

Committee	PLANNING COMMITTEE C	
Report Title	25 Scrooby Street, SE6 4JB	
Ward	Rushey Green	
Contributors	Samuel James	
Class	PART 1	10 <sup>th</sup> December 2020

Reg. Nos. (A) DC/20/117300

Application dated 27 March 2020

Applicant WA Architects on behalf of Hook Construction Ltd.

Proposal The demolition of the existing buildings and the construction of a part one/part two storey block, comprising 1, one bedroom and 3, two bedroom dwelling houses on the site of 25 Scrooby Street SE6, together with ancillary works including cycle and refuse/recycling stores, boundary fences, entrance gates and landscaping.

Background Papers (1) Case File LE/928/25/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation PTAL 6b  
Previously Existing use: Use Class B1(c): Mechanical Services & MOT testing

## 1 SUMMARY

1 This report sets out the officer's recommendation to approve above proposal. The case is brought before members because permission is recommended to be approved and nine individual planning objections have been received from local residents including the Wildfell Road local resident association.

2 As the proposal received between five and nine valid objections from separate households and an objection from an amenity group, the application has been reviewed by a chairperson of one of the Council's planning committees. The Chair determined that the application should be decided by members at a Planning Committee.

## 2 SITE AND CONTEXT

### *Site description and current use*

3 The site is a roughly triangular shaped plot of land accessed via Scrooby Street, close to its junction with Wildfell Road. The access is between the side boundary of No.23

Scrooby Street, and the rear boundary of No.36 Wildfell Road, and it widens towards the rear. The site is approximately 31m in depth, and has a maximum width of approximately 20m. The street frontage is approximately 5.6m.

- 4 The site contains a number of structures. A masonry building of approximately 5m in height sits tight against the north, east and south boundaries to the rear of the site. There is also an existing timber 'lean-to' structure of approximately 3.6m in height, which sits against the south boundary at the end of the rear gardens of No's 30-34 Scrooby Street. The existing buildings on site are in a poor condition.
- 5 The former use was light industrial in nature (Class B1c), being an MOT garage where vehicle repairs, servicing and welding were undertaken.

#### ***Character of area***

- 6 The immediately surrounding area is residential in nature, and comprised of predominately two-storey terraced houses. The south of the site adjoins the rear boundaries of the two-storey, terraced residential properties at Nos.36 to 24 Wildfell Road. To the north-west is No.23 Scrooby Street, which is a two-storey, end of terrace house, and to the north and east is a semi-circular three-storey block of residential apartments, accessed via the former No.17 Scrooby Street.
- 7 Further to the east and south of the site are the primary and secondary shopping frontages of the Catford Major town centre. This is made up of larger three and four storey buildings which are in mixed commercial and residential use fronting Rushey Green, with Catford Shopping Centre further to the south.

#### ***Heritage/archaeology***

- 8 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.
- 9 The site is within an area of archaeological priority.

#### ***Surrounding area***

- 10 The eastern boundary of the site adjoins the Catford Major town centre, the primary and secondary shopping frontages of Rushey Green are an approximate 2 minute walk.
- 11 The closest public open spaces are Mountsfield Park to the east and Ladywell Fields to the west; both are an approximate 10 minute walk from the site.

#### ***Local environment***

- 12 The site is in flood zone risk area 1 meaning the risk of river flooding is low.
- 13 The site is in an air quality management area.

## **Transport**

- 14 The site has a PTAL rating of 6a on a scale of 1-6b, where 1 indicates poor access to public transport and 6b indicates the best access, and therefore accessibility to public transport is one of the highest in London.
- 15 Scrooby Street is an unclassified road, however Rushey Green which adjoins to Wildfell Road is a classified A-road and red route, forming part of TfL's strategic road network.
- 16 The site falls within the boundaries of the Rushey Green West Controlled Parking Zone (CPZ).
- 17 The existing property benefits from a vehicular crossover to the highway.

## **3 RELEVANT PLANNING HISTORY**

- 18 **DC/19/115119:** External changes and ancillary works including cycle and refuse/recycling stores, boundary fences, entrance gates and paving in connection with Prior Approval granted on 20 July 2018 (DC/18/107420) for the change of use from Use Class B1(c) (light industrial) to Use Class C3 (residential) in the form of 4 x 1 bedroom units at 25 Scrooby Street, SE6 pursuant with Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). **Granted 6 March 2020**
- 19 **DC/19/113467:** Proposed external changes and ancillary works to 25 Scrooby Street London SE6 to include front elevation facing into the site reconstructed in matching brickwork, replacement of the existing industrial doors with windows and entrance doors, recladding of building, provision of new boundary fencing, cycle store and the refuse/recycling enclosure and re-surfacing of the existing yard and entrance gates on prior approval (DC/18/107420) granted on 20 July 2018 for the change of use from Use Class B1(c) (light industrial) to Use Class C3 (residential) in the form of 4x1 bedroom units. **Refused 06/11/2019** for the following reasons:
- 1. The materials proposed for alterations to the lean-to building on site, namely plywood cladding and acrylic render, are not high quality or durable materials, and would therefore have an unacceptable impact on the design and appearance of the building and the surrounding area.*
  - 2. The proposed alterations would result in an unacceptable overbearing sense of enclosure to the residents of Nos.30, 32, and 34 Wildfell Road, resulting in a harmful impact to the residential amenity of those properties.*
- 20 **DC/18/107420:** Prior Approval for the change of use from Use Class B1(c) (light industrial) to Use Class C3 (residential) in the form of 4 x 1 bedroom units at 25 Scrooby Street, SE6 pursuant with Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). **Granted 20/07/2019.**

## 4 CURRENT PLANNING APPLICATION

### 4.1 THE PROPOSALS

- 21 The proposal is for the demolition of the existing buildings and the construction of a part one/part two storey, L-shaped block, comprising of: 1x one bedroom, and 3x two bedroom dwellinghouses.
- 22 The proposed buildings would follow a similar footprint and roof profile to the existing buildings on-site, but the roof heights would be altered. The replacement building would be built along the northern, eastern and southern boundaries of the site.
- 23 The section built against the eastern boundary would be increased to 2-stories in height, by approximately 1.2m compared to the existing. The proposed westward 'leg', along the shared boundary with Nos.28-34 Wildfell Road properties would remain as single storey in height, and the pitch of the roof profile would be flipped, so the higher side would be closest to the centre of the site.
- 24 The ground level on site would be excavated, so that the internal floor levels of the ground floors would be lower than the existing ground level.
- 25 A large communal amenity area is proposed within the site, as well as semi-private amenity spaces for each of the dwellings.
- 26 The proposal also includes cycle and refuse/recycling stores, boundary fences and walls, entrance gates, landscaping and planting.
- 27 The existing crossover to the site is to be removed.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

- 28 No evidence of pre application consultations with neighbouring residents has been submitted.

