

Committee	PLANNING COMMITTEE C	
Report Title	34-40 Eastdown Park	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	22 July 2021

Reg. Nos. DC/20/119744

Application dated 23.12.2020

Applicant Sarah Allen

Proposal The demolition of existing buildings and construction of a part 4, part 5 storey building at 34/40 Eastdown Park SE13 to provide 18 split level flats (Use Class C3), together with 3, two storey three bedroom houses (Use Class C3) and provision of shared communal garden, amenity space, associated hard and soft landscaping, cycle parking and bin storage.

Background Papers This is Background Papers List:

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

Designations PTAL 3 and 4  
Air Quality Management Area

## 1 SUMMARY

- 1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before Committee for a decision on the request of a local Ward Councillor and due to the submission of eight objections from local residents.

## 2 SITE AND CONTEXT

### ***Site description and current use***

- 2 The application site is located on the north-western side of Eastdown Park. It is currently occupied by a part single-, part two-storey industrial building that was used for the preparation of food and other ancillary activities (Use Class B2). However, the site is now vacant. The building covers the majority of the site providing approximately 1,494sqm of internal floor space at ground and first floor level.
- 3 The building is constructed of red bricks with a pitched roof and metal windows. The two storey section of the building is situated at the front of the site with the single storey located at the rear. To the front of the building is an area of forecourt with vehicular

access and dropped kerbs. The building is separated from the neighbouring buildings to the north on Eastdown Park by the service yard to the side of the building.

**Figure 1. Proposed Site Location Plan**



#### **Character of area**

- 4 The surrounding area is predominantly residential with Victorian terraces of two/three storeys adjacent (to the north) and opposite (to the east) of the site on Eastdown Park. The existing building is also adjoined to the south by a regional electricity substation and rear gardens of Victorian terraces to the west on Wisteria Road. The properties on Wisteria Road sit higher than the application site owing to the topography of the land, which rises from east to west.

#### **Heritage/archaeology**

- 5 The site is not located within a Conservation Area, nor subject to an Article 4 direction. The buildings are not listed and neither are any of the buildings in the immediate vicinity.

#### **Surrounding area**

- 6 The nearest shopping parades are located on Lee High Road approximately 300m to the north and 600m to the south on Staplehurst Road, close to Hither Green Station. Lewisham Town Centre is located 800m to the west of the site.

#### **Transport**

- 7 The site has a PTAL of 3/4, where 1 is the lowest and 6a is the highest, and so is assessed to have a moderate to good level of public transport accessibility. The closest train station is Hither Green Station and Lewisham Train and DLR station is also within walking distance of the site. Lee High Road is served by several bus routes including night buses. The site is located within the Lewisham Central CPZ, which is in operation Monday to Saturday between 9am and 6:30pm.

### **3 RELEVANT PLANNING HISTORY**

- 8 DC/98/042607: The change of use of 34-40 Eastdown Park SE13 from Use Class B1 to food preparation and distribution (Use Class B2) together with the installation of extract ducting on the rear elevation - granted and implemented.
- 9 DC/99/044331: Change of use of first floor of 34-40 Eastdown Park SE13 from (Use Class B1) to (Use Class B2) ("Dim Sum" food factory) in conjunction with the ground floor "roast duck" factory - granted and implemented.
- 10 DC/01/049868/X: The construction of a two storey extension to the rear of 34-40 Eastdown Park SE13, together with the installation of roof lights to front and rear - granted and implemented.
- 11 DC/18/105760: The demolition of the existing buildings and the construction of a part 1, part 4 storey building with a basement at 34-40 Eastdown Park, SE13 to provide a 392sqm commercial unit (Use Class B1) with 21 flats above comprising of 8 x 1 bed, 8 x 2 bed and 5 x 3 bed – granted on 5 March 2019 but not implemented. This application remains extant.
- 12 DC/20/116854: The demolition of existing buildings and construction of a part 4, part 5 storey building at 34/40 Eastdown Park SE13 to provide a 72sqm commercial unit (Use Class B1) with 20 flats (17 x 1-bed and 3 x 2-bed) (Use Class C3), together with 3, two storey three bedroom houses (Use Class C3) and provision of shared communal garden, amenity space, associated hard and soft landscaping, cycle parking, bin storage and parking for two wheelchair cars – withdrawn.

### **4 CURRENT PLANNING APPLICATION**

#### **4.1 THE PROPOSALS**

- 13 The demolition of existing buildings and construction of a part 4, part 5 storey building to provide 18 one bedroom flats together with three, two storey three bedroom houses and a shared communal garden between.
- 14 The flatted building would be located at the front of the site. The building would be four storeys to the front elevation, stepping up to five storeys at the rear. The building would feature facing brickwork with metal framed windows and metal rainwater goods all in warm red/orange tones. Both side elevations (north and south) of the building would accommodate concrete staircase structures providing two points of access. A lift would be provided within the northern structure. The flats would be arranged either side of a central corridors that connect the staircases, facing east or west with concrete balconies. Each flat would feature private amenity space, wither in the form of a balcony or a garden at ground floor level. 16 of the flats would be split level duplex units with two wheelchair accessible units located at ground floor level arranged over one level.
- 15 The three houses would be located at the rear of the site adjacent with the rear boundary of the site. The houses would be clad in dark coloured metal with timber windows and doors and flat roofs. The houses would also feature lightweight part-glazed part-metal sections with a roof terrace at second floor level. Amenity spaces would also be provided at ground floor level including small rear courtyards and front gardens.
- 16 The front building and rear houses would be separated by a communal garden in the centre of the site featuring benches, children's playspace, a greenhouse, allotment beds, fruit trees and informal landscaping. The front forecourt of the site would also be

landscaped and would include four trees as well as other areas of planting. Refuse storage for the development would be provided adjacent to the northern side elevation set back 3m from the front façade. Cycle storage would be provided within the communal garden adjacent to the northern boundary. The facilities would include a store for 33 long stay spaces as well as two Sheffield stands for short stay.

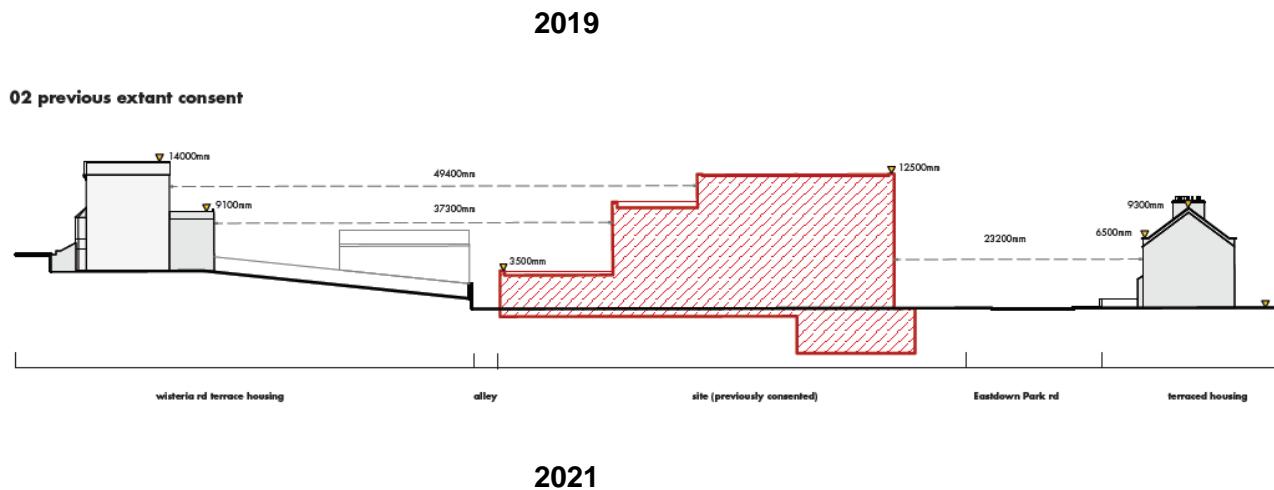
## 4.2 COMPARISON WITH PREVIOUS SCHEME

17 The proposed development follows a scheme previously granted on the site in 2019 (ref DC/18/105760). The previous planning permission is still extant but was proposed by a different applicant and the site has subsequently changed ownership. The application proposal would provide 21 residential units, which matches the extant permission. However, there are a number of key differences between the proposals, which would include:

