

Committee	PLANNING COMMITTEE C	
Report Title	229 Deptford High Street, London, SE8 3NT	
Ward	Evelyn	
Contributors	Alfie Williams	
Class	PART 1	30 September 2021

<u>Reg. Nos.</u>	DC/21/120773
<u>Application dated</u>	08 March 2021
<u>Applicant</u>	Simply Planning Limited on behalf of Visionbel Limited
<u>Proposal</u>	Reinstatement and re-development of the demolished building at 229 Deptford High Street SE8, to deliver three-storey with mansard roof mixed-use development comprising 223sqm of flexible commercial floorspace on the ground floor (Use Class E) and five self-contained residential flats (3x 1B/2P; 2x 2B/3P) on the upper floors (Use Class C3) together with cycle parking, refuse storage and all other associated works.
<u>Background Papers</u>	<ul style="list-style-type: none"> <li>(1) Submission drawings</li> <li>(2) Submission technical reports and documents</li> <li>(3) Internal consultee responses</li> <li>(4) Statutory consultee responses</li> </ul>
<u>Designation</u>	<ul style="list-style-type: none"> <li>(1) Air Quality Management Area</li> <li>(2) Area of Archaeological Priority</li> <li>(3) Deptford Neighbourhood Forum</li> <li>(4) Flood Risk 2</li> <li>(5) Major District Centre</li> <li>(6) Shopping Non-Core Area</li> <li>(7) PTAL 5</li> </ul>
<u>Screening</u>	Not applicable

## 1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as the Deptford Society has raised an objection.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is a 0.0176-hectare plot located at the south-west corner of the junction of Evelyn Street and Deptford High Street. The application site address is known as 229 Deptford High Street. Drawing 1 shows the application site in red.

**Figure 1: Site location plan**



- 3 The building that previously stood on the site was three storeys in height, with basement of typical late Georgian character with 6/6 timber sash windows and diminishing proportions rising up the elevation. It had been a prominent and historic three storey corner building, with the ground floor historically in use as a public house known as Noah's Ark, and most recently in use as an office space. Its front elevation was finished in stucco and the side and rear elevations in stock brick, with a historic but non-original public house frontage at ground floor. At present the property is surrounded in scaffold and hoarding following demolition works to the upper floors.

***Surrounding development***

- 4 To the north and east the site is surrounded by Evelyn Street and Deptford High Street. To the south is No. 227 Deptford High Street, which is Grade II listed. To the west there is an existing car wash which has a planning permission for mix-use development under reference DC/19/111176.

***Character of area***

- 5 This application site is located at the end of Deptford High Street, which is a mixed-use road with retail, cafés, restaurants and bars, typically with residential uses above.

***Heritage/archaeology***

- 6 The application site falls within the Deptford High Street and St Paul's Church Conservation Area (the CA), at its very northern end. The CA boundary wraps around the west side of no.229's site, and on the north side of Evelyn Street extends only as far as to include the former Harp PH.

7 No 227 immediately adjacent to the application site is listed at grade II. The statutory list description notes that it dates to 1791-2 and was constructed as a house and shop, with improvements carried out in 1801-2 and 1822-3, probably including a two storey timber framed bake house at the rear of the plot.

8 The application site is also located in an area of archaeological priority.

### ***Natural environments***

9 The application site is located within the Environmental Agency Flood Zone 3, however the site benefits from flood defences.

### ***Transport***

10 The site has a Public Transport Accessibility Level (PTAL) score of 5 on a scale of 1-6b, 1 being lowest and 6b the highest. It is less than 321m from Deptford Station.

## **3 PLANNING HISTORY**

### **3.1 RELEVANT PLANNING HISTORY**

11 The planning history records for the site are available on the Council records. Below is the summary of the planning history for the site including the description of development as publicised, reference number to the application and important dates in the determination of the application.

12 Application reference DC/96/039992 for “certificate of lawful development for use of part of Noah’s Ark Public House for Class A2 purposes (bar area and first floor function rooms) was approved in February 1996. The applicant was advised that the change of use of the residential accommodation to office purposes falling within either Class A2 or B1 would require planning permission. The applicant was also advised that an office operating an appointments only system would be held to fall within Class B1 rather than Class A2. The certificate was granted.

13 Application reference DC/96/040529 for “change of use of the Noah’s Ark Public House to a Solicitor’s office (Use Class A2)” was approved in August 1996.

14 Application reference DC/17/103142 for “prior approval for the change of use from Use Class B1(a) (offices) to Use Class C3 (residential) in the form of 11 single person occupancy studio flats/maisonettes over the lower ground, ground, first and second floors of 229 Deptford High Street, SE8 pursuant to Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)” was received on 22/08/2017 and was approved on 17/10/2017 subject to conditions.

