

Committee	PLANNING COMMITTEE C	
Report Title	36 Scawen Road, London, SE8 5AE	
Ward	Evelyn	
Contributors	Alfie Williams	
Class	PART 1	22 JULY 2021

Reg. Nos. DC/20/119473

Application dated 04.12.2020

Applicant Mr Roberts

Proposal Alterations, restoration and conversion of the existing house at 36 Scawen Road SE8 to provide 2 houses with alterations to the roof to form a crown roof with side and rear dormers, together with the construction of 5, three and four storey houses, a children play area, allotments and a wildlife corridor around the site.

Background Papers

1. Submission drawings
2. Submission technical reports and documents
3. Internal consultee responses
4. Statutory consultee responses

Designation

Air Quality Management Area  
Area of Archaeological Priority  
Deptford Neighbourhood Forum  
Flood Risk Zone 2  
Flood Risk Zone 3  
PTAL 2

## 1 SUMMARY

1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as ten individual objections have been received from local residents.

## 2 SITE AND CONTEXT

### *Site description and current use*

2 The application site is a large two storey Victorian property located on Scawen Road. Scawen Road runs between Evelyn Street and Grinstead Road, bounding two sides of, and overlooking, Deptford Park. The site is located on the north-west side of Scawen Road at the point where the terraces on the northern and western sides of the road

meet. The site has unusual 'L' shape and the plot is significantly larger than those occupied by the other terraced houses in the road.



**Site location plan**

- 3 The property, along with the neighbouring house to the east (no.35), is set back from the main street frontage with somewhat larger front gardens. The house is at the southern boundary of the site adjoining no.37 with the remainder of the site providing a large garden of approximately 1000sqm. The garden previously formed part of a builder's yard. The garden is bound to the north and east by the rear gardens of houses in Scawen, Crooke and Alloa Roads, and to the west by Kezia Mews. Kezia Mews is built on a former builder's yard with access on to Kezia Street and is comprised of six units.

**Character of area**

4 Scawen Road is predominantly residential and is characterised by two storey terraced housing on the north and west sides of the road. The opposite sides are largely free from built development and bound the perimeter of Deptford Park. The surrounding area is also mainly residential, comprised of roads of two storey terraces of similar character to Scawen Road. The closest larger scale development and commercial uses are located on Evelyn Street to the east. The nearest town centres are New Cross / New Cross Gate to the south and Deptford to the south-east.

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

5 The site is not located within a Conservation Area. However, Nos 35 and 36 Scawen Road are locally listed, and are therefore non-designated heritage assets, as a pair and have the following list entry.

*'Two late Victorian end of terrace houses. Stock brick with stucco mouldings. Two houses are set back from the main terrace and built at an angle to form the corner which is an unusual treatment'*

6 The existing house at 36 Scawen Road was built in the late 19th Century as part of the development of the remainder of the road. It appears that this house originally belonged to the original builder, Mr. Keylock, and its detailing is much more ornate than that of the other houses. The house has been designed to overlook the extensive garden and has many windows facing northwards over the garden. The house is set back from the frontage of the terrace fronting Scawen Road. No. 35 Scawen Road is in a symmetrical position behind the terrace to its east, creating an unusual corner to the street. Both houses are set back from the terraces to which they are both attached, and are sited at right angles to each other. There is an entrance to the garden of the application property between the houses. No.35 does not form part of the application site.

7 The site is located within an Area of Archaeological Priority.

### ***Transport***

8 The site has a PTAL of 2, which is a low level of public transport accessibility. The closest train station is Surrey Quays tube station located approximately 1km to the north-west. South Bermondsey Station is located 1.1km to west and Deptford Station is located 1.8km to the south-east. The site is approximately 5 minutes' walk from the nearest bus stop on Evelyn Street.

## **3 RELEVANT PLANNING HISTORY**

9 In 2004 an application (DC/04/57273) was refused for the demolition of 36 Scawen Road and the construction of a two storey (plus roof space) building, incorporating balconies at first floor level, comprising 3 x one bedroom and 7 x two bedroom, self-contained flats, together with associated landscaping and provision for bin and cycle storage. The application was refused for the following reason:

1. *The proposed development by reason of its design, layout, mass and scale, would result in an obtrusive form of development out of keeping with the neighbouring Victorian terraces and the street scene and would give rise to overlooking and a loss of privacy to surrounding residential properties and gardens contrary to Policies HSG 1A Housing on Previously Developed Land, HSG 3 Residential Amenity, HSG 4 Layout and Design of New Residential Development, HSG 6 Backland and In-fill Development, URB 2 Urban Design and URB 11 Landscape and Development in the Adopted Unitary Development Plan (July 2004).*

10 In August 2005 planning permission (DC/05/59803) for the demolition of 36 Scawen Road SE8 and the construction of a two storey plus roof space building, incorporating balconies at first floor level, comprising 4 one bedroom and 6 two bedroom self-contained flats, together with associated landscaping and provision for bin and cycle storage was refused for the following reasons:

- 1. The proposed development by reason of its design, layout, mass and scale, would result in an obtrusive form of development out of keeping with the neighbouring Victorian terraces and the street scene and would give rise to overlooking and a loss of privacy to surrounding residential properties and gardens contrary to Policies HSG 2 Housing on Previously Developed Land, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development, URB 3 Urban Design and URB 12 Landscape and Development in the Adopted Unitary Development Plan (July 2004).*
- 2. The proposed development does not provide secure cycle parking provision as required by policy TRN14 Cycle Parking in the Adopted Unitary Development Plan (July 2004).*

11 An appeal against the decision was dismissed on 29 June 2006.

12 In July 2006, an application (DC/06/62300) for the construction of 2 two storey, two bedroom, semi-detached houses, retaining the facade of the existing building on the site of 36 Scawen Road SE8 and construction of 2 part single/part two storey buildings to the rear, comprising a total of 4 one bedroom and 4 two bedroom, self-contained flats, together with associated landscaping, was refused for the following reasons:

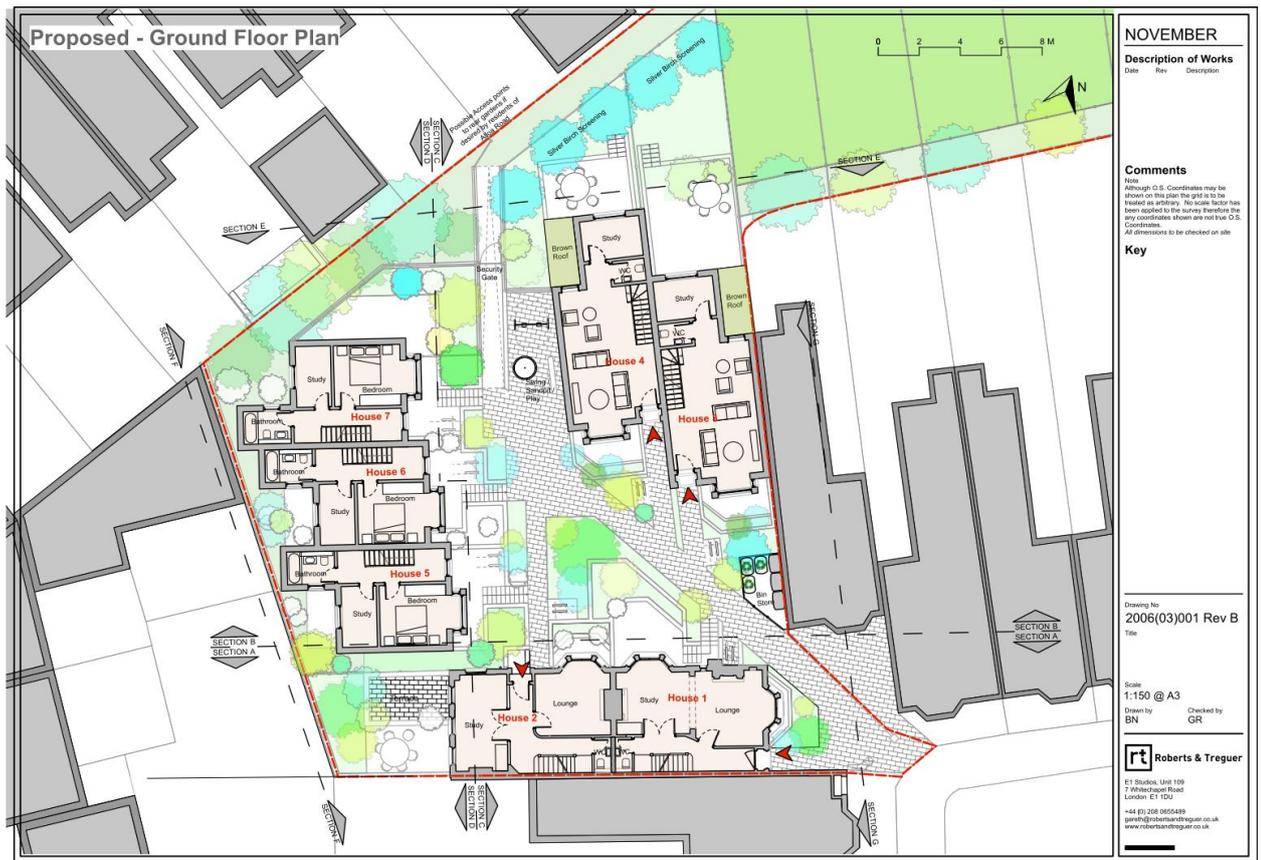
- 1. The proposed development by reason of its design, siting, mass and bulk, would result in an obtrusive form of development out of keeping with the neighbouring Victorian terraces and would give rise to overlooking, a loss of privacy, overshadowing and poor outlook to surrounding residential properties and gardens, in addition to the loss of a mature garden, which has important open space qualities, contrary to Policies HSG 2 Housing on Previously Developed Land, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development, URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).*
- 2. The proposed development, which would involve the loss of one of a pair of locally listed buildings to the detriment of the pair, has not been justified by the quality of the proposed replacement buildings, contrary to policies URB 18 Preserving Listed Buildings and URB 19 Locally Listed Buildings in the adopted Unitary Development Plan (July 2004).*

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

13 The proposal would see the redevelopment of the site to provide seven houses and an allotment at the rear of the site. The redevelopment would include the retention of the existing property and conversion to form two three-bedroom houses (Houses 1 and 2). In order to facilitate the conversion the hipped roof would be extended to form a crown roof with dormers window constructed to the side and rear roof slopes. The conversion would also include the demolition of the later single storey extension to the rear to provide

amenity space for the rear dwelling. As part of the redevelopment, the exterior elevations of the property would be restored and the main slopes reroofed.



14

**Proposed block plan**

- 15 The five new houses would be comprised of two three-bedroom houses (Houses 3 and 4) and three two-bedroom houses (Houses 5, 6 and 7). The houses would be arranged in the south-western half of the site with the north-eastern half reserved for the allotment. The two-bedroom houses would be two storeys and would be constructed adjacent to the existing building along the western boundary with Kezia Mews. The three-bedroom houses would be three storeys and would be constructed adjacent to No.35 Scawen Road with a stepped building line.
- 16 The new houses would be constructed from brick with zinc roofs and would feature timber sash windows with brick arched window heads and cast iron rainwater goods. All of the houses would feature loft accommodation facilitated by the provision of dormers. These dormer would be located within the front roof slope for Houses 5-7 and at the rear of Houses 3 and 4.
- 17 All of the houses would feature external amenity space. For Houses 2, 3 and 4 the gardens would be at the rear of the property. For Houses 5, 6 and 7 external amenity spaces would be provided at the front and rear. Each house would be provided with cycle storage for two cycles at the front of the properties. This storage would be located at lower ground floor level for Houses 5, 6 and 7 and ground floor level from Houses 1, 2, 3 and 4.
- 18 The houses would be arranged either side of a paved courtyard to form a mews style development. The courtyard would feature a communal bin store close to the entrance to the site and a children’s play space at the rear. The yard would not be accessible to vehicles. The allotment would be accessed via the courtyard by a path running adjacent

with the north-western boundary with Alloa Road. A security gate would prevent unauthorised access to the allotment.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

19 The applicant undertook pre-application consultation with the adjoining properties on Scawen Road, Alloa Road, Crooke Road and Kezia Road. In addition, local stakeholders including Deptford Park School, Sir Francis Drake School and Pepys Community Garden. An account of the consultation is provided within the Statement of Community Involvement submitted in support of the application.

### 5.2 APPLICATION PUBLICITY

20 Site notices were displayed and a press notice was published on 30 December 2020.

21 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 17 December 2020.

22 30 representations were received in response, comprising ten objections, three letters in support and 18 comments.

23 Officers note that four objections were withdrawn following the submission of revisions. The revisions include a number of changes to Houses 3 and 4 to address concerns with overlooking and the impacts to light levels at neighbouring properties. The revisions include an alteration to the position of the dormers, recessing the second floor windows and adding obscure glazing to a section of the upper floor windows. In addition further details were submitted to overcome specific concerns with security and party wall issues.

#### 5.2.1 Comments in objection

Comment	Para where addressed
<i>Principle of Development</i>	
Management of allotment	64-65
Subdivision of existing house	67
<i>Housing</i>	
Overdevelopment	71-73
<i>Urban design</i>	
Scale, height and massing	92-97
Heritage impact	102-107
<i>Highways and Servicing</i>	
Access	128
Parking	126
Servicing & refuse collection	119-121
Construction impact to public highway	128
Emergency service access	122

<i>Living conditions of neighbours</i>	
Loss of outlook	137-140
Loss of light	145-146
Loss of privacy	141-144
Increase noise/disturbance	147
Light pollution	148
<i>Natural environment</i>	
Loss of biodiversity & habitat	173-180

24 Matters relating to the party walls were also raised within the objections. These matters are subject to separate legislation and as such are not a material planning consideration.

### 5.2.2 Comments in support

25 The comments in support of the application noted that the proposal would lead to Improvements to the character and appearance of the property and surrounding area due to the current condition of the land.

26 One comment in support raised matters relating to CIL allocation which is not a material planning consideration.

### 5.2.3 Neutral comments

27 A number of neutral comments were submitted from local residents and Deptford Folk requesting that the CIL contributions generated by the scheme be spent on renovating Deptford Park Playground. CIL allocation lies outside the scope of the planning application process and as such is not a material planning consideration.