### 5.2 APPLICATION PUBLICITY

- 29 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 27<sup>th</sup> July 2020.
- 30 8 responses from unique addresses were received, comprising 8 objections, as well as an objection from the Wildfell Road Association.

#### 5.2.1 Table [1] Comments in objection

Comment	Para where addressed
Proposed design out of keeping with existing streets, and would harm character of area.	132
Design very different to surrounding terraced houses	133

Quality of proposed materials	151
Overlooking and loss of privacy Wildfell Road properties	169
Loss of light to Wildfell Road properties	178
Loss of outlook to Wildfell Road properties	159
Additional residential noise/disturbance	182
Design will result in 'overcrowding'	70
Impact of refuse storage close to boundary with Wildfell Road properties (smells, rodents etc.)	183
Proposed development will increase traffic	198
Impact on air quality and noise pollution	197
Proposed development will increase parking stress	199
Proposal will increase risk of traffic accidents	198
Asbestos could be in the existing building	223

### 5.2.2 Comments in support

Comment
General support from several commenters for the principle of residential redevelopment of the site.

## 5.3 INTERNAL CONSULTATION

31 The following internal consultees were notified on 14<sup>th</sup> May 2020.

32 Highways: raised no objections subject to conditions and submission of further information. See from para [194] for further details].

33 Environmental Health: No objections, subject to a Dust Management Plan condition, and a condition relating to details of any proposed combustion boilers to be installed

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

34 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).

### 6.2 MATERIAL CONSIDERATIONS

35 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.

36 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.

37 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**

38 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**

39 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

40 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- 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)

### **6.6 OTHER MATERIAL DOCUMENTS**

- Draft London Plan: 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**

41 The main issues are:

- Principle of Development, including loss of commercial
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport



## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

- 42 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.
- 43 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*

- 44 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.
- 45 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.
- 46 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.
- 47 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.
- 48 Core Strategy Policy 5 and Policy 11 'Other employment locations' of the DM Local Plan seek to retain the scattering of employment uses throughout the borough, where possible, on the many smaller sites in industrial use in and around town centres, district and local hubs and also embedded in residential areas on backland sites, and sometimes on otherwise residential streets.

### *Discussion*

- 49 The previous use of the site was as a mechanical services and vehicle repair garage (Use Class B1c), the use of which ceased in 2017. This is a light industrial 'employment use', protected by CSP5 and DMP11. The principle of the proposed change of use of the site to residential would therefore ordinarily be contrary to the Development Plan.
- 50 However, the change of use of the buildings on site to residential has been established through an application for Prior Approval (Ref: DC/18/107420) under Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This permits the conversion of the buildings on site to residential in the form of four x 1bedroom, 2person units. Prior approval applications do not currently

allow officers to consider local planning policies in the same way an application for planning permission would in terms of standard of accommodation.

- 51 Following the prior approval, a further application for planning permission has been granted (ref: DC/19/115119) which permits external changes to the buildings, landscaping and boundary treatment works.
- 52 This prior approval for four residential dwellings, and subsequent planning permission for external changes is a material consideration for the Council, because if the current application is refused, the existing consent is likely to be implemented, this is referred to as the 'fall-back position' throughout this report.
- 53 The principle of the change of use of the site to residential has therefore been established, as the 'fall back position' could be implemented. This is a material consideration that is given significant weight by officers in their recommendation.
- 54 As the principle of the loss of the employment generating use, and new residential development on site has been established, the acceptability of this scheme is subject to a proposed building of an appropriate scale and design, which would have an acceptable impact on the surrounding area, including on the amenities of neighbours and the local highways network. These matters are discussed in the following sections of this report.

#### **7.1.1 Principle of development conclusions**

- 55 The loss of the employment use would ordinarily be resisted, however residential use of the site has been established through an application for prior approval, and therefore this is supported in principle.
- 56 In light of this, the site can make a valuable contribution towards meeting housing needs as identified in LPP 3.3 and 3.4 to increase housing supply and optimise housing potential of the site. The acceptability of this is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and an acceptable standard of accommodation is provided to future residents.

## 7.2 HOUSING

57 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

### 7.2.1 Contribution to housing supply

#### *Policy*

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

59 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.

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

61 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality (SRQ) matrix.

62 The emerging DLP supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

63 The current London Plan sets an annual target of 1,385 new homes until 2025.

64 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.

65 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

66 LPP 3.8 states Londoners should have a genuine choice of homes, including differing sizes and types. Emerging DLPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

67 CSP 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

#### *Discussion*

68 The proposal is for four new dwellings, and the site measures approximately 0.037 hectares, in a predominantly residential area.

69 The immediately surrounding area comprises of predominantly blocks of perimeter form urban terraced housing of 2-stories in height, however there are larger three and four storey residential developments in close proximity. The site is close to a major town centre and therefore the area is characterised as being urban, with reference to the Notes to Table 3.2 of the London Plan. This defines urban areas as those with predominantly dense development such as, for example, terraced houses, a mix of different uses, medium building footprints and typically buildings of two to four storeys,

located within 800 metres walking distance of a District centre or, along main arterial routes.

70 It is therefore considered that the site clearly falls within the Urban setting as defined (as defined by the SRQ density matrix, Table 3.2, Policy 3.4 LP 2016).

71 Table 2 below sets out the measures of density criteria required by emerging DLPP D6 for all sites with new residential units.