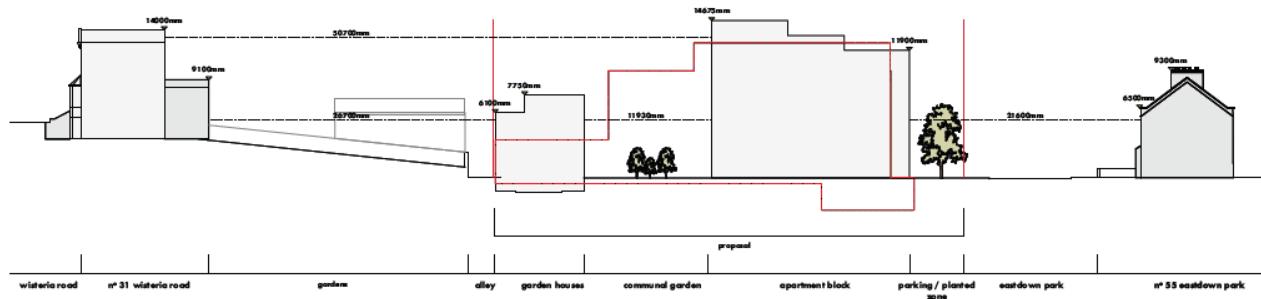
- A change to the massing and site layout so that the proposed building is higher than the 2019 scheme at the front and the rear of the site but with a reduced site coverage.
- Removing the commercial unit and the basement level that accommodated a large proportion of the commercial floorspace for the 2019 scheme.
- A change to the dwelling mix from eight x 1-bedroom, eight x 2-bedroom and three x 3-bedroom flats to 18 x 1-bedroom flats and three x 3-bedroom houses.

18 The following site sections taken from pages 25 and 26 of the Design and Access Statement (Shedkm, December 2020) illustrate the changes to the site layout and massing.

**Figure 2. Site sections for the 2019 scheme and the application scheme.**



### 03 previous extent consent overlay + new proposals



## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

19 This section outlines the consultation carried out by the applicant prior to submission. A comprehensive overview of the pre-application consultation is contained at Section 5 (p. 39-45) of the Design and Access Statement (Shedkm, December 2020). The pre-application consultation comprised flyers and a feedback form, two virtual meetings and a meeting held on the forecourt of the application site. The consultation took place between April and July 2020.

### 5.2 APPLICATION PUBLICITY

20 Site notices were displayed and press notice published on 27 January 2021. Letters were also sent to residents and business in the surrounding area as well as to the relevant Ward Councillors and the Lee Neighbourhood Forum on 18 January 2021.

21 Eight number responses were received in response, comprising eight objections.

#### 5.2.1 Comments in objection

Comment	Para where addressed
Loss of commercial floorspace	50-57
Overdevelopment	62-64
Affordable housing contribution and viability	69-75
Height and overbearing visual impact	122-124
Design – elevational treatments	125-128
Design – not contextual	125-126
Increase in traffic	137
Increase to parking stress	149
Loss of privacy	164-167
Loss of light	172-176
Noise and disturbance	181-182
Light pollution	183

Failure to achieve zero carbon	189-193
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22 Cllr Rathbone requested that the application be determined at a planning committee due to the scale of the proposed development relative to other development in the Lee Green Ward.

### **5.3 INTERNAL CONSULTATION**

23 The following internal consultees were notified on 18 January 2021.

24 Urban Design: did not submit comments for the proposal.

25 Highways: raised no objection subject to the conditions set out in the Transport Section (paras 132-154) of this report. Recommended that the parking spaces initially proposed at the front of the site be removed due to potential conflict with pedestrians, which was agreed by the applicant. Also identified several potential improvements to the local pedestrian environment to be secured by legal agreement.

26 Environmental Protection: raised no objections subject to the following:

- Air quality – conditions recommended for a Dust Management Plan, Non Road Mobile Machinery (NRMM) and Ultra-Low NOx Gas fired boilers. See para 232 for further details.
- Land contamination – requested further details relating, which were provided by the applicant. See paras 222-224 or further details.
- Construction – identified several limitations with the Construction Management and Logistics Plan (CMP). These have been forwarded to the applicant and it was agreed that an amended CMP would be secured by condition. See para 153 & 232 for further details.

27 Strategic Housing: objected to the scheme due to the lack of an affordable housing contribution. See para 73 for further details.

28 Flood Risk Team – raised no objection subject to a condition securing the final details of the SuDs strategy. See para 200 for further details.

29 Sustainability Team – raised no objection to the proposed energy strategy. See paras 189-193 for further details.

### **5.4 EXTERNAL CONSULTATION**

30 The following External Consultees were notified on 18 January 2021:

31 London Fire Brigade: raised no objections subject to confirmation that there is adequate water supply for fire fighting purposes.

32 Thames Water: requested a condition preventing piling without the submission of Piling Method Statement and also requested informatics relating to groundwater and drainage. See Condition 7 and the Informatics for details.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

33 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**

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

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

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

37 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**

38 Lewisham SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

39 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

## 7 PLANNING CONSIDERATIONS

40 The main issues are:

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

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

41 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

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

43 The London Plan (LPP) 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*

44 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.

45 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.

- 46 Core Strategy Policy 5 states that the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
- 47 DMP 11.4 states that applications for redevelopment for change to other business uses suitable for a residential area will be approved where:
- a. the site has become vacant for an appropriate length of time and evidence is provided that it is no longer suitable and viable for its existing or an alternative business use by reason of access difficulties or environmental incompatibility, and
  - b. that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.
- 48 DMP 11.6 also imposes a requirement for all sites that a contribution will be sought for training and/or local employment schemes where there is loss of local employment as a result of redevelopment or change of use.

*Discussion*

- 49 In terms of housing, the scheme would contribute 21 additional residential units to both overall housing targets and the small sites target established by LPP HC2. Furthermore, the development includes three 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 and are attributed weight within the overall planning balance.
- 50 The proposed development would result in the loss of the employment use on the site and unlike the scheme approved in 2019 no employment floor place is proposed as part of the scheme. A Commercial Feasibility Report (CFR) prepared by Pedder dated October 2020, has been submitted with the application and provides a viability assessment for commercial uses at the site taking into account the existing building, the commercial floorspace proposed by the consented scheme and the marketing evidence for the site and surrounding area.
- 51 For the existing building, the CFR demonstrates that the cost of refurbishing the building would be £1.7m due to the cost of reversing the bespoke fit out relating to its previous use as a food factory. As such, refurbishing the building would not be viable based on estimated rental income of £180,000 per annum. The CFR also casts doubt on the viability of the commercial floor space provided as part of the 2019 scheme. The CFR calculates that the cost of providing the B1 floorspace (£825,000) would exceed the estimated capital value of the space (£570,000). This is mainly due to the cost of providing the basement level. Therefore, Officers accept that the cost of providing the commercial floor space would render it unviable.
- 52 The marketing for the site took place prior to the submission of application DC/18/105760, which was granted in March 2019, and no further marketing has taken place. The marketing including listing by Latin Quarter marketed the site in 2014. John Payne Commercial then marketed the site from October 2015 until 14<sup>th</sup> June 2017 and finally Kalmars listed the property from 26<sup>th</sup> October 2017 until the beginning of April 2018. The marketing evidence for the property shows that the site did not attract any commercial offers principally due to the cost of converting the building to modern

standards. This was accepted for the 2019 application and Officers have no reason to depart from this assessment. The CFR also includes an updated assessment for marketing and transactional details for office floor space within 1.5m radius undertaken for the period between October 2018 and October 2020. The assessment concludes that there is an oversupply of industrial and office stock in the area and that the market is for purpose built units.

