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| Committee | PLANNING COMMITTEE C | |
| Report Title | 29-35 Tranquil Vale, London, SE3 0BU | |
| Ward | Lewisham Central | |
| Contributors | Jesenska Ozdalga/Patrycja Ploch | |
| Class | PART 1 | 30 September 2021 |

| | |
|--------------------------|---|
| <u>Reg. Nos.</u> | DC/21/121861 |
| <u>Application dated</u> | 19 May 2021 |
| <u>Applicant</u> | ECE Planning Limited on behalf of Butcher Curnow & Company Limited |
| <u>Proposal</u> | Demolition of existing office building (Use Class E) and construction of two three-storey semi-detached houses with associated parking and landscaping' at the rear of 29-35 Tranquil Vale SE3 with access onto Collins Street. |
| <u>Background Papers</u> | (1) Submission drawings (2) Submission technical reports and documents (3) Internal consultee responses (4) Statutory consultee responses |
| <u>Designation</u> | (1) Blackheath Conservation Area (2) PTAL 5 (3) Air Quality Management Area (4) Major District Centre (5) Sustainable Drainage |
| <u>Screening</u> | Not applicable |

1 SUMMARY

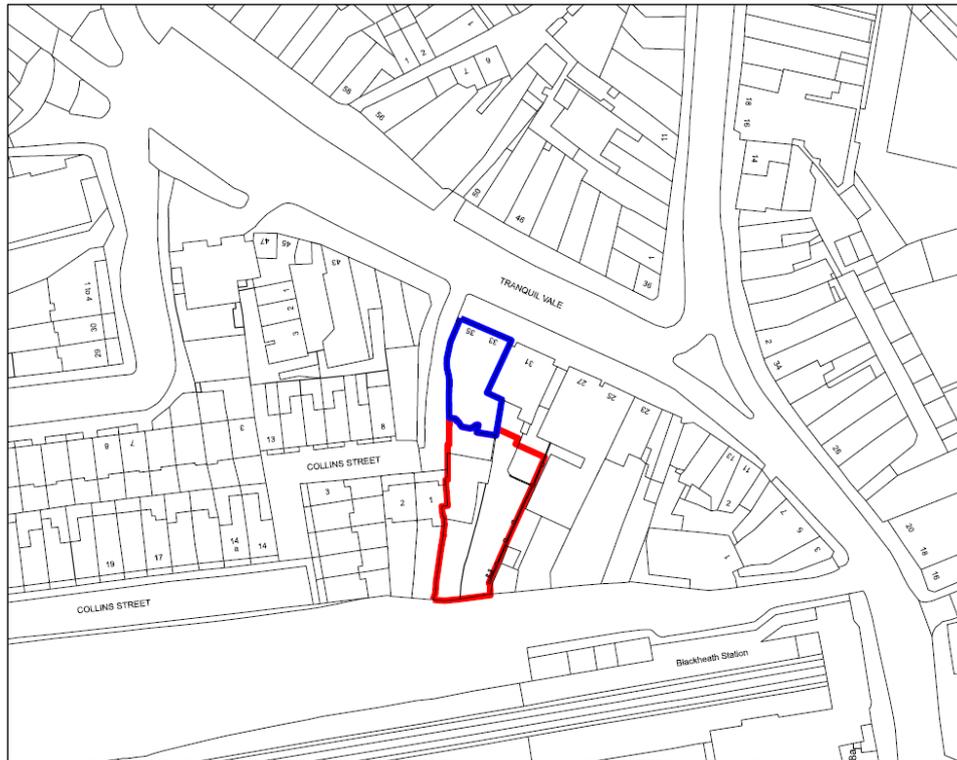
- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as more than three individual objections have been received from local residents and Blackheath Society objected.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a 0.05-hectare plot located to the rear of Nos 29-35 Tranquil Vale, which are two grade II listed 18th century buildings of which 33-35 are combined into one. The properties on Tranquil Vale are in the centre of the residential area of Blackheath conservation area. This street consists primarily of ground floor shops with accommodation or offices above. Drawing 1 shows the application site in red and other land that is in ownership of the applicant in blue.

Drawing 1: Site location plan



Surrounding development

- 3 To the north there are properties facing Tranquil Vale. To the east there are rear garden of properties facing Tranquil Vale. To the south there is Blackheath Station car park and the railway station. To the west there are residential properties on Collins Street.

Character of area

- 4 The surrounding area is predominantly residential with similarly built terraced dwellings situated on Collins Street. The Tranquil Vale has a number of mix-use properties.

Heritage/archaeology

- 5 The application site is located within Blackheath Conservation Area (Character Area 9: The village) and is adjacent to character area 9a: Collins Street and South Vale Road, which has an Article 4 Direction. The row of properties on Tranquil Vale are all Grade II listed.

Surrounding area

- 6 The site is located approximately 100m from the entrance to the Blackheath Park.
- 7 Tranquil Vale and Montpelier Vale are approximately 160m away and they provide various shops, other facilities and services.

Local environment

- 8 The site is also within an Area of Special Character and District Centre.

Transport

- 9 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 100m from Blackheath Station and Blackheath town centre.

