integrate with the pitch roof of the new dwelling currently under construction to the north west of the site and would therefore appear as an incongruous addition to the streetscene which would fail to preserve or enhance the character and appearance of the Deptford High Street and St Paul's Conservation Areas,

contrary to Policies 7.4 Local Character of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), Policies DM 30 Urban design and local character and DM 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 Plan (November 2014).

- The proposed development would provide a poor standard of residential accommodation for future occupiers of the proposed dwelling by reason of lack of outlook from the first floor bedroom windows at the rear of the building, contrary to Policies 3.5 Quality and design of housing developments and DM Policy 32 Housing design, layout and space of the Development Management Local Plan (November 2014).
- The rear of the proposed mansard roof would have an overbearing impact on the dwelling currently under construction to the north west of the site, giving rise to a loss of natural light and poor outlook for the future occupiers of this building, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), Policies 3.5 Quality and design of housing developments and DM Policy 32 Housing design, layout and space of the Development Management Local Plan (November 2014) and The Residential Standards SPD (2006, updated 2012).

14 PRE/17/104944- New two storey residential dwelling fronting Crossfield St at the rear of No 148 Deptford High St, SE8. Response was sent 25/09/2018.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSAL**

15 The application seeks to construct a part two-storey part one-storey 3-bedroom single-family dwellinghouse. The two-storey part would be built along the northern part of the Crossfield Street frontage and the single storey section would be alongside the shared boundary with No 1 Crossfield Street, and Nos 148 and 150 Deptford High Street.

16 To the front and along Crossfield Street, the wall frontage would be rebuilt, with the same dimensions and matching materials. The proposed dwelling would be built behind this wall. The main entrance door on Crossfield Street would be a wooden door, almost in the middle of the frontage and set back from the wall. This door would be the only access to the building.

17 The roof at the two-storey part would comprise of a projected barn style pitched roof and gable ends similar to the traditional vernacular massing, with two modern full height dormers one looking onto Crossfield Street and one to the rear. A green roof has been proposed for the rear slope of the pitched roof. The flat roof of the single-storey element would be green flat roof with two rooflights. The total height of the two-storey part would be approximately 5.9m and the single storey part would have a height of 2.5m measured from the pavement level. The flat roof of the single part would have a parapet for 0.2m.

18 At the ground floor, would be two bedrooms, a study room, dining/living room, kitchen and a central courtyard. The first floor would comprise of a bedroom and en-suite with two dormer windows, one looking onto Crossfield Street and one to the rear.

19 The study room would have a window with a view onto Crossfield Street. The kitchen, living/dining room area, and bedrooms 1 and 2 have access to the amenity open space

in the middle (central courtyard) via sliding and folding doors. The amenity open space would have an area of 21sqm, which would have a shared boundary wall with St Joseph's School parking area. A new boundary brick wall (2.1m) would be constructed along the boundary with the school.

20 The proposed materials are:

- Facing Brick - Dickensian Yellow London Stock similar to the existing historic wall;
- Horizontally oriented external Siberian Larch wooden cladding - located on the elevations facing the private amenity space, roof and part of the front elevation;
- Window frames and glazing - Aluminium clad windows mix of clear and obscure glazing with grey beige (RAL 1019) frames.

## **4.2 COMPARISON WITH PREVIOUS SCHEME**

21 The design concept and proposal within this application is significantly different from the refused proposal DC/17/102362 in 2017. The previous proposal was to introduce a two-storey building with a typical traditional character, which did not add to the special character of the Conservation Area, whilst the new proposal is a modern addition.

22 The current proposal was submitted after two pre applications (PRE/19/111522 and PRE/19/113555).

## **5 CONSULTATION**

### **5.1 PRE-APPLICATION ENGAGEMENT**

23 Two pre-application meetings were held. The principle of residential development was supported, subject to high quality design; within the conservation area and the Grade I listed building nearby, improvement and revision of the internal layout to mitigate the impact on the adjoining neighbours, and provision of high quality materials.

- PRE/19/111522- Erection of a new dwelling on land at the rear of 148 Deptford High Street London SE8 3PQ. Letter sent 28/05/2019.
- PRE/19/113555- Follow-up pre-application to PRE/19/111522 for the construction of new 3 bedrooms dwelling house on the land at the back of 148 Deptford High Street, SE8 3PQ. Letter sent 17/04/2019.

### **5.2 APPLICATION PUBLICITY**

24 The Council's consultation was undertaken in accordance with the statutory requirements and those required by the Council's adopted Statement of Community Involvement.

25 Site notices were displayed on 12<sup>th</sup> Dec 2019 and a press notice was published on 12<sup>th</sup> Dec 2019.

26 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 02 Dec 2019.