- 53 Therefore, Officers consider that the marketing and viability evidence supports the conclusion that site cannot accommodate a commercial or employment use and thus satisfies the criteria of DMP11.4.
- 54 DMP 11.6 identifies that contributions to training and/or local employment schemes will be sought on all sites where there is loss of local employment as a result of change of use. The approach to calculating the associated financial requirement is set out within Section 3.4 of the Planning Obligations SPD. The HCA Employment Density Guide 2015 is used to calculate the job density of the former use of the premises, and then multiplied by the required contribution per job (£10,000 base contribution, which needs to be uplifted according to BCIS indexation).
- 55 The BCIS index for the current quarter (346 for Q1 2021) is divided by the Index Value for the date of the SPD adoption (270 for Q1 2015). The employment density for B2 uses as per the HCA Density Matrix is therefore 1 FTE job per 36sqm, which equates to 41.5 FTE jobs based on the 1,494sqm of existing floor space. Therefore, in total a contribution of £513,781 would be required, full calculations below:
- $(346 / 270) \times £10,000 = £12,814 \text{ per job}$
  - $1494 / 36 = 41.5 \text{ FTE jobs}$
  - $41.5 \times 12,814 = £513,781$
- 56 The applicant has submitted a Financial Viability Assessment (FVA) prepared by ULL Property dated February 2021. The FVA concludes that the scheme would be in deficit by £973,610. This has been independently reviewed by Carter Jonas. Carter Jonas have identified that the deficit has been overstated (-£765,609) but do not dispute that the scheme would be in deficit. Officers therefore accept it would not be viable to pay the employment floor space contribution calculated above.
- 57 In regard to local labour, the applicant has agreed to pay a contribution to training schemes of £11,130 (£530 x 21 dwellings), calculated from the Employment Density Guide - 3rd Edition (November 2015). This shall be secured within the legal agreement and is consistent with the contribution secured for the 2019 scheme.

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

- 58 The loss of employment floorspace has been justified by the viability and marketing evidence submitted by the applicant. Officers accept that it is not viable for the scheme to comply with the requirements of DMP 11(6). The provisions of 21 residential units, including three family houses, would contribute to local housing target and as such would carry weight within the overall planning balance.

## **7.2 HOUSING**

- 59 This section covers: (i) housing density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

## **7.2.1 Housing density**

### *Policy*

- 60 National and regional policy promotes the most efficient use of land.
- 61 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*

- 62 Table 1 below sets out the measures of density criteria required by the supporting text to LPP 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	
Units	21	161.54
Habitable rooms	51	392.31
Bedrooms	27	207.69
Bedspaces	51	392.31

- 63 Table 1 demonstrates that the density of the development is relatively low for all measures and lower than the density approved for the 2019 given that the dwelling mix no longer includes two bedroom units. 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 density of the development is considered appropriate given the good PTAL of the area and proximity to amenities on Lee High Road and within Lewisham Town Centre.

### *Summary*

- 64 The proposed density is considered proportionate and appropriate for the site.

## **7.2.2 Affordable housing**

### *Policy*

- 65 The NPPF expects LPAs to specify the type of affordable housing required (para 62).
- 66 LPPs H5 and H6, CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.
- 67 LPP H5 supported by the Affordable Housing SPG, states that proposals will not need to be supported by viability information where they: (i) deliver at least 35% affordable housing on-site without public subsidy; (ii) are consistent with the relevant tenure split; and (iii) have sought to increase the level about 35% by accessing grant (GLA, 2017, p17). There are several conditions where proposals may not benefit from this 'Fast Track Route'.

68 LPP H5 increases the threshold for the Fast Track Route to 50% for public sector land and designated and non-designated industrial and employment land as set out in LPP E7.

*Discussion*

- 69 LPP H5 sets out the approach boroughs should take with applications such as this which fail to achieve the affordable housing target in LPP H4 and therefore follow the Viability Tested Route. Accordingly, the applicant has submitted a Financial Viability Assessment (FVA) prepared by ULL Property dated February 2021. The FVA concludes that the scheme would be in deficit by £973,610. This has been independently reviewed by Carter Jonas. As noted above, Carter Jonas have identified that the deficit has been overstated but do not dispute that the scheme would be in deficit. This deficit is calculated at £765,609, resulting from the cost plan, which Carter Jonas identify has been overstated in the FVA. This includes estimated reductions to the build cost and to the financial costs. Carter Jonas therefore calculate the residual land value to be £984,391 rather than £776,390, which reduces the estimated deficit.
- 70 In regard to land value, the FVA has adopted an Existing Use Value (EVA) of £1,750,000 which forms the Benchmark Land Value for the viability modelling. Carter Jonas have reviewed the methodology for calculating the EVA and have accepted that the £1,750,000 figure is appropriate.
- 71 Bases on the above, Carter Jonas accept that the scheme could not viably support an affordable housing contribution.
- 72 During the course of the application further work undertaken to improve the sustainability credentials of the scheme resulted in cost saving in terms of the carbon offset required of £16,298. In addition, the local labour contribution was initially calculated based on the provision of 23 units resulting in a saving of £1060. The applicant has agreed for the combined £17,358 to be secured as cash in-lieu contribution for affordable housing to be paid to the Council via a legal agreement. This approach is similar to the 2019 application for which a contribution of £30,000 was secured in-lieu of affordable housing.
- 73 The Strategic Housing Team have objected to the failure to provide an affordable housing contribution as initially proposed and recommend a re-design to find more efficient and affordable materials, layouts and design choices to then be able to achieve some affordable home contribution. Officers consider the proposed affordable housing contribution goes someway to complying with this request and have not pursued substantial redesign given that a cash in-lieu contribution was accepted for the 2019 scheme. Furthermore, the review of the FVA by Carter Jonas' did not identify that the scheme is inefficient or that the design would be unusually expensive.
- 74 LPP H5 (F) sets out that viability tested schemes will be subject to: a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough); b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough); and c) Mid Term Reviews prior to implementation of phases for larger phased schemes.
- 75 This is not a larger phased scheme so only the Early and Late Stage viability reviews are required. This would be secured by a Planning Obligation.

*Summary*

- 76 The financial viability evidence demonstrates that the scheme cannot viably support a significant contribution to affordable housing. As such, the proposed development is considered to be compliant with the principles of LPPs H5 and H6, CSP1 and DMP7

subject to Planning Obligations to secure a financial contribution towards off-site provision and Early and Late Stage Viability Reviews.

### **7.2.3 Dwelling Size Mix**

#### *Policy*

- 77 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 78 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 79 LPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 80 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments. Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.

#### *Discussion*

- 81 The proposed development would provide three three-bedroom homes, which equates to 14% of the overall total. There is no policy guidance on the overall percentage of family accommodation required within major development. However, 14% in keeping within the amount secured by the 2019 scheme. The provision of exclusively one-bedroom units within the flatted block is supported given the proximity to Lewisham Town Centre and the good PTAL rating.

### **7.2.4 Residential Quality**

#### *General Policy*

- 82 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;).
- 83 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.
- 84 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

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

#### *Policy*

- 85 DMP 32 states that the standards in the London Plan and Technical Housing Standards – Nationally Described Space Standard (NDSS) will be used to assess whether new housing development provides an appropriate level of residential quality and amenity.

This will involve an assessment of whether the proposals provide accommodation that meets the criteria relating to minimum space standards, floor to ceiling heights and storage space.

- 86 LPP D6 and the NDSS require that all double bedrooms are have a minimum area of 11.5sqm and single bedroom 7.5m. The standard with respect one-bedroom two-person units arranged over two storeys is 58sqm and for three-bedroom five-person units on two storeys is 93sqm.