10 Brigade Street is included in Controlled Parking Zone (CPZ) BHA, which covers this part of Blackheath Mon-Sat 9am-7pm.

3 RELEVANT PLANNING HISTORY

3.1 ON-SITE

11 In 1983 planning application was granted for the erection of a new three-storey office building at the rear of No's 33-35 Tranquil Vale together with the addition of three windows and a door on the flank and rear elevations of the main building. There is no planning reference for this application, however the applicant is claiming that the permission is alive as part of the development was implemented.

12 Application reference DC/14/089427 for "change of use, alteration and conversion of Units 2, 3 & 4, 33-35 Tranquil Vale to provide 1 one-bedroom self-contained flat, 1 two-bedroom self-contained flat and 1 three bedroom self-contained flat, together with changes to the rear roofslope and installation of a new door and new gates in the existing wall fronting Collins Street" was received on 10th October 2014 and it was approved on 28th October 2015.

13 Application reference DC/18/109919 for "demolition of existing B1 office building and construction of two x three-storey semi-detached houses with associated parking and landscaping at the rear of 29-35 Tranquil Vale, SE3 with access onto Collins Street" was received in November 2018 and it was refused in July 2019 for the following reasons:

- 1) The loss of garden land belonging to the curtilage of the adjoining Listed Buildings at No.29 & 31 Tranquil Vale and the scale and extent of the proposed buildings would result in excessive and dominant development that would obscure the listed group in views from the rear, remove parts of their curtilage, and unacceptably erode their curtilage, potentially affecting their future use, viability and sustainability. This is contrary to the NPPF (2019), London Plan (2016) Policy 3.5, the adopted Core Strategy (2011) Policy CS 16 and Development Management (2014) DM Policy 33, DM Policy 36.
- 2) The proposed development by reason of its scale, form, massing, design and prominent location, would appear as an incongruous form of development, including in long views from across the railway line, causing demonstrable harm to the designated and non-designated heritage assets comprising the conservation area, the group of listed buildings on Tranquil Vale and the non-designated heritage assets adjacent on Collins Street, and their settings, contrary to the NPPF (2019), London Plan (2016) Policy 7.4 and 7.6, the adopted Core Strategy (2011) Policy CS15 and the Development Management Local Plan (2014) DMP 30, 33, 36 and 37.
- 3) The proposed development, by virtue of its height, bulk and proximity to neighbouring properties and their amenity spaces at No 1 Collins Street and No 29 Tranquil Vale, would result in material harm to the living conditions of neighbouring residents in terms of overbearing impact and loss of outlook, contrary to the provisions of Chapter 12 of the NPPF (2019), London Plan (2016) Policy 7.4 and 7.6, the adopted Core Strategy (2011) Policy CS15 and the Development Management Local Plan (2014) DM Policies 32 and 33.

14 The decision on application reference DC/18/109919 was appealed by the applicant on 30 January 2020 and it was dismissed by Planning Inspectorate (see appeal reference APP/C5690/W/19/3239930) on 4 August 2020. The appeal was dismissed and the conclusion at paragraph 22 noted that "...while the proposed development would not

prejudice the use, viability and sustainability of 29 and 31 Tranquil Vale, it would harm the setting of the listed building and the character of the CA, as well as the amenity of the occupiers of 1 Collins Street.”

3.2 PRE-APPLICATION

- 15 Pre-planning application reference PRE/20/118707 was submitted on 8th October 2020 to discuss whether the revised scheme overcame the reasons for refusal and dismissal of planning application reference DC/18/109919. The written response was issued on 26th October 2020 advising that the proposed development requires further work before it can be considered acceptable. The area that the applicant needs to work on includes the position, alignment and the space between new buildings and the frontage building.
- 16 Follow up pre-planning application reference PRE/20/119553 was submitted on 9th December 2020 to discuss the changes made following the issue of written pre-response submitted under reference PRE/20/118707. The written response was issued on 10th February 2021, advising that the proposal has improved since the last pre-application meeting. The application submitted two design Options. Officers confirmed that Option 2 responded better to previous comments and it has the potential to preserve the character and appearance of the Conservation Area and the setting of the Listed Buildings on Tranquil Vale. However, there is further work that needs to be done in relation to design of the proposed elevations, urban greening and transport and highway (in particular design of cycle parking and pedestrian approach to the site).
- 17 Further follow-up pre-planning application reference PRE/21/120753 was submitted on 9th March 2021 to discuss the alterations made following the issue of written pre-response submitted under reference PRE/20/119553. The written response was issued on 12th April 2021, advising that the applicant has positively responded to issues raised at the last pre-application meeting (reference PRE/20/119553). The remaining areas that needed to be addressed were including of rainwater goods on proposed elevations, improvement and detail of the proposed hard landscaping, impact access to the site on the eastern side of Collins Street and drawing to show that the proposal would not result in overlooking and loss of privacy to neighbouring properties.

3.3 NEIGHBOURING SITES

- 18 Application reference DC/19/112018 at 29 to 35 Tranquil Vale was for “the change of use of the units and changes to the rear roofslope, addition of new dormers, new rear windows at level 1, new and replacement doors, lowering of part of retail floor to create a level access, and other associated alterations” was received in April 2019 and approved in August 2019. This application is relevant to the current application as Condition 4 (Refuse and Recycling); Condition 5 (Cycle parking for other uses); Condition 6 (Cycle parking for residential use); Condition 7 (Soft landscaping); and Condition 11 (Rear Courtyard) relate to the area in front of the proposed houses.