## 5.3 LOCAL MEETING

28 Due to the number of submissions received, a virtual Local Meeting was held on Tuesday 20<sup>th</sup> April 2021. The meeting was chaired by Councillor Silvana Kelleher. A record of the Local Meeting is contained in Appendix 1 of this report.

## 5.4 INTERNAL CONSULTATION

29 The following internal consultees were notified on 15 December 2020.

30 Highways Officer: raised no objections subject to conditions. See the transport section (paras 109-129) for further details.

31 Conservation Officer: raised no objections

32 Tree and Landscaping Officer: raised no objections on tree protection grounds subject to a condition securing the Tree Protection Plan. Also requested conditions securing schemes for hard and soft landscaping as well as details for the boundary treatments including the rear gardens.

33 Parks Team: no objection as the scheme contains a private allotment, which falls outside the Council's remit.

34 Environmental Protection: no comments.

- 35 SuDS Team: no objection subject to a condition securing the details for the SuDS strategy.
- 36 Sustainability Team: raised no objection to the energy strategy, noting that the development would be efficient and involves positive features such as the material sourcing and embodied carbon levels.
- 37 Ecology Officer: raised no objection subject to conditions securing a bat survey, the green and brown roofs, a lighting scheme and wildlife features (bird boxes, bat boxes, log piles, bug hotels, pond, wildlife corridor, hedgehog highways, native/wildlife friendly planting).

## **5.5 EXTERNAL CONSULTATION**

- 38 The following External Consultees were notified on 15 December 2020.
- 39 Environment Agency: raised no objections subject to conditions relating to the finished ground floor level, SuDS, piling and land contamination.
- 40 London Fire Brigade: commented that access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes, will be provided. An informative will be added to that effect.
- 41 Thames Water: No comments.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

- 42 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**

- 43 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.
- 44 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.
- 45 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 aforementioned directions and 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**

46 The Development Plan comprises:

- London Plan (March 2021) (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**

47 Lewisham SPD

- Alterations and Extensions Supplementary Planning Document (April 2019)

48 London Plan SPG:

- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

## **6.6 NEIGHBOURHOOD PLAN**

49 The application site is located within the Deptford Neighbourhood Action (DNA) designated Neighbourhood Area. DNA are currently progressing their neighbourhood plan and Regulation 14 consultation ran from October 2019 – March 2021. It is noted that the Council are not yet in receipt of a modified Regulation 15 plan following this consultation. Given the relatively early stage of the plan in the adoption process, officers considered that the neighbourhood plan does not currently carry weight in the consideration of planning applications. Officers note the weight to attribute the draft plan is a matter for the Decision Maker.

# **7 PLANNING CONSIDERATIONS**

50 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Transport
- Impact on Adjoining Properties
- Sustainable Development
- Natural Environment

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

51 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.

52 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

### *Policy*

53 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority.

54 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

55 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.

56 Core Strategy Policy 1 sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).

57 DMP 3 states that applications for the conversion of a single family house to provide additional residential units will be refused planning permission except where environmental conditions mean that the house is unsuitable for family accommodation due to proximity to noise generating uses or lack of external amenity space.

58 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.

### *Discussion - Character of the site*

59 DMP 33 identifies three main typologies for development sites. However, the policy accepts that some sites may display characteristics of more than one typology and as such would not fall squarely within any one of the definitions. In these cases the principle can be applied from the appropriate parts of the policy

60 The proposal site is located in what has evolved to become the rear garden of 36 Scawen Road. Therefore, DMP 33.C is relevant and states that the development of back gardens for separate dwellings on a wholly undeveloped garden of an existing and retained dwelling will not be granted permission. However, although the site is located in the rear garden, it also exhibits some characteristics of a backland site due to the size of the garden and its former use as builder's yard when connected to what is now Kezia Mews. This is demonstrated on the historic maps submitted in support of this application (see p.8-9 of the Design & Access Statement).

- 61 DMP 33.B establishes a criteria for assessing development on backland sites and stipulates that development should result in:
- 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;
  - appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards);
  - a publically accessible street (gated development is unlikely to be supported).
- 62 These elements of the scheme will be assessed in greater detail in the following sections of this report. However, the question of whether part C of DMP 33 should be applied in respect of the development of a back garden is relevant. In this case Officers consider that the site history and characteristics of the site mean that the part C should be applied flexibly. In coming to this assessment Officers have given weight to the significant public benefits of the scheme including the provision of housing, the communal allotment and the energy efficiency of the scheme.
- 63 In terms of housing, the scheme would contribute six additional houses to overall housing targets and with a site area of 0.13ha, would also count towards the small sites target established by LPP HC2. Furthermore, the development includes three additional family sized units, defined within the London Plan as dwellings with three or more houses. The South East London Strategic Housing Market Assessment (SHMA) identifies that the main housing need in Lewisham is for family housing, with the provision of family housing attributed policy weight within Core Strategy Objective 3 and CSP 1. As such the contribution to both housing and family housing are identified as planning merits of the scheme.
- 64 In addition to the provision of housing, the scheme also includes an allotment within the northern half of the site. The Allotment Management Plan (“the AMP”, Roberts + Treguer, November 2020) submitted with the application states that the allotment will be managed through a Community Interest Company (CIC), which is a form of non-charitable limited company that exists primarily to benefit the community or a social purpose, rather than to make a profit. The AMP sets out the intended operations of the allotment, which in addition to small scale food production and employment opportunities, includes the intension to run monthly workshops with local schools as well as to provide a community space for local residents.
- 65 The Development Plan is generally supportive of the provision of community and social infrastructure. In particular, DMP 41 states that the Council will encourage the provision of community space. This is supported by the principles of LPP S1. The intended provision of community access to the allotment is therefore considered a planning merit that carries weight within the overall planning balance. For that reason a condition is recommended securing a Community Access Plan (“CAP”) formalising this offer to local schools and residents, alongside the implementation of the AMP.
- 66 In terms of sustainability, the scheme aims to achieve zero carbon to accord with the methodology of British Standard BS EN 15978. There are no policy requirements in terms of carbon emissions for this scale of development, with the aim to achieve zero-carbon, and any carbon-offset contribution required, only applicable to major development as set out within LPP SI2. Accordingly, the aim to achieve zero carbon is not a policy requirement. However, Officers have assigned weight to the energy proposal within the overall planning balance and combined public benefits of the scheme that help

overcome the in-principle objection to back garden development. Therefore, the Energy Strategy submitted with this application would be secured by condition.

*Discussion - Conversion of the dwellinghouse*

67 The conversion and subdivision of a single family house to provide additional residential units is generally resisted in accordance with DMP 3 unless environmental conditions mean that the house is unsuitable for family accommodation. The environmental conditions within Scawen Road do not preclude family accommodation, however, the conversion of the existing house would result in the provision of two family sized dwellings, in addition to two new build family dwellings. Therefore, there would be no net loss of family housing but a net gain of three family houses contributing to an identified housing need within the borough. This is a further planning merit of the scheme, which, when combined with the other merits identified above, is sufficient to outweigh the provisions of DMP 3.