*Discussion*

- 87 The table below sets out proposed dwelling sizes.

**Table 2: Internal space standards – proposed**

Dwelling Type	Layout	No. of units	Levels	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>
Garden House	3b/5p	3	2 Storey	112	11.5	8.5	11.5	21
Duplex Flat 1a	1b/2p	4	Ground & first floors	60	12.5	N/A	N/A	6
Duplex Flat 1b	1b/2p	12	First floor and above	60	13	N/A	N/A	5
Wheelchair adaptable units	1b/2p	2	Ground floor	58	13.8	N/A	N/A	10

- 88 All of the proposed residential accommodation would meet or exceed the policy requirements in terms of overall GIA and the size of bedrooms. The floor to ceiling heights and the provision of storage also meet the requirements and therefore the development would provide residential accommodation with internal space standards that would comply with DMP 32 and LPP D6.

***Outlook & Privacy***

*Policy*

- 89 Emerging LPP D6 requires development to achieve ‘appropriate outlook, privacy and amenity’
- 90 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

*Discussion*

- 91 All of the proposed residential accommodation, including the majority of the habitable rooms, would be provided with windows with good levels of outlook either towards the east looking out over Eastdown Park or to the west within the site over the communal garden. The single bedrooms in the three houses have outlook towards the north over the small rear courtyards onto a blank wall approximately 3m away. This constrained outlook is considered acceptable in this case given that the outlook is otherwise good across the whole development, including all main living spaces, and only amounts to a modest percentage of the overall number of habitable rooms.

- 92 In privacy terms, the separation distance of 11m between the garden houses and the front building is considered sufficient mitigation against intrusive overlooking. Furthermore, the landscaping features, including trees, within the communal garden are likely to provide screening at ground and first floor level. The 21m distance between the front elevation of the front block and the properties opposite replicates the existing relationship between directly facing properties on Eastdown Park and is therefore acceptable.
- 93 At ground floor level, all of the flats and the houses would be provided with defensible spaces adjacent to the windows, with planters provided as screening. This is supported and details of the planting would be secured as part of the condition for soft landscaping.

### ***Overheating***

#### *Policy*

- 94 LPP D6 states that housing development should be designed to achieve adequate levels of ventilation.
- 95 LPP SI 4 states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating.

#### *Discussion*

- 96 An overheating assessment has been provided at Section 11 of the Energy Strategy (Desco, December 2020). All of the proposed residential accommodation would be dual aspect with openable windows to provide levels of passive ventilation. The Energy Strategy demonstrates that this would provide some mitigation against overheating, and has been modelled to be effective against the DSY1 weather file. However, when modelled again the DSY2 and DSY3 weather files the Energy Strategy concludes that the majority of the bedrooms would fail. For that reason, a condition is recommended to secure a further report and the intended mitigation measures.

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

#### *Policy*

- 97 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.
- 98 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 99 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

#### *Discussion*

- 100 A Daylight and Sunlight Report (Right of Light Consulting, November 2020) has been submitted with the application. The report provides an analysis of the internal levels of sunlight and daylight for the residential accommodation and the overshadowing of external amenity spaces against the relevant BRE standards. The report concludes that the proposed development would exceed BRE standards for daylight and sunlight to windows and overshadowing of amenity spaces.
- 101 Therefore, the proposed development is considered to provide acceptable levels of sunlight and daylight in accordance with the principles of LPP D6 and DMP 32.

## ***Noise & Disturbance***

### *Policy*

- 102 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 noise pollution. Development should help to improve local environmental conditions. Paragraph 180 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
- 103 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

### *Discussion*

- 104 A Noise Impact Assessment (Apex Acoustics, November 2020) has been submitted with the application, which provides an analysis of the external noise environment. The NIA demonstrates that the buildings would provide effective mitigation against external noise levels, with the windows closed, and that noise levels for the external amenity spaces are within acceptable levels.

## ***Accessibility and inclusivity***

### *Policy*

- 105 LPP D7 requires that 10% of residential units to be designed to Building Regulation standard M4(3) ‘wheelchair user dwellings’, i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

### *Discussion*

- 106 The four one bedroom two person units would be designed to meet Building Regulation Standard M4(3) equating to 9.5% of the residential units. This would meet the requirements of LPP D7 and as such is acceptable.

## ***External space standards***

### *Policy*

- 107 The London Plan recognises the importance of private open space. For that reason, all new development should have private external amenity space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. LPP D6 supports this requirement. The amenity space should also have a minimum depth and width of 1.5m. This is supported by LPP D6.

### *Discussion*

- 108 The proposed residential accommodation would either meet or exceed the requirements of LPP D6 and the Housing SPG in terms of the area of the private external amenity space provided. However, the balconies for the duplex units, at 1.2m wide, and the ground floor amenity spaces, at 1m deep, would fall short of the minimum 1.5m requirements. Officers consider that this amounts to a modest transgression and is

adequately compensated by the otherwise good standard of accommodation and the provision of large communal garden in the centre of the development.

#### ***Children's play space***

##### *Policy*

- 109 LPP 3.6 states housing proposals should make provision for play and informal recreation.
- 110 The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child.

##### *Discussion*

- 111 The proposed development includes the provision of a communal garden featuring children's play space. The garden would measures more than 300sqm in total and as such the provision of children's play space is likely to exceed the requirements of the SPG subject to final details of the landscaping and layout to be secured by condition.

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

- 112 The proposal would meet the requirements of LPP D6 and DMP 32, subject to conditions securing a landscaping scheme and further overheating analysis. As such the proposed standard of accommodation is considered acceptable. This is a planning merit, which carries weight within the overall planning balance.

### **7.2.5 Housing conclusion**

- 113 The proposal would make a positive contribution to the Borough's housing targets in a sustainable urban location, making the most efficient use of land and optimising density. The provision of a payment in-lieu of a contribution to affordable housing has been justified in policy terms and maintains the approach approved for the extant permission on the site granted in 2019.

## **7.3 URBAN DESIGN**

##### *General Policy*

- 114 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

##### *Policy*

- 115 London Plan (Policy D3) and Core Strategy (Policy 15) 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.
- 116 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.
- 117 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.
- 118 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.

*Discussion*

- 119 The industrial appearance of the existing building contrasts with the prevailing typology of Victorian terraces that dominate much of Eastdown Park. It would have been a good quality example of small-scale inter-war industrial architecture but it has been unsympathetically altered over the years, for instance with replacement uPVC windows, and is not considered to have any heritage value or particular architectural significance. As an outlier in an otherwise largely Victorian-era residential area, the building is not of significance in townscape terms. As such its demolition and replacement is not objectionable.
- 120 The proposed development would seek to infill the gap on the site that would result from the demolition of the existing building located between 32 Eastdown Park, the rear gardens of the Wisteria Road terraced properties (nos. 25 - 35) and the electrical substation located on the corner of Eastdown Park and Dermody Road. As such, it would constitute an 'infill site' as defined by DMP 33.
- 121 The proposed buildings are considered to be an appropriate quantum of development for this site and do not dominate in terms of site coverage: the gap between the front building and rear houses replicates the historic pattern of development, which is for large front houses with gardens at the rear and lower buildings at the ends of gardens.
- 122 The building is proposed at four storeys to the front and five to rear, increasing the scale of development on the site. The proposed height would also represent an increase compared to the buildings in the immediate surrounding context, which are three storeys plus lower ground / basement. The flat roof and split level design of the residential accommodation mean that even at five storeys the building would only project approximately 3m above the ridge level of the adjacent terrace to the north, due to the pitched roof form of the terrace which adds a storey to the height.
- 123 The fifth storey of the building is set back from the front of the building, which is four storeys to the front. The stepping of the height assists in reducing the visual impact of the additional height to the streetscene. It is also noted that the front elevation of the building would be lower than the building granted planning permission in 2019. Officers consider that the site is unique within the surrounding townscape given that it stands alone from the Victorian terraces and is sited towards a corner plot at the junction with Dermody Road. Therefore, the increase in height is justified in townscape terms.