27 Three objections were received, one from a direct neighbour, one from a resident and one from the Deptford Society.

### 5.2.1 Comments in objections

28 Neighbour objections:

<b>Objection / concern raised</b>	<b>Para where addressed</b>
<i>Housing</i>	
Overdevelopment	93
<i>Urban Design</i>	
The appearance of the front elevation: <ul style="list-style-type: none"> <li>• details regarding the gap between the proposed roof and the dormer at No1</li> <li>• form and shape of windows, the</li> <li>• front boundary wall (the continuity of the historic wall) and</li> <li>• details of its connection to the main building at the ground and first floor.</li> </ul>	90, 100, 128, 134
Regarding the height of proposed development	141
Materials: objection to timber slats, light and proposed colour	98
Impact on heritage assets including the Grade I listed building and the Conservation Area	107 and 108
<i>Living conditions of neighbours</i>	
End gable would cause overbearing impact	132,140
Impact of the proposed building on the outlook and daylight/sunlight of neighbours	126-127, 135-139
Impacts on privacy	128
<i>Natural environment</i>	
Tree loss / damage	167-173
<i>Other matters</i>	
Internal layout	59, 67, 69 and 74

29 Deptford Society raised no objection to the principle of the development, however, objection were raised on the following issues.

<b>Comment</b>	<b>Para where addressed</b>
Design including, its bulk and mass	86-87 and 90-93
Harm to the character of the Heritage Assets	107 and 108
Unacceptable proposed green roof	163
Impact on amenity of the neighbours No1 Crossfield Street and 146 Deptford High Street	66, 100, 128, and 134

## **5.3 INTERNAL CONSULTATION**

30 The following internal consultees were notified on 02/12/2019.

- Highways officer: No objections subject to conditions
- Conservation Officers: No objection subject to conditions
- Design Officer: No objection
- Tree Officer: Comments addressed in report.

## **5.4 EXTERNAL CONSULTATION**

31 The following External Consultees were notified on 02/12/2019:

- Historic England: raised no objections subject to conditions.
- Environment Agency: raised no objections subject to conditions.

# **6 POLICY CONTEXT**

## **6.1 LEGISLATION**

32 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

33 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

## **6.2 MATERIAL CONSIDERATIONS**

34 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

35 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

36 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

## **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

37 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

39 London Plan SPG/SPD:

- 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)
- Energy Assessment Guidance (October 2018)

## **6.6 OTHER MATERIAL DOCUMENTS**

- The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.

## **7 PLANNING CONSIDERATIONS**

40 The main issues are:

- Principle of Development
- Housing
- Urban Design and Impact on heritage assets
- Transport
- Living conditions of neighbours
- Sustainable development
- Natural environment

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General Policy*

- 41 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.
- 42 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

### *Policy*

- 43 The National Planning Policy Framework (NPPF 2019) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.
- 44 The current London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.
- 45 The principle of the proposed development will be assessed in relation to the NPPF, London Plan Policy 3.5, Core Strategy Policy 15 and Development Management Local Plan DM Policy 33 and DM Policy 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'.

### **7.1.1 Proposed residential use**

- 46 The proposed development seeks to deliver residential accommodation on a piece of vacant land at the back of No 148 Deptford High Street. The proposal does not result in the loss of existing residential gardens or public open space. The site was part of terraced housing which lined both sides of Crossfield Street prior to WWII. Since these houses were demolished during and after WWII, the plot has been vacant. The applicant has provided land registry documents to confirm this. The previous appeal decision (APP/C5690/A/14/2216363) confirmed the principle of development and residential use on this plot is supported.
- 47 DM Policy 33 states if the site is considered suitable for development, planning permission will only be granted if the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets.

### **7.1.2 Principle of development conclusions**

- 48 The site will make a contribution towards meeting housing needs in a sustainable urban location. The proposal will make efficient use of the land and is consistent with the previous appeal decision. The development is acceptable in principle.

## 7.2 HOUSING

49 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation.

### 7.2.1 Contribution to housing supply

#### *Policy*

50 National and regional policy promotes the most efficient use of land.

51 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

52 The NPPF encourage the efficient use of land subject to several criteria set out in paragraph 122. Paragraph 123 applies where there is an existing or anticipated shortage of land for meeting, identified housing needs and strongly encourage the optimal use of the potential of each site.

53 LPP 3.3 and 3.4 seeks to increase the housing supply and to optimise housing output.

#### *Discussion*

54 The proposed dwelling would modestly contribute to the borough's housing supply and weight is given to this in assessment of the proposal.

### 7.2.2 Residential Quality

#### *General Policy*

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 (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

55 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity.

#### ***Internal space standards***

#### *Policy*

56 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in the London Plan.

