

Committee	PLANNING COMMITTEE B	
Report Title	Inglemere Domus, 27 Inglemere Road, SE23 2BB	
Ward	Perry Vale	
Contributors	Amanda Ghani	
Class	PART 1	15 September 2021

Reg. Nos. (A) DC/20/117864

Application dated 04/08/20

Applicant Newsteer

Proposal Demolition of the existing building (Use Class C2) and the construction of a part-3 and part-4 storey building to accommodate 20 residential units (Use Class C3) with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road SE23.

Background Papers

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses
- (5)

Designation PTAL 3

Screening N/A

1 SUMMARY

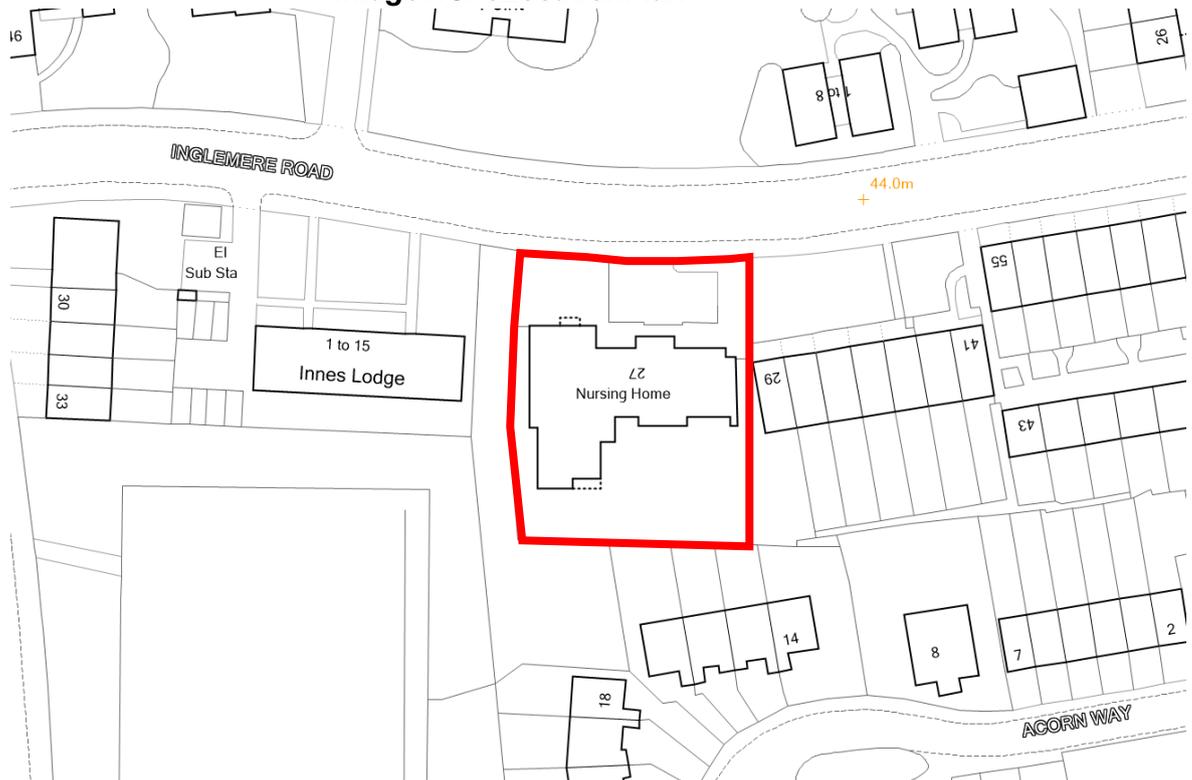
- 1 The report sets out officer's recommendation in regard to the above proposal. The application has been brought before members for a decision as the development is recommended for approval and there have been three valid planning objections.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is Inglemere Domus, 27 Inglemere Road, a two-storey property located on the southern side of Inglemere Road. The road slopes downwards in a west/easterly direction. The building was constructed in 1996 and is set back and up from the public highway with room to park six vehicles on the forecourt. It is built in yellow stock brick and partially rendered to the front elevation, and has differing height pitched roofs, with vaulted ceilings and clerestory windows. The building is vacant, but its last use was as a residential nursing home (C2 use) in July 2015.

Image 1: Site Location Plan



Character of area

- 3 The surrounding character of the area is predominantly residential however; there are a variety of architectural styles and scale of development, the majority of which were constructed post war. Opposite is a ten-storey modern block of flats and to the east is a modern terrace block of two-storey houses built above a garage block. To the west is a four-storey flatted development; the fourth storey was added in 2006. To the south is Acorn Way, which consists of a modern development of two-storey houses within a cul-de-sac. The site has no special site allocation on the LDF Proposals Map or within the Site Allocations DPD.
- 4 Due to the above, there is not one set local vernacular.

Heritage/archaeology

- 5 The building is not listed and it is not within a conservation area.

Transport

- 6 The application has a Public Transport Accessibility Level rating of 3 which is considered moderate.

3 RELEVANT PLANNING HISTORY

- 7 DC/95/039471 – The demolition of the existing residence and surgery and the erection of a two-storey residential care home for the elderly comprising 16 single bedrooms together with communal facilities and 6 car parking spaces. Granted 20/11/95

- 8 Pre-application advice was sought in August 2016 (PRE/16/002458) regarding the demolition of the existing building and the construction of a five-storey building incorporating 22 residential units.
- 9 Pre-application advice was sought in November 2017 (PRE/17/103758) for the demolition of the existing care home and the construction of a four-storey building incorporating 21 residential units comprising 6x1bed, 14x2bed and 1x3bed units
- 10 Pre-application advice was sought in October 2018 (PRE/18/108526) for the demolition and change of use from residential care home to residential development accommodating 19 units.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 11 The proposed development would involve the demolition of the existing building and the construction of a part three/part four storey building with basement plant room to provide residential accommodation in the form of 3 x 3b5p duplexes, 6 x 1b2p, 1 x 2b3p, 9 x 2b4p and 1 x 3b6p apartments and associated external and landscaping works. Six car parking spaces to be provided to the front along with 37 cycle spaces.
- 12 The application proposes a total of three London Affordable Rented units. The mix is 1 x 1b2p unit and 2 x 2b4p units all situated on the ground floor.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 13 While the applicant has engaged in planning pre-application discussion with Lewisham as per the site history above, they have not undertaken any non-statutory consultation ahead of the deposit of the application.

5.2 APPLICATION PUBLICITY

- 14 Site notices were displayed on 25/08/20 and a press notice was published on 02/09/20
- 15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 25/08/20.
- 16 3 number responses received, comprising 3 objections, 0 support and 0 comments. Comments in objection

Comment	Para where addressed
Proposal is out of character and does not respect the surrounding buildings in terms of scale and proportions	Para 129-134
Development does not consider the large amount of development in the immediate area. The increased availability of housing	Para 66

should be considered in relation to need, affordability and increased pressure on local amenities and infrastructure.	
Building works will create noise, dust and disturbance to surrounding neighbours	A construction Logistics condition would be added to an approval along with a construction environmental management plan. An informative regarding construction works would also be added.
Overdevelopment of site and visually overbearing	Para 128-134
Loss of privacy, overlooking and light to residents in Acorn Way and Inglemere Road	Para 189-192, 193-213
Development would contravene Article 8 of the Human Rights Act (right to peaceful enjoyment of all possessions which include the home)	Para 314-317
Development does not afford adequate privacy to the future occupants.	Para 95-96
Insufficient off street parking provision. Increased demand for on street parking will lead to vehicles overhanging the adopted verge/road, to the detriment of other road users.	Para 167-173
Development contravenes the Government Planning Policy Statement as the proposal would be detrimental to the quality, character and amenity value of the area	Para 135-139
Possible anti social behaviour	A secure by design condition would be added requiring submission of security details for the site.
External lighting may cause light pollution	No external lighting is proposed.