15 Application reference DC/18/109377 for “the construction of a mansard roof extension at 229 Deptford High Street, SE8 to provide a self-contained two bed flat” was submitted on 14/11/2018 and approved on 12/07/2019 subject to conditions.

16 Application DC/18/109981 for “the installation of new and replacement windows, doors and fascia board to the front and rear elevations of 229 Deptford High Street, SE8, together with the re-rendering of the external walls” was submitted on 07/01/2019 and approved on 15/03/2019.

## **3.2 PRE-APPLICATION**

- 17 Concept pre-planning application reference PRE/20/115973 was submitted on 31/03/2020 to set out the Councils expectations regarding proposed development at 229 Deptford High Street. The applicant was informed that the Councils expectation for the building would be for it to be brought back to its original form externally. The proposal to provide a mix-use development with commercial space on ground floor and residential on floors above was supported.
- 18 Pre-planning application reference PRE/20/116738 was submitted on 26/06/2020 and it followed concept meeting (reference PRE/20/115973). This pre-application advice assessed the amended floor plans, proposed elevations and appearance of the building. The submitted scheme for comment had a number of critical issues which needed to be resolved. The applicant was advised to carry out a thorough assessment of the pre-existing building and assess its significance and importance in the conservation area. Officers also raised concerns to the proposed provision of 1b/1p units; standard of residential accommodation; provision of cycle parking and servicing.
- 19 Pre-planning application reference PRE/20/117619 was submitted on 18/08/2020 and it followed the previous two pre-planning applications (reference PRE/20/115973 and PRE/20/116738). The scheme that was submitted failed to deliver a building of sufficient quality to the one that was demolished without the benefit of planning permission. The applicant was advised to review the rear elevation, mansard roof extension, and standard of residential accommodation.
- 20 Pre-planning application reference PRE/20/118904 was submitted on 11/11/2020 and it followed the previous three pre-planning applications (reference PRE/20/115973; PRE/20/116738; and PRE/20/117619). The scheme positively responded to issues raised at the last pre-application meeting. However, there were a couple of areas that required further work before planning application can be submitted such as information on materials and additional drawings that were not provided with the submission.

## **3.3 ENFORCEMENT**

- 21 ENF/19/00375: Enforcement investigation into demolition works at 229 Deptford High Street – investigation ongoing.

## **3.4 NEIGHBOURING SITES**

- 22 Application reference DC/19/111176 at 402-404 Evelyn Street was for “the construction of a three storey building on the site of 402-404 Evelyn Street, SE8, to provide 4 commercial units at ground floor, 2 one bedroom and 6 two bedroom self-contained flats on the upper floors, together with the provision of green roof, bin storage and cycle parking spaces to the rear” was received on 26/02/2019 and approved at planning committee on 10/09/2019.

# **4 PLANNING APPLICATION**

## **4.1 THE PROPOSALS**

- 23 The proposed is to reinstate, refurbish and renew the pre-existing building at the application site, to provide a mixed-use commercial and residential development. The scheme would effectively re-build the demolished building with further modifications.
- 24 The proposal seeks to replicate the demolished building in a scholarly and historically accurate manner, reintroducing active commercial units at ground floor, restoring the

historic building frontage, reinstating the upper floors and replicating the appearance of the pre-existing rear elevation with some changes to accommodate the residential use.

25 The scheme would provide two duplex commercial units, located over basement and ground floor, and five self-contained flats, located at first floor and above.

26 The scheme would provide separate cycling and waste storage are from commercial and residential use at ground floor.

27 Access to the ground floor commercial units has been improved to ensure that both units can be accessed by those with any disabilities.

## **4.2 ADDITIONAL INFORMATION AND AMENDMENTS**

28 Amendments have been made to the application and revised information submitted as set out below.

- Detailed drawing of the windows including raised stucco window surrounds on the front façade.
- Detailed information about the proposed materials to be used in construction of the replacement building including the use of lime render for the front façade.
- Information about the areas of the existing building that will be retained and restored including details for the shopfront.

## **5 CONSULTATION**

### **5.1 APPLICATION PUBLICITY**

29 The Council undertook statutory public consultation on the planning application and in line with our Statement of Community Involvement letters were sent to neighbouring properties and businesses. In total 14 letters were sent.

30 In addition, a public notice was displayed outside the application site. A press notification was also issued on 10/04/2019.