57 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long-term sustainability of the new housing provision. In particular DM Policy 32 states that it will assess whether new housing development including conversions provide an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight

and daylight, adequate privacy and storage facilities to ensure the long term sustainability and usability of the homes. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan.

*Discussion*

58 The table below sets out acceptable dwelling sizes.

Type	Criteria	Size	Required	Compliance
Two storey, three bedroom dwelling	Dwelling Size (3B4P)	136m <sup>2</sup>	90m <sup>2</sup>	Pass
	Bedroom 1	9.66m <sup>2</sup> and 2.97m wide	7.5 m2 and at least 2.15m wide	Pass
	Bedroom 2	10.26 m <sup>2</sup> and 2.8m wide	7.5m2 and is at least 2.15m wide	Pass
	Bedroom 3	13.37 m <sup>2</sup> and 4.3m wide	11.5m2 and at least 2.75m wide	Pass
	Floor to ceiling height	Min. height at the first floor 2.37m And 2.5m at the ground floor	2.3m for at least 75%	Pass
	Built in storage	4.15m <sup>2</sup>	3.5m <sup>2</sup>	Pass
	Private amenity space	21.29m <sup>2</sup>	12m <sup>2</sup>	Pass

59 The new dwelling would be two storey 4p 3b with an area of 136m<sup>2</sup> and would provide a greater area than the minimum required Gross Internal Area of 84sqm. In this respect, the standard of amenity would be acceptable. The rooms are all of a good layout, and the individual bedrooms meet the standards. The minimum floor to ceiling height would be 2.5m at the ground floor and 2.37m at the first floor, which meets the London Plan requirements.

**External space standards**

*Policy*

60 Standard 4.10.1 of the Mayor’s Housing SPG states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’.

*Discussion*

61 Outside amenity, space with an area of 21m<sup>2</sup> would be provided as a central courtyard, which is more than the minimum above standard.

62 Beyond the boundaries of the proposed development, there is ample open space within the area including St Paul’s Church garden, therefore the proposed scheme is policy compliant with regards to provision of external amenity space.

**Outlook & Privacy**

*Policy*

63 LPP 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D3(7) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D6 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

64 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

#### *Discussion*

65 The proposal seeks to construct a three bedroom single-family dwelling house. On the southern side of Crossfield Street, the residential properties on this part of Crossfield Street with access from Crossfield Street are the top floor flats at No162 Deptford High Street (4 flats) and No 1 Crossfield Street, which is a single family house.

66 In terms of privacy, the properties on Deptford High Street (Nos 146 – 162) have ground floors in commercial use and the floors above are residential. Nos 146 to 152 Deptford High Street have upper floor rear windows (and one with a balcony at first floor level) which face onto the site and towards St. Paul’s Church. The applicant has submitted section drawings of the proposed house in the context of rear windows of properties in Deptford High Street, showing that all of the proposed habitable rooms would be provided with adequate levels of privacy.

67 The proposed dwelling would be dual aspect, and would provide good levels of daylight and sunlight and views from habitable spaces. The courtyard arrangement is unusual and acceptable in the context of the dense urban character of the area.

#### ***Daylight and Sunlight***

##### *Policy*

68 LPP 3.5 seeks high quality internal and external design of housing development. DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

##### *Discussion*

69 The applicant has provided Internal Daylight Assessment. The internal light for all bedrooms were assessed by ADF test as recommended by BS8206 and the BRE guidance. The result demonstrates that the rooms would meet guidance levels for daylight and sunlight. Given the dual aspect of the proposed dwelling, and the amount of glazing proposed, the dwellings would be provided with good levels of natural daylight and sunlight internally. All habitable rooms would be provided with windows, and officers consider the levels of daylight and sunlight to be acceptable.

70 Overall, the levels of daylight and sunlight provided would be acceptable, in line with Policy DM32.

#### ***Accessibility and inclusivity***

##### *Policy*

71 This is not a major scheme as one family size dwelling, so CSP 1 Housing provision, mix and affordability does not apply. The building would have step-free entrance and

bedrooms and bathrooms at the ground floor level would be accessed with flush thresholds designed in accordance with building control requirements.

72 Officers are satisfied that the building would comply with accessibility and inclusivity guidelines.

### ***Summary of residential quality***

73 Officers are satisfied that the design and layout of the proposed units would be suitable and the proposal would provide an acceptable standard of residential accommodation in accordance with the above policies.

### **7.2.3 Housing conclusion**

74 The proposal would deliver a family-sized dwelling, with a high standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making the most efficient use of land and optimising density.

## **7.3 URBAN DESIGN**

### *General Policy*

75 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

76 LPP 7.4 requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context.

77 CSP 12 seeks to protect the character, historic interest and amenity of, and within, open spaces, as well as the effects of development outside their boundaries.