- 17 A number of other comments were also raised as follows:
- 18 Sub-level basement work could seriously impact upon the stability of the ground and on existing surrounding properties – This is a building control matter.
- 19 No acknowledgement of pre-existing inadequate water pressure in the area since 2007 – This is an issue for Thames Water.
- 20 The increase in the amount of development will affect property values – This is not a material planning concern.
- 5.2.1 Comments in support**
- 21 None
- 5.2.2 Neutral comments**
- 22 None

5.3 INTERNAL CONSULTATION

- 23 The following internal consultees were notified on 25th August 2020
- 24 Environmental Sustainability: further information was requested and received regarding rainwater harvesting and greenfield runoff, which was considered acceptable.
- 25 Planning Policy Team: no comment
- 26 Environmental Protection: no objection subject to attaching contaminated land and air quality conditions.
- 27 Highways: raised no objections subject to conditions.
- 28 Strategic waste and environmental management – No comment
- 29 Tree Officer : raised no objection subject to conditions.
- 30 Urban Design – no comment
- 31 Section 106/CIL Officer, applicant to enter into a Section 106 Agreement with the Council.
- 32 The scheme has not been reviewed by the Lewisham Design Review Panel (DRP). Section 6.9 of Lewisham’s Statement of Community Involvement (SCI) states that major applications and applications proposing significant new buildings within conservation areas will be referred to the DRP.
- 33 The Planning Practice Guidance (PPG) states that the design review process can inform and improve design quality, but is not intended to replace advice from statutory consultees and advisory bodies, or be a substitute for local authority skills or community engagement.
- 34 In this case, the new building is set back from the street scene, is not within a town centre setting nor within a conservation area. The proposed building is judged not to be a significant new building and the scheme is a small-scale major application.
- 35 Officers are therefore satisfied in this instance and with regards to the specific circumstances of this case that the scheme has been fully scrutinised in design terms by Development Management Officers and that a formal review by the DRP is not required.

5.4 EXTERNAL CONSULTATION

- 36 The following External Consultees were notified on 25th August 2020
- 37 Fire Prevention Group – no comment
- 38 Thames Water – No objection subject to Piling method statement condition and informative being added.
- 39 London Fire Brigade Safety Team – No objection subject to the addition of a fire statement condition.
- 40 Met Police Design out Crime Officer – No objection subject to a Secured by design condition being added.

6 POLICY CONTEXT

6.1 LEGISLATION

41 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).

MATERIAL CONSIDERATIONS

42 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.

43 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.

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

6.2 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.3 DEVELOPMENT PLAN

45 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)

6.4 SUPPLEMENTARY PLANNING GUIDANCE

46 Lewisham SPG/SPD:

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

47 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)

- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

7 PLANNING CONSIDERATIONS

48 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 49 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.
- 50 Lewisham is defined as an Inner London borough in the London Plan. The Plan sets out the Mayor of London's vision for 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.
- 51 DM Policy 5 states that the Council will resist development that involves the net loss of floor space in specialist accommodation unless:
- 52 a) adequate replacement specialist accommodation will be provided. b) it can be demonstrated that there is a surplus of that particular type of specialist accommodation in the area, and c) it can be demonstrated that the existing specialist accommodation is incapable of meeting relevant industry standards for suitable accommodation.
- 53 Where the Council is satisfied that a development involving the loss of specialist accommodation is appropriate, it will expect re-provision of an equivalent amount of floor space, or of permanent housing in C3 Use Class, including an appropriate amount of affordable housing, having regard to Core Strategy Policy 1.

- 54 The application does not seek to provide any replacement specialist accommodation on site or elsewhere. The proposed change of use must therefore be determined against criteria 'b' and 'c' of DM Policy 5, part 3.
- 55 The South London and Maudsley NHS Foundation Trust (SLaM) undertook public consultation between 14th January and 15th April 2015 regarding the closure of the former care home facility. The reasons for closure as set out in the document were that the number of specialist care mental health places available in the borough are running at a surplus with demand for beds declining over the past five years. It was identified that there are more cost effective ways to deliver the care. The applicant additionally provided a building survey report at pre-application stage demonstrating that the building would require modification and significant levels of investment to secure any continued use as a specialist facility. Given the length of vacancy and that the building has been disposed of by NHS providers, the proposed is considered on balance to comply with Policy DM5c.
- 56 The new NPPF expects new buildings to be high quality, beautiful and sustainable and that this is fundamental to what the planning and development process should achieve. The existing building is not of any architectural or design merit. The removal of this building from the land is acceptable.

7.1.1 Principle of development conclusions

- 57 Given there is no longer a demonstrated need to provide a care home on the site and that the current building does not optimise land use as required by the London Plan; it is considered in the context of this site that the loss of the provision at Inglemere Domus can be justified as required by DM Policy 5. As such, the demolition of the existing building and the provision of 20 residential units is considered acceptable in principle.

7.2 HOUSING

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

7.2.1 Density

Policy

- 59 National and regional policy promotes the most efficient use of land.
- 60 The NPPF encourages the efficient use of land subject to several criteria set out in para.124. Para.125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.
- 61 London Plan Policies H1, H2 and D3 support the most efficient use of land and development at the optimum density. The London Plan has removed the density matrix. Defining optimum is particular to each site and is now the result of the design-led approach. Consideration should be given to: (i) the site context, (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport and (iii) the capacity of surrounding infrastructure.
- 62 The target for net housing completions over the next 10 years (2019/20 – 2028/29) for Lewisham is 16,670.

63 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments.

Discussion

64 The site has an area of 0.145 hectares and is in a PTAL of 3 in a suburban location. The surrounding area has a mixed towers and slabs/urban (free form low rise) character in the form of 11 storey tower blocks, Four-storey flatted development, modern terraces and detached period properties.

65 The new London Plan has moved away from a density matrix approach to site capacity. LPP D3 requires a design-led approach to optimising site capacity, where design options determine the most appropriate form of development that responds to a site's context, capacity for growth and existing and planned supporting infrastructure capacity. As is set out in the sections below, the design of the development is considered appropriate to its context and level of transport accessibility.

66 The current proposal is considered a small major application with the proposal providing 20 residential units. Due to its size, the proposed development is considered to have a minor incremental impact on local infrastructure capacity. As such, an infrastructure assessment is not required in this instance.

67 It is considered that the development proposal would optimise an existing underutilised site. As such, the proposed density is considered to be acceptable.

Summary

68 Given the requirements set out in the London Plan, the proposed density is considered acceptable.

7.2.2 Contribution to Housing Supply

69 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.

70 LPP H10 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

71 The London Plan sets out 10 year targets for net housing completions (2019/20 – 2028/29) for Lewisham of 16,670.

72 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments.

73 The development proposal of 20 new homes is a contribution to the current annual target for Lewisham, to which officers attach a high degree of weight.

7.2.3 Percentage of affordable housing

Policy

74 London Plan Policy H4 sets out the strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Major developments which trigger affordable housing requirement should provide affordable housing through the threshold approach. This approach as outline in LPP H5, initially sets the threshold level for affordable housing at a minimum of 35 per cent. Only where there are clear barriers to delivery and it is fully justified through detailed viability evidence, in line with the

methodology and assumptions set out in Policy H5 and the Mayor's Affordable Housing and Viability SPG, should a lower level of affordable housing be considered.

75 The Mayor has provided detailed guidance on viability assessments in his Affordable Housing and Viability SPG. This is a material planning consideration for planning applications in London. Boroughs are strongly encouraged to follow the guidance for all applications. Providing a standardised approach helps streamline the system and reduces uncertainty. The aim of a viability assessment is to establish whether the proposed level of affordable housing and other contributions are the maximum that can be reasonably supported.

76 The current application follows the viability tested route. Affordable housing tenure split and dwelling size mix

Policy

77 Paragraph 62 of the NPPF expects LPAs to specify the type of affordable housing required

78 Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix.

79 The current scheme proposes affordable housing in the form of three units for London affordable rent, which equates to an affordable housing offer of 14% on a habitable room basis. The three units are Flats 2, 3 and 4.

80 The applicant has submitted a viability appraisal, which initially indicated that no affordable housing could be delivered on the site. This assessment was reviewed by the Council's third party viability consultant. This assessment set out the scheme generates a residual land value of c.£0.670m, which indicates that a nominal quantum of affordable housing is deliverable on the site. Following further negotiations with the Planning Officers, the applicant has proposed the delivery of affordable housing above, which officers consider reflective of the surplus generated. The third party viability assessment is **Appendix 1**.

Review mechanisms

Policy

81 London Plan Policy H5 states that viability review mechanisms should be applied to all viability tested applications at early and late stage in the development process to ensure that affordable housing delivery is maximised as a result of any future improvement in viability.

Discussion

82 The applicant has committed to both early and late stage review mechanisms as the quantum of affordable housing delivered is less than stipulated in policy. These are to be secured by a s106 agreement. This will ensure that the viability process will be revisited if specific development milestones are not met, which may deliver additional affordable housing depending on market conditions in accordance with London Plan Policy H5.