### **5.2 RESPONSES FROM THE PUBLIC**

31 None received.

### **5.3 INTERNAL CONSULTATION**

32 Lewisham Conservation: following revisions they raised no objection to the proposed development.

33 Lewisham Environmental Health (Air Quality): no objection subject to addition of planning conditions.

34 Lewisham Urban Design: no response received.

35 Lewisham Highways: no response received.

### **5.4 EXTERNAL CONSULTATION**

36 Ward Councillors: no response received.

- 37 The Deptford Society: objects to the application on the grounds that the current proposals exclude reinstatement of any of the original facade detailing and embellishments at upper floor levels; the proposal fails to protect and enhance the character of the Conservation Area; an objection to the proposed external materials, see paras 67-78 below.
- 38 Deptford High Street Association: no response received.
- 39 Deptford Folk: no response received.
- 40 Environmental Agency: Advised that the site is covered by the EA's Flood Risk Standing Advice. This means you do not have to consult us directly and can use our standing advice to manage flood risk for this planning application.
- 41 Historic England: Advised that on the basis of the information available to date, HE do not need to be notified or consulted further on this application under the relevant statutory provisions.
- 42 TfL: no response received.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

- 43 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).
- 44 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### **6.2 MATERIAL CONSIDERATIONS**

- 45 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.
- 46 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.
- 47 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

### **6.3 NATIONAL POLICY & GUIDANCE**

- 48 The National Policy and Guidance comprises:
- National Planning Policy Framework 2021 (NPPF)
  - National Planning Policy Guidance 2014 onwards (NPPG)
  - National Design Guidance 2019 (NDG)

## 6.4 DEVELOPMENT PLAN

49 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 6.5 SUPPLEMENTARY PLANNING GUIDANCE

50 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Deptford High Street and St Paul's Conservation Area Appraisal (December 2019)

## 7 PLANNING CONSIDERATIONS

51 The main issues are:

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

### 7.1 PRINCIPLE OF DEVELOPMENT

52 The lawful land use of the application site and the building prior to its demolition was office (Use Class B1 (a)). This is evident in the planning history and planning assessment of prior approval application reference DC/17/103142 approved on 17/10/2017. Officer report for the application stated that "*Officers have undertaken a site visit and this, together with the supporting documents (various bills, statements / invoices and Council Tax and Business Rates Valuation documents) suggest that much of the building that the application relates to has been in, and continues to be in, B1(a) office use.*" As the prior approval for change of use to residential has not been implemented, the previous use remains the main land use for the site. There was approximately 522.5sqm of office space before the building was demolished.

53 The redevelopment of the site would replace the existing land use with 223sqm of commercial, business and service (Use Class E) floor space and 303sqm of residential (Use Class C3) floor space (5 flats).

#### 7.1.1 Loss of existing employment (Use Class B) space on site

*Policy*

54 CS Glossary defines employment as uses which fall within B1, B2 and B8 of the Use Class Order. Therefore, LP Policy E4, CS Policy 5 and DMLP Policy DM11 are relevant. These policies seek to protect employment uses on the smaller sites in office, industrial and warehouse/storage use and builders and scaffolding yards in and around town centres, district and local hubs and also those embedded in residential areas.

#### *Discussion*

55 The proposal is for a predominantly residential scheme, including some commercial, business, and service (Use Class E) floor space. The loss of office floorspace is generally resisted subject to an assessment against DMP 11. The site lies within a District Centre accessible to and for a range of employment opportunities, services and facilities. Therefore, part 2 of DMP 11 is relevant. DMP 11.2 states that redevelopment of a site on a commercial street frontage will be supported where a business use is retained on the ground floor, and a business and/or residential development is provided on upper floors, as is the case with this scheme.

56 DMP 11.2 goes on to state that the number of jobs created by the proposal should outweigh the loss of the employment site, and results in no net loss of job. It is not clear whether the proposal would result in a net loss of jobs given that there is no end user identified for the proposed commercial unit. However, in this case any loss of employment would be offset by general compliance with the spatial priorities of the borough and enhancement to the vitality and viability of the town centre given that the site is located in Regeneration and Growth Area as identified in the CS Spatial Policy 2, Deptford, Deptford Creekside, New Cross/New Cross Gate.

57 CS Spatial Policy 2, Deptford, Deptford Creekside, New Cross/New Cross Gate, Clause 2, supports a vibrant network of town centres, the location for major new retail and leisure development within this area, including their contribution to the local high-time economy. As such, the proposed use would be consistent with the expectations for the site. The proposed commercial use would contribute towards the local economy, while it would bring two modern and well-sized commercial units. This brings a welcome active frontage to this prominent location.

58 Officers have also given significant weight to the proposed outcome of the scheme, which sets out to restore the building following the demolition works carried out in 2019. This is supported by para 199 of the NPPF, which states that great weight should be given to an asset's conservation.

### **7.1.2 Provision of residential accommodation**

#### *Policy*

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

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

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

#### *Discussion*

62 The scheme would provide five additional residential dwellings. Although the contribution to the overall housing market would be small, this is a welcome contribution to the current annual target for Lewisham.

### 7.1.3 Principle of development conclusions

63 In light of the above, the principle of change of use of the site from office to residential (Use Class C3) on the upper floors is accepted. The development would be consistent with the Development Plan, subject to details.