**Table [2]: Measures of Density**

<b>Criteria</b>	<b>Value</b>	<b>Value/area</b>
Site Area (ha)	A 0.037	BLANK
Units	W 4	W/A: <b>108 U/Ha</b>
Habitable rooms	X 11	X/A: <b>297 Hr/Ha</b>
Bedrooms	Y 7	Y/A: <b>189 Br/Ha</b>
Bedspaces	Z 12	Z/A: <b>324 Bs/Ha</b>

### *Summary*

72 The SQR density matrix (Table 3.2, LPP 3.4) advises for an urban setting with a PTAL rating of 6, between 200 and 700 habitable rooms per hectare (Hr/Ha), and 70 and 260 units per hectare (U/Ha) is likely to represent an acceptable level of density. Table 2 above demonstrates the proposal would be towards the bottom end of these limits (297 Hr/Ha and 108 U/Ha), which suggests the proposed level of density is acceptable for the site context.

73 It is noted however that the draft London Plan (intend to publish) no longer includes the density matrix, and states that appropriate density should be achieved through a design led approach.

74 Policy D6 of the Draft London Plan states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites. The design of development should optimise residential density of sites.

75 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers and accessibility are all relevant factors when determining optimum density, and these are considered in the following sections of this report.

76 It is considered that the proposed density is acceptable, and would not result in an over-intensification of the site, subject to assessment of the following matters.

## **7.2.2 Residential Quality**

### *General Policy*

77 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).

- 78 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

**Internal space standards**

*Policy*

- 79 LPP 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. However, in 2015, the ‘Technical housing standards – nationally described space standards’ were introduced. The alterations to the London Housing SPG adopted these standards. The technical housing standards will therefore be applied in this instance. These standards are reflected in the local policy.

- 80 DMP 32 ‘Housing design, layout and space standards’ and LPP 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. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor’s view that “providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.

*Discussion*

- 81 The table below sets out proposed dwelling sizes.

**Table [3]: Internal space standards – proposed v target**

Dwelling No.	Unit type (min req. GIA)	Unit size (GIA) (sqm)	Fall Back Position	Room sizes (metres squared)	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1	2b 3p 2-storey dwelling (70)	66	1b2p – 32.6 (50)	Bed 1 (double) – 11.5 Bed 2 (single) – 11.5	2.3	10 (6)	No
2	2b 3p 2-storey dwelling (70)	59.9	1b2p – 35.8 (50)	Bed 1 (double) – 12 Bed 2 (single) – 8.5	2.3	4 (6)	No
3	2b 4p 2-storey dwelling (79)	77	1b2p - 41.5 (50)	Bed 1 (double) – 11.5 Bed 2 (double – 11.3	2.3	13 (7)	No

4	1b1p 1-storey dwelling (37)	37.4	1b2p – 36.4 (50)	Bed 1 (single) – 11.5	2.3	15 (5)	Yes
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- 82 Three of the proposed dwellings would fall short of the minimum internal space requirements for their respective proposed number of bedrooms and occupants, and therefore the standard of amenity provided in this respect would be contrary to Policy DM32.
- 83 However, the Council must have regard for the prior approval application DC/18/107420 and subsequent planning permission DC/19/115119, which is a fall-back option that could be implemented on site. In that scheme all but one of the dwellings would be smaller than the minimum required 37m<sup>2</sup> for a single person dwelling, which represents the smallest possible dwellings size. The plans note that these would all be two person dwellings, of which the minimum required floorspace requirement is 50m<sup>2</sup>.
- 84 The fall back scheme would provide significantly undersized two person dwellings, as shown in Table 3. These would be smaller than the minimum required floorspace for a single person dwelling, which would result in very cramped living conditions for future residents of that scheme.
- 85 In the current scheme, the two bedroom units would fall short of the minimum internal requirements: Unit 2 by 10m<sup>2</sup>, Unit 1 by 4m<sup>2</sup>, and Unit 3 by 2m<sup>2</sup>. Unit 4 would be compliant for a single person dwelling.
- 86 The shortfall of 10m<sup>2</sup> for Unit 2 is significant, and this unit would provide a less than acceptable standard of accommodation in this respect. However, the layout of the unit, which allows for two separate bedrooms upstairs, and a separate downstairs living area, is a clear improvement of the arrangements for Unit 2 in the fall-back scheme, which would fall short by 14m<sup>2</sup> for a two person dwelling and would provide just one combined living/kitchen/bedroom area.
- 87 The shortfall of 4m<sup>2</sup> for Unit 1 is less significant, and furthermore, the amenity space provided to this unit is 4m<sup>2</sup> larger than the minimum requirement, which makes up for the shortfall to some degree. Furthermore, this must be compared to the fall-back scheme, which would fall short of the minimum requirement for a two person dwelling by 17.5m<sup>2</sup>, and again would provide just one combined living/kitchen/bedroom area.
- 88 The shortfall for Unit 3 is just 2m<sup>2</sup>. This is negligible, and the amenity space provided to this unit is 6m<sup>2</sup> larger than the minimum requirement. Officers consider that the large amenity space provided to this unit makes up for the internal shortfall, and Unit 3 is considered to meet the requirements of LPP3.5 and DMP32 in this respect. Furthermore the standard of amenity is significantly higher than the fall-back position.
- 89 It is considered that should the current proposal be refused, the fall-back position would be implemented. This would represent a significantly worse level of harm, in terms of the standard of accommodation than the current proposal.
- 90 Therefore, although two of the dwellings of the current proposal would fall short of the minimum floorspace requirements, overall the size and layout of the proposed dwellings would be a clear improvement, and would represent higher quality standard of living accommodation for future residents than the fall back scheme.
- 91 The current proposal would represent less harm to future residents, by providing a significantly improved standard of accommodation than the fall-back position, and officers have given this significant weight in their recommendation.