- 124 As such, it is considered that the new four storey building successfully integrates into the surrounding urban grain and would create a positive relationship with the existing streetscene, despite the increase in height. Officers have also given weight to the precedent set by the extant permission granted in 2019.
- 125 The recessed sections of the front façade would respect the existing building line along Eastdown Park, with the projecting sections referencing the bays of the Victorian terraces. The front balconies would not respect the front building lines and projects forward significantly. This is considered acceptable given that the balconies represent a modest proportion of the massing.
- 126 The design approach does not seek to replicate the Victorian architecture that typifies the majority of Eastdown Park, with the contemporary design considered appropriate for the site and scale of the building proposed. However, the proposed red brick does provide a contextual element, which would reference not just the colour of the existing building but also the terraces directly opposite that feature red bricks at ground floor level and within many of the boundary walls.
- 127 The proposed aluminium framed windows and doors would be in keeping with the modern design intent of the new building. Detailed sections of the windows and a door schedule would be secured as part of the aforementioned materials condition. The use of PPC steel for the rainwater pipes and balustrades on the balconies is supported.
- 128 The proposed concrete balconies and stair structures to the side would assist in breaking up the massing and adding contrast and visual interest to the building, which would otherwise appear monotone due to the matching tones of the bricks, fenestration and rainwater goods.
- 129 The garden houses would not be visible from public viewpoints and therefore a non-contextual design is supported. Officers consider the metal cladding to be a high quality material and appropriate for a contemporary building within a backland setting. The use of glazing and lighter coloured metal panels for the northern section of each house helps to break up the massing and acts to visually separate each property.
- 130 The front landscaping would soften the appearance of the site and would provide a frontage more in keeping with the residential character of the area than the existing concrete hardstanding. Officers consider the planting and provision of trees to be an enhancement and would be secured as part of the soft landscaping condition.

### **7.3.1 Urban design conclusion**

- 131 Overall, Officers are satisfied that the proposed building would represent a high quality and contextual addition to the area that responds positively to the surrounding townscape. Therefore, the proposed development is considered compliant with the relevant national, regional and local urban design policies

## **7.4 TRANSPORT IMPACT**

### *General policy*

- 132 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.

- 133 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”.
- 134 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.
- 135 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

#### **7.4.1 Local Transport Network**

##### *Policy*

- 136 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*

- 137 The application site is located within a sustainable location with a good level of public transport accessibility (PTAL 3/4) due to its proximity to Hither Green Train Station, and the bus routes serving Lee High Road. As such, Officers are satisfied that 21 additional residential units could be comfortably accommodated within the local transport network. It should also be noted that the 21 residential unit was considered acceptable in transport terms for the extant 2019 scheme.

#### **7.4.2 Healthy Streets**

##### *Policy*

- 138 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*

- 139 No assessment has been provided in relation to the Healthy Streets Indicators contrary to LPP T2. This would generally not be supported, however, Highways Officers have undertaken an assessment of the local pedestrian environment and identified obvious improvements to the pedestrian experience and disabled access within the immediate vicinity, commensurate with the scale of development proposed. The improvements would comprise:

- reinstatement works to the site frontage, including the removal of the vehicle crossovers and dropped kerbs.
- the provision of dropped kerbs and tactile paving at the Dermody Road / Leahurst Road / Eastdown Park junction;
- the provision of dropped kerbs and tactile paving at the Gilmore Road /Eastdown Park junction.

- 140 The applicant has agreed to the proposed highways work and will enter into a S278 Agreement with the Highway Authority to secure these works.

#### **7.4.3 Servicing and refuse**

##### *Policy*

- 141 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 142 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.
- 143 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*

- 144 The residential accommodation would be provided with refuse facilities adjacent to the northern side elevation set back from the front façade by 3m. The store would accommodate four 1100ltr Eurobins, which would meet the refuse and recycling requirements for the development. The store would also be within 10m of the kerb in accordance with council guidance and therefore the refuse strategy is considered acceptable. A condition is recommended securing details of the management of the facilities, the appearance of the store and ensuring the provision prior to the occupation of the development.
- 145 A Delivery and Servicing Plan was submitted with the application and proposes that the development would be serviced from the single yellow line adjacent to the front of the site. The highways department have expressed concern that this arrangement could potentially cause obstructions to the road. However, the proposed strategy maintains the existing arrangement for Eastdown Park and was also accepted for the extant 2019 scheme. As such, Officers are satisfied that the proposed servicing strategy would not result in any significant additional impacts.

#### **7.4.4 Transport modes**

##### *Cycling*

##### *Policy*

- 146 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. LPP T5 also requires that cycle parking would meet the London Cycling Design Standards.

##### *Discussion*

- 147 A minimum of 35 cycle parking spaces would be provided comprising 33 long stay within a store in the communal garden and 2 short stay cycle Sheffield Stands, also within the communal garden. This provision would accord with Table 10.2 of the London Plan based on the provision of 2 spaces per three-bedroom house and 1.5 spaces per one-bedroom flat. The provision of cycle parking is therefore considered acceptable subject to a condition securing the design of the store and provision prior to the occupation of the development.

## **Cars parking**

### *Policy*

- 148 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*

- 149 The site is located within an area with a PTAL 4 and parking is restricted by the Lewisham CPZ. No off-street parking is proposed. As such, the provision of a car-free scheme is supported by policy and has been recommended by Highways Officers. This would be secured by legal agreement, which would exclude future occupants of the residential units (excluding blue badge holders) from obtaining CPZ permits.
- 150 The proposal as initially submitted included the provision of two disabled bays on the front forecourt. This was considered unacceptable due to the potential conflict with pedestrians arising from use of the footway and vehicles entering and egressing the parking spaces. The parking spaces have now been omitted from the proposal and disable parking would be accommodated within the CPZ given that blue badge holders would not be excluded from permits by the legal agreement.
- 151 As an alternative to private car ownership, the applicant should provide details of a Car Club Strategy for the site. The strategy should include details of car club membership for all residents for 3 years and include a review of the capacity of existing car club infrastructure in the vicinity of the site to determine if there is sufficient vehicle provision to accommodate the demand generated by the development. The Car Club Strategy should be secured by condition.

## **7.4.5 Construction**

### *Policy*

- 152 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 development in accordance with TfL guidance.

### *Discussion*

- 153 A Construction Management and Logistics Plan (YES Engineering Group Ltd, December 2020) was submitted with the application. The logistics plan is generally acceptable but lacks a number of details including details of access, parking, loading and swept path analysis. These details will be secured within a comprehensive logistics plan to be secured as part of a Construction Management Plan (CMP) condition to be submitted and approved prior to the commencement of the development.

## **7.4.6 Transport impact conclusion**

- 154 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**

### *General Policy*

- 155 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. 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.
- 156 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).
- 157 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 pollution.

### **7.5.1 Enclosure and Outlook**

#### *Policy*

- 158 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of outlook for its neighbours.

#### *Discussion*

- 159 The proposed development would introduce a scale of development that is clearly greater than the existing two storey building and would therefore have an impact on outlook for a number of the neighbouring properties. However, a change in outlook does not necessarily imply that the impact would be unacceptable or oppressive.
- 160 The properties to the east on the opposite side of Eastdown Park (Nos 45-57) would be located approximately 21m from the front façade of the proposed building. This distance is considered sufficient to prevent any adverse impacts and would be similar to the impact judged to be acceptable for the 2019 scheme.
- 161 The impact from the frontage building to the properties at the rear on Wisteria Road (Nos 25-35) is also considered acceptable given the separation distance of approximately 50m. The rear houses are located significantly closer at 26m. This is similar to the relationship to the existing building, which is also built up to the rear boundary. However, the houses are higher than the existing building at 2.5 storeys compared to 1.5 storeys. The impact of the houses to Nos 25-35 is reduced by the changes in ground levels, which rises towards Wisteria Road. Officers therefore consider this impact to be acceptable, taking into account the ground levels, depth of the rear gardens and 2.5m gap between the rear boundaries.
- 162 To the north the site adjoins No.32 Eastdown Park. The front building would project approximately 3m beyond the rear building line of No.32, and the adjoining terrace, and would be set in from the boundary by 3.5m. The set in from the boundary is considered to be sufficient to prevent an overbearing impact. Officers also consider that the site layout, with the houses aligned to the rear boundary and 11m gap between, would provide significant relief from oppressive enclosure, maintaining views across the site and the open aspect across the rear gardens.