4 PLANNING APPLICATION

4.1 THE PROPOSALS

- 19 The application proposes to demolish the existing office building and construct two, three storey, semi-detached houses with associated parking and landscaping.
- 20 To accommodate the proposal the site boundary would be extended to include part of garden land that currently belongs to No’s 29 and 31 Tranquil Vale. The proposed buildings have been set back and detached from the adjacent front façade of No 1

Collins Street. The orientation of the building would respond and follow that of the building facing onto Tranquil Vale.

- 21 The proposed building would be two storeys in height and they would have a skillion roof which is a single flat plane roof stretching from one side of the house to the other. The proposed materials to be accommodated in the development include slate roof tiles, a mix light grey brickwork, light reconstituted precast stone and clear glazing.
- 22 The main outlook from the proposed dwellings would be south, towards the rear gardens. The majority of the habitable rooms have been orientated to the rear façade and fenestration to allow natural light and to avoid and reduce overlooking from the front elevation to properties on Tranquil Vale.
- 23 Refuse and cycle storage is provided with green roof at the front of the properties in the main courtyard. The development would also provide and accommodate refuse and cycle parking that is required to be provided by the application approved under reference DC/19/112018 described in paragraph 17 of the report.
- 24 There would be two car parking spaces provided within the front courtyard, one for each house. A vehicle turntable is proposed to enable easy access and egress via Collins Street. A section of the existing boundary wall would be removed to improved visibility when accessing and existing the site, as well as open up the site and improve its relationship with Collins Street.

4.2 AMENDMENTS

- 25 Amendments have been made to the application and revised information submitted as set out below.
- Improvements to soft landscaping and planting proposals
 - Submission of side elevation facing east
 - Submission of proposed surface water run off appraisal

4.3 COMPARISON WITH PREVIOUS SCHEME

- 26 The refused scheme, shown in drawing 1 and 2 below, had an orientation that related to and carried on the axis of Collins Street. The front elevation had large areas of brick and had cycle and refuse storage in the single storey extension at the front. The courtyard area between the rear of building facing Tranquil Vale and proposed buildings was mainly made out from hard landscaping.

Drawing 1 and 2: Previously refused scheme



27 Drawing 3 and 4 below, shows the proposed scheme and how it has developed since the last planning application.

Drawing 3 and 4: Current proposal



5 CONSULTATION

5.1 APPLICATION PUBLICITY

28 The Council undertook statutory public consultation on the planning application and in line with the Council’s Statement of Community, Involvement letters were sent to neighbouring properties and businesses. In total 44 letters were sent.

29 In addition, a public notice was displayed outside the application site. A press notification was also issued on 2nd June 2021.

30 6 representations were received, in objection to the proposed development.

5.1.1 Comments in objection

Table 1: Material planning considerations

| Comment | Para where addressed |
|---------|----------------------|
|---------|----------------------|

| | |
|---|----------------------|
| <i>Urban Design and Impact on Heritage Assets</i> | |
| The proposal would form a terrace and harm the character and appearance of Collins Street | See paragraph 94 |
| Not in keeping with existing properties by reason of inappropriate design (massing, scale, colour and detail) | See paragraphs 81-83 |
| The proposed houses would be too big for the street, majority of houses in the area are 2-bedroom | See paragraphs 81-82 |
| The partial demolition of boundary wall to the left of No 1 Collins Street that is 150 years old and is part of the adjoining listed building is unacceptable | See paragraph 90 |
| <i>Transport impact</i> | |
| Inadequacy of Construction Management Plan and blockages to the street from building works | See paragraph 122 |
| Parking pressure created by the development | See paragraph 119 |
| <i>Sustainable development</i> | |
| Removal of trees (outlook and wildlife) | See paragraph 149 |

Table 2: Non-material planning considerations

| Comment | Comment |
|--|--|
| Lack of communication from the applicant about the proposed works with local residents | The applicant will be advised via an informative to better communicate with the local residents throughout the construction process. |
| The proposal would underpin No 1 Collins Street | Underpinning a house is the process of strengthening the building's foundations. This might have to be done to allow construction. If you are worried about structural integrity you can get a third party surveyor to check the proposed plans for underpinning the house. This is a civil matter between the two landowners. |
| No indication how long the development would take. | This is not a material consideration. Anyone interested is advised to contact the developer for updates on construction and completion dates. |

5.2 INTERNAL CONSULTATION

- 31 Lewisham SuDS Team: no SuDS issues with this development.
- 32 Lewisham Highways: The proposal is largely acceptable subject to conditions securing further details on turntable, cycle and bin storage, electric car charging facilities, construction management plan and S278 agreement.
- 33 Lewisham Conservation: No objection, the proposal is largely acceptable with the exception of the boundary wall which needs clarifying and amending.

34 Lewisham Tree Officer: The proposal is largely acceptable subject to condition for further considerations and review of landscape strategy.