**7.1.1 Principle of development conclusions**

68 The application site exhibits characteristics of both a back garden and backland site. However, the in-principle objection to development in back gardens does still carry weight in policy terms, and the subdivision of the existing house is resisted by DMP 3.. The public benefits of the scheme including the ambition to achieve zero carbon status and the community access plan for the allotment, together with the net gain in family housing and contribution to local housing targets are significant and would outweigh the harm from the loss of the back garden and subdivision of the existing house

**7.2 HOUSING**

**7.2.1 Contribution to housing supply**

*Policy*

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

70 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

*Discussion*

71 Table 1 below sets out the measures of density criteria required by the supporting text to PLPP D3 (para 3.3.22 of the PLP) for all sites with new residential units.

**Table 1: Measures of Density**

<b>Criteria</b>	<b>Value</b>	<b>Criteria/area</b>
Site Area (ha)	0.13	n/a
Units	7	54
Habitable rooms	38	292
Bedrooms	18	139
Bedspaces	32	246

72 Table 1 above demonstrates that the density of the development is relatively low for all measures, because the proposal is comprised of individual houses rather than higher scale flatted development. Furthermore, the northern half of the site would be converted to an allotment and does not feature any residential development. LPP D2 advises that density should be linked to the provision of infrastructure for the area and accessibility in terms of sustainable transport modes. Therefore, the low density of the development is considered appropriate given the low PTAL of the area.

*Summary*

73 The proposed density is considered proportionate and appropriate for the site given the low levels of public transport accessibility.

## 7.2.2 Residential Quality

*General Policy*

74 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 (D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA;).

75 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

*Discussion*

76 The main components of residential quality are: (i) space standards; (ii) privacy; (iii) ventilation overheating; (iv) outlook, daylight and sunlight; (v) noise and disturbance;

77 The table below sets out proposed dwelling sizes.

**Table 2: Internal space standards**

Dwelling	Layout	Storeys	GIA m <sup>2</sup>	B1 m <sup>2</sup>	B2 m <sup>2</sup>	B3 m <sup>2</sup>	Amenity m <sup>2</sup>
House 1	3b/5p	4	134	11.5	10.6	14.6	15
House 2	3b/5p	4	142	10.5	11.5	19.3	20
House 3	3b/5p	4	140	14.7	9.2	11.8	53
House 4	3b/5p	4	140	14.7	9.2	11.8	38
House 5	2b/4p	3	88	11.5	13.7	-	24
House 6	2b/4p	3	88	11.5	13.7	-	24
House 7	2b/4p	3	88	11.5	13.7	-	95

78 The proposed houses would all be policy compliant in terms of the overall GIA of the units. Houses 1–4 comfortably exceed the 108sqm requirement for a three bedroom five person dwelling arranged over three storeys. No guidance is provided for four storey dwellings, however, the general principle is for the requirement to increase 6sqm per storey, which all four houses exceed by a minimum of 20sqm. It is noted that all four houses include at least one gym or study large enough to meet the requirement for a single bedroom. If assessed as four or five bedroom dwellings, all four houses would

either meet or exceed the requirement for the largest five bedroom dwelling within LPP D6: a five bedroom eight person dwelling arranged over three storeys is required to measure 134sqm.

- 79 Houses 5-7 would all have GIAs of 88sqm, which exceeds the 79sqm required by the LPP D6 for a two bedroom, four person dwelling arranged over two storeys. Similar to houses 1-4 there is no policy guidance for a unit arranged over an additional storey, in this cases three storeys. If the same general principle to increase the requirement by 6sqm is applied, all three units would exceed the requirements of LPP D6 by 3sqm.
- 80 The proposed houses would also either meet or exceed the requirements of LPP D6 in terms of the size of bedrooms with all double bedrooms measuring a minimum of 11.5sqm and all single bedrooms exceeding 7.5m. The bedrooms would also be policy compliant in terms of the width of the rooms. The floor to ceiling height of the dwellings would be 2.5m in accordance with DMP 32 and LPP D6.
- 81 The London Plan recognises the importance of private amenity space. For that reason, all new residential accommodation are expected to have private external amenity space. LPP D6 imposes the requirement that all 1-2 person dwellings should feature a minimum 5sqm with an extra 1sqm for each extra occupant. Each of the seven properties would have access to private amenity spaces to the rear and/or side. The gardens and courtyards would exceed the policy requirement in terms of area and are therefore considered acceptable.
- 82 All of the proposed houses would be dual aspect as a minimum, with House 7 benefiting from windows in the front, side and rear elevations. The allocation of windows is considered to provide acceptable levels of outlook and light for all of the residential accommodation including all main habitable rooms and bedrooms. This has been confirmed by the submission of a Daylight and Sunlight Assessment (AVAL, December 2020) that concludes that all of the rooms would meet BRE standards in terms of sunlight and daylight. In terms of outlook, all of the main living spaces are located a ground floor level rather than lower ground floor level and thus are provided better quality views.
- 83 The proposed residential accommodation would have rational, well-designed layouts that ensure circulation space is minimised. The layouts and provision of windows are likely to ensure that the houses are well ventilated and provide mitigation against overheating and air pollution from the road.
- 84 Each house would benefit from a front garden providing defensible space and mitigation against intrusive views into front windows from the public realm. The rear gardens of the properties would be overlooked by adjoining properties, both within this scheme and from existing houses; this is considered acceptable and in keeping with the existing situation as would be expected in an urban environment such as this. Houses 3 and 4 would be orientated at an angle to the neighbouring properties on Alloa Road, meaning that the rear elevations and windows would not directly face the rears of any of the neighbouring properties.
- 85 The surrounding area is predominantly residential and is a significant distance from any main roads or significant noise generating uses. Therefore, noise levels are not likely to be incompatible with the proposed residential use.

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

- 86 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LPP D6, DMP 32 and the London Plan Housing SPG.

## 7.3 URBAN DESIGN & HERITAGE IMPACT

### *General Policy*

87 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. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods

### 7.3.1 Appearance, character & site layout

#### *Policy*

88 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

89 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

90 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

91 DMP 33 states that gated developments on backland sites that prevent access which would normally be provided by a publicly accessible street will not be supported.

#### *Discussion*

92 The proposed development would see the creation of a mews style development within the land to the rear of the frontage buildings. Mews were a characteristic form of development within London, typically built behind grander terraces of houses and generally of lower scale and humbler architecture than the frontage buildings. The creation of a mews would therefore form a contextual response for a backland development in this locality, given that the surrounding townscape is principally comprised of attractive Victorian terraces including the Locally Listed pair at the entrance to the site.