## **7.5.2 Privacy**

### *Policy*

- 163 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy 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.

### *Discussion*

- 164 The proposed development would introduce balconies and windows to Eastdown Park frontage. It is entirely typical to have directly facing front elevation windows and this reflects the relationship that exists between facing properties further north on Eastdown Park. Front balconies are an alien addition to Eastdown Park. However, the 20m distance between the balconies and the properties opposite would help ensure that the balconies would not be overly intrusive. The height of the balconies, which at second floor level would be above the level of the windows opposite, would also prevent direct views. As such, the proposed development is not considered to introduce a material loss of privacy at Nos 45-57 Eastdown Park.
- 165 The front building would be located approximately 50m from the rear elevations of the properties to the rear on Wisteria Road (Nos 25-35), which is significantly above the minimum separation distance recommended by DMP 32. The rear windows and balconies are likely to introduce views to the rear gardens of Nos 25-35. These views are no considered to be intrusive given the distance to the gardens. Furthermore, views from upper floor positions towards adjoining rear gardens are an established part urban residential typologies, such as this.
- 166 The rear houses are located significantly closer to the rear boundaries on Wisteria Road. The houses have been designed to minimise overlooking to the rear with upper floor rear windows restricted to bathrooms, which would be obscure glazed. The roof terraces at second floor level would feature screening that would prevent views to the rear and to the north towards No.32 Eastdown Park. Conditions are recommended securing the specification for the glazing for the rear windows and the screening for the roof terraces. The condition for the screening details would also secure details for the rear balconies to ensure that the privacy of the adjoining terrace to the North is protected.
- 167 The northern staircase enclosure has an open design that would allow views towards the rear gardens of the terrace to the north on Eastdown Park. These views would be from oblique angles, given that the staircase is set back from the rear building line. Furthermore, the staircase would be a transient space in which views are likely to brief. Therefore, this impact is considered acceptable.

## **7.5.3 Daylight and Sunlight**

### *Policy*

- 168 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of sunlight and daylight for its neighbours.
- 169 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 170 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance

relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

171 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).

#### *Discussion*

172 The application is accompanied by a Daylight and Sunlight Report (Right of Light Consulting, November 2020). The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:

- 30 – 32 (evens) Eastdown Park - north
- 45 – 857 (odds) Eastown Park - east
- 29 Dermody Road – south
- 25 - 35 Wisteria Road - west

173 The report concludes that the impact to sunlight and daylight level at the majority of the windows would be within the acceptable limits as set out in the BRE guidance. However, the report does identify one transgression beyond BRE standards for a lower ground floor window at 32 Eastdown Park (Window 32). The report finds that the windows fails the Annual Probable Sunlight Hours test but that this is largely due to a staircase and platform that overhangs the window.. The BRE guide states that where a window has an overhang a larger relative reduction in Annual Probable Sunlight Hours may be unavoidable, as the building itself contributes to its poor daylighting. The guidance states that this should be demonstrate by modelling the window without the existing obstruction in place. The report shows that the Window 32 at 32 Eastdown Park surpasses the BRE criteria without this overhang in place.

174 In regard to the amenity spaces, the report finds that the impact to the majority of the gardens modelled would pass BRE standards with the exception of Nos 30 and 32. The report identifies that the gardens of Nos 30 and 32 have been subdivided with the transgression restricted to the gardens immediately adjacent to the rear elevations (identified as Gardens 1 and 3 in the report).. For Garden 1 the impact amounts to a 42% reduction in the area of garden receiving at least 2 hours of sunlight on 21<sup>st</sup> March (2.73sqm reduced to 1.57sqm). At Garden 3 the reduction would be 85% (8.43sqm reduced to 1.28sqm). The report also finds that the larger garden spaces to the rear of those gardens (identified as Gardens 2 and 4 in the report) would pass the sunlight test. BRE guidance recommends that the availability of sunlight should usually be checked for the main area of back garden of a house. Therefore, the transgression results from the subdivision of the garden and the modest space allocated to Gardens 1 and 3.

175 Based on the findings of the Daylight and Sunlight Report it is clear that the proposal would result in material impacts to Nos 30 and 32 Eastdown Park. However, Officers do not consider the level of harm to be unacceptable. It is important to note that the BRE standards are guidance rather than a rule and the NPPF and GLA are clear that Daylight and Sunlight impacts should be applied flexibly in suitable locations such as town centres where it is appropriate to optimise housing capacity and density. Officers

consider the application site to be suitable for intensification given the good PTAL and proximity to Lewisham Town Centre and Lee High Road.

176 Therefore, as matter of planning judgement, the planning harm identified at Nos 30 and 32 Eastdown Park, when balanced against the proposals other significant planning merits and the context of the site, is not considered a reason for refusal.

#### **7.5.4 Noise and disturbance**

##### *Policy*

177 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

178 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:

- a significant adverse effect is occurring or likely to occur;
- an adverse effect is occurring or likely to occur; and
- a good standard of amenity can be achieved.

179 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.

180 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

##### *Discussion*

181 No long-term impacts are likely to arise from the provision of a residential development within a residential area; a future residential use is likely to have less impact than a recommencement of a B2 industrial use on the site. However, there is considerable potential for short-term impacts during the construction phase of development. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a Construction Management Plan would be secured by condition in order to minimise the impacts of the development. A Condition would also be imposed limiting the time of works and deliveries relating to the construction phase.

182 Accordingly, Officers are satisfied that the proposed development would have an acceptable impact in terms of noise and disturbance.

#### **7.5.5 Light Pollution**

##### *Discussion*

183 Light pollution was raised as a concern within the objections to the scheme. An External Lighting Report (Desco, December 2020) has been submitted with the application, which

recommends a lighting scheme that would minimise light spill and prevent harmful impacts to the neighbouring residents and local biodiversity. Therefore, Officers are content that the scheme is not likely to result in adverse light pollution subject to a condition securing final details of the lighting scheme prior to the occupation of development.

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

- 184 The proposed development is considered to have a generally acceptable impact to the living conditions of the neighbouring properties, with some adverse impacts to levels of light. The adverse impacts have been weighed against the benefits of the proposal and as a matter of planning judgement are assessed to be acceptable

## **7.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

- 185 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.
- 186 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*

- 187 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.
- 188 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

#### *Discussion*

- 189 An Energy Strategy (Desco, December 2020) has been submitted with the application as required by LPP S12 and CSP 8. The report sets out the strategy to minimise emissions in accordance with the energy hierarchy established set out in the London Plan. This report details that the scheme will rely on a direct electric heating in order to achieve the 35% reduction in CO2 emissions targeted in their energy strategy. The London Plan does not generally support direct electric systems as para 9.12 makes clear:

*"Direct electric heating will not be accepted in the majority of cases as it will not provide any on-site carbon savings in line with the energy hierarchy and it is likely to result in higher energy bills. Direct electric systems are also not compatible with connection to district heating networks."*

- 190 The Energy Strategy has been reviewed by the Council's Sustainability Team, who have expressed concerns with the proposed direct electric system but have identified a number of mitigating factors that mean that the strategy can be supported in this

instance. The main factor prohibiting an alternative strategy is the location, which falls just outside the heat network opportunity area in Lewisham Town Centre/Lewisham Hospital. As such, future connection to the heat network is not an option

- 191 In addition, the applicant has confirmed that each residential unit will be fed by the PV array rather than the power generated within the development being sold to the grid. This would help overcome some of the reservations with direct electric systems set out in London Plan.
- 192 Therefore, the proposed strategy is considered appropriate for the scale of development. This would be subject to a condition requiring the submission of SAP data sheets or EPCs as evidence that the reduction in CO<sub>2</sub> can be achieved. Additionally, a payment of £37,232 will be required to off-set 358 tonnes of carbon (based on a cost per tonne of £104) to be secured as part of the legal agreement, with a top-up payment required in the event the amount of carbon to be offset increases during construction.