78 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.

79 DMP 30 requires planning applications to demonstrate a site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

### *Heritage policies*

80 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

81 Section 72 of the 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.

82 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight

to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset: para 193 of the NPPF. Further, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

- 83 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.
- 84 Core Strategy Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 85 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

#### *Discussion*

- 86 The application site is within an area of Archaeological Priority, Officers had concerns that the development could cause harm to archaeological assets and as such consultation with Historic England indicated that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.
- 87 The existing 2.5m high boundary wall would be extended to the front of the development site, in order to maintain the continuity of the main urban aspect of this section of Crossfield Street. The new dwelling would follow the context of the successful design of No1, which was accredited as a high quality design in Deptford High Street and St Paul's Church Conservation Area Appraisal and Management Plan. The details of the design would be discussed in the following sections.

### **7.3.1 Appearance and character**

#### *Policy*

- 88 In addition to the policies set out above, DM Policy 32 on sub para 2.256 explains that developments need sensitive design in order to not detract from the character of the street scene, the architectural integrity and scale of adjacent buildings.

#### *Discussion*

- 89 Officers consider that the proposed two-storey house facing Crossfield Street is a suitably scaled building for this location, having regard to the relationship of the site with: the frontage buildings on Deptford High Street; the adjoining property at No 1; the wider setting including the heritage implications.
- 90 The scale and appearance is similar to that of No 1. This design approach is considered suitable for this location. The main feature of this part of Crossfield Street is the high brick wall frontage. The new dwelling would sit behind the rebuilt front wall and would have the same height and roof style as No1 on the front elevation. However, this continuity would be interrupted at the first floor, where there would be a gap between the two slopped roofs of No 1 and the proposed dwelling, which was widened to 0.63m and a window would be installed to provide access for maintenance. This gap is not

considered to harm the street scene as the shape and material of both roofs would be similar, although in different colour.

- 91 The massing of the proposed new building comprises a projected barn style pitched roof with gable ends, which is similar to the building at No 1 and would be visible above the retained front boundary wall. The proposed building and the dwelling at No 1 cumulatively would create a distinct visual separation and contrast between old and new, without an adverse impact on the character of the conservation area and Grade I listed Building.
- 92 The maximum height of the new building would be 5.93m taking the pavement as a zero level. Taking into account the sensitivity of the site in terms of heritage implications, the need to match the height of No 1 and the possible implications of the tree roots, Officers consider it is necessary to impose a condition requiring an accurate topographical survey to be carried out to establish existing and proposed levels on site and immediately adjoining the site. Considering the importance of this and what it seeks to control that condition would by necessity be a prior to commencement condition.
- 93 The building would be visible from surrounding main roads as well as in the context of St. Paul's Church, however, the site is considered to be at a sufficient distance from the grounds of the church, so as to not appear overbearing or intrusive given the width of Crossfield Street and presence of several trees within the setting of the church. The building is considered to be modest in scale and of high quality design and that; it would enhance the character of the conservation area and the streetscene.
- 94 Overall, the height, scale and massing are considered to be appropriate for the site and surrounding area.
- 95 The current proposal has been assessed against the relevant DM Policy 32 and CS15, and is considered to be acceptable in terms of its height and massing.

### **7.3.2 Detailing and Materials**

#### *Policy*

- 96 DM Policies 30 Urban design and local character and 36 New development in line with the Core Strategy Policies 15 High Quality design for Lewisham and Policy 16 Conservation areas, require that new development in the borough achieve a high standard of design which sets out a framework for the protection of the borough's designated heritage assets.

#### *Discussion*

- 97 Officers are satisfied the materials proposed would be appropriate for the design and location, subject to a condition requiring samples to be approved.
- 98 The main material would be timber cladding, similar to that used on No 1 Crossfield Street. The key difference is the cladding to No 1 is stained dark black. Objectors raised concerns regarding the proposed materials, in part due to the light colour of the timber and the potential for unsightly staining in the future. Officers do not consider a light coloured timber would necessarily deteriorate to an unacceptable degree over time. All timber weathers over time, though the rate of weathering can be significantly different depending on various factors. The specific timber to be used, any preservative to be applied and proper maintenance are all factors that influence how timber weathers over time. Under the circumstances, should Members be minded to grant planning permission, Officers consider it necessary and proportionate to requiring submission and

approval of a timber management plan by condition. The purpose would be to ensure the timber is preserved and maintained in a way to prevent rapid or unsightly weathering.

99 As the building is unadorned, the quality of certain details would be important factors in ensuring the building would be of a high quality addition. Therefore, details of the junctions of the different types of materials and details such as depths of window reveals have been provided.