- 93 This design approach would extend to the architecture of the new houses that aim to be secondary and subservient to the Locally Listed frontage buildings. As such, the houses would not mimic the architecture of the existing properties and visually compete. Instead the new houses would be less ornate with plainer facades, omitting the decoration that embellishes the surrounding Victorian architecture. The proposed materials: clay brickwork facades, timber sash windows and zinc roofs and dormers, are considered to be of an appropriate design quality to complement the existing architecture. The arched window heads would add visual interest to the facades, in keeping with modest design approach. The arched detail is carried through to the dormers to provide a coherent design approach. A condition is recommended securing full details of the materials and design detailing prior to the commencement of development above foundations.
- 94 In terms of scale and massing, the houses would be larger than a typical mews development. Houses 3 and 4 would be the same height as the original buildings. This is considered to be acceptable in this case due to the stepped building line. Houses 5, 6 and 7 would be naturally lower due to the change in ground levels across the site in addition to the being physically lower at two storeys.
- 95 The site arrangement is well considered with appropriate spacing that creates a practical, functional and accessible communal courtyard and footway in the centre of the development. Indicative hard and soft landscaping schemes submitted with the application demonstrate that a mews style design approach would extend to the courtyard in terms of the material palate that includes York stone paving and brick planters and walls. The hard landscaping scheme is considered to be appropriate and would harmonise with the overall design approach. The Tree and Landscaping Officer considers that more informal surfacing should be incorporated within the path to the allotment. Officers are satisfied that these details can be secured as part of a hard landscaping condition.
- 96 The proportion of soft landscaping included within the courtyard is supported and includes a variety of species and heights of planting comprising flowers and shrubbery as well as fruit trees. The landscaping plan will be secured by condition.
- 97 The arrangement of the properties and number of windows would generate an increased level of passive surveillance for the site that would help mitigate any potential reduction to security for the surrounding properties resulting from opening up of the site. Furthermore, a Site Security Plan (2006(03)812 Rev B) has been submitted with the application detailing the provision of CCTV and other measures such as a lockable gate to the allotment. The security plan would be secured by condition.

### **7.3.2 Impact on Heritage Assets**

#### *Policy*

- 98 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 99 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. Paragraph 197 of the NPPF imposes the requirement to assess the effect of an application on the significance of a non-designated heritage asset.
- 100 LPP HC1 stated that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

101 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

*Discussion*

102 The proposed development would include the retention of the locally listed building, a non-designated heritage asset (NDHA). This is a positive change from the previous schemes submitted at the site and overcomes a previous reason for refusal. The relationship between the pair of locally listed buildings would also be retained, preventing any significant impact to their setting.

103 A number of alterations are proposed to the building to facilitate the redevelopment. The most significant of the alterations would be the proposed extensions to the roof and the demolition of the rear extension. The rear extension is a latter addition, believed to have been constructed in the 1970s, and its removal is therefore supported in heritage terms, helping to better reveal the NDHA.

104 The alteration to the roof form, from a hipped roof to a crown roof, is a more significant intervention. The views submitted within the Design and Access Statement (Roberts + Treguer, December 2020) demonstrate that the alteration would not be perceptible from public viewpoints, due to the set back from the street frontage and narrowness of the gap between the properties. Additionally, important architectural features such as the chimneys, would be retained. The proposed dormers in the side and rear roof slope are considered to be subservient, owing to their scale and appropriate siting within the roof slopes.

105 The principle of renovating the exterior of the building is supported given the poor condition of the building and the structural issues identified within the Heritage Statement (Donald Insall Associates, November 2020) and Structural Survey (Jensen Hunt, November 2020). The renovation would consist of new stucco moulding to the windows, repairs to the brickwork, new cast iron rainwater goods, new timber sash windows and replacement welsh slate roof coverings. The proposed materials and features are considered to be historically appropriate for the building and therefore constitute a planning merit of the scheme. Full details of this work and the materials would be secured within the materials and design detailing condition, along with a condition requiring these works to be completed prior to the occupation of any part of the development, given the merit this represents in the overall planning balance.

106 As part of the assessment of the heritage impact, the application was reviewed by the Conservation Officer who raised no objection to the changes to the roof or to the alterations to the layout of the building. The Conservation Officer was also supportive of the restoration of the exterior of the building and concluded that overall there would be no harm to the significance of the heritage asset as a result of the works. The decorative stone lintel from the existing side entrance to the garden would be incorporated within the development on the advice of the Conservation Officer.

*Summary*

107 Officers consider that the current proposal would lead to no harm to the significance of the non-designated heritage asset and therefore the proposal would be compliant with the provisions of LPP HC1 and DMP 37.

### **7.3.3 Urban design conclusion**

108 The scheme would contribute a contextual development that respond positively to the surrounding architecture and townscape. The works to the Locally Listed building are considered sensitive to the character and appearance of the building and would result in no harm to its significance. As such, the proposed development is considered to be

acceptable in heritage and urban design terms and is therefore compliant with the relevant policies of the development plan, subject to conditions, including certain permitted development rights to prevent harmful future changes.

## **7.4 TRANSPORT IMPACT**

### *General policy*

- 109 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 110 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 111 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 112 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### **7.4.1 Local Transport Network**

#### *Policy*

- 113 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

#### *Discussion*

- 114 The application site has a PTAL of 2, which is a relatively poor level of public transport accessibility. Despite the low PTAL, Officers are satisfied that the modest scale of development would prevent the need for any significant mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

### **7.4.2 Healthy Streets**

#### *Policy*

- 115 LPP T2 states that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance

#### *Discussion*

- 116 No healthy streets assessment was undertaken for the development and therefore no improvements to the pedestrian environment in the vicinity of the site have been identified as part of the Transport Statement, as requested by Highways Officers. This is assessed to be acceptable in this instance due to the relatively modest scale of the

development and the inclusion of a high quality, publically accessible, communal area and allotment within the development site.

### **7.4.3 Servicing and refuse**

#### *Policy*

- 117 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 118 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 119 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

#### *Discussion*

- 120 A communal refuse store for the development has been provided at the front of the site close to the entrance. The store would house three 1100L bins, which would be sufficient to meet the refuse and recycling requirements for the development. The store is located 9m from the edge of the kerb of Scawen Road which is within the 10m accepted by Lewisham Council. As such, the refuse and recycling facilities are considered acceptable, subject to a condition securing full details of the management and appearance of the store.
- 121 Deliveries and servicing for the development would be undertaken from Scawen Road as they currently do for the existing property on the site and the surrounding properties. The parking survey submitted with this application indicates that there is sufficient on-street capacity to accommodate any modest increase in delivery vehicles, and avoid double parking and obstructions to the highway. As such, Officers are satisfied that the modest scale of the development would negate the need for a site specific delivery and servicing plan as requested by the Highways Department.
- 122 The Design and Access Statement (p.57) confirms that all of the proposed houses would be within 45m of fire hydrant as required by building regulations.

### **7.4.4 Transport modes**

#### ***Cycling***

##### *Policy*

- 123 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

##### *Discussion*

- 124 Each property would be provided with cycle storage for two bikes in accordance with the requirements of Table 10.2 of the London Plan. For houses 1-4 these would be provided at ground floor level, which is acceptable. The storage for houses 5-7 are provided at lower ground floor level. Wheel ramps have been shown adjacent to the steps in order to improve accessibility and comply with LPP T5. Four visitor cycle parking spaces have been shown next to the play area. The development also includes 12 short stay cycle parking storage for visitors, the allotment and for cargo bikes. This would exceed the

policy requirement and is therefore considered acceptable. A condition is recommended to ensure that the stores and short stay stands would be policy compliant.

### ***Parking***

#### *Policy*

- 125 LPP T.6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

#### *Discussion*

- 126 The site is in a PTAL 2 area, which indicates relatively poor access to public transport. However, the provision of a car-free development would be compliant with the principles of the development plan and as such is supported. The results and analysis of the parking survey were revised in accordance with the Lambeth Methodology following discussions with the Highways Department. The result of the parking survey shows that the overall figure for parking stress is 73%. The level at which parking stress is generally considered unacceptable is 85%. Therefore, the parking survey demonstrates that there is sufficient parking capacity in the surrounding area to accommodate the requirements of the development. Consequently, Officers have determined that the financial contribution to local CPZ consultation requested by the Highways Department is not warranted.