Table [A]: Tenure Mix by Dwelling Size*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	4 (0)	9 (1)	4 (0)	0 (0)	17 (1)
Social Rent	0 (0)	0 (0)	0 (0)	0 (0)	X (0)
Affordable Rent	2 (0)	1 (1)	0 (0)	0 (0)	3 (1)
Shared Ownership	0 (0)	0 (0)	0 (0)	0 (0)	X (0)
Total	6 (0)	10 (2)	4 (0)	0 (0)	20 (2)

*Wheelchair accessible units shown in ()

Summary

- 83 The tenure mix in this instance is judged acceptable given the overall number of units delivered. While it would be preferable for the affordable units to be family sized, given the viability issues noted above, delivery of 2-one bedroom and 1-two bedroom units of affordable housing is acceptable.

Dwelling Size

Policy

- 84 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes. 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. CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments. the Council will seek a mix of 42% as family dwellings (3+ bedrooms), having regard to criteria specified in the Policy relating to the physical character of the site, access to private gardens or communal areas, impact on car parking, the surrounding housing mix and the location of schools and other services.
- 85 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

- 86 The scheme contains a comparatively high proportion of family housing given its overall size and considering the criteria in the surrounding area. This provision is supported by officers. Given the site's location and the existing PTAL, delivery of 20% family housing is considered acceptable in this instance. The scheme has a compliance number of wheelchair accessible units.

Table [B]: Dwelling Size Mix*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
No.	6 (0)	10 (2)	4 (0)	0 (0)	20 (2)
%	30% (0)	50% (0)	20% (0)	0 (0)	X (0)
Total	6(0)	10 (2)	4 (0)	0 (0)	20 (0)

*Wheelchair accessible units are Flats 3 and 11. Both are 2b 4p units, on the ground and first floor levels respectively.

Summary of Affordable housing

87 The provision of three units of affordable housing is the maximum reasonable amount of affordable housing that can be delivered on the site in accordance with London Plan Policy H5 following viability review.

7.2.4 Residential Quality

General Policy

88 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 Policy D6, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

89 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

90 The minimum internal space standards for new dwellings is set out in Table 3.1 of the LPP D6 and is reiterated in DM Policy 32. In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with readily accessible, secure, private and useable external space.

91 To address the impacts of the urban heat island effect, a minimum ceiling height of 2.5m for at least 75 per cent of the gross internal area of each unit is required so that new housing is of adequate quality, in terms of daylight penetration, ventilation, cooling and sense of space.

92 London Plan Policies require 10% of residential units to be designed to Building Regulation standard M4(3) ‘wheelchair user dwellings’ i.e. being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) ‘accessible and adaptable’.

Discussion

93 The table below sets out proposed dwelling sizes.

Table [C]: Internal space standards – proposed v (target)

No of bedrooms	No. of persons	1 storey dwelling (proposed (target))	2 storey dwelling (proposed (target))	B1 m²	B2 m²	B3 m²	Built-in storage (proposed (target))	Floor
Flat 1, 1b	2p	54 (50)		14.6	n/a	n/a	1.77 (1.5)	ground
Flat 2, 1b	2p	59 (50)		12.6	n/a	n/a	1.85 (1.5)	ground
Flat 9, 1b	2p	60 (50)		13.6	n/a	n/a	1.5 (1.5)	first
Flat 13, 1b	2p	56 (50)		13.2	n/a	n/a	0.9 (1.5)	second
Flat 16, 1b	2p	64 (50)		15.2	n/a	n/a	1.5 (1.5)	second

Flat 17, 1b	2p	61 (50)		15.6	n/a	n/a	2.2 (1.5)	second
Flat 20, 2b	3p	62 (61)		14.5	9.0	n/a	2.8 (2.0)	third
Flat 3, 2b	4p	86 (70)		16.3	11.8	n/a	3.7 (2.0)	ground
Flat 4, 2b	4p	76 (70)		15.9	12.4	n/a	1.8 (2.0)	ground
Flat 8, 2b	4p	74 (70)		14.6	12.7	n/a	1.7 (2.0)	first
Flat 10, 2b	4p	77.5 (70)		15.8	12.3	n/a	2.0 (2.0)	first
Flat 11, 2b	4p	87.5 (70)		18.3	16.8	n/a	2.3 (2.0)	first
Flat 12, 2b	4p	74 (70)		14.1	12.9	n/a	1.4 (2.0)	second
Flat 14, 2b	4p	78 (70)		15.8	12.3	n/a	2.0 (2.0)	second
Flat 15, 2b	4p	76 (70)		16.0	15.6	n/a	3.4 (2.0)	second
Flat 19, 2b	4p	72 (70)		13.7	12.2	n/a	2.94 (2.0)	third
Duplex 5, 3b	5p		97 (93)	13.8	12.7	9.3	3.0 (2.5)	ground/first
Duplex 6, 3b	5p		97 (93)	13.8	12.7	9.3	3.0 (2.5)	ground/first
Duplex 7, 3b	5p		100 (93)	14.3	13.2	9.2	3.0 (2.5)	Ground/first
Flat 18, 3b	6p	101 (95)		20	14.1	12.7	4.6 (2.5)	third

- 94 All units have been designed to exceed the London Plan minimum standards in terms of overall unit sizes and the internal space standards of individual rooms as set out in LPP D6 and DM Policy 32, other than four of the flats, which would not achieve the minimum internal storage space requirements. However, there would be sufficient overall internal floor space in these flats for this not to be so significant an issue. All residential units would have a minimum floor to ceiling height of 2.5m.

Outlook & Privacy

Policy

- 95 Standard 28 of the Housing SPG requires that design proposals demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.

Discussion

- 96 The proposed scheme presents a good level of outlook and privacy for all proposed residential units. The layout and floor plan has been designed in such a way so as to reduce overlooking between proposed units.

Overheating

Policy

- 97 The Building Regulations Part F: Ventilation control and construction of buildings in England. Overheating risks for residential development should be evaluated in line with Chartered Institution of Building Services Engineers TM 59 guidance on assessing and mitigating overheating risk. Policy SI 4 of the London Plan requires major development proposals to demonstrate through an energy strategy how they will reduce the potential

for internal overheating and reliance on air conditioning systems. Policy D6 states that housing developments should maximise the provision of dual aspect dwellings which are more likely to provide adequate passive ventilation than single aspect.

Discussion

- 98 All the flats other than Flat 19 are dual aspect. The submitted sustainability assessment states that good solar control will be provided by the selection of glazing/shading so as to avoid overheating in summer and increase passive gains in winter. Passive design has been incorporated into the scheme via window location and their set back in the façade to enable a degree of solar shading and openable windows have been maximised. Potential overheating has been further reduced through the use of internal blinds which offer occupant control.
- 99 Passive ventilation will be provided in main stair cores.
- 100 Moreover, a Mechanical ventilation system with Heat Recovery is proposed, which will utilise the thermal properties of the air return to transfer 'free' heat to the incoming fresh air supply. This type of system is efficient and will significantly reduce the building's overall heating demand.
- 101 The proposed development is acceptable with regard to overheating.

Daylight and Sunlight

Policy

- 102 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.
- 103 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.
- 104 The NPPF (2021) under Section 11 'Making effective use of land', paragraph 125 section c states that when considering applications for housing, planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)

Discussion

Daylight

- 105 The results of the technical assessments show that almost all proposed rooms meet the BRE guidelines with only 3 rooms falling beneath these. The three rooms are living/kitchen/dining areas (LKD's). The three LKD's range from 1.13% to 1.97% ADF against the target of 2% ADF. These LKD's are on the ground floor and are large, deep, open plan rooms with internalised kitchens.
- 106 The first LKD is part of Flat 3 which would achieve 1.97% marginally below the 2% recommendation for a combined space. The two other LKD's are at the front of the development and are Flats 1 and 2 with ADF values of 1.23% and 1.13% respectively. Both rooms are provided with a generous amount of glazing; however, the projecting balconies serving the flats above restrict the sky visibility. On balance given the low number of rooms within the development that are marginally below BRE guidelines, the layout is acceptable.

Sunlight

- 107 The BRE report guidelines state that the main requirement for sunlight amenity is to living rooms and less important to kitchens and bedrooms. The BRE report recommends that rooms should receive at least 25% APSH including at least 5% during the winter months.
- 108 Results show that all of the units will receive some direct sun throughout the year. Furthermore 35 of the 58 rooms assessed (60%) would receive at least 25% annual sunlight in accordance with BRE guidance and 33 rooms (57%) would achieve at least 5% of winter sun. Where BRE numerical values are not met, this is primarily due to the windows being sited on the northern façade and projecting balconies serving the flats above. Where BRE target values for sunlight amenity with individual rooms are not achieved, the values are still considered appropriate for an urban location. The development is acceptable with respect to sunlight amenity to proposed units.