## **Outlook & Privacy**

### *Policy*

- 92 LPP 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).
- 93 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

### *Discussion*

- 94 Each habitable room would be provided with a window, and would have a satisfactory level of outlook. The rear bedrooms at upper floor level of Unit 1 and 2 would have only high level windows and rooflights, which whilst restricted, would still provide acceptable levels of outlook for a bedroom.
- 95 The proposed houses would not be directly overlooked by existing neighbouring properties. However, it is noted that residents of the other units within the development could overlook other dwelling’s living areas at ground floor level when walking around the site or when using the communal amenity areas.
- 96 A planted area, and private path to Unit 4 would act as a buffer to protect their privacy, and a 1.5m high fence would be installed to partially enclose their private amenity space, and to provide screening without causing enclosure to the glazed living room door. 1.5m high fencing would also screen the living areas and amenity spaces of Units 1 and 2 to provide privacy without causing a sense of enclosure.
- 97 It is considered that with the proposed design features, future residents would retain a satisfactory level of privacy. Furthermore, the relationship between the proposed dwellings is very similar to the fall-back position, and due to the screening proposed, the current proposal would provide future residents with greater levels of privacy than that scheme.
- 98 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

## **Daylight and Sunlight**

### *Policy*

- 99 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*

- 100 No daylight and sunlight assessment has been submitted to show the internal levels of light in the buildings.
- 101 Units 1 and 2 would be single aspect, with windows only on the western elevation, however at ground level the main living areas would be provided with large glazed doors

to maximise natural light internally, and the rear first floor bedrooms would be provided with rooflights to increase natural light to these rooms. It is considered that these design solutions would maximise the levels of natural light internally, considering the existing orientation of the buildings, and the site constraints, which need to avoid overlooking of neighbouring properties. Notwithstanding this, the levels of natural light would be similar to the fall-back position, as windows are in similar positions.

- 102 Unit 3 would have windows on two elevations at ground floor level facing north and west, and first floor bedroom windows facing east. The ground floor windows would be relatively enclosed by the building envelope, so the levels of light reaching them may be restricted to less than satisfactory levels for a main living area. However, full height glazing and large glazed doors would be used to maximise natural light gain internally. Furthermore, this situation is similar to the fall-back position, and is therefore acceptable.
- 103 Unit 4 would be provided with full height windows on its northern elevation, as well as large glazed doors on the western elevation, and an angled westerly facing window serving its bedroom. Furthermore, each room would be served by rooflights to further increase levels of natural light. This dwelling would be provided with good levels of daylight and sunlight.
- 104 The proposed houses would all be provided acceptable levels of natural daylight and sunlight. Furthermore, the levels of daylight and sunlight would be similar to the fall-back position, and therefore this is acceptable.

### ***External space standards***

#### *Policy*

- 105 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*

- 106 Each unit would be provided with a private amenity space. 3 of the spaces would be enclosed with a 1.5m tall fence, would not be gated, and would be directly in front of the entrance doors. Table 3 shows that 3 of the 4 dwellings would be provided with larger than the minimum required amenity space, and one would fall short by 2m<sup>2</sup>.
- 107 There is also a large area of the site which is intended to be used as communal amenity space for future residents. The site plan shows several areas of planting, hardstanding and a bench, and there is no on-site parking. The communal area would therefore provide a good external amenity space for future residents.
- 108 It is considered that the semi-private and communal amenity area together would provide acceptable external amenity areas for future residents, in line with Policy DM32. Furthermore, the fall-back position would provide a poorer quality landscaped communal area, and no semi-private spaces.

### ***Summary of Residential Quality***

- 109 In summary, overall the quality of the proposed residential dwellings would not be compliant with Policy DM32. Two of the dwellings would fall short of relevant space standards, however, the standard of accommodation provided to future residents of the proposal would be a significant improvement upon the fall-back position, and should be accepted on this occasion.



### **7.2.3 Housing conclusion**

- 110 The proposal would deliver three, two bedroom and one, one bedroom dwelling on the site. Two of the dwellings would not comply with the Minimum space standards, however the level of harm that has been identified is significantly less than that of the fall-back scheme, and officers give considerable weight to this.
- 111 The proposal would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making more efficient use of land. This is a planning merit to which very significant weight is given.

## 7.4 URBAN DESIGN

### *General Policy*

- 112 NPPF Chapter 12 seeks to achieve well-designed places and seeks to ensure that developments are visually attractive. LPP 3.4 supports new housing schemes where the local character and context are well considered.
- 113 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.
- 114 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.
- 115 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 and is sensitive to the local context and responds to local character.
- 116 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.
- 117 DM Policy 33 relates to development on infill and backland sites, and states that Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas.

### 7.4.1 Appearance and character

#### *Policy*

- 118 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.
- 119 DM Policy 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.
- 120 DM Policy 32 expects new residential development to be attractive and neighbourly.
- 121 DM Policy 33 relates to development on infill and backland sites, and sets out a number of specific requirement for development of these sites.

#### *Discussion*

- 122 The proposal site has a relatively large street frontage and an existing vehicle access, however as it widens towards the rear of the plot, much of the site is 'landlocked' and

therefore it is considered to have infill and backland site characteristics, as defined by Policy DM33. Aspects from DM Policy 33 (A) and (B) will be considered where relevant.