#### *Summary*

- 193 The proposal would meet the carbon reduction targets and would contribute towards sustainable development, subject to an obligation securing mitigating features.

### **7.6.2 Urban Greening**

#### *Policy*

- 194 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 195 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

#### *Discussion*

- 196 The proposed development would make a positive contribution to urban greening via increased planting within the soft landscaping scheme. This would apply to both the front forecourt and the 300sqm garden in the centre of the site. Indicative details for the soft landscaping have been provided and include trees, allotment beds and fruit trees, planters and informal areas. Additionally, living roof systems are proposed for the flat roof of the front building, at second floor level of the houses and on the cycle and refuse stores. As such, the proposal is considered a significant improvement compared to the existing site which is formed entirely of buildings and hard standing, and to the extant scheme, which devoted a far higher proportion of the plot to built form.
- 197 Overall, the proposal would make a positive contribution to urban greening and is considered acceptable subject to a condition securing the soft landscaping scheme.

### **7.6.3 Sustainable Urban Drainage**

#### *Policy*

- 198 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 199 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*

- 200 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 Management Report (Tisserin, March 2020 Rev F) was submitted. The Flood Risk Team has confirmed that the drainage strategy for the development is now acceptable and has requested that the drainage strategy be secured by condition.

#### **7.6.4 Sustainable Infrastructure Conclusion**

- 201 The recommended conditions are considered sufficient to prevent any unacceptable impacts in terms of sustainable development. As such, the development is considered to be compliant with the relevant national, regional and local policies.

### **7.7 NATURAL ENVIRONMENT**

#### *General Policy*

- 202 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 203 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 204 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*

- 205 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.
- 206 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.
- 207 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.
- 208 CSP 12 seeks to preserve or enhance local biodiversity.
- 209 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*

- 210 The application site is formed exclusively of built form and hardstanding and therefore biodiversity on the site is limited. A Preliminary Roost Assessment Survey (Arbtech,

June 2021) has been submitted with the application, which assessed the building for bird and bat roosts. The report concludes that the site has negligible potential to support any protected species and finds no evidence of bat roosts or nesting birds.

- 211 The Design and Access Statement includes details of the landscaping scheme at Section 8 (p80-84). The landscaping scheme includes the introduction of planting and trees to the front of the site in addition to the provision of 300sqm communal garden. The communal garden would have an informal area and an allotment area. The Design and Access Statement also proposes bird and bat boxes within the communal garden.
- 212 Given the condition of the existing site, it is considered that the proposal would meet the ecology and biodiversity policy objectives by delivering a net gain in biodiversity, subject to conditions securing the landscaping scheme and the provision of bird/bat boxes. This is a planning merit to which modest weight is attributed given the size of the site.

### **7.7.2 Trees**

#### *Policy*

- 213 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 214 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 215 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.
- 216 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 217 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*

- 218 The proposals would result in the loss of one tree to the northern boundary, which is not subject to a TPO. The tree removal is required due to a direct conflict with the footprint of the proposed development. The removal of the tree was accepted for the extant 2019 scheme and when weighed against the significant increase in planting proposed as part of current proposal its loss is not considered objectionable. It should also be noted that the landscaping scheme includes a proposal for four street trees to be planted on the front forecourt fronting the street with additional trees within the communal garden. Therefore, there would be a significant net increase in trees, which is welcomed by Officers. Details of their variety and maturity of the trees shall be secured by condition, along with a suitable maintenance plan including watering. The new trees would have substantial benefits in terms of air quality to mitigate against the loss of the existing tree.

### **7.7.3 Ground pollution**

#### *Policy*

- 219 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.
- 220 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.
- 221 DMP 28 reflect national policy and are relevant.

*Discussion*

- 222 The application is accompanied by a Geo-Environmental Investigation (Ground and Environmental Services Ltd, January 2020). The report has been reviewed by the Council's Environmental Protection Officer who requested additional information for the application in regard to PCB's, asbestos, sources of contamination in the building and CS2 measures. This was provided by the applicant and it was agreed that the Council's standard condition should be imposed
- 223 Additionally, the Thames Water have recommended conditions relating to piling and infiltration of surface water to prevent pollution to groundwater and aquifers
- 224 The proposal would meet the policy objectives for contaminated land, subject to a condition securing further reports. The proposed development is therefore not considered to result in material harm to any sensitive receptors, underground water, in terms of contamination.

#### **7.7.4 Air pollution**

*Policy*

- 225 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 226 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this and further guidance is given in the Mayor of London's Air Quality Strategy.
- 227 CSPs 7 and 9 reflect the national and regional guidance and are relevant.
- 228 DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

*Discussion*

- 229 The application is accompanied by a preliminary Air Quality Assessment (AQA), prepared by Air Quality Consultants, November 2020. This sets out the measures to be taken in respect of air quality and has been reviewed by the Council's Environmental Protection Officer (EPO).
- 230 The AQA submitted as part of this application revealed that air quality is not considered a constraint to planning consent for the proposed development. Pollutant emissions associated with anticipated traffic flow were compared to relevant benchmarks. This indicated building emissions from the proposals were below the benchmarks and as such, no further action will be required to tackle the excess development emissions. The proposed development is therefore considered as air quality neutral.
- 231 The proposed development would introduce sensitive receptors (the residential accommodation) to a site within an Air Quality Management Area. The assessment demonstrates that future residents and users of the development will experience acceptable air quality, with pollutant concentrations within acceptable levels.
- 232 The proposed development has the potential to cause air quality impacts during the construction and operational phases in addition to exposing future site users to elevated pollution levels. The EPO had recommended mitigation measures comprising conditions for a Dust Management Plan (DMP) and Non Road Mobile Machinery (NRMM).
- 233 The proposal would meet the air quality policy objectives, subject to conditions securing the mitigation measures for the construction phase detailed above. The Environmental Health Department have also requested a condition for to ensure that Ultra-Low NOx Gas Boilers would be installed. However, given that direct electric heating is proposed, the condition is not necessary.

### **7.7.5 Light pollution**

#### *Policy*

- 234 The NPPF at para 180 states limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### *Discussion*

- 235 The application has been accompanied by an External Lighting Report (Desco, December 2020), which provides lighting recommendations to ensure that light spill and the impact to biodiversity is minimised. Therefore, a condition is recommended securing the details of the lighting scheme, informed by report, prior to the occupation of the building.

### **7.7.6 Natural Environment conclusion**

- 236 In summary, Officers are satisfied that there would not be any significant adverse impacts to the natural environment. In addition, the proposal is likely to result in a net gain in biodiversity due to the additional soft landscaping and increased levels of planting that would be introduced within the site.

## **8 LOCAL FINANCE CONSIDERATIONS**

- 237 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).

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

239 The CIL is therefore a material consideration.

240 £90,396.90 Lewisham CIL and £ 59,726.52 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

241 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.

242 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.

243 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.

244 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>

245 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

- 246 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>
- 247 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**

- 248 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
- 249 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.
- 250 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.
- 251 This application has the legitimate aim of providing buildings with residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are considered to be unlawfully interfered with by this proposal.