35 Lewisham Ecology: no objection subject to conditions.

5.3 EXTERNAL CONSULTATION

36 Ward Councillors: no response received.

37 The Blackheath Society: objects to the application by reason of attachment to No 1 Collins Street, no information about maintenance of proposed turntable, removal of trees, colour of bricks, site access and construction.

38 Historic England (Listed Buildings): no comments on the application.

39 Network Rail: no objection. However, due to the close proximity of the proposed works to the railway embankment and the operational railway. Network Rail requests that the applicant/developer follows Asset Protection informative to ensure that safe operation of the railway is maintained.

40 TfL: no response received.

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).

42 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

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

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

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

6.3 NATIONAL POLICY & GUIDANCE

46 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

47 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

48 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

49 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

50 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.

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

7.1.1 Loss of existing employment on site

Policy

52 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

53 The proposal is for the demolition of an office building (Use Class E, previous Use Class B1a) and construction of residential units (Use Class C3). The loss of office space would normally be resisted, however in making an assessment, it is important to take into account the alternatives for the site in terms of what could occur without a need for any further permissions. In light of the previous applications approved under reference DC/14/089427 and DC/19/112018 there is no objection to the loss of office building and employment use. The permission from 2019 is an extant consent which has been lawfully commenced and fall within the red line boundary line of the current development.

54 Furthermore, the Inspector, in his decision from 4 August 2020 following refused scheme under DC/18/109919, does not raise concerns with regards to the demolition of the existing office building and subsequent loss of employment space. Provision of residential accommodation

Policy

55 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

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

57 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

58 The scheme would provide two 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.

7.1.2 Development on back land and infill sites

Policy

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

Discussion

60 For the purposes of DMP 33, the application site exhibits characteristics of both an infill and backland site. The part of the site directly behind No's 33-35 Tranquil Vale is the

infill site. The part of the side to the south and at the rear of No's 29-31 is the backland site.

61 The previous application (DC/18/109919) was refused because of the loss of garden land belonging to the curtilage of the adjoining Listed Buildings at No.29 & 31 Tranquil Vale.

62 The last application was appealed and Planning Inspector found at paragraph 8 that “as regards the principles of rear development behind these building which date from the early-mid C18, the historical maps indicate that there have been buildings behind Nos 33 and 35 since 1870, and behind Nos 29 to 35 since 1903. I appreciate that the original condition of these building may have been undeveloped at the back. Nevertheless, the historical development now has a bearing on their significance and is a substantial component of their setting today, wherein the rear plan of No 29 appears truncated, and the development behind Nos 33 and 35 remains in place.”

63 As the Inspector found that the proposed development would not prejudice the use, viability and sustainability of 29 and 31 Tranquil Vale. The previous objection to development of this part of the site is considered to be overcome, and the application is acceptable with regard to DM 33.

7.1.3 Principle of development conclusions

64 In light of the above, the principle of development is accepted.

7.2 HOUSING

65 This section covers the standard of accommodation.

7.2.1 Internal and external space standards

General Policy

66 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. This is reflected in relevant policies of the LP Policy D6, the CS Policy 15, DMLP Policy 32 and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

Discussion

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

Table 3: Internal space standards – proposed v target

| House | No of bedrooms | No. of persons | 2 storey dwelling sqm (proposed (target)) | Bedroom size sqm (proposed (target)) | Amenity space sqm (proposed (target)) | Built-in storage sqm (proposed (target)) |
|-------|----------------|----------------|---|--------------------------------------|---------------------------------------|--|
| 1 | 5b | 9p | 156.5 (135) | B1 - 15 (11.5) | 53.4 (11) | 1 (3.5) |
| | | | | B2 - 7.5 (7.5) | | |
| | | | | B3 – 13.5 (11.5) | | |
| | | | | B4 – 12.5 (11.5) | | |

| | | | | | | |
|---|----|----|-------------|-------------------|----------|-----|
| | | | | Stu - 12.2 (11.5) | | |
| 2 | 4b | 7p | 140.9 (121) | B1 - 15 (11.5) | 89.4 (9) | (3) |
| | | | | B2 - 7.5 (7.5) | | |
| | | | | B3 - 13.5 (11.5) | | |
| | | | | B4 - 12.5 (11.5) | | |

68 Officers note that the application applied for both houses to be 4-bedroom. However, given the size of the study in House 1 on the ground floor this room could be used as single bedroom. As such, House 1 has been assessed as a 5-bedroom house.

69 The proposed houses would meet the requirements of LP Policy D6 in terms of total floorspace.

70 The proposal would also meet the requirements of LP Policy D6 in terms of the size of bedrooms. The bedrooms would also be policy compliant in terms of the width of the rooms.

71 The floor to ceiling height of the dwellings would be 2.5m in accordance with DMLP Policy 32 and LP Policy D6, while the storage would also comply.

72 The proposed private amenity would exceed the required amount by LP Policy D6. Each house would have access to rear private garden. In addition, House 2 would have access to a private front garden.

7.2.2 Outlook, Privacy and Overheating

Policy

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

Discussion

74 The main outlook from the proposed dwellings would be south, towards the rear gardens. The majority of the habitable rooms have been orientated to the rear façade and fenestration to allow natural light.