- 123 The relevant requirements of DM33(A) in terms of design include that a proposal must: make a high quality positive contribution to an area, provide a site specific creative response to the character and issues of the street frontage, provide appropriate amenity space in line with DM32, retain appropriate garden space for adjacent dwellings, repair the street frontage and provide additional natural surveillance, respect the character, proportions and spacing of existing houses.
- 124 DM33(B) states backland development will only be permitted where they provide: a proper means of access and servicing which is convenient and safe both for drivers and pedestrians, no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens and appropriate amenity space in line with the policy requirements in DM32.
- 125 The immediately surrounding area is characterised by two storey dwellings set out in terraces, however there is a larger 3-storey residential block adjoining to the north and east.
- 126 The proposed building retains a similar footprint and roof profile to the existing buildings on site. However it would be constructed of brick, and the height of the rear (eastern) section of the building would be increased. Furthermore, the existing rear building doesn't adjoin to the front 'lean-to' building currently.
- 127 The proposed building would have an L-shaped footprint, with a single storey westward projection off of the two storey section to the east of the site. The southern elevation would be built along the shared boundaries with Nos. 34 to 24 Wildfell Road. The slope of the pitch of the roof of this section would be reversed compared to the existing lean-to building, so that the highest point would be towards the centre of the site rather than adjacent to the boundary shared with the properties along Wildfell Road.
- 128 The new southern elevation would have an eaves height of 2.6m along the rear boundaries of Nos. 34 to 30 Wildfell Road, stepping up to a parapet wall with a height 3.3m for part of the rear boundary of No.30, and the rear boundary of No.28.
- 129 The height and roof profile of the 'lean-to' section of the building (to the rear of 34 to 30 Wildfell Road) is unchanged from the fall-back position (DC/19/115119).
- 130 The section to the rear of the site (along the eastern boundary) would be the tallest, at 2-stories in height. The rear (eastern) elevation would be increased in height from 4.8m to 6.1m for the northern section, and from 4.8m to 5.4m for the southern section.
- 131 The maximum height of the proposal would be significantly smaller than the 3-storey building adjoining to the east, and would be at a similar height to the eaves of existing terraced houses on Wildfell road.
- 132 The height and massing of the proposed building is therefore considered to be acceptable, as it would respect the scale surrounding development, by remaining subordinate to its height.
- 133 From the street, the buildings would be set back into the site by at least 12m, and would therefore not appear as part of the streetscene of Scrooby Street. Due to this, the buildings would not directly relate to the building frontages, nor would they be expected to directly respond to the spacing and proportions of the terraced properties on Wildfell Road and Scrooby Street. It is considered that the proportions and character of the surrounding development is respected in terms of the scale of the development, and that

the proposed buildings would have no harmful impact on the surrounding area in this respect.

- 134 The front forecourt area would be the most visible within the streetscene of Scrooby Street. The front boundary would consist of a short 1.2m high wall, and a gate for pedestrians, which would improve the appearance of the site, and would clearly read as residential development.
- 135 DM Policy 33(B) in reference to backland development states that gated developments on these sites that prevent access which would normally be provided by a publicly accessible street will not be supported. This is to ensure that existing pedestrian connections with the rest of the neighbourhood, whether formal or informal, are retained in order to ensure permeability and the integration of the new development. Gated sites are considered to be less secure due to the reduction of natural surveillance available to the site, and harms the integration, permeability and cohesiveness of neighbourhoods.
- 136 This is not considered to be a gated development as the pedestrian gate would not be lockable and due to the scale and orientation of the development. Furthermore this site has infill characteristics, due to its existing street frontage and crossover.
- 137 The site would be naturally surveyed by the four proposed properties, due to high levels of glazing provided, which is all directed inwards towards the site.
- 138 The communal area is intended to be for private use of residents of the development only, and therefore it is appropriate to provide a gate and boundary wall, to act as a physical barrier to show that the space is not part of the public realm.
- 139 The low boundary fence and wall would ensure the site is visually permeable and would integrate with the surrounding area, and would therefore contribute positively to the streetscene. The proposal would successfully repair the street frontage.
- 140 It is therefore considered that the design of the building would respect the height, massing and scale of surrounding buildings, and the proposal result in a high quality building, which would have a positive impact on the character and appearance of the area.

## **Layout and landscaping**

### *Policy*

- 141 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 142 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

### *Discussion*

- 143 The buildings would retain the same position as those existing on-site, and the built form would be set back at least 12m into the site. Therefore the front of the site would retain an open character.
- 144 The west end of the site would form the front boundary and entrance, the bicycle store and refuse store would be located in this area behind the front boundary wall. Several

small trees are proposed to be planted adjacent to the cycle and refuse stores for screening. The bicycle store would have a green roof and the bins would be screened with fencing. The front of the site is considered to be well designed, and would have a positive impact on the streetscene.

- 145 The area beyond the cycle and refuse stores, to the front and side of the building is proposed to be a communal landscaped area, with planting of more small trees, and various planted areas, as well as a bench.
- 146 The private amenity space for unit 4 would also be to the front of the 'leg' of the building semi-enclosed by a 1.5m high fence.
- 147 Overall, as the positioning of the buildings is the same as the fall-back position, and the current proposal would include a more planting and higher quality landscaping scheme, which will be secured by condition, the current proposal is acceptable.
- 148 Overall the proposed layout makes an acceptable use of the site, and subject to assessment of the final scheme of landscaping, which would be secured by condition, the layout and landscaping is in line with Policies DM25, DM32 and DM33.

### ***Detailing and Materials***

#### *Policy*

- 149 DMLP Policy 30 requires developers to demonstrate the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context.
- 150 LP Policy 7.6 seeks the highest quality materials and design appropriate to its context.

#### *Discussion*

- 151 The use of facing brickwork is considered to be appropriate, as this would result in a high quality residential appearance of the buildings. Furthermore, it is noted that facing brick was approved under DC/19/115119.
- 152 To ensure high quality brickwork, which is complementary to the surrounding area, is used, a condition requiring final details to be submitted to the council for approval is recommended. This condition would include final details of windows, doors and roof coverings.
- 153 The detailing on the building would be minimal, however, a good level of glazing is proposed, and overall the proposed elevation treatment and materials would appear modern and well considered, and respectful of the surrounding area.

### **7.4.2 Urban design conclusion**

- 154 In summary, the proposed building is considered to be of an acceptable high quality, site specific response that would create interest at this currently under utilised site. It is of an appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

## 7.6 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 155 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).
- 156 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 disturbance.
- 157 The surrounding area is residential in nature.