## 7.2 URBAN DESIGN AND HERITAGE

### *Urban Design Policy*

64 The NPPF at para 126 states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

65 LP Policy D4, CS Policy 15 and DMLP DM30, required that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity.

### *Heritage Policy*

66 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the part of LPA's when considering whether to grant planning permission for development which affects a conservation area to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of that conservation area

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

68 LP Policy HC1, CS Policy 15, DMLP Policy 36 and 37 are relevant. These policies seek to ensure that heritage assets are protected so that they may continue to contribute to the richness of the borough's historical environment and inform future development and regeneration.

### *Discussion*

69 The Noah's Ark pub was a landmark historic building in the conservation area with its sweeping facade and enhanced detailing of window surrounds and pediments, it celebrated the northern end of the High Street.

70 The building that previously stood on the site was the northern most building in a group of 7 (nos. 217 - 229 Deptford High Street), which are bookended by the White Swan public house at the southern end and the former Noah's Ark at the northern end. This group is of fine townscape character, each building of differing height and width. This is a characteristic in this conservation area, but with unifying characteristics of building line, materiality, stucco cornice, multi paned sash windows and shop fronts at ground floor. Photo 1 below shows the pre-existing building, prior to its demolition in late 2019.

71

Over the years as a consequence of unsympathetic refurbishments, some of the detailing (for instance window surrounds at upper floor levels) and a large pediment at parapet level was lost.

**Figure 2: Pre-existing building at 229 Deptford High Street**



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The proposed mass, height and scale of the development would match that of the demolished building with approved mansard roof extension (see reference DC/18/109981). The proposal would consist of three parts, the retention and refurbishment of the ground floor (all parts below the red dotted line would be repaired and refurbished to match existing and new glazing installed within the doors and windows), the reinstatement of first and second floor that were demolished to match pre-existing façade, and construction of mansard roof extension as previously approved.

**Figure 3: Proposed front elevation (see drawing 0226 Rev P02)**



73

The ground floor elevation has been designed to restore and reflect the character of the original pub front whilst providing the necessary access to the proposed mixed-use

building. However, all features such as case iron grille (to allow for MVHR ventilation), stained glass panels, decorative lights and brass letters would be refurbished or reinstated. The elevation would retain traditional proportions for the stall rises, fenestration, fascia and pilasters to ensure the proposal is contextually accurate.

- 74 The upper floors (first and second floor) would reflect the detailing, proportions and window openings of the pre-existing building, except that two formerly 'blind' windows would be opened with timber sash windows that match those in the other openings. All windows would be timber, an improvement to pre-existing UPVC windows.
- 75 The mansard roof extension would reflect the design that was approved under application reference DC/18/109981. The roof would be covered in natural slate with timber and lead covered dormer windows. The dormer windows would align with windows on the lower floors and they would be of appropriate size.

**Figure 4: Pre-existing rear elevation (see drawing 373D.EX.112)**



- 76 Due to the curved nature of the site and the building on surrounding sites, the rear elevation is not readily visible as part of a streetscene. The rear elevation of the pre-existing building is typical of a building of the time, lacking the formality of the front elevation and having a back-of-house character. The rear elevation provided evidence of its internal layout, including staircases, with its fenestration pattern as well as extension history.

**Figure 5: Proposed rear elevation (see drawing 0227 Rev P01)**



- 77 The proposed rear elevation has taken cues from the original elevation. It employs irregular window positions and differing proportions of the windows as well as replicating the detailing including window arches and timber sash windows.
- 78 The proposal includes a small rear extension at ground floor to provide more usable floor space internally. The extension would also allow one of the proposed flats to have a small private terrace.
- 79 The existing relationship and position between the application building and the neighbouring site at No 227 Deptford High Street would be retained and the relationship between the site and the building would be the same.
- 80 The Conservation Officer has reviewed the revised information and raised no objection to the proposed materials as stated in the submitted drawings. Officers also consider that the revisions address the objection submitted by the Deptford Society, particularly in regard to the use of an appropriate render for the front façade and the restatement of raised stucco to the window surrounds. A condition will be added to ensure that the building is constructed in accordance with the provided information.

### 7.2.1 Urban design and heritage conclusion

- 81 The urban design of the proposed building is acceptable and it would result in suitable design building, subject to adding a condition about the proposed material.
- 82 Officers, having regard to the statutory duties in respect of listed buildings and conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would restore a historically appropriate building to the site to a high standards and it would result in enhancement in the conservation area.

## 7.3 HOUSING

### 7.3.1 Housing mix

#### *Policy*

- 83 LP Policy H10 details that schemes should consist of a range of unit sizes. The policy sets out the criteria to determine appropriate mix of unit sizes including: local evidence of need; requirement to deliver inclusive neighbourhoods; deliver a range of unit types at different price points; mix of use in the scheme; range of tenures; the nature and location of the site; housing potential.