100 The front elevation wall would be in bricks to match the size, colour and texture of those used in the existing wall at No 1 Crossfield Street. A condition will require the bricks to be laid in a bond to match the existing, with a mortar colour and pointing method to match.

#### *Summary*

101 Officers are satisfied the materials and detailing are acceptable and would contribute to a high quality building, subject to three conditions requiring approval of materials, approval of a timber maintenance plan and details.

### **7.3.3 Impact on Heritage Assets**

#### *Policy*

102 Section 72 of the 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.

103 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

104 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

105 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

106 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

#### *Discussion*

107 The proposed dwelling would be 58m away from the main building of St Paul Grade I listed Church, which is on the opposite side of the road. It would occupy a plot of land which currently is derelict and unsightly. The highest point of the dwelling would be 5.93m, which would be far lower than the height of the listed building. The proposed dwelling would have similar features to No1 with a different colour. The design is considered as modern design with modern dormer, which due to the set back from the boundary wall and limited opening to Crossfield Street, is considered to enhance the Deptford High Street and St Paul's Church Conservation Area.

## *Summary*

108 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would enhance the character and appearance of Deptford High Street and St Paul's Church Conservation Area.

### **7.3.4 Urban design conclusion**

109 In summary, the proposed building is a creative and high quality, site-specific proposal that would create interest at this currently under-optimised site and improve the frontage of this part of Crossfield Street. It is of an appropriate height and scale, and would use suitable materials for the sensitive setting in a Conservation Area and the Grade I listed building nearby; it is considered that the proposed scheme would enhance the character of the Conservation Area and the streetscene. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

## **7.4 TRANSPORT**

### *General policy*

110 LPP 6.1 sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

111 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.

112 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

### **7.4.1 Local Transport Network**

#### *Discussion*

113 The application site is well connected to the wider public transport network with a PTAL rating of 4. There are bus stops close to the site on Deptford Church Street and Creek Road, which are served by various London-wide Bus routes. The site is also within walking distance of Deptford High Street, Deptford Station, bus stops located in Deptford Church Street, and Deptford Bridge DLR station.

### **7.4.2 Servicing and refuse**

#### *Policy*

114 DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

115 Standard 22 and 23 of the London Plan Housing SPG provides guidance on refuse for new residential development and references the British Standard BS5906:2005.

*Discussion*

116 An area is shown on plan for the storage of refuse and recycling within the ground floor courtyard. This has access both from the courtyard and via an entrance door opening onto Crossfield Street, refuse would be placed outside on designated collection days. The scheme proposes both refuse and recycle waste bins at 240L each, which is sufficient for a three-bedroom property. A condition is proposed to ensure the provision of this storage area prior to occupation of the development.

### **7.4.3 Car Parking**

*Policy*

117 London Plan under sub-paragraph 6.3, Core Strategy Policy 14 and DM Policy 29 supports reducing the provision of on-site car parking where there are alternative methods of travel.

*Discussion*

118 There is no proposed provision for on-site car parking as part of this application. The proposal site is within PTAL 4; and a CPZ (Controlled Parking Zone); it has good access to public transport. Officers consider a car free approach to be acceptable. A condition will be added that prevents future residents from obtaining a parking permit if the area becomes part of a controlled parking zone.

### **7.4.4 Cycle Parking**

*Policy*

119 Core Strategy Policy 14 states that 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.

*Discussion*

120 Three cycle spaces would be located within the entrance courtyard and would therefore be secure as has been shown on the plans and in the Design and Access statement. A condition is proposed to ensure the provision of these spaces prior to occupation.

### **7.4.5 Transport Conclusion**

121 The proposal would have an acceptable impact on transport in terms of car park free approach, encouraging sustainable modes of movement and accommodating the sites servicing needs, subject to conditions.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

*General Policy*

122 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 Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).

- 123 DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 124 The main impacts on amenity arise from: (i) overbearing sense of 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 disturbance.

### **7.5.1 Daylight, Sunlight**

- 125 A study of the impact of the proposal on neighbours sunlight and daylight has been provided. It is noted that the BRE guidelines for impact of development on daylight/sunlight is a preferred recommendation and not a policy. In this case, given the scale of the development and the nature of the arrangement of No 1 Crossfield Street, the proposal is supported as the layout of the back garden of these properties (facing eastwards) allows both properties to benefit from adequate sunlight.
- 126 A site visit was arranged by Officers to assess the impact of the proposed development on the adjoined neighbours especially No1. Consequently, amendments were recommended and were carried out and specific 25 and 45 degrees tests conducted to demonstrate the impact on the amenities of No 1.
- 127 The submitted Daylight and Sunlight Assessment study demonstrates, the effect on VSC is within the 80% guidance value in all cases. Impact on neighbouring residents in terms of daylight are within BRE Criteria. In terms of sunlight all windows either retain 25% of annual and 5% of winter hours. The scheme is therefore compliant with BRE guidance in relation to sunlight impacts. The proposed development is acceptable with respect to daylight and sunlight impacts.