### 7.6.1 Enclosure and Outlook

#### *Policy*

- 158 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

#### *Discussion*

- 159 *Nos. 24 to 30 Wildfell Road:* The proposed Unit 3 southern elevation would be built along the shared boundaries with Nos.30 to 24 Wildfell Road. The section of building built along the rear boundary with Nos. 24 and 26 would increase in height from a maximum of 4.7m for the existing building, to 5.4m for the current proposal. This small increase in height of this section of the building would not have a harmful enclosing impact, nor significantly affect the outlook of Wildfell Road properties.
- 160 Adjoining the rear boundary of No.28 as existing is a standard 1.8m boundary fence, as well as a small single storey projection, which is approximately half the width of the rear boundary and has a height of approximately 2.2m. The proposal would introduce a 3.3m high wall along this, and the eastern half of the rear boundary of No.30. This increased height would have some impact on the outlook from the ground floor windows of Nos.28 and 30, however the rear windows of these properties already face the rear boundary and the poor quality buildings which exist on site beyond that. Whilst the outlook would be affected by the additional height, which represents some limited harm it is not considered this harm would be unreasonable, as good quality brickwork, would replace the current poor quality mismatch of materials and buildings on site and improve the visual amenities of neighbours.
- 161 A 25 degree test taken from the approximate position of windows in the rear projection of No.28, suggest the proposal would not have an overbearing impact, or create a harmful increased sense of enclosure to the residents. The increased height would therefore not cause a reduction in outlook that would lead to an unreasonable enclosing effect, and therefore this is considered acceptable.
- 162 *Nos. 30 to 34 Wildfell Road:* As existing the 'lean-to' building adjoins the rear boundaries of Nos.30 to 34, and has a height of up to 3.6m. This is a poor quality building, and provides poor visual amenity for the rear boundary of these residential properties. The proposed building would have a height of approximately 2.6m along the rear boundary of these properties, which is the same as proposal DC/19/115119, the fall-back position. The brick material, and formalisation of a residential building, at a lower height in this position will improve the visual amenities of Nos.30 to 34 Wildfell Road, and therefore the impacts are acceptable.

- 163 23 Scrooby Street is a sufficient distance from the proposed buildings and therefore the proposed development will not impact upon it in terms of loss of outlook or increased enclosure.
- 164 *17 Scrooby Street:* This is the semi-circular residential block which adjoins the eastern boundary of the site, and the proposed building height would be increased by a maximum of 1.1m along this boundary. The separation distance to the windows within No.17 is 3m.
- 165 A 25 degree test taken from the closest affected windows within No.17 suggests that the impact to the outlook of these windows would not be significant. Furthermore, these windows are in the side elevation, and the approved plans for this building confirm that these are secondary windows. Therefore the impact to this property is considered to be acceptable. Officers have not recorded an objection from any resident of 17 Scrooby Street.

## 7.6.2 Privacy

### *Policy*

- 166 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 167 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.
- 168 It is generally windows above ground level which can cause issues of overlooking, leading to loss of neighbouring property.

### *Discussion*

- 169 *Wildfell Road Properties:* The proposal would introduce 4 residential windows at first floor level, which could have the potential to overlook amenity areas of Wildfell Road properties. These windows would not be directed towards any neighbouring windows on Wildfell Road.
- 170 Furthermore, louvred screening would be installed to these first floor bedroom windows, which would direct the line of sight away from Wildfell Road gardens and into the host site, meaning there would be no significant increase in overlooking to the gardens of Wildfell Road properties, and no subsequent loss of privacy.
- 171 Scrooby Street: Louvred screening would also be installed to the bedroom of Unit 1 to stop direct overlooking of No.23 Scrooby Street.
- 172 The screening has been indicated on the proposed plans, and final details will be secured by condition, to ensure they protect neighbouring privacy as intended.
- 173 In light of the above, the impact to neighbouring privacy would be acceptable, in line with Policy DM32, and the London Housing SPD (2017).

### **7.6.3 Daylight and Sunlight**

#### *Policy*

- 174 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 175 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree rules.

#### *Discussion*

- 176 It is noted that no formal BRE daylight and sunlight impact assessment has been submitted, and this is acceptable for development of this scale.
- 177 *17 Scrooby Street (adjoins to east):* The proposal would increase the height of built form from approximately 5m to approximately 6m, at a distance of 2.8m parallel to these windows. 25 degree tests taken from these windows, which suggest the impact on levels of daylight and sunlight to this property would not be significant. Furthermore as these windows are secondary, meaning the rooms they serve have other windows serving them, any impacts are further alleviated.
- 178 Wildfell road properties: The built form to the rear boundaries of Nos. 30 to 24 Wildfell Road would be increased in height by between (approximately) 0.7m and 1.3m, however the proposed buildings would be to the north of these properties, and therefore the impact on levels of daylight and sunlight are not likely to be harmful.

#### *Summary*

- 179 Although no formal BRE recognised sunlight and daylight impact assessment has been submitted, officers have assessed the impact of the proposal on levels of sunlight and daylight to neighbouring properties using the appropriate 25 degree tests, and their professional planning judgement, and are satisfied that the impacts would not be significantly harmful. In coming to this view, officers have had regard for the current site layout and that the current built form is a baseline when considering the daylight/sunlight impacts to adjoining properties.
- 180 The proposal would be in line with Policy DM32 and DM33 in these respects.

### **7.6.4 Noise and disturbance**

#### *Policy*

- 181 DM policy 32 requires new residential development to be neighbourly.

#### *Discussion*

- 182 Four residential dwellings unlikely to generate a significantly higher level of comings and goings and would be general residential activity rather than those associated with the previously existing light industrial use. Furthermore, as this is a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.
- 183 Concern has been raised to refuse storage arrangements, such as smells and vermin. The proposal includes dedicated space for 2 large Eurobins, which is an acceptable storage solution for the number of proposed dwellings, to ensure no significant



disturbance is caused. Full final details of the proposed refuse storage arrangement will be secured by pre-occupation condition.

#### **7.6.5 Impact on neighbours conclusion**

184 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

## 7.7 TRANSPORT IMPACT

### *General policy*

- 185 NPPF Paragraph 108 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 186 Para 109 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.
- 187 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.
- 188 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.
- 189 Policy 7.2 of the London Plan requires all new development in London to achieve the highest standards of accessible and inclusive design and to support the principles of inclusive design.
- 190 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.
- 191 The site has a PTAL rating of 6b, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is one of the most accessible sites in London.