75 The dwellings would benefit from good levels of privacy. Most habitable rooms have been orientated to face the rear of the site to avoid and reduce overlooking from the front elevation to properties on Tranquil Vale. Where there are windows to habitable rooms in the front elevation those are considered to be well positioned to ensure that the privacy of future occupiers is not affected.

76 The dwellings would be dual aspect. These measures are considered sufficient to avoid unacceptable overheating.

7.2.3 Daylight and Sunlight

Policy

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

Discussion

78 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 the benefits identified in the Design and Access Statement, namely: full height windows and double aspect.

7.2.4 Housing conclusion

79 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LP Policy D6 and DMLP Policy 32.

7.3 URBAN DESIGN AND HERITAGE

7.3.1 Urban Design

Policy

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

81 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.

Discussion

82 The development site includes the office building and rear yard behind No's 33 to 35 and a large part of the rear garden of No's 29 to 31. The Planning Inspectorate did not consider that the loss of the curtilage to the rear plot of No's 29 to 31 would be harmful to the significance and future viability of these buildings. In light of this there is no objection to this part of the development in terms of urban design and heritage.

83 As part of the proposal the existing office building to the rear of No's 33 to 35 would be demolished. This building dates to the early 20th century and it is of no architectural or historical significance. There is no objection to its demolition.

84 The dismissed appeal has led to improvements over the previously refused scheme. The proposed building would now align with the listed building fronting Tranquil Vale. The change in the orientation has allowed the applicant to create a greater sense of separation between the listed buildings, the non-designated heritage assets and the proposed development. Officers are satisfied that the footprint and layout of the proposed houses responds well to the existing grain and orientation.

85 The scale and massing of the proposed houses are sensitive to the historic pattern of development and it demonstrates hierarchical subservience. The proposed house would be broadly equivalent to the neighbouring buildings. The skillion roof would allow some views of the listed building fronting Tranquil Vale.

86 Following the dismissed appeal, the elevation design has evolved and improved. The front and rear elevations have more articulation and detail in them. The side elevations would contextual in that they would mainly have blank brick side. The proposal would break from the past but there are sufficient elements rooted in the same tradition to make them sensitive indentations, compatible with the distinctive architectural character of the listed building and non-designated heritage assets and conservation area. The choice of materials is considered to complement the wider area. The proposed material palette of brick and re-constituted stone is simple and appropriate in this backland location. A material condition is proposed to ensure that the elevations of high quality and the tone of the proposed brick would relate to the other elevations in treatment.

Detail of brickwork sample panel showing brick type, bond, pointing colour and profile would be requested.

7.3.2 Impact on the Listed Buildings

87 The Conservation Officer's full comments constitute part of the background papers.

Heritage Policy

88 Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 . states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The courts have held that this duty requires decision-makers to give 'considerable importance and weight' or 'high priority' to the desirability of preserving listed buildings and their settings.

89 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. Paragraph 200 of NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. 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.

90 LP Policy HC1, CS Policy 15, DMLP Policy 36 and 37 and Blackheath conservation area character appraisal and SPD 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

91 The application site is located to the rear of a group of listed buildings fronting Tranquil Vale. This listed group forms part of an important wider group from No's 3-35, forming the southern edge of Tranquil Vale and high significance in townscape terms. The group plots are long and thin, with most reaching all the way through to the station car park and access road to the rear.

92 The rising land level means that the building will be seen in the foreground of not just No's 29 to 35 Tranquil Vale but also buildings on the other side and beyond. Whilst the fact that they will partially obscure the rear elevations of the listed building is regrettable, this was not something that the Planning Inspector objected to. The elevations of the building are well developed and the skillion roof would allow some views of the listed buildings. On balance, the proposal would not result in harm to the character and appearance of the listed buildings. As mentioned above the footprint, layout and orientation of the houses would respond well to the existing grain and orientation and it would not harm the listed buildings.

93 The part of the wall and gates that are proposed to be removed are newer and non-original parts of the listed building. The gate and section of the wall are proposed to be removed to improve the visibility and the relationship of the courtyard space with Collins Street. The Planning Inspector considered that the opening of the courtyard would bring many positive aspects to the public realm over the existing conditions of the building at the back of No's 33 to 35 Tranquil Vale which add little to the townscape of the conservation area. The Conservation Officer considered that the curved planted on either side of the entrance would not be in keeping with the character of the site as they

are too polite. Officers consider that the curved edges compliment the design of the proposed house and on balance their design would not harm the appearance of the listed building and townscape of the conservation area.

7.3.3 Impact on Blackheath Conservation Area

Policy

94 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.

95 The same planning policies apply to the assessment of the impact on the conservation area as the impact on the listed building, listed above.

Discussion

96 The site also sits adjacent to an unlisted 19th century semi-detached villa at No's 1 to 2 Collins Street which make a positive contribution to the conservation area and are considered as a non-designated heritage asset.

97 The location, scale and design of the proposed buildings sit appropriately in the site and would add to the existing collection of good quality contemporary infill development that is characteristic of the Blackheath Conservation Area.