### **Overlooking**

- 128 The proposed application site has a shared boundary wall with Nos 146 to 150 at Deptford High Street to the rear and with No1 Crossfield Street to the North. It also shares a boundary wall with St Joseph Catholic primary school to the South. Therefore, the nearest residential properties are to the rear at Nos. 146-150 Deptford High Street which would mean upper floor flats, and No1 Crossfield Street. Officers had concerns regarding the impact of the proposed development on the privacy of the adjacent neighbours at No1 Crossfield Street. The main concerns were potential for overlooking by the only dormer window to the rear, which could have direct view to bedroom and living room at No1. By undertaking amendments including setting back further from the edge and providing obscure glazing (secured by a condition), officers are satisfied that the changes would reduce the impact on the privacy of neighbours and is therefore, considered as acceptable.
- 129 It is noted that the height of the proposed building at 5.93m is lower than that of a traditional two-storey building facing Deptford High Street. No148 and 146 both benefit from rear extensions, which have been extended to the shared boundary with the application site. The shared boundary with No146 has a lower brick wall plus a trellis fence at the top, which would be retained. The window to the rear of the proposed scheme would be 15m away from the first floor window at No148 and 20m away from No 150 at Deptford High Street. Due to the distance and the angle of the buildings toward each other, it is considered that the proposed windows at the ground and first floor would not be subject to increasing overlook or have adverse impact on their sense of privacy.
- 130 To the rear a window with obscured glazing would be introduced facing No146, and would provide natural light to the bathroom. The rear boundary line of terraces at Nos146 and 148 are not straight due to various size of extensions in those properties. The rear elevations and windows of these properties (at first floor and above) are set

between 9m and 11m away from the rear elevation and windows of the proposed development with no direct overlooking, which would help reduce, impact on amenities.

131 The application site also has a shared boundary with the parking area of the primary school (approximately 18m), which is enclosed by high metal fence and has access only from Crossfield Street through a metal gate. The main building of the primary school is 38m away from this site.

132 Therefore, it is considered that the proposed development would not have any impact on privacy of No146 to No150 Deptford High Street and St Joseph Primary School.

### **7.5.2 Enclosure and Outlook**

133 The Council has received objections regarding the impact of the new dwelling on No1 Crossfield Road. The objections relate to the bulk of the first floor element of the proposed scheme causing a sense of enclosure.

134 The sloped green roof to the rear initially joined the flat roof and projected 2m towards the rear elevation of No1 at the first floor, which could lead to a sense of enclosure. No1 also has a courtyard with a view to St. Paul's Church and the tree at the parking area of the primary school (T1). The revised plan introduced a sloped roof which would be shortened to align with rear of the roof on No1 mitigating the sense of enclosure.

135 It is noted that the existing side boundary wall of No1, as shown on the approved plan in 2016 has a height of 2.5m. As a part of the proposed dwelling would be constructed along this courtyard wall of No1, an informative has been added to advise the applicant to engage for party wall agreement with the adjoined neighbours.

136 Therefore, given the amendments it is not considered that the bulk of the first floor would give rise to an excessive sense of enclosure or be visually detrimental, given the slope of the roof and extent of the two-storey element of the proposed building.

137 Officers also assessed the impact of the single storey element of the proposed scheme on adjoining neighbours at No1.

138 At the ground floor the shared boundary with No1 is the 2.3m wall between the single and two storey elements of the proposed dwelling and the courtyard of No1, therefore the single storey element of the proposed scheme is not expected to have any unacceptable impact on the amenities of its adjoined neighbour at No1 Crossfield Street.

139 It is recommended that given the physical constraints of the site, and proximity to neighbouring buildings that all future permitted development rights are removed. A condition is proposed to secure this.

### **7.5.3 Noise and disturbance**

140 The plot is currently vacant and occasionally used as a parking area for the ground floor shop at No148 Deptford High Street, although there are no cross over in front of the exiting gate in front of this plot, which make using the plot as a parking bay unlawful. In light of this setting, the new dwelling would not generate unacceptable levels of noise and disturbance.

### **7.5.4 Construction impacts**

141 A level of disruption is to be expected whilst building works are ongoing, and this cannot be avoided. A construction management plan would be submitted, which details how levels of disruption will be minimised. The Management plan shall also demonstrate that

deliveries will take place outside of school peak arrival and departure times, in the interests of pedestrian safety. This would be subject to a condition to ensure it is adhered to during all construction works.

#### **7.5.5 Maintenance of the roof and the gap between to roofs with No1**

142 The proposed gap between the two roofs is considered just enough to maintain the space between the roofs. Access to the gap would be via a side window, which would not be visible from No1 or Crossfield street.