### 7.7.1 Access

#### *Policy*

- 192 The London Plan policies comply with the NPPF aims in relation to sustainability. It aims to increase sustainable modes of transport through promoting cycling and walking within new development. Maximum parking standards and minimum cycle parking standards are included within Table 6.2 and Table 6.3 of the Parking addendum to Chapter 6 respectively.
- 193 London Plan Policy 6.10 relates to promoting walking and states development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance.

#### *Discussion*

- 194 Pedestrian accessibility to the site is very good, and the site will be accessed directly from Scrooby Street using the only existing entrance to the site. The existing vehicular access to the site would be closed, and the crossover removed.

195 Access to the site is acceptable.

## **7.7.2 Local Transport Network**

### *Policy*

196 The NPPF states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

### *Discussion*

197 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.

198 Concern has been raised by neighbouring residents to the impact of the proposal on local traffic, and on highway safety, particularly at the junction between Scrooby Street and Willdfell Road. It falls outside the scope of this development to improve any safety issues (whether perceived or genuine) on the surrounding highway network. Furthermore, the proposed development does not provide any parking spaces on-site, and is a car free development.

199 The site is located within the Rushey Green West Controlled Parking Zone (CPZ), and there are no opportunities within 200m for on-street parking without a permit. As there is an existing CPZ, it is considered proportionate to restrict future residents of the proposal from obtaining a parking permit, to ensure the proposal does not unreasonably affect parking stress in the local area. This is recommended to be achieved through a Section 106 legal agreement.

200 The proposal is therefore 'car-free' and would not contribute to on-street parking stress, or localised traffic.

201 As the site is in an area with the highest PTAL transport accessibility rating of 6b, under the Intend to Publish London Plan (2019), this is encouraged to be a car-free development.

202 Highways officers have requested the existing vehicular crossover be removed, and the pavement reinstated. Suitable amendments should also be made to the line marking outside to either extend the parking bay or amend the waiting restrictions. The cost of the above and the associated traffic management order is required to be borne by the applicant and will be secured by S.278 Highways agreement.

203 Furthermore highways officers have requested a construction management plan be secured by condition, to ensure an acceptable impact on the local highway network during construction.

## **7.7.3 Servicing and refuse**

### *Policy*

204 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.

### *Discussion*

- 205 The proposal includes provision for the storage of refuse in the form of two Eurobins.
- 206 The storage and collection area is less than 10m from the pavement, which is an acceptable drag distance for the Lewisham Refuse collection team and it is therefore considered that the refuse storage arrangements would be acceptable.
- 207 In terms of residential deliveries, four units would result in additional deliveries, and therefore details of a residential delivery and servicing plan will be secured by condition. It is considered likely that delivery drivers could use the existing yellow line 'waiting' restriction area close to the front of the site for short term loading. Subject to condition, the impacts of deliveries to the site are acceptable and in accordance with DM Policy 32.

#### **7.7.4 Transport modes**

##### ***Walking, cycling and public transport***

###### *Policy*

- 208 DLPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.
- 209 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.
- 210 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

###### *Discussion*

- 211 A bicycle stores would be provided within the proposed development, with a capacity of 8 bicycles, which is in line with current London Plan Table 6.3, and DLPP table 10.2. The cycle parking spaces would be secured by condition. The proposal cycle parking provision is acceptable.

#### **7.7.5 Transport impact conclusion**

- 212 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies.

## **7.8 NATURAL ENVIRONMENT**

### *General Policy*

- 213 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 214 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 215 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.

### **7.8.1 Air pollution**

#### *Policy*

- 216 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 217 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.
- 218 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

#### *Discussion*

- 219 The site is located in an air quality management area.
- 220 Environmental health officers have requested a dust management plan be submitted prior to commencement of development as a condition of development, and a further condition requiring details of the combustion plant (for domestic heating) to be installed to be submitted to and approved in writing by the Council prior to occupation of the development. These conditions have been requested in order to manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policy 5.3 and 7.14, and NPPF paragraph 181.

### **7.8.2 Site Contamination**

- 221 Due to the previous use of the site for vehicle repair, it is possible the site is contaminated. The application has been submitted with a ground investigation report (agb Environmental, dated 20 April 2018), which sets out a number of recommendations and mitigation that should be followed to ensure future occupants are not exposed to contaminants.
- 222 Officers note that this report was based upon a conceptual site model, where the whole site was to be covered in hardstanding. There are now trees and soft landscaping proposed, so it is considered reasonable to require submission of a further desktop based base ground investigation, and for any recommended mitigation of said report to be followed as part of a planning condition. Furthermore this condition will require a closure report to be submitted to verify all measures have been employed.

223 An objection has been received relating to asbestos. Based upon the age and appearance of the buildings it is considered likely that asbestos may be present on site. It is a legal requirement of the developer to inspect for, and to correctly and lawfully dispose of any found asbestos but this is outside the scope of the planning process. This issue is related to Building Control and an informative will be added to remind the developer of the requirement in this area if committee is minded to grant planning permission.

*Summary*

224 Subject to submission of a new ground investigation report, and the recommendations and mitigation being followed, the proposal would have no unacceptable impacts on the natural environment.

225 **LOCAL FINANCE CONSIDERATIONS**

226 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).

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

228 The CIL is therefore a material consideration.

229 The estimated CIL to be payable on this application will be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

230 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.

231 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.

232 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.

233 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>

234 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

235 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>



The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## 9 HUMAN RIGHTS IMPLICATIONS

237 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
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

238 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.

239 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.

240 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 LEGAL AGREEMENT

241 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

242 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

### *Transport and public realm*

243 Exclusion of the dwellings from the Rushey Green West CPZ

244 Provision for a s278 agreement addressing the closure of existing crossover, and creation of new crossover, and installation of tactile paving.