### **7.4.5 Construction**

#### *Policy*

- 127 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be developed in accordance with TfL guidance.

#### *Discussion*

- 128 The site constraints, including the narrowness of the entrance to the site and the location at a point where two sides of the road meet, impose practical concerns for the construction phase of the development. Therefore, a detailed Construction Logistics Plan ("CLP") is required to confirm that all vehicles can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway. A traffic management plan and further details of protection and temporary arrangements for pedestrians, including access to neighbouring properties would also be required within the plan. The Highways Officer has also confirmed that a temporary traffic order is likely to be required. These details will be secured within a Construction Management Plan, to be agreed prior to the commencement of any works on site, including any site clearance or demolition.

### **7.4.6 Transport impact conclusion**

- 129 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *Policy*

- 130 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. At para 180 it 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 and living conditions.
- 131 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 132 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.
- 133 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.
- 134 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations
- 135 Further guidance is given in the London Plan Housing SPG 2017.

#### Discussion

- 136 The main impacts on amenity that generally arise from this type of development include: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; (iv) noise and disturbance and (v) light spill.

#### *Enclosure and Outlook*

- 137 The Design and Access Statement (p.13-16) contains a detailed analysis of the site constraints, including analysis of the massing and shadowing, which seeks to demonstrate that the site layout, design and building arrangement has evolved to minimise the impact to the neighbouring properties. Houses 5-7 would have two storeys above ground level (including the pitched roof) and would be set in from the western boundary with Kezia Mews by a minimum of 2.5m at first floor level, further reduced by the pitch of the roof. Officers consider that the distance from the boundary and height of the houses would prevent any adverse enclosure and unacceptable loss of outlook to the residential accommodation on Kezia Mews, given that the buildings on Kezia Mews are largely aligned towards the opposite boundary.
- 138 House 7 would also be set in from the north-western boundary with Alloa Road by 2m. The trees that line the boundary would provide an element of screening for the properties immediately adjacent reducing the visual impact. House 4 would be located a minimum of 5.2m from the boundary with Alloa Road and 14.6m from the closest rear elevation. These distances would ensure that the open aspect across the northern half of the site would be retained for the adjoining properties on Alloa Road. Additionally, the boundary trees are likely to provide a degree of screening for Nos 63-69 (odds). Therefore, Officers are satisfied that the proposed development would not introduce oppressive enclosure or adverse loss of outlook to 47-73 (odds) Alloa Road.

- 139 Houses 3 and 4 would be stepped back from the front building line of No.35 Scawen Road but would project beyond the rear of the outrigger. House 3 features a rear outrigger which would be set in from the boundary with No.35 by 1.4m. Officers are satisfied that the distance from the boundary would prevent an overbearing impact to No.35, given that No.35 would retain unimpeded aspect towards the rear.
- 140 The alteration to the roof form of the host property to form a crown roof would add additional massing at the boundary with No.37. The flat section of the crown roof would project 1.4m beyond the rear outrigger of No.37. Officers consider that the modest depth of the additional massing would prevent any significant impacts in terms of harmful loss of outlook or adverse enclosure to the adjacent upper floor window.

#### *Privacy*

- 141 The proposed development is not considered to result in any significant impacts to privacy levels at neighbouring properties. Houses 5-7 would not feature any windows in the rear elevation above ground floor level. Furthermore, the proposed rear rooflights would have outlook towards the sky. Therefore, any impacts to privacy on Kezia Mews would be negligible.
- 142 Houses 3 and 4 would feature windows in the rear elevations. The upper floor windows would permit views to the rear gardens of neighbouring properties on Scawen Road. This situation would replicate the existing relationship between the properties on the terrace, which are already overlooked by the adjoining properties in the terrace. As such, there would not be a harmful loss of privacy to the properties on Scawen Road.
- 143 Views to the rear of properties on Alloa Road would be partially screened by the boundary trees that would be retained as part of this proposal. Houses 3 and 4 have been orientated to prevent any directly facing rear elevations and windows. Additionally, the applicant, in conversation with the neighbouring properties, has agreed to introduce opaque glazing to a section of the upper floor rear windows and has recessed the dormer windows. These measures would be secured by the approved plans and a condition is recommended to restrict certain permitted development rights, where these could affect privacy in the future.
- 144 The alterations to Houses 1 and 2 are not considered to introduce any harmful impacts to privacy given that the replacement windows would be installed within the existing openings. At roof level the majority of the dormer overlook the development. The one dormer in the rear roof slope would have outlook towards Kezia Mews. The window largely replicates existing views from the first floor windows below and is sufficient distance from the boundary to prevent any intrusive impacts.

#### *Daylight and Sunlight*

- 145 A Daylight and Sunlight Assessment (AVAL, December 2020) has been submitted to support the application. The report included an assessment of the impact to the windows and gardens of the neighbouring residential properties. The report concludes that the impacts to the windows in terms of Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) would be compliant with BRE guidelines.
- 146 In regard to neighbouring amenity spaces, the report concludes that the impact to the majority of the gardens would comply with the BRE guidance. The report does identify one transgression in regard to the impact to the garden at No.35. However, the report also identifies that the garden is already overshadowed for significant parts of the existing buildings and therefore the new buildings would not introduce any additional material harm.

### *Noise and disturbance*

- 147 The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. Officers are also satisfied that an allotment is not significant generator of noise and is therefore compatible within a residential area. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties. Therefore, a condition is recommended to ensure that works and deliveries only take place at neighbourly hours in accordance with best practice guidance for construction sites. Additional measures in terms of dust and other forms of pollution would be agreed as part of and Construction Management Plan to be secured by condition.

### *Light spill*

- 148 An indicative lighting scheme (drawing no. 2006(03)802) has been submitted with the application. The lighting proposed is considered appropriate and is likely to be supported subject to a condition securing final details prior to the occupation of the development.

## **7.5.1 Impact on neighbours conclusion**

- 149 The proposed development is considered to have an acceptable impact on the living conditions of the neighbouring properties subject to the condition detailed above.

## **7.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

- 150 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

- 151 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

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

#### *Policy*

- 152 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

#### *Discussion*

- 153 As detailed in the Principle of Development section of this report above, the proposal is not a major development and as such the provision of LPP SI2 do not apply. However, the scheme has set the ambitious target of achieving zero-carbon as detailed within Sustainability and Energy Strategy (Melin, December 2020) submitted in support of this application and this is considered a planning merit to which weight is attached in the overall planning balance, as set out in the Principle of Development section, above. The Energy Strategy details the measures proposed in order to achieve zero carbon including utilising renewable energy suppliers as well as ground or air source heat pump and PV panels. In addition, the applicant has also committed to embodied carbon measures including selecting lower carbon materials, reusing structures and construction

materials where possible and where possible procuring building materials within 30 miles radius.

#### *Summary*

- 154 The Energy Strategy has been reviewed by the Councils Sustainability Manager who has accepted the conclusions of the report. Therefore, the Energy Strategy has been attributed material weight in the overall planning balance and will be secured by condition.