## **11 LEGAL AGREEMENT**

- 252 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where

obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

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

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

254 The following are the draft Heads of Terms to which the applicant has agreed in writing:

### **Affordable Housing**

- Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted
- Late Stage Viability Review triggered when 75 per cent of the units in a scheme are sold or let

### **Financial Contribution**

- Affordable Housing
- Carbon Offsetting
- Local Labour

### **Car Free**

- Prevent future occupiers from access to residents parking permits for the local CPZ (*save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970*).

### **Highways Agreement**

- S278 agreement to undertake improvements to the pedestrian environment in the local area.

### **Monitoring and Costs**

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

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

## 12 CONCLUSION

- 256 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 257 The principle of the proposed development is supported given that the loss of employment floorspace has been justified by the viability and marketing evidence. The provisions of 21 residential units, including three family houses, would contribute to local housing target and as such would carry weight within the overall planning balance.
- 258 The financial viability evidence demonstrates that the scheme cannot viably support a significant contribution to affordable housing or compensation for the loss of employment floorspace. However, the applicant has offered a financial contribution in-lieu of affordable housing and towards local labour training schemes, which is consistent with the approach secured as part of the extant permission on the site.
- 259 The standard of the accommodation provided by the residential units is considered to be of good quality. In design terms, the quality of the materials and detailing, combined within the arrangement of the massing, are considered to justify the increased scale of development, ensuring that the proposal would make a positive contribution to the surrounding townscape.
- 260 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment and would deliver benefits in terms of a net increase in urban greening and biodiversity. The impacts to the local transport network are acceptable and the proposed improvements to the pedestrian environment and accessibility would provide public benefits.
- 261 In terms of residential amenity, Officers have identified adverse impacts to some neighbouring properties in terms of levels of light. However, these are not assessed to warrant the refusal of the application when taking into account the site context and weighed against the considerable planning merits of the scheme.
- 262 Therefore, subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and would accord with the Development Plan.

## 13 RECOMMENDATION

- 263 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the conditions and informatives set out below under 'Planning Application (DC/20/119744)', and authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.
- 264 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT** planning permission subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

### 13.1 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:

1912 SKM(EX) 000 Rev 01; 1912 SKM(EX) 001 Rev 01; 1912 SKM(EX) 002 Rev 01;  
1912 SKM(EX) 003 Rev 01; 1912 SKM(EX) 200; 1912 SKM(MP) 200 Rev 04; 1912  
SKM(MP) 201 Rev 04; 1912 SKM(MP) 202 Rev 02; 1912 SKM(MP) 203 Rev 02; 1912  
SKM(MP) 300 Rev 01; 1912 SKM(00) 001 Rev 01; 1912 SKM(00) 101 Rev 09; 1912  
SKM(00) 102 Rev 09; 1912 SKM(00) 103 Rev 09; 1912 SKM(00) 104 Rev 09; 1912  
SKM(00) 105 Rev 09; 1912 SKM(00) 201 Rev 09; 1912 SKM(00) 202 Rev 09; 1912  
SKM(00) 203 Rev 03; 1912 SKM(00) 204 Rev 09; 1912 SKM(00) 205 Rev 06; 1912  
SKM(00) 206 Rev 06; 1912 SKM(00) 300 Rev 06; 1912 SKM(00) 301 Rev 03; 1912  
SKM(00) 302 Rev 03 received 14 January 2021;

1912 SKM(EX) 100 Rev 01; 1912 SKM(EX) 101; 1912 SKM(EX) 102; 1912 SKM(00)  
100 Rev 10 received 26 April 2021;

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

## 3. Construction Management Plan

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates 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).

#### 4. Land Contamination

- (a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

#### 5. Plant Noise

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

- (b) No development above ground level shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

## 6. Surface Water Drainage

No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management to comply with Surface Water Management Report Rev F (Tesserin, March 2021), including specifications of the surface treatments, management plan and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

**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
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority, in consultation with Thames Water, prior to the commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

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

## 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) cladding materials
- (iii) roofing materials and roof junctions;
- (iv) windows, external doors and reveals;
- (v) 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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

## 9. Refuse & 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 facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

## 10. Cycle Parking

- (a) Prior to first occupation, full details of the cycle parking facilities providing 33 long stay and 2 short stay spaces for the development shall be submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 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 Plan

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

**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. Overheating Assessment

- (a) The development shall not be occupied until an Overheating Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The mitigation measures identified by the Overheating Assessment approved by part (a) shall be installed prior to the first occupation of the residential element of the development and retained permanently in accordance with the approved details.

**Reason:** In order to provide acceptable living conditions for the occupants of the residential accommodation and to comply with Policy SI4 Managing heat risk of the London Plan (March 2021) and DM Policy 32 Housing design, layout and space standards 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, planter screening, 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 the occupation of the development.
- (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, DM Policy 30 Urban design and local character and DM 32 Housing design, layout and space standards 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 construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 16. Bird & Bat Boxes

Details of the number and location of the bird/bat boxes 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 and shall be installed before occupation of the building 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. Energy Strategy

The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority to demonstrate that the measures identified within the Energy Strategy (Desco, December 2020) have been implemented in full in order to reduce annual carbon emissions by at least 35% (based against 2013 Building Regulations standards).

**Reason:** In order to comply with Policy SI2 Minimising greenhouse gas emissions of the London Plan (2021) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## 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. Living Roofs

- (a) Prior to installation details of the proposed biodiversity living roof systems to be laid out in accordance with p.8 and drawing 1912/DR100 Rev P5 within the Surface Water Management Report - Rev F (Tisserin, March 2021), shall be submitted to and approved in writing by the local planning authority.
- (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 roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved 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).

## 20. Travel Plan

- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means including access to car clubs, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## 21. Terrace and Balcony Screening

The residential units hereby approved shall not be occupied until full details of the siting and specification of the screening to the roof terraces for the garden terrace and rear balconies of the front building has been submitted to and approved in writing by the local planning authority.

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

## 22. Obscure Glazed Windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the first floor windows in the rear elevations of the Garden Houses, as shown on drawing 1912 SKM(00) 206 Rev 06, shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and fixed shut up to 1.7m above the internal floor level and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

## 23. Use of Flat Roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area other than the second floor roof terraces for the garden houses as shown on drawing 1912 SKM(00)102 Rev 0.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

## 24. Construction Hours

No works or deliveries in connection with construction works shall be undertaken 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).

## 25. Mains Water Consumption

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

**Reason:** In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

## 26. Non Road Mobile Machinery (NRMM)

All Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) and an inventory on site and/or online, as appropriate, shall be kept at all times.

**Reason:** In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Policy SI1 Improving air quality of the London Plan (March 2012), Control of Dust and Emissions During Construction SPG (July 2014) and Demolition and DM Policy 23 Air quality of the Development Management Local Plan (November 2014).

## 27. Wheelchair Dwellings

The two wheelchair dwellings hereby approved and identified as Accessible Ground Floor Apartments on drawing 1912 SKM(00) 100 Rev 10 shall be constructed to comply with Requirement M4(3), prior to their first occupation. All other residential units shall be constructed to meet Requirement M4(2), prior to first occupation.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 13.2 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 Thames Water have advised that to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website:  
[https://urldefense.com/v3/\\_https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services\\_!!CVb4j\\_0G!BO24yOQyQZ3VaDeutc\\_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBaWmGKPWw\\$](https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services_!!CVb4j_0G!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBaWmGKPWw$)

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk)

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!BO24yOQyQZ3VaDeutc\\_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBZ8sMFPhQ\\$](https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBZ8sMFPhQ$). Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at [https://urldefense.com/v3/\\_https://www.gov.uk/government/publications/groundwater-protection-position-statements\\_\\_;!!CVb4j\\_0G!BO24yOQyQZ3VaDeutc\\_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBYzr\\_Fnlw\\$](https://urldefense.com/v3/_https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!BO24yOQyQZ3VaDeutc_NRhreCRkG0dwhWN02BXzkXrPtKbQxDuuEXEvNxEv1sBYzr_Fnlw$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.