245 Amendments to the line marking on the highway adjacent to the existing crossover to either extend the parking bay or amend the waiting restrictions

### *Monitoring and Costs*

246 Meeting the Council's reasonable costs in preparing and monitoring the legal obligations.

247 The monitoring costs in this instance would be payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.

248 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

# 11 CONCLUSION

- 249 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 250 The loss of employment space (Use Class B1c) is contrary to the Development Plan, however officers have had regard to the 'fall-back' position, which granted the residential use of the site in the form of four, two person dwellings through an application for prior approval, and external changes through a subsequent application for planning permission. This is a material consideration to which considerable weight must be given, and therefore the principle of residential development of the site is supported.
- 251 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:
- Increasing the Borough's housing supply, and increasing the housing potential of the site;
  - Comprising an appropriate scaled and high quality building that takes account of the existing context, including neighbouring residential amenity;
- 252 It has been noted in the report that the two of the proposed units would fall below the minimum residential space standards as required by DMP32, however, the standard of accommodation provided to all units would be a clear improvement that which would be provided by the 'fall-back' position, and therefore the shortfalls identified can be accepted on this occasion.
- 253 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development. The proposed materials are a clear improvement to the existing buildings on site.
- 254 Given the acceptability of the proposed use and general policy compliance, the proposal is considered to be in accordance with the development plan as a whole.
- 255 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy
- 256 In light of the above, the application is recommended for approval.

## 12 RECOMMENDATION

257 That the Committee resolve to **GRANT** planning permission subject to:

258 The prior completion of a Legal Agreement pursuant to Section 106 of the 1990 Act (and other appropriate powers) to secure the following PLANNING OBLIGATIONS, authorise the Director of Law to complete a legal agreement to cover among other things the following matters: -

- Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
- Notice of commencement 28 days prior to a material operation
- Exclusion of the dwellings from the Rushey Green West Controlled Parking Zone
- Provision for a s278 agreement to address the closure of existing crossover, and creation of new crossover, and installation of tactile paving.
- Amendments to the line marking on the highway adjacent to the existing crossover to to either extend the parking bay or amend the waiting restrictions
- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations.
- That the Head of Planning is delegated authority to negotiate the Legal Agreement.

### 12.1 CONDITIONS

#### Conditions

##### 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.

##### Approved Plans

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

1469 A.03 Rev.C; 1469 A.04 Rev.C; 1469 A.07 Rev.C; 1469 A.08 Rev.A Received 28 October 2020;

1469 A.10 Received 24 September 2020;

1469 A.01; 1469 A.02; 1469 A.05; 1469 A.06; Energy Statement (Thermenergy, dated 24 July 2020) Received 24 July 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.

### Archaeology programme of work

No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

**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)

### Dust minimisation during construction

- a. No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings), based on an AQDRA (Air Quality and Dust Risk Assessment), has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG (2014).
- b. The development shall be undertaken in accordance with the approved plan.

**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 manage and prevent further deterioration of existing low quality air across London in compliance with Paragraph 181 of the National Planning Policy Framework, and Policies 5.3 Sustainable design and construction and 7.14 Improving air quality of the London Plan (2016).

### Construction Management Plan

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site, and 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 vehicle activity. It must include swept path analysis if vehicles are to enter the site
- (b) Rationalise where materials and waste will be stored, and where safe and legal loading can take place.
- (c) Measures to deal with safe pedestrian movement.

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

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and 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).

### Site Contamination

- (a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) 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).

### Residential Soundproofing

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L<sub>max</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria ‘Low probability of adverse comment’ as defined BS6472.

- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, 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).

#### Combustion Plant details

Prior to the occupation of the development hereby permitted, a report with details of any combustion plant proposed to be installed shall be submitted to and approved in writing by the council. The report shall include the following:

- 8. Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and adjacent development plot(s) and meet the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act memorandum.
- a) Details of emissions certificates, and the results of NO<sub>x</sub> emissions testing of each Ultra Low NO<sub>x</sub> gas boiler to demonstrate that all the Ultra-Low NO<sub>x</sub> Gas fired boilers and associated abatement technologies shall meet a minimum dry NO<sub>x</sub> emissions standard of 30 mg/kWh (at 0% O<sub>2</sub>) by an MCERTS accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it shall not be operated without the fitting of suitable secondary NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions.

The approved details shall be fully implemented prior to the occupation of the development and thereafter permanently retained and maintained.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in compliance with Paragraph 181 of the National Planning Policy Framework, and Policies 5.3 Sustainable design and construction and 7.14 Improving air quality of the London Plan (2016).

#### b) Materials details

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 and louvred window screening to be used on the building 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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

#### Refuse Storage details

- (a) The development shall not be occupied until details of proposals for the storage and collection of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

#### Cycle Parking

The secure and dry cycle storage arrangements shown on Plan No.1469 A.08 Rev.A 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).

#### Hard Landscaping details

- (a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

#### Soft Landscaping

- (a) A scheme of soft landscaping (including details of any proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance

with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### Boundary Treatments

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with 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).

#### External Lighting Scheme

- (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).

#### Delivery and Servicing

- (a) The development shall not be occupied until a Delivery and Servicing Plan relating to residential deliveries to the dwellings hereby approved has been submitted to and approved in writing by the local planning authority.
- (b) The approved Delivery 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).

### Removal of Permitted Development Rights

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

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

### Louvred Screening to first floor windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in western elevation at first floor level of the building hereby approved shall be fitted with louvred screening, as shown on Plan Nos.1469 A.04 Rev.C and 1469 A.07 Rev.C, and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

### Amenity Space

The whole of the amenity space, including the communal space, as shown on drawing no. 1460 A.04 Rev.C hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

### Construction Hours

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

### **Informatives**

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

- A. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- B. It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. The 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.

- E. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- F. In preparing the scheme of dust minimisation, the developer must consider the following:
  - G. This may be integrated within a wider Construction Environmental Management Plan;
    - Must mitigate against negative impact on air quality and receptors in the vicinity of the development;
    - Must detail the measures that will be taken to reduce the impacts on air quality during all construction phases (Demolition, Construction, Earthworks, Trackout)
    - Include a maintenance schedule of the dust mitigation measures;
    - Undertake to carry out air quality monitoring before and during demolition and construction works (usually three months prior to commencement of any works on site). Parameters to be monitored, duration, locations and monitoring techniques must be approved in writing by Lewisham Council prior to commencement of monitoring.
    - Shall be in accordance with "The Control of Dust and Emissions during Construction and Demolition", Mayor of London SPG 2014.

- H. 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.
- I. 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.