98 The form, height and footprint of the proposed building would sit comfortably next to No 1 Collins Street. The angled building line, visual separation created by the historic wall and gap between the ground floor level will mean that the new buildings will not obscure No's 1 and 2 Collins Street nature as a semi-detached pair, and they will read instead as a new semi-detached pair adjacent to them.

7.3.4 Urban design and heritage conclusion

99 The urban design of the proposed building is acceptable and it would result in suitable design pair of semi-detached houses, subject to adding a condition about the proposed material and in particular the shade of the proposed brick.

100 Officers, having regard to the statutory duties in respect of listed buildings 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 not cause harm to designated and non-designated heritage assts.

7.4 TRANSPORT IMPACT

General policy

101 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.

- 102 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”.
- 103 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.
- 104 The Core Strategy, at Objective 9 and CS Policy 14, reflects the national and regional priorities.

7.4.1 Access

Policy

- 105 The NPPF paragraph 110, Part F, states that developments should ensure that safe and suitable access to the site can be achieved for all users.

Discussion

- 106 The application site has a single vehicular and pedestrian access point from Tranquil Vale. This lies at the end of a short cul-de-sac off Tranquil Vale. New residents would have to cross the road before reaching a pavement. This is considered acceptable in light of the nature of the road and the existing situation. This also was not considered a reason for refusal in the earlier appeal decision.

7.4.2 Servicing and refuse

- 107 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.

- 108 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.

- 109 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

- 110 The proposed courtyard would provide servicing and refuse area for the development approved under application reference DC/19/112018 and for the proposed development.

- 111 With regards to approved development under reference DC/19/112018. Condition 4 (Refuse and recycling) detailed that no works to the residential part of the development shall commence until detail of the storage of refuse and recycling facilities is submitted and approved by the local planning authority. The proposal shows six refuse and recycling bins to the north of the site that would be in a fully enclosed storage with green roof. This is sufficient to meet the refuse and recycling requirements for the development. Officers note that Condition 4 need to be discharge under a separate application.

- 112 With regards to the new proposal, refuse store would be provided at the front of the site close to the entrance to the site for both houses. The store for each house would have a space for one standard (240l) and one standard (180l) wheelie bin. The refuse storage

would be fully enclosed storage with green roof. This is sufficient to meet the refuse and recycling requirements for the development.

113 All refuse storage areas fail to show space for food waste bin, however. This can be addressed via a condition, should Members be minded to grant planning permission.

114 The current arrangement for waste collection for properties on Collins Street are such that the refuse track reverses into the cul-de-sac to collect the bins. Servicing and deliveries would remain the same. The proposed refuse and servicing arranged are therefore acceptable.

7.4.3 Local Transport Network

Policy

115 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

116 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.

7.4.4 Transport modes

Cycling

Policy

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

Discussion

118 The proposed courtyard would provide cycle parking facilities for the development approved under application reference DC/19/112018 and for the proposed development.

119 With regards to approved development under reference DC/19/112018. Condition 5 (Cycle parking for other uses) required submission of detail for short and long stay cycle parking for units A, B and C. Condition 6 (Cycle parking for residential use) required submission of detail of four-cycle parking spaces for unit D and E. Unit E is where the proposal site is for the two houses. The proposal shows eight communal cycle parking spaces north-east part of the site. The cycle storage would be safe, accessible, fully enclosed and it would have green roof. Whilst commercial and residential cycle parking would be mixed given the site constraints, in this instance this is not objectionable.

120 With regards to the proposed development two cycle parking spaces would be provided close to the entrance to each house. The cycle storage would be safe, accessible, fully enclosed and it would have green roof.

Private cars

Policy

121 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.

- 122 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

- 123 The proposal would provide two on site car parking spaces. It is noted that the refused planning application or the Planning Inspector decision did not raised issues with the proposed car parking. The applicant's reason for the provision of the car parking spaces is the fact that the courtyard was used for parking historically. Concerns have been raised about creation of parking pressure in the local area. The space on site can only accommodate two car parking spaces. The cars currently leave and exit the site without a turn-table. To make the site more usable the applicant is proposing to install a turntable. This would be an improvement on the existing situation. The responsibility to maintain the turntable would lie with future occupiers of the two houses proposed.

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 The site constraints, including the narrowness of Tranquil Vale and Collins Street and the lack of space on the site for storage of materials and receiving deliveries, impose practical concerns for the construction phase of the development. Therefore, a detailed Construction Logistics Management Plan ("CLMP") is required to confirm that all vehicles can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway. A traffic management plan and further details of protection and temporary arrangements for pedestrians, including access to neighbouring properties would also be required within the plan. A site plan showing the location of storage for materials would be required. These details would be secured within the CLMP, to be agreed prior to the commencement of any works on site, including any site clearance or demolition.

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 The properties most likely to be impacted by the proposal are Nos 29-35 Tranquil Vale and No 1 Collins Street. Other properties are considered sufficiently far from the site, or situated in such a way relative to the site, that no harm would arise.

7.5.1 Enclosure, Outlook and Privacy

Policy

- 128 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.

- 129 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.