### **7.6.2 Flood Risk**

#### *Policy*

- 155 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 156 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 157 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 158 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

#### *Discussion*

- 159 The application is accompanied by a Flood Risk Assessment (Ambiental, August 2020). This sets out the measures to be taken to reduce flood risk, which include setting the ground floor finished floor level at 2.75 metres above Ordnance Datum (mAOD). The Assessment highlights that the site is located in an area benefiting from the flood defences and concludes that the flood defences combined with the various mitigation measures would be sufficient to ensure that the development would be acceptable in flood risk terms. Officers also note that EA have reviewed the FRA and have not objected subject to conditions.

#### *Summary*

- 160 The proposal is acceptable in terms of flood risk vulnerability subject to a condition securing the ground floor finished floor level as recommended by the EA.

### **7.6.3 Sustainable Urban Drainage**

#### *Policy*

- 161 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 162 203 CSP 10 requires applicants to demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

#### *Discussion*

163 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) requested additional details during the course of the assessment of this application in order to overcome concerns. In response a revised Surface Water Drainage Strategy (Ambiental, January 2021) was submitted. The Flood Risk Manager has confirmed that the drainage strategy for the development is now acceptable and has requested that the drainage strategy is secured by condition.

#### *Summary*

164 The proposed development is acceptable in drainage terms subject to a condition securing the final details of the drainage strategy.

## **7.7 NATURAL ENVIRONMENT**

### *General Policy*

165 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

166 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

167 The NPPF at 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.

### **7.7.1 Ecology and biodiversity**

#### *Policy*

168 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.

169 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

170 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

171 CSP 12 seeks to preserve or enhance local biodiversity.

172 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

173 The site at present is largely overgrown and features a combination of mature trees, and dense shrubbery. A Preliminary Ecological Appraisal Report (Jomas Engineering Environmental, August 2020) has been submitted in support of this application. The report includes an assessment of the site and concluded that habitats on the site are considered to be of moderate to high ecological value and the presence of protected species is of moderate to high potential. The building was also surveyed and it was

concluded that the building is suitable for access and use by roosting bats and birds, which rated as of moderate potential. The report also noted that there is potential for nesting birds, as well as invertebrates, reptiles and hedgehogs.

174 To mitigate the loss of these habitats the report recommends a number of mitigation measures. These include:

- Further bat surveys (see above)
- Green and brown roofs (min. 100-150mm substrate for green roofs; log piles etc on brown roofs)
- Work outside bird nesting season or checks by qualified ecologist prior to works starting (vegetation clearance, building works)
- Wildlife sensitive lighting scheme (see above)
- Bat and bird boxes (definitely some sparrow boxes) and other wildlife features (log piles, bug hotels, pond, wildlife corridor, hedgehog highways, native/wildlife friendly planting)

175 In addition a wildlife corridor is proposed around the perimeter of the site with a depth of between 0.65m and 5m. It should be noted that the depth of 0.65m is at two pinch points and that the majority of the corridor is a minimum of 2m in depth.

176 The Council's Ecology Manager has reviewed the proposal and has accepted the conclusions and recommendations of the report and advised that the majority of the recommendations of the report should be secured by condition. However, the proposal to secure the bat surveys by condition is contrary to Natural England's Standing Advice for Local Planning Authorities and therefore unacceptable. In response further bat surveys were commissioned by the applicant and a report produced (Bat Survey Report prepared by The Ecology Consultancy dated 29 June 2021).

177 The report documents that two further surveys were undertaken: a dusk emergence survey carried out on 3 June 2021 and a dawn re-entry survey completed on 29 June 2021. Neither study recorded bats emerging or returning to roost in the building with bat activity limited to noctule, soprano pipistrelle and common pipistrelle were recorded foraging on the site. Therefore, bat roosts are not likely to present within the building.

178 The Council's Ecologist has reviewed the report and has accepted that the surveys were carried out in accordance with best practice and that development works to the building can occur without the need for further surveys. The surveys are valid for 18 months and therefore if works are not completed before the following bat season (beginning in May 2023) new surveys will need to be undertaken. The new surveys would be secured by condition.

179 . .

### *Summary*

180 The proposal would therefore meet the ecology and biodiversity policy objectives, subject to conditions securing the recommendations of the Ecological Appraisal. This is a planning merit to which modest weight attributed.

## **7.7.2 Trees**

### *Policy*

- 181 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 182 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 183 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 184 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 185 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

#### *Discussion*

- 186 The site features three mature fig trees located on the north-western boundary of the site adjacent with the boundary with Alloa Road, rated as category B1 trees. A fourth tree (a Malus) is located to the south of the figs and is assessed to be in decline. An Arboricultural Impact Assessment (AIA) (Arbeco, December 2020) has been submitted with the application and details that the malus tree would be removed and sets out the measures proposed to protect the three fig trees. The report has been reviewed by the Council Planning Tree Officer, who has accepted that the malus tree should be removed and that the measures proposed to safeguard the fig trees are acceptable. Therefore, a condition is recommended securing the recommendations of the AIA, including the Tree Protection Plan.

#### *Summary*

- 187 The proposed development is considered acceptable in regard to the impact to the trees on site subject to the condition described above.

### **7.7.3 Ground pollution**

#### *Policy*

- 188 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at 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 soil pollution. Development should help to improve local environmental conditions.
- 189 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 190 DMP 28 reflect national policy and are relevant.

### *Discussion*

191 No contamination has been identified at the site and the risk of contamination is considered to be low. However, the EA have raised concerns that there is potential for pollution to groundwater and aquifers. Given the former use of the land as a builders yard, Officers have accepted the advice of the EA and will impose the recommended conditions relating to piling and infiltration of surface water.

### *Summary*

192 The proposal would meet the policy objectives for contaminated land, subject to the conditions described above. The proposed development is therefore not considered to result in material harm to any sensitive receptors in terms of contamination.

## **8 LOCAL FINANCE CONSIDERATIONS**

193 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).

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

195 The CIL is therefore a material consideration.

196 £40,050.00 Lewisham CIL and £26,461.61 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## **9 EQUALITIES CONSIDERATIONS**

197 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.

198 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.

199 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.

200 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>

201 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

202 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>

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

## 10 HUMAN RIGHTS IMPLICATIONS

204 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

205 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.

206 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.

207 This application has the legitimate aim of providing a new buildings for residential use. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

209 The principle of the proposed development is supported. The site has characteristics of both a back garden and backland site. As such, significant planning merits are required to outweigh the harm resulting from the redevelopment of the back gardens articulated in DMP 33. In this case Officers are satisfied that those planning merits have been provided in the form of various public benefits intrinsic to this scheme. These include the renovation of the NDHA, the sustainability measures proposed towards achieving life-time zero carbon and the community access plan for the allotment. These public benefits combined with the net gain in family housing and contribution to local housing targets are significant and attributed significant weight within the overall planning balance. Conditions to secure these benefits would meet the necessary tests for planning conditions.

210 The standard of the accommodation provided by the residential units is considered to be of good quality. In urban design terms, the retention and renovation of the locally listed building is welcomed and represents a positive departure from the previous proposals at the site, which proposed the full or partial demolition of the building. The quality of the materials and detailing, combined within the arrangement of the massing and site layout, are considered to justify the increased scale of development.

211 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment subject to the recommended conditions. The impacts to the local transport network including parking capacity in the surrounding streets have been assessed and are considered acceptable.

212 No adverse impacts have been identified to the living conditions of the neighbouring properties. Therefore, the application is recommended for approval.

## 12 RECOMMENDATION

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

### 12.1 CONDITIONS

#### 1. Full Planning Permission Time Limit

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

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

## 2. **Approved Plans**

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

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

## 3. **Archaeology**

- (a) No development shall commence (including demolition) on site until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority.
- (b) If heritage assets of archaeological interest are identified by the approved Stage 1 WSI then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the local planning authority.
- (c) All works shall be undertaken in accordance with the details approved under paragraphs (a) and (b).

**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 HC1 Heritage conservation and growth of the London Plan (March 2021)

## 4. **Construction Management Plan**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) A logistics plan including details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements

(delete reference to Environmental Management Plan requirements if not relevant).

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

## 5. Land Contamination

- (a) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The remediation strategy shall detail how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.
- (b) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include;
  - i. verification of all measures, or treatments as required 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;
  - ii. 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).

## 6. Surface Water Drainage

- (a) Prior to the commencement of development (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings and supporting calculations to the Local Planning Authority for review and approval, aligned with Surface Water Drainage Strategy (Ambiental Environmental Assessment, January 2021) and associated drawings. This should include site specific ground investigations to determine the presence or absence of groundwater. If groundwater is found to be present measures must be included within the development to mitigate the risk of groundwater flooding both to and from the site. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.

- (b) The development shall be carried out in full accordance with the details under part (a) and retained permanently in accordance with the approved details.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

## 7. Piling

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

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

## 8. Materials and Design Quality

(a) No above ground works shall commence on site (excluding demolition) until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- (i) brickwork, mortar and pointing;
- (ii) roofing materials and roof junctions;
- (iii) windows, external doors and reveals;
- (iv) rainwater goods;

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the buildings 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).

## 9. Refuse and Recycling Facilities

- (a) Prior to the occupation of the development, details of the appearance and management strategy for the refuse and recycling facilities hereby approved shall be submitted to and approved in writing by the local planning authority.
- (b) The refuse and recycling facilities and management strategy 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).

#### 10. **Cycle Parking Facilities**

- (a) Prior to first occupation, full details of the cycle parking facilities providing 14 long stay and 4 short stay spaces for the residential accommodation and 4 short stay and 4 cargo bike spaces for the allotment, shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

#### 11. **Hard Landscaping**

- (a) Prior to the occupation of the building 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 SI 12 Flood risk management in the London Plan ( March 2021), 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.

#### 12. **Tree Protection**

The construction phase of development and any works to the existing trees on site shall be carried out in full accordance with the Arboricultural Impact Assessment (including appendices) (Arbeco, December 2020) hereby approved.

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

#### 13. **Bats Surveys**

- (a) In the event that works on the development, hereby approved, have not been completed by 30 April 2023, further bat surveys will be required as recommended by the Bat Survey Report (The Ecology Consultancy, 29 June 2021). The surveys shall be carried out by a qualified ecologist in accordance with Natural England's standing advice for local planning authorities: Bats: surveys and mitigation for development projects (March 2015). A report

documenting the outcome of the surveys and any necessary mitigation shall be submitted to and approved in writing by the Local Planning Authority.

- (b) The mitigation measures identified in the report approved in part (a) shall be implemented in full prior to works recommencing.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

#### 14. **Soft Landscaping**

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

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with 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).

#### 15. **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 the occupation of the residential accommodation.
- (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).

#### 16. **Wildlife Features**

Details of the number and location of the wildlife features proposed within the Preliminary Ecological Appraisal Report (Jonas Associates Ltd, August 2020) including bird boxes, bat boxes, log piles, bug hotels, ponds, wildlife corridor, hedgehog highways and native/wildlife friendly planting to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. All of the approved

wildlife features shall be installed before prior to the occupation of the development and maintained in perpetuity.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

#### 17. **Green and Brown Roofs**

- (a) The development shall not be occupied until full details of the proposed green and brown roofs shown on plan no. 2006(03)002 Rev B have been submitted to and approved in writing by the local planning authority. The green roofs shall be laid with a min. substrate depth of 100-150mm.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roofs has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development and maintained thereafter.

**Reason:** To comply with Policy G5 Urban greening in the London Plan (2021) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

#### 18. **Lighting Scheme**

- (a) Prior to the occupation of the development a scheme for any external lighting that is to be installed at the site, including a design strategy for biodiversity and 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 be sensitive to biodiversity and minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy G6 Biodiversity and access to nature of the London Plan (March 2021) and DM Policies 24 Biodiversity, living roofs, and artificial playing surfaces and 27 Lighting of the Development Management Local Plan (November 2014).

#### 19. **Energy Strategy**

The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the measures identified within the Sustainability and Energy Strategy (Melin, December 2020) have been implemented in full.

**Reason:** To secure the wider public benefits of the development and to comply with the principles of Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Policies 7 Climate change and adapting to the effects and 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011).

20. **Community Access Plan**

- (a) No part of the development hereby approved shall be occupied until an Allotment Management Plan (AMP) has been submitted to and approved in writing by the local planning authority. The AMP shall detail how the allotment will operate, including details of any company set up to manage the allotment. The allotment shall operate in full accordance with all measures identified within the AMP from first occupation.
- (b) The AMP shall include a Community Access Plan (CAP) committing to provide community access for a minimum of 15 hours per week. The CAP shall identify how local residents, community groups and schools can gain access to the allotment including details of the hire fees and any agreements with local community organisations and schools.

**Reason:** In order to deliver wider public benefits to the local community and to comply with the general principles of Policy S1 Developing London's social infrastructure of the London Plan (March 2021) and DM Policy 41 Innovative community facility provision of the Development Management Local Plan (November 2014).

21. **Construction Works Hours**

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.

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 170 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).

22. **Removal of PD Rights (HMO)**

The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

**Reason:** To ensure that an adequate standard of accommodation is maintained in all of the residential units

23. **Refurbishment Works**

- (a) Houses 1 and 2 shall not be occupied until substantive evidence that the external refurbishment of No.36 Scawen Road has been completed has been submitted to and approved in writing by the Local Planning Authority.
- (b) The refurbishment shall be carried out in full accordance with plan no.s 2006(03)100 Rev B; 2006(03)105 Rev A, and 2006(03)106 Rev A.

**Reason:** To sustain and enhance the significance of non-designated heritage asset in accordance with DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

#### 24. **Removal of Permitted Development Rights (Extensions)**

No extensions or alterations to the buildings 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).

#### 25. **Removal of Permitted Development Rights (Windows)**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no new windows (or other openings) shall be constructed in the buildings hereby approved other than those expressly authorised by this permission.

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

#### 26. **Site Security**

The development shall not be occupied until the site security measures show on drawing 2006(03)812 Rev B have been installed and shall be maintained thereafter.

**Reason:** In order to ensure that the development is safe and accessible and to comply with Paragraph 91 of the National Planning Policy Framework (February 2019).

## 12.2 **INFORMATIVES**

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

- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
  
- 3) You are advised that if bats are unexpectedly discovered during works, all works to that area should temporarily cease until the advice of an ecologist is sought. If bat roosts are recorded, works would need to be temporarily postponed until a Natural England bat licence is applied for so the works can proceed lawfully.