#### *Discussion*

- 84 The proposed development would provide private/open market units only. There is no requirement for the development to provide affordable housing as the scheme is not a major development of 10 or more units. Table 1 below shows the proposed unit mix.

**Table 1: Proposed unit mix**

Unit	No. of units	%	Habitable room	%
1B2P	3	60%	6	50%
2B3P	2	40%	6	50%

<b>TOTAL</b>	<b>5</b>	<b>100%</b>	<b>12</b>	<b>100%</b>
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85 The proposed housing mix is appropriate for the site location and it responds to the identified housing need in Lewisham. The scheme would provide an appropriate mix of dwellings for the size of the application site.

### 7.3.2 Internal and external space standards

#### *Policy*

86 NPPF para 130 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.

87 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32.

88 Table 3 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.

**Table 2: Minimum internal space standards for new dwelling as set in Table 3.1 in the London Plan (March 2021)**

Type of dwelling		Minimum gross internal floor (GIA) area and storage		
No of bedrooms (b)	No. of persons (p)	1 storey dwelling (sqm)	Built-in storage (sqm)	Private amenity space (sqm)
1b	2p	50	1.5	5
2b	3p	61	2	6

89 In addition to above table LP Policy D6 requires single bedrooms to have a floor area of at least 7.5sqm and double bedrooms to have a floor area of at least 11.5sqm. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the GIA.

#### *Discussion*

90 The table below sets out proposed dwelling sizes in regards to the internal and external space that would be provided.

**Table 3: Proposed internal space standards**

Type of dwelling			Proposed GIA, storage, bedrooms and outdoor space			
Unit	No of bedrooms	No. of persons	Floor area (sqm)	Bedroom size (sqm)	Outdoor space (sqm)	Built-in storage (sqm)
1.01	1b	2p	63	Double – 12.7	0	0.6
1.02	2b	3p	62	Single – 7.8	3.5	2.1
				Double – 12.8		
2.01	1b	2p	59	Double – 12.7	0	1.5

2.02	1b	2p	50	Double – 11.3	0	1.1
3.01	2b	3p	69	Single – 7.7	0	1
				Double – 11.7		

- 91 All proposed houses would meet the requirements of LP Policy D6 in terms of total floorspace and bedroom size. The bedrooms would also be policy compliant in terms of the width of the rooms. In addition the proposed units would be well laid-out, have generous proportions.
- 92 Flat 1.01, 2.02 and 3.01 would fail to provide required built-in storage space. Apart from unit 2.02, the flats would be oversized and the shortfall can be accommodated elsewhere in the flats by putting storage furniture. This would not warrant a reason for refusal.
- 93 All flats would fail to provide the required amount of private outdoor space. Officers note that the applicant was expected to restore the building close to its original form. The provision of external private amenity space would prevent that. Therefore in this case the lack of provision of private outdoor space is considered acceptable.
- 94 The floor to ceiling height of the dwellings would be 2.5m as shown on the submitted section drawing.

### 7.3.3 Outlook, Privacy and Overheating

#### *Policy*

- 95 DMLP Policy 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents.

#### *Discussion*

- 96 The main outlook from the proposed dwellings would be north-east, towards the front of the site and Evelyn Street. All flats would have secondary outlook towards north-west and the rear of the site.
- 97 The dwellings would benefit from good levels of privacy. The application building would be situated approximately 16m from building at No's 2-4 Kings Street the closest building to the north, and approximately 34m from residential flats on Grinling Place located to the rear (west) of the site. These separation distances are considered to be acceptable to ensure that no overlooking, loss of privacy and loss of outlook would occur.
- 98 The application site is located within the Evelyn Street corridor, an area of Air Quality management. A priority is therefore to provide development, through construction and build, which minimises emissions through effective planning policy, development control and environmental protection enforcement. The amenity of future residents should also be considered, in terms of the potential impact of air quality. Future occupiers would be able to open the windows or use mechanical ventilation. The proposed design would give them an option on how to ventilate their properties. A suitable designed and positioned ventilation system should be secured by a planning condition.

### 7.3.4 Daylight and Sunlight

#### *Policy*

- 99 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.

### *Discussion*

- 100 Officers consider the daylight and sunlight levels would be acceptable. No assessment has been provided but it is not considered necessary for this scheme given its modest scale and its design, namely double aspect to all units.

## **7.3.5 Noise and disturbance**

### *Policy*

- 101 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 102 LP Policy D13 states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses can be mitigated. The policy also aims to safeguard the ongoing operation of existing uses.

### *Discussion*

- 103 The application site is located within the Evelyn Street corridor. No assessment has been provided that would review noise to future occupiers. To ensure that a suitable standard of residential amenity is provided, a condition would be added requiring that all of the windows on the Evelyn Street elevation are fitted with acoustic double-glazing. A similar condition was added on the neighbouring site at No's 402-404 Evelyn Street approved under DC/19/111176.
- 104 The use of the ground floor space is not likely to generate levels of noise in excess of what is to be expected within this densely populated and busy location. Therefore, the principle of a mixed-use building with residential accommodation above is supported. However, Class E encompasses a large range of uses with differing potential noise levels. For that reason a condition would be imposed securing a scheme of noise insulation between the ground and upper floors. The developer would be required to ensure that the combined rating noise from all of the building services plant on the development does not exceed the typical ambient background noise levels. A condition should be added requiring that noise levels are 5dB below the background noise level.

## **7.3.6 Housing conclusion**

- 105 On balance, the proposed development would provide a good standard of residential accommodation in compliance with LP Policy D6 and DMLP Policy 32.

## **7.4 TRANSPORT IMPACT**

### *General policy*

- 106 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 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.

107 Para 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”.

108 The Core Strategy, at Objective 9 and CS Policy 14, reflects the national and regional priorities.

### 7.4.1 Local Transport Network

*Policy*

109 The NPPF at paragraph 104 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

*Discussion*

110 The application site has a PTAL of 5, which is a very good level of public transport accessibility. Officers are satisfied that the modest scale of development would prevent the need for any mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

### 7.4.2 Cycling

*Policy*

111 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

**Table 4: London Plan Table 10.2 Minimum cycle parking**

Use Class		Long stay	Short-stay
C3	Dwellings (all)	<ul style="list-style-type: none"> <li>1.5 spaces per 1b/2b</li> <li>2 spaces per all other dwelling</li> </ul>	5 to 40 dwellings: 2 spaces
B1	Office	1 space per 75sqm	First 5000sqm: 1 space per 500

*Discussion*

112 The proposed development generates a requirement for 7.5 long-stay and 1 short-stay residential cycle parking spaces and 3 long-stay and 1 short-stay commercial, business and service cycle parking spaces.

113 The cycle storage for residential use would provide space for eight bicycles. The spaces will be in the form of two-tier racks, which will be gas assisted. A condition requiring that the mechanism is retained and well maintained in perpetuity of the development is recommended.

114 The cycle storage for commercial use would provide space for four bicycles, two in each store/unit. The cycle spaces would be located in a store room located to the rear of the commercial space. A condition requiring that the cycle storage is maintained as a cycle storage in perpetuity of the development is recommended.

115 The scheme does not meet the threshold for short-stay spaces. Whilst this is unfortunate, officers acknowledge the constraints of the site and note that there are

several short-stay Sheffield stands immediately outside the application site on Deptford High Street. This is unobjectionable and accepted on balance.

### **7.4.3 Private cars**

#### *Policy*

- 116 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.
- 117 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 5 and above should be car free.

#### *Discussion*

- 118 The proposal site is located within a highly accessible public transport zone (PTAL 5) and as such the development would be expected to be car free. Submitted layout plans show that the site would not have any car parking. That is consistent with the parking policies in the London Plan. The proposal is not likely to result in an unacceptable impact to parking capacity in the surrounding area given the modest scale of development.

### **7.4.4 Servicing and refuse**

- 119 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 120 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 121 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*

- 122 The scheme would provide separate residential and commercial refuse store, which would be secured at ground floor level and accessible from the pavement of Evelyn Street. Each refuse store would be provided with two 1,100l Eurobins (one for general waste and mixed dry recycling). The number and size of the proposed bins would be sufficient of number of residents and employees. All waste would be securely held within the refuse stores until collection date. The drag distance to the kerb site is considered to be appropriate. Refuse collection will take place on Evelyn Street, in compliance with existing carriageway restrictions.
- 123 Deliveries vehicles for the commercial and residential units would be expected to park within the loading bays on Deptford High Street. The closest parking delivery bay is located approximately 20m to the south of the application. As additional loading bay is located on Edward Street.

### **7.4.5 Construction impact**

#### *Policy*

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

*Discussion*

125 A Construction Logistics Management Plan (“CLMP”) was submitted with the application. The CLMP has considered construction vehicles access to the site on local roads in the context of existing geometry and on-street parking provision. The delivery times as well as vehicles movements with loading/unloading have been altered to accommodate operation and trips associated with nearby schools to the development and Deptford Market at the High Street. Suitable measures have been identified to reduce traffic impact of the works on the public highway. A condition will be added for a Construction Management Plan to secure further details for the construction logistics including a requirement to participate in the Zonal Construction Forum for Evelyn Street. .

#### **7.4.6 Transport impact conclusion**

126 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

### **7.5 LIVING CONDITIONS OF NEIGHBOURS**

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

128 DMLP Policy 32 expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.

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

*Discussion*

130 The neighbouring properties that could potentially be affect by the development are No 227 to the south, residential flats on Grinling Place located approximately 34m from the site to the south-west, the open air car dealership to the west, and the mixed-use building at No’s 2-4 Kings Street (over the road) located approximately 16m to the north-east.

131 Given the design of the building (being built to a pre-existing form) and the distance to the neighbouring sites, officers consider that the proposed development would not result in unreasonable impact with regards to neighbour amenity in terms of loss of daylight, sunlight, noise and disturbance, overbearing impact, loss of privacy or creating of a sense of enclosure.

#### **7.5.1 Impact on neighbour's conclusion**

132 In light of the above, the proposed development would not have unacceptable impact on neighbouring amenity.

## **7.6 SUSTAINABLE DEVELOPMENT**

### **7.6.1 Energy and Environmental Sustainability**

#### *Policy*

133 LP Policy SI2 required development to minimise greenhouse gas emissions.

#### *Discussion*

134 The proposed development has been designed to prioritise passive measures to minimise heat loss via low u-values, low air permeability, low energy lighting and MVHR. Overall, the proposed scheme would achieve a 30.5 per cent reduction in CO2 over Part L of the Building Regulations.

### **7.6.2 Air quality**

#### *Policy*

135 The NPPF at para 186 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.

136 CS Policies 7 and 9 and DM Policy 23 provide the local plan policy basis for assessing development proposals.

#### *Discussion*

137 The applicant has provided an Air Quality Impact Assessment, and it concludes that the implementation of appropriate measures and good practice during the demolition and construction phases would mitigate potential harm from dust. Due to the small size of the development, it does not exceed the criteria requiring an air quality neutral assessment to be carried out. This has therefore been screened out and no mitigation is required. The development is considered to comply with national and local air quality policy.

### **7.6.3 Flood risk and Sustainable Urban Drainage**

#### *Policy*

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

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

#### *Discussion*

140 The application site is located in flood zone 2 and 3 on Environmental Agency flood zone mapping. However, due to the protection afforded to the site by flood defences along both the River Thames and the Thames Barrier, the flood risk to the site is low.

141 Moreover, the development would not increase the impermeable surface of the site and given that the residential units would be situated above ground. It is not considered that the proposed development would increase the risk of flood elsewhere.

### **7.6.4 Sustainable Infrastructure conclusion**

142 The proposal is acceptable in terms of sustainable development.

## 8 LOCAL FINANCE CONSIDERATIONS

143 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).

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

145 The CIL is therefore a material consideration.

146 £30,300 Lewisham CIL and £18,180 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 9 EQUALITIES CONSIDERATIONS

147 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.

148 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.

149 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.

150 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>

151 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

152 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>

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

## 10 HUMAN RIGHTS IMPLICATIONS

154 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

155 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.

156 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.

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

## 11 CONCLUSION

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

- 159 The principle of developing the site for mixed-use development providing commercial, and residential floor space in a sustainable urban location is acceptable and in accordance with the Development Plan, and weight is given to this planning merit.
- 160 The proposed development is acceptable in terms of its scale, form, design, material and impact on heritage assets including the conservation area, the NDHA and nearby listed buildings.
- 161 The proposal would have no unacceptable impact on neighbours in terms of overlooking, loss of daylight/sunlight, noise or disturbance. It was also considered that the proposal would not negatively impact on the local transport network or parking.
- 162 In light of the above, it is recommended that this planning permission is approved subject to conditions and informative.

## 12 RECOMMENDATION

- 163 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

### 12.1 CONDITIONS

1) **PLANNING PERMISSION TIME LIMIT**

The development to which this permission relates must be completed not later than the expiration of one year beginning with the date on which the permission is granted.

**Reason:** In order to ensure that the building is restored within an acceptable timeframe so that the character and appearance would be preserved or enhanced in accordance with Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990

2) **APPROVED PLANS**

The development shall be carried out strictly in accordance with the application plans and drawings including listed material schedule hereby approved and as detailed below:

- Site Location Plan; 373.EX.100; 373.EX.101; 373.EX.102; 373.EX.103; 373.EX.104; 373.EX.110; 373.EX.111; 373.EX.112; 373D.PR.100 Rec A; 373D.PR.101 Rev G; 373D.PR.102 Rev F; 373D.PR.103 Rev G; 373D.PR.104 Rev G; 373D.PR.105 Rev B; 373D.PR.111 Rev B; 373D.PR.112 Rev C; 373D.PR.210 Rev B; 373D.PR.211 Rev C; 373D.PR.220 Rev A; 373D.PR.301 Rev C; 373D.PR.303 Rev C; 373D.PR.304 Rev D; 373.PR.305 Rev B received on 11 March 2021.
- 0220 Rev P02; 0221 Rev P02; 0222 Rev P01; 0223 Rev P01; 0224 Rev P01; 0225 Rev P01; 0410 Rev P01; 0411 Rev A; 0412 Rev P01; 0413 Rev P01; 0414 Rev P01; 0415 Rev P01; 0420 Rev P01; 0421 Rev P01; 0422 Rev P01; 0430 Rev P01; 0440 Rev P01; 0441 Rev P01; 0442 Rev P01; 0460 Rev P01 received on 23 June 2021.
- 0227 Rev P01; 0228 Rev P01 received on 12 August 2021.