Noise & Disturbance

Policy

- 109 With regards to internal noise levels of the residential units, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning. Although London Plan Policy D14 highlights the management of noise by encouraging the right acoustic environment, both externally and internally, as this is important to promote good health and a good quality of life within the wider context of achieving sustainable development.
- 110 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 35dB(A) during the daytime (0700-2300) and 30dB(A) in bedrooms during the night time.
- 111 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq, T with an upper guideline value of 55dB LAeq, T.
- 112 A noise assessment has not been provided with this application indicating that relevant British standards will be met with respect to noise; however, it is recommended that a condition is secured ensuring that the internal and external areas proposed are within the relevant range as set out within BS8233.

Accessibility and inclusivity

Policy

- 113 London Plan Policy D7 requires 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings' i.e. being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) 'accessible and adaptable'

Discussion

- 114 The development has been designed to accommodate accessibility and inclusivity. An appropriate condition is recommended to secure the details.
- 115 There is level access from all ground floor entrance locations as well as to all communal areas. 2no. wheelchair (WCH) units are provided (10%) meeting M4(3), all remaining units (90%) would be adaptable M4(2).

External space standards

Policy

116 All dwellings should have level access to one or more of the following forms of outdoor space; a garden, terrace, roof garden, courtyard garden or balcony. The use of roof areas for additional private or shared outside space is encouraged. LPP D6 requires a minimum of 5sqm of private outdoor space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The space must achieve a minimum depth and width of 1.5m.

Discussion

117 Private outdoor space should be practical in terms of its shape and utility and the space should offer good amenity. With regards to private amenity space, LPP D6 requires a minimum of 5sqm of private outdoor amenity space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

118 All units apart from Flats 1 and 2 meet London Plan amenity space standards and are provided with private courtyard gardens at ground floor, balconies at first, second and third floors along with a communal roof terrace and wider communal gardens.

119 Paragraph 2.3.32 of the Mayor's Housing SPG states that where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. The equivalent internal living space is provided for Flat 2. The equivalent living space falls 1sqm short for Flat 1; however, this is considered a nominal shortfall and on balance is acceptable.

120 Children's play space

121 Policy

122 LPP S4 Play and Informal Recreation states housing proposals should make appropriate provision for play and informal recreation. The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divide the requirements of children's play space into three categories: (i) under 5s, described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) children 12 plus. The child occupancy and play space requirement for the proposed dwelling and tenure has been calculated using the Mayor's Play Space Calculator Tool, as below.

Total Children	5.1
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	Benchmark (m ²)	Total play space (m ²)
Play space requirement	10	51.3

123

Based on the child play space calculator, the development generates a child yield of 5.1 children and a requirement for 51.3sqm of child play space. The doorstep competent of this requirement can be met by amenity areas serving the units. There is no shortfall in

provision given the child yield is less than 10. The site generally has good access to greenspace in the vicinity of the site. The provision of child play space is acceptable.

7.2.5 Housing conclusion

124 It has been demonstrated that the proposed development would provide an uplift in housing over that which existed previously. The proposed housing would include three units that would be affordable rent, which is a significant planning merit.

125 The proposal would optimise the site, providing an appropriate dwelling mix and tenure split with a high-quality standard of residential accommodation provided for potential future occupiers and providing a number of high quality new homes within the Borough. This material public benefit is afforded significant weight by officers.

7.3 URBAN DESIGN

General Policy

126 The NPPF at para 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

127 London Plan Policy D1 requires Borough's to define the characteristics, qualities and value of places in order to develop an understanding of different areas' capacity for growth. Policy D3 requires all development to take a design-led approach that optimises capacity of sites

128 DM Policy 33 seeks to protect and enhance the Borough's character and street frontages through appropriate and high quality design.

129 DM Policy 30 states that all new development should provide a high standard of design and should respect the existing forms of development in the vicinity.

130 Core strategy Policy 15 repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.

7.3.1 Layout

Policy

131 London Plan Policy D3 states that the design of new buildings and spaces they create should help respond to and enhance the character, legibility, permeability and accessibility of the neighbourhood.

Discussion

132 The building has been positioned to minimise the impact to existing residents from overlooking, with similar setbacks on the north, east and western boundaries to those existing. Distances between the rear façades of the nearest Acorn Way properties and the proposed property are at a minimum of 21m. The layout proposed is optimum for the site, providing a high quality of residential accommodation and attractive communal space.

7.3.2 Form and Scale

Policy

- 133 LPP D3 states that all development must make best use of land following a design-led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. Development should respond to local distinctiveness through layout, orientation, scale and form.

Discussion

- 134 Building heights, scale and massing vary across the surrounding context, ranging from two to eleven storey blocks of flats; two storey terraced housing and converted detached two-storey Victorian houses. The eleven storey blocks of flats opposite and the four-storey block of flats on the western boundary are flat roofed.
- 135 The proposal has taken account of the site's topography and the location of the existing building in relation to neighbouring dwelling houses. The site levels rise from north to south and east to west. Due to this and the desire to have level access, the first floor is set just over 500mm lower than the existing building. This variation allows for additional height to be achieved within the site, whilst respecting the scale and mass of the adjacent built forms to the rear and sides of the site.
- 136 The building has been designed to respond positively to the difference in heights between 29 Inglemere Road and Innes Lodge which the subject site sits between. The building is designed as two attached blocks, with the section adjacent to 29 Inglemere Road having three floors and the block adjacent to Innes Lodge having four floors. The upper level of each block would be in the form of a mansard style roof set back behind parapet walls. The higher block would be no higher than Innes Lodge whilst the parapet wall of the smaller block would be 650mm taller than the neighbouring roof of 29 Inglemere Road.
- 137 Whilst the scale of the proposed development is larger and more dense than that of the existing built context; the scale and articulation of the massing, combined with a very high quality of detail and materiality as outlined below, would ensure the development would sit comfortably within the existing built context.
- 138 The proposal would make a positive contribution to the character and appearance of the surrounding area whilst optimising the quantum of development on the site.

7.3.3 Character, Detailing and Materials

Policy

- 139 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 140 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and setting, while not preventing or discouraging appropriate innovation and change (para.130) At para.134, the NPPF states great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.

Discussion

141

Due to the lack of a dominant architectural style in the street, the proposed design has been developed as a contemporary building with classical proportions. The building is proposed to be constructed of blue brick with stone banding detailing, a front colonnade and portico, with full height bays and balconies to the front and rear. A metal standing seam roof is proposed along with metal anthracite grey doors and windows.

Image 2 : Proposed materiality



Original Blue Sovereign blue brick



142

The applicant has proposed a high quality of materiality and detailing, appropriate to the location and form of building proposed. Exact specifications of all materials would be captured by condition to ensure that this design quality is carried through to construction of the proposal.

143

Overall, the scheme is considered to be sympathetic to the surrounding local character, expressing this in a modern and respectful fashion. The appearance and character of

the proposed development would create a positive relationship to the existing streetscape. A planning condition to secure details of materials is recommended for imposition.

7.3. Accessibility and inclusivity

Policy

- 144 LPP D7 requires all potential residents to have a genuine choice of suitable housing within a development. At least 10 per cent of dwellings must meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Wheelchair dwellings should be distributed throughout the development to provide a range of aspects, floor level locations, view and unit sizes. In blocks that are four-storeys or less, a degree of flexibility may be necessary.

Discussion

- 145 Flats 3 and 11 are designated wheelchair user units. Both are 2b 4p units, on the ground and first floor levels respectively. The proposal meets the requirement for wheelchair accessible units. Officers recommend a condition be added if the application is approved, to ensure the fitting out of the two units in accordance with London Plan policy.

7.3.5 Urban design conclusion

- 146 The overall design approach has sought to ensure that in urban design terms, the scheme would result in a form of development that sits comfortably with the wider character and appearance of the local area.
- 147 The proposal achieves a high quality design and the scheme presents significant planning benefits as outlined in detail above. The significant public benefits presented by the proposed development in the provision of three new socially rented and 17 new marketable homes is considered in this instance to outweigh any harm.
- 148 As such, it is considered the proposal is acceptable with regards to urban design and accords with the Development Plan.

7.4 TRANSPORT IMPACT

General policy

- 149 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para.104. 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.

- 150 Paragraph 111 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”.
- 151 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.
- 152 Objective 9 and Policy 14 of The Core Strategy reflects the national and regional priorities.
- 153 With regard to buses, the nearest bus stops, named Inglemere Road (northbound) and Inglemere Road (southbound), are located 130m east of the site on Mayow Road, adjacent to the junction with Inglemere Road. These stops are served by the 75-bus route which operates between Croydon and Lewisham Station. There are additional stops approx. 400m or 7 minutes walk from the application site on Perry Vale that are served by the 75 and 356 buses. The 356 bus operates between Sydenham Hill/Kirkdale and Wickham Road.
- 154 With regard to rail connections, Forest Hill Station is located some 700m to the north-east of the application site and Sydenham Station is located some 900m to the south-west of the site.
- 155 Both stations are accessible via walking, cycling and bus journeys and therefore, rail represents a viable option for many journeys arising from the application site.

7.1.2 Access

Policy

- 156 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.
- 157 CPS 14, states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will be adopted.
- 158 The existing pedestrian and vehicular access into the site would be maintained. Originally the proposal included widening the existing vehicle access point 0.5m either side to accommodate 2m pedestrian inter-visibility splays, however due to comments from the Highways Officer, the scheme was amended to reduce the height of the front boundary wall to 600mm to achieve the appropriate visibility. There would be access to the communal rear garden from both sides of the site and via the entrance lobbies to the side (west) exit. The proposed access to the site is acceptable.

7.1.3 Local Transport Network

Policy

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

Discussion

- 160 Providing a low car-parking ratio is considered acceptable in principle in this location and is consistent with the parking policies in the London Plan. However, the proposal does have the potential to have an impact on on-street parking in the vicinity of the site, particularly as the road in the vicinity of the site are not within a Controlled Parking Zone (CPZ).
- 161 A car parking beat survey was undertaken on the road surrounding the site and it is considered that there is sufficient parking capacity to accommodate any additional parking that may be generated from the proposed development.

7.1.4 Servicing and refuse

Policy

- 162 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 163 LPP T6.1(C) and T7(B)(3) & (C) state that rapid electrical vehicle charging points should be provided for servicing vehicles
- 164 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

- 165 All delivery and servicing activities will take place within the site. Refuse storage will be provided for both recyclable and non-recyclable waste. The refuse bins will be sited within bin stores abutting the front northern boundary. The bin store will be serviced on road the same as the current arrangement.
- 166 The proposed development is acceptable with regard to servicing and refuse, subject to a condition securing details of the above.

7.1.5 Transport modes

Walking and cycling

Policy

- 167 LPP T5 states that development plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.
- 168 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

- 169 The current pedestrian provision surrounding the development site is relatively good with footpaths being provided on both sides of the road for most roads in the surrounding area. The majority of footpaths are approx. 2m wide, well lit and maintained. Whereas the NPPF does not define a catchment within which travel by foot is considered feasible, the 'Guidance for Providing Journeys on Foot' has been adopted in this instance, which suggests a maximum desirable walk distance of 2km.

170 In relation to cycle parking, the proposal would provide a total of 37 covered, secure parking spaces, 24 of which would be in shared storage to the front of the site. In addition to this, individual cycle stores are provided for the ground floor units that have the benefit of a private rear terrace. The provision of cycle storage meets the standard as set out in LPP T5 and is acceptable. Details of cycle storage will be secured by the imposition of a planning condition.

Private cars (include disabled and electric charging points)

Policy

171 London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car free development should be the starting point for all development proposals in places that are well connected by public transport.

172 An absence of local on-street parking controls should not be a barrier to new development.

173 Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6.1. New residential development should not exceed the maximum parking standards set out in Table 10.3. Parking space with communal car parking facilities should be leased rather than sold. Residential development proposals delivering ten or more units must as a minimum: ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. There are further criteria set out within the policy for the provision of disabled parking.

174 Table 10.3 maximum residential parking standards outlines development within an inner London PTAL 3 area as up to 0.25 spaces per dwelling. As such, the maximum parking provision is for 5 off street car parking spaces.

175 CSP 14 states that the Council will take a restrained approach to parking provision. DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.

Discussion

176 A total of five off-street car parking spaces, with two disabled parking bays inclusive, are proposed to the front of the site. The existing vehicular access to the site will be retained via the established dropped kerb crossover onto Inglemere Road.

177 Electric charging points for each car parking space is proposed which is in excess of the minimum standards set out within the parking addendum of the London Plan (2016), which identifies that 20% of all spaces must be for electric vehicles with an additional 20% as passive provision for electric vehicles in the future. The provision of car parking is acceptable and in accordance with London Plan Policy. A car parking management plan securing the allocation of spaces is proposed to be secured by condition.

7.1.6 Transport impact conclusion

178 The proposal actively promotes the use of more sustainable forms of travel and would not result in unreasonable harm to the local highway network or pedestrian or highway safety. The transport impacts of the development are acceptable.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 179 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.
- 180 This is reflected in relevant policies of the London Plan, the Core Strategy Policy 15, the Local Plan DM Policy 32 and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL)
- 181 London Plan policy requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 182 DMP 32(1)(b) expects new developments to provide a satisfactory level of privacy, outlook and natural lighting for its neighbours.
- 183 Further guidance is given in Housing SPD 2017, GLA: Residential Standards SPD 2012, LBL. The Council has published the alterations and extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly.

7.5.1 Enclosure and Outlook

Policy

- 184 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

Discussion

14-17 Acorn Way

- 185 The rear elevations of these properties are at least 21m from the rear elevation of the proposed development. As such, the proposed development is unlikely to result in any unreasonable impact by way of enclosure or loss of outlook.

Radcot Point.

- 186 The front elevation of Radcot Point is some 45m from the proposed development. As such, there will be no unreasonable impact on this building in terms of enclosure and loss of outlook.

29 Inglemere Road

- 187 The three-storey element of the proposed development and No.29 would have a similar front building line with the flank elevations being approx. 1.4m apart; the rear elevation of No.29 is angled away from the rear of the development increasing this gap to 3.10m. Number 29 is part of a terrace of seven two-storey dwellings which are sited at a lower land level to the application site. The stepping down from four to three storeys in height on this boundary has been done in order to mitigate impact on the occupants of No.29.
- 188 It is noted that due to the local topography Nos.29-37 sit on top of a block of nine garages, increasing their height within the street scene. The proposed parapet wall of the three-storey block would be 650mm higher than the roof ridge of this terrace and the mansard style third floor an additional 2.8m higher. However, the height has been further mitigated by the third floor being set back from the neighbouring terrace and would be screened by existing trees on this boundary.

189 Whilst the relationship here is proximate, it is the flank wall rather than a front or rear elevation of No.29 that would face onto the flank elevation of the proposed development. The impact of the proposed development is mitigated by its reduction in height on this boundary and the use of a setback, mansard style second floor.

Innes Lodge

190 The four-storey element of the proposed development would be approx. 9m from the flank wall of Innes Lodge. The front building lines of the proposed development and Innes Lodge and the heights of the two buildings would match. As such, the proposal will not result in an unreasonable impact on this neighbouring building.

7.5.2 Privacy

Policy

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

192 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation distance of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

Discussion

193 Due to the separation distances between Radcot Point and the proposed development there would be no issues with overlooking or loss of privacy. A minimum separation distance of 21m would be achieved between the rear elevations of 14-17 Acorn Road and the rear balconies on the proposed development. As such, adequate levels of privacy would be maintained between the existing terrace and the new development. The relationship would be further mitigated and screened by existing trees on the boundary.

194 No rear balconies are proposed in the three-storey element of the proposed development. There are no windows in the flank (eastern) elevation at ground and first floor levels. The side windows at second floor have been set back 3.27m from the edge of the flank elevation and as such would not be capable of allowing views into neighbouring amenity areas.

195 The proposed third floor roof terrace would be set in 3.8m from the rear elevation and 5.6m from the side elevation of the development. Due to the significant setbacks, no views would be possible into neighbouring gardens from the roof terrace.

196 The windows in the flank (western) elevation service dual aspect bedrooms. The windows have been positioned toward the front and rear of the development with the only centrally placed windows servicing a stairwell. There would be limited overlooking to Innes Lodge which would be largely mitigated and screened by existing trees on the boundary in conjunction with the separation distance between Innes Lodge and the proposed development.

7.5.3 Daylight and Sunlight and Overshadowing

Policy

- 197 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.
- 198 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.
- 199 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. It is clear that the BRE standards set out below are not a mandatory planning threshold.
- 200 In the first instance, if a proposed development falls beneath a 25-degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.
- 201 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.
- 202 *Daylight Guidance*
- 203 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF) and (iii) No Sky Line (NSL).
- 204 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 205 In terms of material impacts, the maximum VSC for a completely unobstructed vertical window is 39.6%. If the VSC falls below 27% and would be less than 0.8 times the former value, occupants of the existing building would notice the reduction in the amount of skylight. The acceptable minimum ADF target value depends on the room use: 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. If the NSL would be less than 0.8 times its former value, this would also be noticeable.
- 206 While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:
- 0-20% reduction – Negligible
 - 21-30% reduction – Minor Significance
 - 31-40% reduction – Moderate Significance
 - Above 40% reduction – Substantial Significance.

Discussion

207 It is important to consider also that the context and character of a site when relating the degree of significance to the degree of harm. It is also noted that recent planning decisions (including appeal decisions made by the Planning Inspectorate) in London and Inner London have found retained VSC values in the mid-teens to be acceptable

208 *Sunlight Guidance*

209 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH) and (ii) Area of Permanent Shadow (APS)

210 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants. The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March.

Overshadowing Guidance

211 The BRE Guidelines suggest that sun hours on ground assessments should be undertaken on the equinox (21st March or 21st September). It is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March, or that the area which receives two hours of direct sunlight should not be reduced to less than 0.8 times its former value (i.e. there should be no more than a 20% reduction).

212 It must be acknowledged that in urban areas the availability of sunlight on the ground is a factor which is significantly controlled by the existing urban fabric around the site in question and so may have very little to do with the form of the development itself. Likewise there may be many other urban design, planning and site constraints which determine and run contrary to the best form, siting and location of a proposed development in terms of availability of sun on the ground.

Discussion

213 The assessment has calculated the effect of the proposed development on the amenity spaces of 14-17 Acorn Way, 1-40 Radcot Point, 29 Inglemere Road and 1-15 Innes Lodge. Numbers 14-17 Acorn Way to the south and 1-40 Radcot Point to the north, passed the 25-degree line test. Number 29 Inglemere Road to the east and 1-15 Innes Lodge to the west both passed the 45-degree line test. As such, no further analysis is required and the impact on daylight is considered acceptable.

214 In accordance with the guidance in the BRE report, the applicant undertook additional tests for the sunlight availability to the nearest habitable windows in 29 Inglemere Road and 1-15 Innes Lodge. The windows comfortably meet the BRE guidance, retaining over 25% of annual available sunlight including 5% of winter sun.

215 A 2-hour sun on ground overshadowing test to neighbouring external amenity areas has been undertaken by the applicant. With the exception of 1-15 Innes Lodge, the analysis shows that all areas would meet the BRE guidance when assessed on March 21st and there would be full compliance with the guidance on June 21st.

216 On March 21st, 46% of the outdoor amenity area to 1-15 Innes Lodge would receive at least two hours of sunlight, compared to 60% in the current conditions. The reduction of 23% marginally exceeds the 20% recommended in the BRE Report; the additional

overshadowing would occur to the front right-hand lawn; where as it appears that the primary amenity area for these flats is at the rear, which is largely unaffected.

217 The submission has been accompanied by a comprehensive Daylight and Sunlight assessment in relation to the proposed development. The technical analysis has been undertaken in accordance with the BRE Guidelines. The proposed development would have a limited effect on daylight, sunlight and overshadowing to adjacent neighbouring properties and it is not considered that this would give rise to an unreasonable degree of loss of light or such that would warrant a refusal of the proposed development.

7.5.4 Noise and disturbance

Policy

218 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

219 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations.

220 A range of legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.

221 Further guidance is given the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014)

Discussion

222 Given the nature of the proposed development itself, being a residential scheme in a residential area, it is unlikely that the proposal would result in unreasonable levels of noise pollution.

223 Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that demolition and construction is undertaken in a manner that does not affect the wider highway and utilises best practice, a condition requiring the submission to the LPA for approval of a demolition and construction management plan should be imposed were this application to be approved.

224 A condition would also be attached requiring details of fixed plant to be submitted to and approved by the LPA.

7.5.6 Impact on neighbours conclusion

225 Overall, whilst there would be a degree of loss of sunlight and daylight to the front amenity space of Innes Lodge, based upon the existing context of the application site and the existing surrounding built environment, the proposed development would have impacts within a range that would be expected for a major development. The Sunlight and Daylight Assessment has indicated a very good level of compliance with the BRE standards.

226 Where some impact on neighbouring amenity has been identified, it is not considered that the proposed development would give rise to an unreasonable level that would warrant refusal of the proposed development; particularly when considered against the

proposed planning merits of the scheme outlined in detail elsewhere in this report and summarised in the conclusion.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

227 The NPPF para 152 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and Local Plan.

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

7.6.1 Energy and carbon emissions reduction

Policy

229 London Plan policy SI 2 (minimising greenhouse gas emissions) states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following hierarchy: (1) be lean; use less energy and manage demand during operation; (2) be clean; exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly; (3) be green; maximise opportunities for renewable energy by producing, storing and using renewable energy on-site and (4) be seen; monitor, verify and report on energy performance.

230 A zero carbon target for major residential development has been in place for London since October 2016. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent through energy efficiency measures.

231 CSP8 seeks to minimise the carbon dioxide emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

232 DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

Discussion

233 The application is accompanied by an Energy and CO2 Reduction Strategy, which sets out the measures to be taken to reduce carbon emissions. These are outlined below:

Be Lean

234 The energy efficiency measures achieve an improvement of 11.77% over the baseline for domestic areas.

235 The proposed savings are higher than the GLA's Lean Stage saving target of 10% for domestic areas.

Be Clean

236 The proposed building will be serviced by centralised Air Source Heat Pumps delivering LTHW to an underfloor heating system. The system in conjunction with gas boilers will also be used to deliver heating the hot water demands for the building (DHW). An

Exhaust Air Heat Pump (EAHP) will be implemented. The pump extracts heat from the exhaust air of the building via a mechanical supply and extract system and transfers the heat to the incoming air supply and can be used with the underfloor heating system.

- 237 The emissions for the 'clean' stage of the hierarchy result in an improvement of 45.83% over the baseline.

Be Green

- 238 The proposed renewable energy source for the scheme is to be air source heat pumps (ASHP) which will supply underfloor heating and domestic hot water (DHW). The applicant has demonstrated that renewable energy technologies achieve a further 13.65% reduction in Site Total CO2 emissions.

- 239 The applicant proposes photovoltaic panels. The applicant has estimated that 14.7kWp can be safely installed on the upper roof. This equates to 42 x 350 Watt panels. The details of the panels are recommended to be secured by the imposition of a planning condition.

Carbon Offset

- 240 In accordance with the Council's Planning Obligations SPD, the applicant is required to make a payment of £11,340 towards carbon offsetting. This obligation will be secured via a s106 agreement.

7.6.2 Overheating

Policy

- 241 LPP SI 4 requires development proposals to demonstrate through an energy strategy, how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy: (1) reducing heat entering building through orientation, shading, fenestration, insulation and provision of green infrastructure; (2) minimise heat generation through energy efficient design; (3) provide passive ventilation and mechanical ventilation and cooling systems.

- 242 The Chartered Institution of Building Services Engineers (CIBSE) has produced TM 59 guidance on assessing and mitigating overheating risk in new developments

Discussion

- 243 An assessment has been submitted using the adaptive method based on CIBSE TM59 (2017).
- 244 MVHR has been applied to all bedrooms and living spaces to limit overheating concerns. Natural ventilation has been applied to all other zones with the use of openable windows. The risk of overheating has been minimised through the opening areas and glazing to be used in the proposal. Overheating would be more likely to the third floor and as such an 85% of window opening is proposed. Glazing in the southern facade on the top floor will have a G value that has been reduced from normal to 0.40 using Pilkington Activ SunShade panes.
- 245 The results show that there is no overheating risk for corridors and communal spaces and all rooms pass the CIBSE TM59 criteria.

7.6.4 Urban Greening

Policy

- 246 LPP G5 expects major development to incorporate measures such as high quality landscaping (including trees), green roofs and green walls and nature based sustainable drainage.
- 247 CSP 12 promotes living roofs and 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.

Urban greening factor

- 248 The applicant has submitted details indicating that the proposed development would achieve an Urban Greening Factor of 0.367. London Plan Policy G5 recommends a UGF of at least 0.4 for residential development.
- 249 Whilst the proposed development just falls below the UGF target of 0.4, the scheme demonstrates an overall improvement on the existing situation.
- 250 The applicant is proposing an extensive landscaping scheme, which seeks to minimise the loss of existing trees and maximise greening where possible.

Living roofs

- 251 A living roof is proposed for the flat roof of the four-storey element, measuring 281sqm. This would equate to 64.7% of the total roof space. The lower roof would have some greening, but would be largely used as a roof terrace. The proportion of communal outdoor space combined with the proposed living roof area considered acceptable to provide a high quality green space for the use and enjoyment of the occupiers as well as enhancing the biodiversity values of this site and the surrounds. No details of the green roof have been submitted, however, officers recommend that the living roof is secured by way of a condition to ensure that the living roof is established as proposed.
- 252 If the application were to be granted, a condition of consent is recommended requiring that the detailed design of the living roof, including a five-year management plan as well as securing the minimum area of biodiverse living roof.

7.6.5 Flood Risk

Policy

- 253 NPPF para.155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas highest as risk. Para 167 states development should only be allowed in areas at risk of flooding where mitigation measures can be included
- 254 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 255 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 256 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

Discussion

257 The proposed development is located within Flood Zone 1 and is therefore considered to be at low risk of flooding, so no mitigation measures will be required. The NPPF requires a Flood Risk Assessment to be undertaken for proposals that are greater than 1 hectare in an area within Flood Zone 1. Since the site is below 1ha whilst being located in Flood Zone 1, an assessment was not required.

258 The Environment Agency were consulted on the proposed application and had no comments to make given the nature of the development and the low flood risk area that the application site is situated within.

259 Thames Water were consulted on the proposed application and has no objection to the proposal subject to the developer following the sequential approach to the disposal of surface water. Thames Water also request a ground water risk management informative be added to any approval and as the development is located within 15m of a strategic sewer, that a condition be added requiring submission of a Piling Method Statement to be submitted for approval to the Planning Authority in consultation with Thames Water.

7.6.6 Sustainable Urban Drainage

Policy

260 The NPPF at para 169 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

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

262 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

263 Further guidance is given in the London Plan's Sustainable Design and Construction SPG, the London Sustainable Drainage Action Plan, the Non-Statutory Technical Standards for Sustainable Drainage Systems and CIRIA C753 The SuDS Manual.

Discussion

264 The application is accompanied by a drainage report, prepared by Calibro, transport, highway & Infrastructure Consultants.

265 The report states that surface water will be discharged into the public combined water sewer via the existing discharge point into Inglemere Road. Geocellular storage will be used to attenuate surface water runoff with 57 cubic metres of storage provided to restrict site runoff to 0.7l/s for all events including the 1 in 100 year plus 40% climate change event. Tanked permeable paving will also be used in the car park to slow runoff down and improve water quality. A full drainage maintenance regime will be implemented. A proposed drainage and impermeable and permeable layout drawing has been submitted.

266 The proposal limits the site discharge rate to below Q_{bar} in all events above 1yr and uses a 41mm Hydrobrake as per the guidance in section 24.10.1 of the SuDS manual which states that this approach is acceptable where it is not practicable to keep discharge volume below greenfield areas.

267 The proposed application is considered acceptable with regard to sustainable urban drainage.

7.6.7 Sustainable Infrastructure conclusion

268 Overall, the proposed development would achieve a 54% reduction in carbon emissions over the 2013 Building Regulations and subject to condition such is acceptable with regards to Energy and Carbon Emission reduction. The proposed development is acceptable with regard to flood risk and sustainable urban drainage.

7.7 NATURAL ENVIRONMENT

General Policy

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

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

271 The NPPF at paragraph 185 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.

272 LPP G1 (Green Infrastructure) sets out the Mayor of London's vision for Green Infrastructure as a multi-functional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

7.7.1 Green spaces and trees

Policy

273 NPPF para 170 expects development to contribute to and enhance the natural and local environment. 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.

274 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

275 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

276 The scheme has been designed in order to minimise the loss of trees insofar as possible. The Arboricultural Implications Assessment states that a total of twenty trees within and abutting the site were inspected. The proposed residential development will require the removal of seven young/small fruit trees/shrubs. These include a small lime in a brick planter at the front of the site; a papauma, cypress, apple, damson, elder and

robina to the rear. The trees are either category C or U trees which are defined as being of low quality or value and dead or dying.

277 The removal of trees T7, T9 and T10 would open up the communal rear garden area for residents use. The loss of small low quality trees is not considered to significantly impact on amenity/wildlife habitat due to the number of more substantial trees on and around the site. As such, the proposal will not result in an unacceptable loss of trees. The applicant has proposed a detailed landscaping scheme that indicates a program of replanting. The details of hard and soft landscaping are proposed to be secured by condition.

7.7.3 Ground pollution

Policy

278 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 improve local environmental conditions.

279 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.

280 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.

281 The test is that after remediation, land should not be capable of being determined as “contaminated land” under Part 2A of the EPA.

Discussion

282 Since there is an existing residential building on site, it is unlikely that there is contamination on site. However, the applicant has been sent a copy of Lewisham’s Developers Guide for Potentially Contaminated Land. The Council’s Environmental Protection Manager has no objection to the proposed development subject to a planning condition securing a full desktop study and site assessment, site investigation report and closure report including verification details have been submitted to and approved by the local planning authority.

283 Subject to the above, the proposed development is acceptable with regard to ground pollution.

7.7.4 Air pollution

Policy

284 NPPF para 174 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.

285 CSP 7 reflects the London Plan. CSP9 seeks to improve air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

286 LPP SI 1 states that poor air quality is a major issue for London which is failing to meet requirements under legislation. New developments must not cause new exceedances of legal air quality standards. For major developments, a preliminary air quality assessment should be carried out before designing the development, to inform the design process. To reduce the impact on air quality during construction and demolition, development proposals must demonstrate how air quality issues will be managed.

287 Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

288 The development proposal minimises any potential increases in pollutants and particulates by utilising the proposed ASHP system in combination with Low NOx boilers. The development has been designed to have no increase in traffic movement or parking spaces when compared to the existing building. Instead, the proposal concentrates on more sustainable means of travel encouraging cycling and walking as alternatives.

289 The construction phase impacts of the development will be mitigated through the adoption of best practice guidance. Operational phase mitigation will be based on assessing the impacts of the scheme with reference to National Air Quality Strategy Objectives and the implementation of appropriate mitigation measures based on preventing or minimising exposure to exceedance of the Objectives.

290 All contractors will sign up to achieve 'beyond best practice' standards with the Considerate Constructors Scheme and comply with the relevant PPG6 Pollution Prevention Guidelines. The applicant is also advised that construction works be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites."

291 An Air Quality Assessment will be required to be submitted to and approved in writing by the local planning authority.

292 The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

293 Subject to the above being secured by condition, the proposed development would be acceptable with regard to air quality.

7.7.5 Water quality

Policy

294 The NPPF at para 174 states that among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels or water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality, taking into account relevant information such as river basin management plans.

Discussion

- 295 Given the nature of the proposed development, a residential led mixed-use scheme, the proposal is not considered to give rise to potential unacceptable impacts on water quality.
- 296 Thames Water have been consulted on the proposed application and have raised no objections subject to the inclusion of an informative on any recommendation for approval.

8 PUBLIC HEALTH, WELL-BEING AND SAFETY

General Policy

- 297 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).
- 298 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.
- 299 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.
- 300 Chapter 1 of the London Plan (Good Growth) seeks to ensure development is designed, constructed and managed in ways that improve health and promote healthy lifestyles to help reduce inequalities.
- 301 London Plan D11 states development should include measures to design out crime taking into account the principles of the Secured by Design scheme. Development should maintain a safe and secure environment and reduce the fear of crime.
- 302 CSP 15 requires development to minimise crime and the fear of crime.
- 303 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Discussion

- 304 The current proposal has been assessed by the Metropolitan Police Designing Out Crime Officer who has stated that there are many positives with the current proposal. There is an external bin store, which prevents doors leading to the building being damaged and a dedicated bike storage area. The airlock lobby to the premises, help prevents unwanted people from being able to tailgate into the property.

305 The officer noted no objections to the proposed development, but would seek to have a planning condition attached where this development should incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design.

306 As such, it is recommended that a Secured by Design condition be secured.

9 LOCAL FINANCE CONSIDERATIONS

307 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).

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

309 The CIL is therefore a material consideration.

310 £169,470.00 Lewisham CIL and £111,971.00 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.

8 EQUALITIES CONSIDERATIONS

311 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.

312 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.

313 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.

314 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>

315 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

316 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>

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

9 HUMAN RIGHTS IMPLICATIONS

318 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

319 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.

320 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.

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

10 LEGAL AGREEMENT

322 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

323 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.

324 It is recommended that the following items are secured by legal agreement:

Housing

- 15% London affordable rent.(14% habitable room basis)
- Dwelling mix 3 London Affordable Rent residential units. The mix of such units to be as follows:

Affordable Housing Mix Unit Type	London Affordable Rent
1b2p	1
2b4p	2
Total	3

- Two wheelchair homes to meet M4(3); remaining units to meet M4(2)
- Early and late stage review mechanisms

Carbon Offset Payment

- Financial contribution of £11,340.00

Monitoring and Costs

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

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

11 CONCLUSION

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

327 The proposal would provide twenty new homes; three of which would be socially rented residential units and would help meet the Borough's housing needs. This is a significant benefit to be weighed in the planning balance as the proposal will assist in addressing housing need as set out in the London Plan housing targets.

328 The proposal reflects the principles of the highest quality design, ensuring a high quality built environment for visitors and residents. The impact upon existing residential development in the vicinity of the application site has been fully considered and it is concluded that less than substantial harm will be caused. The officer assessment has identified some impacts upon occupants of neighbouring residential properties in relation to loss of light and overshadowing. However, on balance the benefits and planning merits of the scheme are considered to substantially outweigh any harm identified.

329 In conclusion, the proposed development is considered to be in accordance with the relevant national planning policy guidance and development plan policies. The proposal is wholly sustainable development in accordance with the NPPF and will make an important contribution to the borough in respect of housing supply. Therefore, any harm arising from the proposed development is considered to be outweighed by the benefits listed above.

12 RECOMMENDATION

330 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

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:

G0117-1; G0117 - ES1; G0117- ES2; G0117- G; G0117-R; G0117-T; Transport Statement (3rd August 2020); 17/25/01; 17/25/25; 17/25/26; 17/25/27; 17/25/28;

17/25/29; Arboricultural Implications Assessment (J58.38 3rd August 2020); Planning Statement; Design and Access Statement (Danks Badnell Architects Ltd); Marketing and Demand Report (4th August 2020); Financial Viability Statement (3rd August 2020); Energy and CO2 Reduction Strategy Rev.B (July 2020); Sustainability Statement (Carbon plan engineering); Daylight and Sunlight Report; Sustainable Drainage Report Rev.03 (3rd August 2020) (Received 7th August 2020)

Sustainable Drainage Report Rev.04 (23rd September 2020)

17/25/10E; 17/25/11A; 17/25/12A; 17/25/13A; 17/25/14B; 17/25/15B; 17/25/19; 17/25/20A; 17/25/21A; 17/25/22A (Received 22nd December 2020)

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

3) MATERIALS

No development above ground shall take place until a detailed schedule and samples have been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.

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

4) SOFT LANDSCAPING

- a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works. The landscaping scheme should include details of the roof terrace and landscaping to the front and rear of the site.
- 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 and diseased, shall be replaced in the next planting season with others of similar size and species.

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

5) HARD LANDSCAPING

- a) No development above ground level shall take place until detailed design proposals for hard landscaping have been submitted to the local planning authority for their approval. The detailed designs should keep hard surfacing to a minimum and maximise the extent of soft landscaping in conjunction with condition 4.
- b) The development shall be implemented in accordance with the details approved by the local planning authority.

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.

6) CONSTRUCTION LOGISTICS PLAN

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

7) CONSTRUCTION ENVIRONMENTAL 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 related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

8) WHEELCHAIR HOMES

The 2 wheelchair dwellings hereby approved shall be constructed **as fully adapted** in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) **hereby** approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

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).

9) AIR QUALITY

- (a) No development shall commence until an Air Quality Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

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 Development Management Local Plan (November 2014) Policy 23 Air quality.

10) SITE CONTAMINATION

- (a) No development or phase of development (including demolition of existing buildings and structures, **except where enabling works for site**

investigation has been agreed by the local planning authority) shall commence until :-

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

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

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

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

11) SECURE BY DESIGN

(a) Before any above ground work hereby approved begins, details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall be in line with the standards set out by 'Secured by Design'.

(b) Prior to the first occupation of units hereby approved, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the local planning authority may be satisfied that the development is not going to result in significant health and security impacts to

future residents and to comply with Sections 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the NPPF (February 2021), Chapter 1 (Good Growth) and Policy D11 - Safety, security and resilience to emergency of the London Plan (March 2021) and Policy 15 of the Core Strategy (June 2011)

12) NOISE ASSESSMENT

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

(b) Evidence outlining compliance with the standards above shall be submitted to and approved by the Local Planning Authority.

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

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

13) CAR PARK MANAGEMENT PLAN

Prior to first occupation, a Car Park Management Plan shall be submitted for approval in writing to the Local Planning Authority. The plan should describe how parking will be distributed and managed on the site including the location of electric vehicle charging points and measures to enable emergency and building maintenance access via the car parking area if required.

Reason: to ensure suitable arrangements for car parking as part of the development in accordance with Policy T6.1: Residential Parking of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (June 2011)

14) LIVING ROOF

(a) "Details of the biodiversity green roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

(c)The green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

- (d) Evidence that the roof has been installed in accordance with (a) and (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with 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).

15) **ELECTRIC VEHICLE CHARGING POINTS**

- (a) Details of the location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

16) **FIXED PLANT NOISE CONTROL**

- (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).

17) **DUST MANAGEMENT PLAN**

Prior to the commencement of development, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), shall be submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will need to detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise

possible noise, disturbance and pollution to neighbouring properties and to comply with Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

18) CYCLE PARKING

- (a) **Prior to first occupation**, full details of the cycle parking facilities for 37 cycles shall be submitted to and approved in writing by the local planning authority.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been 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).

19) FIRE STATEMENT

No above ground development shall commence (other than demolition) until a fire statement for the relevant uses has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the buildings construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant uses of the development shall be carried out in accordance with the approved details.

Reason: To ensure that the risk of fire is appropriately addressed in the proposed development, in accordance with the Policy D12 of the London Plan (March 2021)

20) TREE PROTECTION AND ARBORICULTURAL METHOD STATEMENT

No development shall commence on site until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) 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 and AMS 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).

21) REFUSE MANAGEMENT PLAN

- (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the **completion of above ground works** of each phase of development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, 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).

22) NO EXTERNAL PLUMBING OR PIPES

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including than rainwater pipes, shall be fixed on the external faces/front elevation of the building.

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

23) SATELLITE DISHES AND ANTENNA

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes or antenna shall be installed on the north/east/west elevations of the building or the roof of the building.

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

24) RETENTION OF AMENITY SPACE

The whole of the amenity space (including communal garden, roof terrace and balconies) shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

25) DETAILS OF DRAINAGE

Above ground development shall not commence until full details of a detailed drainage and micro drainage plan (including site-specific maintenance plan) have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and retained in perpetuity.

Reason: In order to ensure that the development incorporates sustainable urban drainage systems in accordance with Paragraph 167 of the NPPF, London Plan Policy SI 13 Sustainable drainage, Policy SI 5 Water Infrastructure and Policy 10 of the Core Strategy (June 2011)

26) HOURS OF CONSTRUCTION

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

No work shall take place on the site other than between the hours of 8am and 6pm on Monday to Fridays and 8am and 1pm on Saturdays and no at all on Sundays or Public Holidays.

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

27) SOLAR PANELS

- (a) Details of proposed PV panels shall be submitted to and approved in writing by the LPA prior to first installation.
- (b) The PV panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved and retained in perpetuity.

Reason: In order to comply with the Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011)

28) THAMES WATER CONDITION – PILING METHOD STATEMENT.

No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.

29) EXHAUST AIR HEAT PUMP

(a) Details of the exhaust air heat pump shall be submitted and approved in writing by the LPA prior to first installation.

(b) The EAHP, approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved and retained in perpetuity.

Reason: In order to comply with the Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011)

INFORMATIVES

A) Positive and Proactive Statement

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.

B Community Infrastructure Levy

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>

C Construction – Pollution and Noise

You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

D Thames Water

Prior approval from Thames Water Developer Services will be required since the proposal is to discharge to a public sewer. Should you require further information please refer to our website. https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da_2Dlarge-2Dsite_Apply-2Dand-

[2Dpay-2Dfor-2Dservices Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m= PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=](https://www.thameswater.co.uk/developers/developing-large-site-apply-and-pay-for-services-wastewater-services?d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m=PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=)

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 will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk.

Application forms should be completed on line via

[https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m= PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=ve30f4-WFK-Jg8q6XQvrrGIPToCqeGPbZlei0Rh2vi4&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m=PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=ve30f4-WFK-Jg8q6XQvrrGIPToCqeGPbZlei0Rh2vi4&e=) Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da_2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m= PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-Large-Site_Apply-And-Pay-for-Services-Wastewater-Services&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m=PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=)

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

E S106 Agreement

You are advised that the approved development is subject to a Section 106 agreement. Please ensure that your obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team at CiIL@Lewisham.gov.uk