Discussion

Nos 29-35 Tranquil Vale

- 130 The proposed buildings would be between 10-12m away from the rear elevations of Nos 33-35 Tranquil Vale and between 18-13m away from the rear elevations Nos 29-31 Tranquil Vale. The location, mass and height of the buildings would mean that it would be in view from the ground floor flat. While the outlook from this flat would change, it would not be significantly different in terms of overbearing impact and outlook from the existing situation.

- 131 The outlook from the proposed houses has been designed to be south, towards the rear gardens. The majority of the habitable rooms have been orientated to the rear façade and fenestration to avoid and reduce overlooking from the front elevation to properties on Tranquil Vale. The impact in terms of overlooking and privacy is considered acceptable.

No 1 Collins Street

- 132 The proposed building would project past the rear elevation of the two-storey rear extension at No 1 Collins Street. The first floor of the proposed houses is stepped away from the site and it is not as deep as the ground floor part. In light of this, officers consider that the proposed property would have no overbearing impact or harmful effect on the outlook from those windows.
- 133 There would be no windows in the side elevations facing this property. Accordingly, there would be no overlooking and loss of privacy issues to the residents occupying No 1 Collins Street.

7.5.2 Daylight and Sunlight

Policy

- 134 The NPPF does not express particular standards for daylight and sunlight.
- 135 DMP 32 expects new developments to provide a 'satisfactory level' of natural lighting for its neighbours.

Discussion

- 136 The scale and position of the proposed dwelling relative to neighbouring properties' habitable rooms and their amenity spaces is such that no adverse impact on their daylight or sunlight is likely to arise. This is supported by the sun path diagrams included in the Design and Access Statement on pages 23 to 25.

7.5.3 Noise and disturbance

Policy

137 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.

Discussion

138 The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance.

139 The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however Officers do not consider that to be a material planning consideration in this case due to the modest scale of development. Hours of noisy work are controlled by other legislation.

7.5.4 Impact on neighbour's conclusion

140 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

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

Discussion

142 The proposed development has been designed to be energy and water efficient through the implementation of high-level insulation, integrated solar panel system blended into the roof material, rainwater harvesting, and use of appropriate heating and ventilation system. Given the scale of the proposed development the energy strategy is considered acceptable.

7.6.2 Sustainable Urban Drainage

Policy

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

144 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

145 The proposal includes permeable paving, green roofs on the cycle, refuse and ground floor extension. The proposed SuDS plan was reviewed by Council SuDS team who confirmed that the proposal is acceptable.

7.6.3 Sustainable Infrastructure conclusion

146 The proposal is acceptable in terms of Sustainable development, subject to obligation and conditions.

7.7 NATURAL ENVIRONMENT

General Policy

- 147 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 148 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 149 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

7.7.1 Green spaces and trees

Policy

- 150 NPPF para 170 expects development to contribute to and enhance the natural and local environment.
- 151 LP Policies G5 and G7, CS Policy 12, and DMLP Policy 25 seeks to protect natural environment and improved it where possible.

Discussion

- 152 The proposal would remove two C grade trees. In addition, the stumps of six trees would be removed. All other trees on site will be retained and protected during the works. To mitigate the loss of trees, replacement planting is anticipated within the gardens of the new properties.
- 153 The proposal also includes plans for planting and soft landscaping. The Council's Ecological Regeneration Manager reviewed the application documents and plans advising that the proposal is acceptable subject to condition that would secure green roof detail, bird and bat boxes, sensitive lighting and revised detail for soft landscaping as there is room for further improvements on native/wildlife friendly species.

7.7.2 Natural Environment conclusion

- 154 The proposal is acceptable in terms of Natural Environment, subject to conditions.

8 LOCAL FINANCE CONSIDERATIONS

- 155 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).
- 156 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 157 The CIL is therefore a material consideration.

158 £19,400 Lewisham CIL and £11,640 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

159 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.

160 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.

161 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.

162 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>

163 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

164 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>

165 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

166 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

167 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.

168 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.

169 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

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

171 The principle of developing the site for additional residential dwellings in a sustainable urban location is acceptable and in accordance with the Development Plan, and weight is given to this planning merit.

172 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.

173 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.

174 In light of the above, it is recommended that this planning permission is approved subject to conditions and informative.

12 RECOMMENDATION

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

12.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

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

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

2) **APPROVED PLANS**

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

- G218-100; G218-101; G218-121; G128-122; G218-130; G218-131; G218-140; G218-141; G218-142; G218-143; G218-203; G218-204; G218-220; G218-301; G218-302; G218-303; G218-401; G218-402; G218-403; G218-404; G218-406; G218-950; G218-951; G218-953 received on 20 May 2021.
- G218-102; G218-120 Rev A received on 2 July 2021.
- Planting Design Proposal; 01 Rev A3; AS1218 01 Rev A4; G218-201 Rev B; G218-202 Rev A; G218-210 Rev A; G218-221 Rev A received on 13 July 2021.
- G218-405 Rev A and End of terrace treatment in surrounding area study received on 2 August 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) **CONSTRUCTION MANAGEMENT PLAN**

Notwithstanding the submitted Construction Management Plan prepared by Gruff, prior to commencement of any works on site, including any site clearance or demolition, the Construction Management and Logistic Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:-