- Existing site condition document received on 18 August 2021.
- 0226 Rev P02 received on 1 September 2021.

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

### 3) **VENTILATION SYSTEM CONDITION**

Prior to the commencement of development (other than survey works and works necessary to retain the existing structure), a Mechanical Ventilation Heat Recovery (MVHR) system report in order to mitigate air pollution shall be submitted to and approved in writing by the Council. The report shall include the following information:

- a) Details and locations of the air intake locations of the mechanical ventilation system, or
- b) Details of filtration system to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, and Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890.

Ventilation intakes shall be positioned a suitable distance away from chimney/boiler flues, ventilation extracts, and roads. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. A post installation certificate of the approved ventilation strategy shall be submitted to the Council for approval prior to the occupation/use of the development. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance Policy SI1 and SI2 of the London Plan (March 2021), and NPPF 181.

### 4) **GAS BOILER CONDITION**

- (a) Prior to occupation of the development, details of the Ultra-Low NO<sub>x</sub> Gas fired boilers proposed to be installed shall be submitted to and agreed in writing by the council. The Ultra-Low NO<sub>x</sub> Gas fired boilers to be provided for space heating and hot water shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions.
- (b) Following installation, emissions certificates shall be submitted to and approved in writing by the local planning authority, to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI1 and SI2 of the London Plan (March 2021) and NPPF 181.

5) **CONSTRUCTION MANAGEMENT PLAN CONDITION**

No development shall commence on site (other than survey works and works necessary to retain the existing structure) 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).
- (g) Confirmation of participation in the Zonal Construction Forum for Evelyn Street

**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).

6) **SITE AREA**

The detail submitted shall not exceed the following gross internal area floorspaces (unless amended subject to further assessment):

- (a) Commercial, business and service (Use Class E) – 223sqm at lower ground and ground floor; and
- (b) Residential use (Use Class C3) – 303sqm at upper floors comprising five self-contained dwellings comprising three x 1-bedroom, 2-person and two x 2-bedroom, 3-person units.

**Reason:** To comply with the floorspace amount assessed under this application.

7) **MATERIALS**(a) No development shall commence on site (other than survey works and works necessary to retain the existing structure) until a detailed

schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) natural slate roofing material
- ii) lime render

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

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

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

#### 8) **NOISE - PROTECTING RESIDENTIAL PROPERTIES**

- (a) The building shall be designed and details shall be submitted to and approved in writing by the local planning authority, 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) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (a) 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, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

#### 9) **SOUNDPROOFING MIXED USE BUILDINGS**

- (a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise to meet  $D'nT,w + Ctr$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use and details shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas [delete irrelevant policies] of the Development Management Local Plan (November 2014).

10) **REFUSE AND RECYCLING**

The refuse and recycling facilities for residential and commercial uses as shown on drawing 373D.PR.101 Rev G received on 11 March 2021 shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

11) **CYCLE STORAGE**

All cycle parking spaces for residential and commercial uses as shown on drawing 373D.PR.101 Rev G received on 11 March 2021 shall be provided and made available for use prior to occupation of the development and shall be permanently retained and maintained.

**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).

12) **SATELLITE DISHES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on elevations or the roofs of the buildings hereby approved.

**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).

13) **PLUMBING AND 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 other than rainwater pipes, shall be fixed on the external faces of the buildings hereby approved.

**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).

14) **MASONRY**

- a) No development shall commence on site (other than survey works and works necessary to retain the existing structure), until sample panel(s) of all new facing brickwork shall be provided on site showing the proposed - brick types, sizes, colour, texture face-bond; pointing mortar mix, joint thickness and finish profile. Confirmation of the materials and methods shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel(s) shall be retained on site until the work is completed and the Condition is discharged.
- b) Prior to works commencing, if any sections of wall are still in place at the rear elevation, they must be left in situ for inspection, and the inspection panel made up to match.
- c) Any brick left on site, shall be retained on site and stored under cover in a secure place until their reinstatement as part of the works hereby approved.
- d) All reclaimed bricks to be used, should be entirely cleaned of paint, soot and any other coatings before reuse.
- e) The works shall be carried out in full accordance with the details hereby approved

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 12.2 INFORMATIVES

- 1) **POSITIVE AND PROACTIVE STATEMENT**  
The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further positive discussions took place during the determination which resulted in further information being submitted.
- 2) **COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) **STREET NAMING AND NUMBERING**  
The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.