#### **7.5.6 Impact on neighbours conclusion**

143 The proposed development would not adversely impact the living conditions or amenities of the neighbours and is considered to be acceptable.

### **7.6 SUSTAINABLE DEVELOPMENT**

#### *General Policy*

144 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

145 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

#### **7.6.1 Energy and carbon emissions reduction**

##### *Policy*

146 CSP8 seeks to minimise the carbon dioxide (CO<sub>2</sub>) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

147 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

##### *Discussion*

148 The application is accompanied by a Sustainability Statement, in line with Mayor's SPG: Sustainable Design and Construction (2014). This sets out the measures to be taken to reduce carbon emissions, including an enhanced fabric, and the installation of a communal air source heat pump to serve central heating and Domestic Hot Water. The Strategy concludes that the total reduction in emissions resulting from energy efficiency measures and the installation of renewable technology such as installing dual flush toilets, designed to meet Building Regulations (2013). Whilst this was not required since this is not a major case, the provision of such a Statement is welcomed.

#### **7.6.2 Natural Materials**

149 The proposed material would be timber and bricks, which are considered as natural and sympathetic materials.

#### **7.6.3 Sustainable Urban Drainage**

##### *Policy*

- 150 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.
- 151 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.
- 152 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 153 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

#### *Discussion*

- 154 As this is not a major application there was no requirement for SUDS calculations to be submitted, however the scheme does include several merits to reduce surface run off.
- 155 Firstly, the area of hardstanding of the courtyard would use permeable surface materials and the retention of large grassed areas would attenuate surface water runoff.
- 156 In light of the proposed measures, and considering the scale of the scheme, it would have no unacceptable impact on localised flooding, and run-off rates would be acceptable, in line with the above policies.

#### **7.6.4 Sustainable Development conclusion**

- 157 The proposal has been designed to reduce carbon emissions and it has been demonstrated that the reduction is policy compliant. Through its enhanced hard and soft landscape, scheme and use of green roof the proposal would contribute to urban greening in accordance with LP policies and furthermore it would not result in harmful additional surface water run-off.
- 158 As the history of site indicates mixed commercial and residential use, and there are no records of any prior industrial activity on the site industrial contamination is not a concern.

#### **7.7 Natural Environment**

- 159 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 160 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 161 NPPF para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.
- 162 LPP 2.18 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

### 7.7.1 Living roofs

163 Flat roofs at the single storey part and the sloped roof at the rear would be green roofs to promote biodiversity and help with air pollution, which is considered acceptable for a scheme of this nature. The final details of the living roof are to be secured by condition. Subject to details, the living roofs proposed would be acceptable, and would help to ensure the site contributes positively to urban greening.

### 7.7.2 Green spaces and trees

#### *Policy*

164 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.

165 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species.

166 Paragraph 170 of the NPPF (2019) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

#### *Discussion*

167 The application is accompanied by a Arboricultural Impact Assessment, prepared by Crown Tree Consultancy on 9 August 2019, which concludes that the site is essentially devoid of trees with significant merit within it. Concerns were however raised by Officers regarding the impact of the new dwelling on the existing trees immediately outside the curtilage of the land, particularly the one at the parking area of the primary school.

168 The Assessment confirms in Para.3.3 to 3.5 that two existing trees in the south eastern (Category A London plane T2), and south (Category B sycamore T1) would be retained. Officers are mindful of the potential harm this development could cause to those retained trees, which are summarised as:

- Damage to roots within the Root Protection Area from construction activity and foundations
- Crown reduction of overhanging branches to accommodate the building
- Long term risk to tree from residential amenity impacts for instance from over shadowing or maintenance issues

169 In Para. 4 and 5, the Assessment justifies the methods, which should be taken into consideration during the construction. Sub-section 4.10.2 to 4 state that it is proposed to prune the lower branches of T1 and T2 back to the site boundary in order to create a clearance distance of 2.5m from the roof of the proposed dwelling. No hard surfacing is proposed in root protection areas. Foundations for the dwelling are proposed within the theoretical Root Protection Areas of T1 and T2.

170 In order to minimise the impact on tree roots, an above ground pile and beam or pile and raft foundation is proposed where the building extends into the Root Protection Areas, to ensure that appropriate piling method would be undertaken. This is proposed to be secured by condition.

171 The Arboriculture Method Statement refers to BS 5837, which recommends that a detailed methodology be agreed in the form of an Arboricultural Method Statement,

which shall ensure that trees are well protected during the construction phase. Provided protection measures are implemented, officers are satisfied no long-term detrimental impacts on the health of the adjacent trees will occur.

### **7.7.3 Natural Environment conclusion**

172 The proposed green roofs are welcomed, and in order to ensure the quality of green roof a condition will be added. Concerns regarding the protection of adjoining trees will be addressed by condition. The proposal is acceptable in environmental terms.

## **8 LOCAL FINANCE CONSIDERATIONS**

173 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

174 The weight to be attached to a local finance consideration remains a matter for the decision maker.

175 The CIL is therefore a material consideration.

176 £10,443.37 Lewisham CIL and £6,900.08 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## **9 EQUALITIES CONSIDERATIONS**

177 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.

178 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

179 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.

- 180 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>
- 181 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty
  - Equality objectives and the equality duty
  - Equality information and the equality duty
- 182 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>
- 183 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.

## 10 HUMAN RIGHTS IMPLICATIONS

- 184 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 your property
- 185 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.

186 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention 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.

187 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application, including respect for 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 CONCLUSION

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

189 The proposal will provision of new family-sized home in a sustainable urban location with good access to public transport, local services and amenities, along with small scale environmental benefits from the living roof and permeable surfaces. The scheme has been well designed and would enhance the character of the Conservation Area, heritage assets and the wider area. The development would protect the amenity of adjoining occupiers and

190 For these reasons, it is recommended that the development be approved.

## 12 RECOMMENDATION

191 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

### 12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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) APPROVED PLANS

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

0001; 0002; 0003; 0004; 0005; 0006; 0007; 0008; 0009; Site Location Plan BS 5837 Arboricultural (received 20 Nov 2019)

0001 Indicative\_Section\_D1; 0002 Indicative\_Section\_D2; 0003 Indicative\_Section\_D3; 0004 Indicative\_Section\_D4 (received 08 Jan 2020)

0022 Drainage and maintenance indicative details (received 20 Jan 2020)

1001 - Rev C; 1002 - Rev C; 1003 - Rev C; 1004 - Rev C; 1005 - Rev C; 1006 - Rev C; 1007 - Rev C; 1008 - Rev C; 1009 - Rev C; 1010 - Rev C; 1011 - Rev C; 1012 - Rev C; 1013 - Rev C; 1014 - Rev C; 1020 - Rev C; 1021 - Rev C; 1022 - Rev C; 1023 - Rev C; 1024 - Rev C; 1025 - Rev C (received 01 May 2020)

**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) CONSTRUCTION MANAGEMENT PLAN

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) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (c) 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.
- (d) Security Management (to minimise risks to unauthorised personnel).
- (e) 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) SITE LEVELING

No development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:

A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site at regular intervals, roof levels of adjoining buildings and hard surfaces.

**Reason:** To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to its surroundings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

5) EXTERNAL MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and external doors, roof coverings, other site specific features to be used on the building have been submitted to and following a site visit, 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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

6) PROTECTION OF TREES DURING CONSTRUCTION

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

b) All works have to be in accordance with the above TPP.

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

7) LIVING ROOF

(a) The development shall not be occupied until the details of the specification of the proposed green roof, has been submitted to and approved in writing by the Council.

(b) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. 1001 - Rev C; 1003 - Rev C; 1004 - Rev C; 1010 - Rev C; 1013 - Rev C; 1014 - Rev C; 1020 - Rev C; 1021 - Rev C; 1022 - Rev C; 1023 - Rev C; 1024 - Rev C; 1025 - Rev C (received 01 May 2020) and 0004 Indicative\_Section\_D4 (received 08 Jan 2020) hereby approved and maintained thereafter.

- (c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (d) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

#### 8) REMOVAL OF PD RIGHTS (EXTENSIONS)

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 Class A, B, and C 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).

#### 9) ARCHAEOLOGICAL PROGRAMME OF WORK

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

a. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

b. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

**Reason:** To ensure adequate access for archaeological investigations in compliance 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 Policy 7.8 of the London Plan (July 2011)

#### 10) PILLING OPERATION

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority **prior to commencement** of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

#### 11) **Parking Permission**

No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the Controlled Parking Zone in which the development site is situated.

**Reason:** To ensure the proposed dwellings do not have an unacceptable impact on parking stress in the surrounding area, and in compliance with London Plan Policy 6.13, Draft London Plan Policy T6, Core Strategy Policy 14 Sustainable Movement and Transport and DM Policy 29 Car parking.

## 12.2 **INFORMATIVES**

- 1) **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. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- 2) You are advised that due to the proximity of the proposed new dwelling and shared boundary wall with the existing buildings particularly at No1 Corssfield Street, Party Wall Agreements will be required between adjoining neighbours to address development close to shared boundaries. This is a civil matter between landowners and not something, the Council can advise on further.
- 3) **Street Naming and Numbering:** The applicant be 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 web site.

- 4) The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.