- a) Confirmation that vehicles that would be used during construction of the development can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway
- b) A site plan showing:
 - a. security fencing/hoardings;
 - b. site access points;
 - c. office / welfare accommodation;

- d. where vehicle loading will occur;
- e. storage of materials;
- f. storage of Waste / skips;
- g. detail of scaffolding
- c) Dust mitigation measures
- d) The location and operation of plant and wheel washing facilities
- e) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- f) 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 including any temporary arrangements for pedestrians, including access to neighbouring properties
- g) Security Management (to minimise risks to unauthorised personnel).
- h) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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

4) **MATERIALS**

- a) Notwithstanding the submitted plans, a sample panel showing brick type, reconstituted precast stone, bond, pointing colour and profile shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- b) The scheme shall be constructed in those materials as approved under part (a) of this condition.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

5) **REFUSE AND RECYCLING**

- a) Notwithstanding the submitted plans, no development beyond the superstructure shall commence until details of refuse and recycling facilities including food waste bin have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) of this condition 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).

6) **GREEN ROOF DETAIL**

- a) Notwithstanding the submitted plans, detail of the green roofs shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The detail for green roofs shall be:
 - (i) Biodiversity based with extensive substrate base (depth 80-150mm);
 - (ii) Include detail on the proposed type and number of plant species to be used; and
 - (iii) Include maintenance schedule.
- b) The green roofs shall be constructed in accordance with the approved detail under part (a) of this condition and shall thereafter be permanently retained and maintained.
- c) The green roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason: To comply with Policy G5 Urban greening in the London Plan (March 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).

7) **SOFT LANDSCAPING**

- a) Notwithstanding the submitted plans, further detail of the soft landscaping that would provide more native and wildlife friendly species shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- b) The soft landscaping design approved under part (a) of this condition shall be carried out strictly in plans and shall thereafter be permanently retained and maintained.
- c) All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

8) **BOUNDARY TREATMENT AND HARD LANDSCAPING**

- (a) Notwithstanding the submitted plans, prior to superstructure works full detail and drawings showing hard landscaping and boundary treatment of any part of the site not occupied by buildings (including details of the permeability of hard surfaces and manufacturer's literature to show the materials clearly) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

9) **WILDLIFE BOXES**

- a) Detail of four bird nesting boxes, four bee bricks and two bat roosting boxes shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.
- b) The wildlife boxes and bricks as approved under part (a) of this condition shall be incorporated in the construction of the development hereby permitted.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

10) **TURNTABLE**

Details of the how turn-table would operate and be maintained shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The works shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the cars can safely egress the site and we would not approve a reverse gear manoeuvre.

11) **CYCLE STORAGE**

The cycle parking facilities shall be provided in accordance with plans G218-201 Rev B, AS1218 01 Rev A03 received on 13 July 2021 and be 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).

12) **TREES PROTECTION**

The development hereby approved shall be carried out in accordance with all the recommendation included in the submitted of the Arboricultural Impact Assessment (prepared by Tree Radar UK LTD, reference TRUK 0149, dated 30/04/2021

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30

Urban design and local character of the Development Management Local Plan (November 2014).

13) **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).

14) **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).

15) **ELECTRIC VEHICLE CHARGING POINT**

(a) Details of the number and/or 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) **HIGHWAYS WORKS**

(a) No development above ground shall commence until the applicants has entered into S278 agreement with Highway Authority and details of the following works have been submitted to and approved in writing by the Local Planning Authority:

- i. Measures to minimise conflict between pedestrians accessing / egressing the site and vehicles manoeuvring in Collins Street (including changes to surface (on Collins Street) to delineate the area where pedestrians will access / egress the site and share the space with vehicles);
- ii. Measures to prevent surface water running off onto the public highway;
- iii. Reinstatement works to the highway as a result of the removal of part of the boundary wall; and
- iv. Any paint markings on the road.

(b) Prior to occupation, the works required under (a) must be completed and evidence of its completion submitted and approved by the Local Planning Authority.

Reason: In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011). This is a pre-commencement condition because the Local Planning Authority needs to be satisfied that the proposed and required highways works necessary to facilitate the development can be satisfactorily designed before development starts.

17) **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (EXTENSIONS)**

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

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

18) **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (WINDOWS)**

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

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 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 of the Development Management Local Plan (November 2014).

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.

4) **DISCHARGE OF CONDITION ON OTHER APPLICATION**

The applicant is reminded that Condition 4 (Refuse and Recycling); Condition 5 (Cycle parking for other uses); Condition 6 (Cycle parking for residential use); Condition 7 (Soft landscaping); and Condition 11 (Rear Courtyard) attached to planning permission reference DC/19/112018 need to be fully discharged.

5) **PRIOR TO COMMENCEMENT CONDITIONS**

The applicant is advised that:

- Condition 3 require submission of detail prior to commencement of any works on site, including any site clearance or demolition.
- Conditions 4, 5, 6, 7, 8, 9, 10, 15 and 16 require submission of detail prior to any superstructure works commencing on site.

6) **FUTURE MAINTENANCE**

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air space. Therefore, any building are required to be situated at least 2m from Network Rail's boundary

7) **PLANT AND MATERIALS**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail