



Planning Committee A

Report title:

**Garages adjacent to 7 & 9 Ewelme Road and to the rear of 30-38
Woodcombe Crescent, SE23**

Date: 26 October 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Forest Hill

Contributors: Georgia McBirney

Outline and recommendations

This report sets out the Officer recommendation of approval for this planning application. The case has been brought before committee for a decision as 33 objections have been received.

Application details

Application reference number(s): DC/20/117886

Application Date: 07 August 2020

Applicant: Douglas and King Architects (on behalf of RCT Construction)

Proposal: The demolition of the garages adjacent to 7 & 9 Ewelme Road and to the rear of 30-38 Woodcombe Crescent, SE23, and the construction of a 5x 3-bedroom dwellinghouses and associated landscaping, refuse storage and cycle parking

Background Papers: Submission drawings
Submission technical reports
Internal consultee responses
Statutory consultee responses

Designation: PTAL 3/4, Local Open Space Deficiency and Air Quality

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The subject site is in Forest Hill and comprises a collection of 34 garages located on an 'L' shaped plot accessible to vehicles from the northern end of Woodcombe Crescent before, running parallel, southwards, to the rear of residential properties on Woodcombe Crescent and Devonshire Road, as shown in Figure 1 below.
- 2 There is an upward incline in the topography of the site from Devonshire Road to the east and Woodcombe Crescent to the west.

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Figure 1 Site Location Plan

Character of area

- 3 The surrounding area is predominately residential in nature. To the north of the application site is Drakes Court, which comprises two post war residential blocks three and four storeys in height surrounded by a large amount of communal space towards its southern end along the northern boundary of the application site.
- 4 Woodcombe Crescent is characterised by two storey semi-detached properties mainly from the inter war period. Ewelme Road and Devonshire Road have a varied character with Victorian properties, interwar and post war properties.

Heritage/archaeology

- 5 The application site itself is not within a conservation area, however, the application site is adjacent to the Forest Hill Conservation Area which is situated to the east of the application site.
- 6 The application site does not contain a listed building, nor is it in the vicinity of one.

Local environment

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- 7 The site is in flood risk zone 1 meaning there is minimal risk of river flooding; there are no other known sources of flood risk.
- 8 The site is in an air quality management zone.

Transport

- 9 The application site has a PTAL rating of 3/4 on a scale of 0 to 6b, which indicates the site has moderate to good accessibility to public transport.
- 10 Forest Hill Station is 0.3 miles from the application site and an approximate six minute walk from the application site (Google Maps).

2 RELEVANT PLANNING HISTORY

- 11 **PRE/20/116183:** Pre-application advice on the demolition of the existing garages and the construction of five residential dwellings and associated works.
- 12 It was advised that the principle of residential development on the application site is supportable.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 13 The application is for the demolition of existing garages at the application site and the construction of five dwellinghouses. The dwellinghouses would be situated on the eastern boundary of the site fronting into the site towards Woodcombe Crescent.
- 14 All of the dwellinghouses would be three bedrooms. Four of the dwellings (Nos. 1 to 4 as labelled on the plans) would be of identical design and one house (No. 5 as labelled on the plans) would have a slightly different design. Figure 2 below shows the elevations for Nos. 1 to 4 and Figure 3 shows the elevations for No. 5.

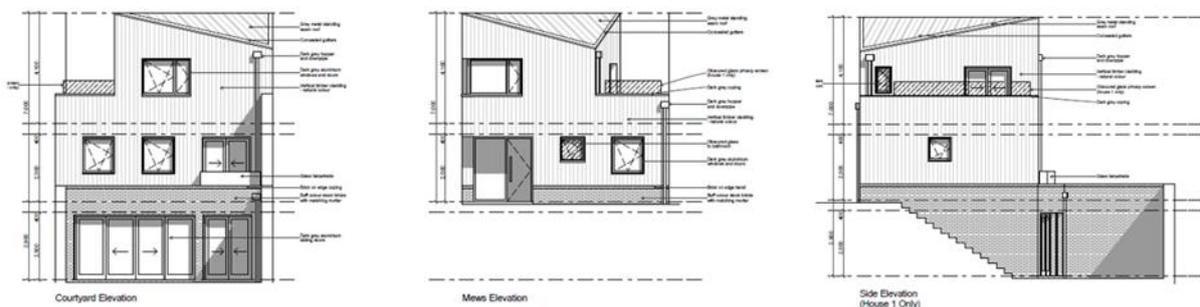


Figure 2: Proposed Elevations of Nos. 1 to 4

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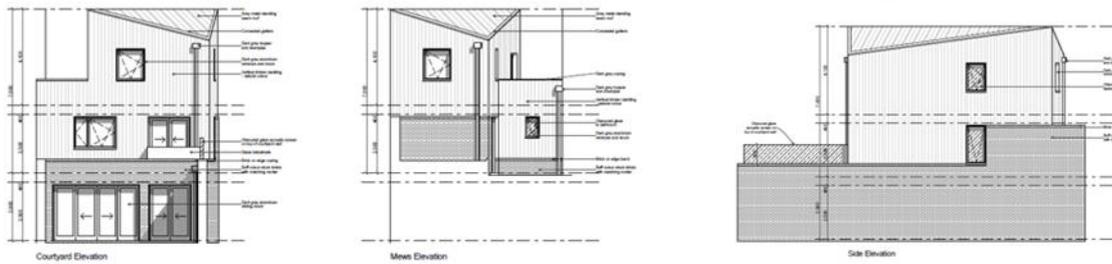


Figure 3: Proposed Elevations of No. 5

- 15 All of the proposed dwellinghouses would be 3-bedroom units, with accommodation at lower ground, ground and first floor level. All of the units would have balcony at first floor level.
- 16 Refuse storage and cycle parking would be situated along the northern boundary of the site as shown in Figure 4 below.

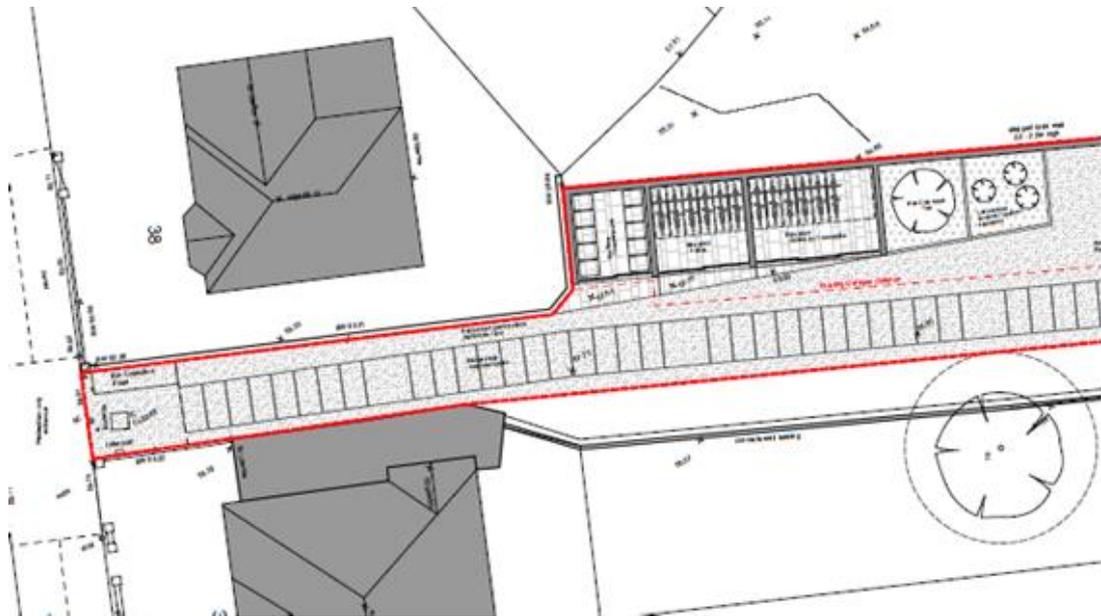


Figure 4 Proposed Refuse Storage and Cycle Parking

- 17 No car parking is proposed as part of the development.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 18 No consultation was undertaken by the applicant prior to the application being submitted. Officer's note due to the scale of the proposal there is no policy requirement for the applicant to consult with neighbours prior to submitting an application.

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4.2 APPLICATION PUBLICITY

- 19 Site notices were displayed and a press notice was published on 2nd September 2020.
- 20 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 27th August 20
- 21 The Forest Hill Society was consulted.
- 22 33 responses were received, comprising 33 objections.

4.2.1 Comments in objection

Comment	Para where addressed
<i>Principle of Development</i>	
Do not object to the demolition of the garages but the site needs to be developed in a more sympathetic way, involves a fair access, i.e 3 houses without balconies	Section 6.1
<i>Housing</i>	
The northern most house would have its side wall adjacent to a games court and this could be a noise nuisance for new residents which could threaten the future of the games court	Para 191
Internal and external floorspace and layout constraints	Section 6.2.3
Development does not address the important housing needs to the wider area	Section 6.2.1 and 6.2.2
No affordable housing has been proposed	Section 6.2.2
The new buildings would be overlooked on three side and vice versa	Para 87 and section 6.5.2
<i>Urban Design</i>	

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The air source heat pumps on the balconies would be unsightly	Section 6.3.1
Lack of details in regards to boundary walls	Para 116 and details would be secured by condition
Scheme represents over development	Section 6.3
Does not reflect or enhance the character of the local area	Section 6.3.1
Concern about the quality of the materials	Section 6.3.1 and the details would be secured by condition
The three-storey nature of the development, will result in an excessively tall and intrusive development, which would totally dominate the general surroundings	Section 6.3.1
<i>Highways and Servicing</i>	
Communal bin store in not ideal and the access would result in bins and rubbish not being stored in the bin store	Section 6.4.3 and details would be secured by condition.
No fire safety strategy statement has been submitted	The NPPG in relation Fire Safety is in relation to Fire Safety and High Rise development for applications received after the 1st August 2021.
Insufficient information about lorry movement and the intended approach to the management of construction	A Construction Management Plan would be secured by condition.
Lack of adequate parking and impact of overspill parking	Para 152
Increased traffic and road safety issues	Section 6.4
<i>Living Conditions of Neighbours</i>	

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Support the site for housing development but object to height at the northern end and its proximity to the well-used basketball court	Para 191
Height of development will result in a loss of visual amenity from Drakes Court, by a loss of the view of the trees	Para 166-167
Loss of privacy	Section 6.5.2
Increased noise levels	Section 6.5.4
Noise nuisance from construction	A Construction Management Plan would be secured by condition.
Impact on external lighting will change the character of the area in the evening and at night	Paras 121 and 150
Overlooking from balconies and this would result in a significant loss of privacy	Section 6.5.2
Light and noise and pollution	Section 6.5.4
<i>Natural Environment</i>	
Impact on ecology of neighbouring gardens	Section 6.7.1
Impact on trees in neighbours' gardens	Section 6.7.2
<i>Other</i>	
Part of the site was not in the applicant's ownership and there was no consultation from the developer	The applicants submitted an amended site plan with land in their ownership included within the red line.
Lack of consultation from the developer and consideration of the needs to local residents	There is no statutory requirement for applicants to consult prior to submitting an application.

- 23 Other considerations which are not material planning considerations and this are set out below for reference:
- 24 The proposed will devalue current properties: This is not a material planning consideration.
- 25 It is not obvious how the proposed foul sewage being discharged into the existing services would be feasible: This is not a material planning consideration.

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4.3 LOCAL MEETING

26 Due to the number of submissions received, a virtual local meeting was held on Wednesday 21st April 2021. The meeting was chaired by Councillor Gibbons. A summary note of the Local Meeting is attached at Appendix 1 of this report

4.4 INTERNAL CONSULTATION

27 The following internal consultees were notified on 27th August 2020.

28 Ecological Regeneration Manager: Further details of planting and lighting are required to be conditioned. See section 6.7.1.

29 Environmental Health: No response received.

30 Environmental Protection: Air quality conditions required.

31 Highway Officers: Objection raised to some aspects of the proposed development. See section 6.4.

32 Trees and Landscaping Officer: Verbal comments provided stating no objection subject to the implementation of conditions. See section 6.7.2.

33 Conservation Officer: No objection, see section 6.3.2.

34 Drainage Team: No response received.

4.5 EXTERNAL CONSULTATION

35 The following External Consultees were notified on the 7th October 2020:

36 Thames Water: No response received.

5 POLICY CONTEXT

5.1 LEGISLATION

37 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).

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

5.2 MATERIAL CONSIDERATIONS

39 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.

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40 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.

41 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.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

42 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

43 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)
- Small Sites SPD (October 2021)

44 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

45 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

46 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.

Loss of Garages

47 The application proposes the demolition of the existing garages on the site to make way for the proposed residential development.

48 Generally, the principle of demolition of the existing garages is accepted, full consideration to the displacement of parking spaces is considered in the relevant section of this report.

Residential Development

49 The London Plan (2021) at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2020 for Lewisham, and Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

Policy

50 The NPPF (2021) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.

51 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting underutilised land and buildings, particularly where they would contribute to housing needs and where sites could be used more effectively.

52 Policy H2 of the London Plan requires boroughs to pro-actively support well-designed new homes on small sites to help achieve the targets set out in Table 4.2. Lewisham has ten year target to deliver 3,790 new homes on small sites. Policy H2 sets out that boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

53 Core Strategy Policy 1 defines the location of application as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that Areas of Stability and Managed Change will deliver approximately 2,590

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additional new homes over the period of the Core Strategy (2011-2026). This accounts for approximately 14% of the borough's requirements in order to meet local housing need and contribute towards meeting and exceeding London Plan targets.

- 54 DM Policy 33 Infill, backland, back garden and amenity area development sets out the requirements for a variety of sites within residential areas that may come forward for development. Part B of supporting paragraph 2.251 defines Backland sites as 'landlocked' sites to the rear of street frontages not historically in garden use such as builders yards, small workshops and warehouses and garages. They require sensitive treatment and a high quality of design in order to achieve successful development because of the potential for visual and functional intrusion due to the close proximity.
- 55 As the application site is a backland site part B of DM Policy 33 is relevant. It sets out that new development on sites of this type will only be permitted where they provide:
- (a) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians
 - (b) no significant loss of privacy and amenity, and no loss of security for adjoining houses and rear gardens and
 - (c) appropriate amenity space in line with policy requirements in DM Policy 32 (Housing design, layout and space standards)
- 56 Point 7 of DM Policy 33 states gated developments on these sites that prevent access which would normally be provided by a publicly accessible street will not be supported. Whilst, a bollard would prevent access to vehicles on the site, given that the site would be publicly accessible to pedestrians it is not considered to be a gated development.
- 57 The Small Sites SPD sets out that backland sites present an opportunity to achieve high quality place making and a sense of identity. Similarly to DM Policy 33, section 32 of the SPD sets out that new residential development on sites previously occupied by garages should make adequate provision for pedestrians and take care to respect the privacy enjoyed by neighbouring properties.
- 58 Residential development is acceptable in this location, subject to the applicant meeting the policy tests outlined in paragraph 55 and other relevant development plan policies, as it set out in the sections below. The development is acceptable in principle and will make a contribution to the Lewisham's targeted housing supply.

6.1.1 Principle of development conclusions

- 59 The principle of development is supported and meets the policy tests outlined in paragraph 56.

6.2 HOUSING

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

6.2.1 Contribution to housing supply

Policy

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- 61 National and regional policy promotes the most efficient use of land.
- 62 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create, sustainable, inclusive and mixed communities.
- 63 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.
- 64 The Plan sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029.
- 65 National and regional policy avoids specifying prescriptive dwelling size and mixes for market and intermediate homes.
- 66 NPPF para 62 expects planning polices to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 67 Core Strategy Policy 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).
- 68 Whilst the surrounding area has a varied character, particularly Devonshire Road and Ewelme Road, the area is characterised as being suburban.

Discussion

- 69 The proposal is for five new family sized dwellings, and the site measures approximately 0.09 hectares.
- 70 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Table [1]: Measures of Density

Criteria	Value	Criteria/area
<i>Site Area (ha)</i>	A 0.09	<i>n/a</i>
Units	W 5	W/A: 55.55 U/Ha
Habitable rooms	X 20	X/A: 222.22 Hr/Ha
Bedrooms	Y 15	Y/A: 166.66 Br/Ha
Bedspaces	Z 25	Z/A: 277.77 Bs/Ha

Summary

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- 71 Policy D6 of the London Plan States for London to accommodate the growth identified in the plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of surrounding areas on most site.
- 72 Whether the scale of development is appropriate for the site and surrounding area, the impact of neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report.
- 73 Subject to the following matters, the proposed density is acceptable and would not result in an over intensification of the site and would provide 5 family sized dwellings. The proposed development would result in a more efficient use of the land and increase housing supply in line with the London Plan (2021).

6.2.2 Affordable housing

Policy

- 74 Core Strategy Policy 1 states that contributions to affordable housing will be sought on site capable of providing 10 or more dwellings. PPG guidance makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e. development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more).
- 75 As such, the application proposal falls below the threshold for seeking affordable housing provision as only 5 units are proposed.

6.2.3 Residential Quality

General Policy

- 76 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 London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019 and Small Sites SPD 2021, LBL).
- 77 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space. The Small Sites SPD has an Inside and Out Toolkit at section 15.

Internal space standards

Policy

- 78 London Plan Policy D6 and DM Policy 32 seeks to achieve housing developments with the highest quality internally and externally in relation to their context and sets out minimum space standards. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

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Unit	Layout	GIA m ²	B1 m ²	B2 m ²	B3 m ²	Amenity
1	3b/5p	115m ²	13.1m ² (Double Ground floor)	8.1m ² (Single Ground floor)	14.0m ² (Double first floor)	48.0m ²
2	3b/5p	115m ²	13.1m ² (Double Ground floor)	8.1m ² (Single Ground floor)	14.0m ² (Double first floor)	38.0m ²
3	3b/5p	115m ²	13.1m ² (Double Ground floor)	8.1m ² (Single Ground floor)	14.0m ² (Double first floor)	38.0m ²
4	3b/5p	115m ²	13.1m ² (Double Ground floor)	8.1m ² (Single Ground floor)	14.0m ² (Double first floor)	38.0m ²
5	3b/5p	127.8m ²	15.6m ² (Double Ground floor)	15.6 m ² (Double First Floor)	9.9m ² (single First Floor)	35.1m ²

Table 2: Internal space standards

- 80 Table 3.1 of Policy D6 of the London Plan states the minimum gross internal floor area for 3 storey 3b/5P dwellings is 99m². Table 3.1 also sets out the minimum size requirement of single bedroom to be 7.5m² and 11.5m² for a double bedroom.
- 81 As can be seen from the table 2 above units 1 to 4 would exceed the minimum floor area by 16m² and unit 5 would exceed the minimum floor area by 28.8m². Additionally all of the bedrooms would meet or exceed the required sizes.
- 82 Table 3.1 of Policy D6 of the London Plan also sets out the built in storage requirement of 2.5m². Officer acknowledge that no built in storage is shown on the floor plan, given that the floor area exceeds the minimum requirements, built storage could be accommodated, as such a condition is recommended to be added to secure built in storage.
- 83 The floor to ceiling height would be a minimum of 2.5m in accordance with the requirement of the London Plan and DMP 32.
- 84 Officers note that concern has been raised that proposed units would not be in accordance with DMP 32 as separate kitchen and living areas have not been provided. DMP 32 states in 4(d) that family houses (dwellings with three or more bedrooms) should be designed to have the potential to separate dining and living accommodation from the kitchen area in order to ensure privacy. Officers highlight that the provision of separate kitchen and living areas is not a requirement of policy as set out in the London Plan. The proposed market units would have open plan living, kitchen, dining areas and this layout is not contrary to policy.

Outlook & Privacy

Policy

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85 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.

Discussion

86 All of the proposed units would be dual aspect with windows providing a good standard of outlook. Officers note that the lower ground floor would be single aspect, however, considering the majority of the rear elevation at lower ground level would be glazed by way of sliding doors and as the dwelling would be set back 3.4m from the rear boundary, the outlook at lower ground floor level is considered acceptable.

87 Privacy to the rooms of the dwellinghouses is considered to be acceptable due to the location of windows and the distance from neighbouring properties is not considered to result in direct overlooking. In respect of the proposed balconies at first floor level, these would be set back 5m from the rear boundaries of the properties on Woodcombe Crescent, details of privacy screening on the balconies would be secured by condition as to ensure an acceptable level of privacy for the future occupiers.

Daylight and Sunlight

Policy

88 DMP 32(1)(b) expect new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living space.

89 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

90 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

Discussion

91 The submitted Daylight Assessment (prepared by EAL Consult, dated September 2020), determined that all of the habitable rooms would meet the required ADF. Therefore, the daylight and sunlight received by the dwellinghouses is acceptable.

Accessibility and inclusivity

Policy

92 LPP D5 expects proposals to achieve the highest standards of accessible and inclusive design, including at para (3) that proposals should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment; para (4) be able to be entered, used and exited safely, easily and with dignity for all; and para (5) be designed to incorporate safe and dignified emergency evacuation for all building users. LPP D7 requires 10% of residential units to be designed to Building regulation standard M4(3) 'wheelchair user dwellings' i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) 'accessible and adaptable'. Para 12.16 of the Small Sites SPD echoes LPP D5.

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93 In respect of access, M4(2) states that within the curtilage of the dwelling it is possible to approach and gain step free access to the dwelling and to any associated parking spaces and communal facilities intended for the occupants use.

94 In respect of access, M4(3) states that within the curtilage of the dwelling, a wheelchair user can approach and gain step free access to every private entrance to the dwelling and to every associated private outdoor space and communal facility for occupants use.

Discussion

95 Guidance states that gradients up to 5% are generally considered acceptable for wheelchair users; the gradient of the access to the application site is 12%. Due to this a stepped access is proposed from the entrance to the site to the proposed dwellinghouses. As such the dwellings would not be accessible by wheelchair users and for individuals with mobility issues and disabilities. Therefore, the proposal as a whole would fail to meet LPP D5. Officers consider this to be a significant concern, however are of the view there are mitigating reasons in this particular site: due to the width of the site access, the provision of an external lift would be unfeasible and would be disproportionate for a proposal for a minor application of five dwellinghouses. Officers consider a ramped access, zig-zagging down the slope, would also be impractical due to the width of the site. The planning harm is therefore a result of the specific nature of this site and thus the weight Officers have given it in the overall planning balance, set out in the conclusion, is adjusted accordingly.

96 Further, the dwellinghouses would not be M4(2) or M4(3) complaint as the access is not step free. The provisions of M4(2) and M4(3) are optional requirements of the Building Regulations and are only required where a condition is imposed on new development as part of the planning process. Where no condition is imposed on dwellings they will only need to meet the provision of M4(1). This is a building control matter and does not fall to be considered within this planning application.

External space standards

Policy

97 Standard 4.10.1 of the Mayors Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. This is also set out in London Plan Policy D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.

Discussion

98 As all of the proposed units are 3b/5p units, each unit is required to provide 8sqm of private amenity space. Each dwellinghouse would be provided with a sunken rear garden and a balcony for sole use each dwellinghouse, as can be seen in Table 2 all of the unit would exceed the minimum size requirement.

Summary of Residential Quality

99 All of the proposed units would meet or exceed the required space standards and the units are considered to provide an acceptable standard of accommodation. Whilst it is noted that the dwellings would not be M4(2) and M4(3) compliant, considering that an external lift would be unfeasible due to the width of the site access and would be

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disproportionate for a minor application for five dwellinghouses, on balance the stepped access is considered to be acceptable in this instance.

6.2.4 Housing conclusion

100 The proposal would deliver five 3b/5p dwellinghouses which meet or exceed the required space standards. It would contribute to meeting the Boroughs identified housing need in a predominately residential and sustainable location, and substantial weight is given to this material planning consideration. Whilst the dwellinghouses would not be accessible for all due to the stepped access to the site, given the small infill nature of the site and the narrow width of the access, on balance the stepped access is considered to be acceptable in this instance.

6.3 URBAN DESIGN

General Policy

101 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.

102 Policies D4 and D6 of the London Plan emphasise that ‘the scrutiny of a proposed development should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping’.

103 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design, and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.

104 DMP 30 requires planning applications to demonstrate site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

105 DM Policy 33 states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets.

106 As the application site is adjacent to the Forest Hill Conservation Area DM Policy 36 is also relevant. DM Policy 36 states in point 4 c that permission will not be granted adjacent to a conservation area where the development would have a significant impact on the conservation area. The Small Sites SPD includes a Placemaking Toolkit in section 16.

6.3.1 Appearance and character

Policy

107 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 130).

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- 108 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 109 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 110 DM Policy 32 expects new residential development to be attractive and neighbourly.
- 111 DM Policy 33 relates to development on backland sites, and sets out a number of specific requirements for development of these sites.

Discussion

- 112 Whilst Woodcombe Crescent is characterised by two storey inter war semi-detached properties, there is a range of property styles of Ewelme Road and Devonshire Road, ranging from Victorian properties to post war purpose built flatted developments. In the submitted Design and Access statement the applicants have undertaken an analysis of backland development within Forest Hill which has informed the design of the proposed development.
- 113 The development proposes a modern mews style terrace within the site, the terrace of properties would have a maximum width of 38m and maximum depth of 10.33m; officers note that the maximum depth is taken from proposed dwelling No.5 which extends forward of the other four proposed dwellinghouses. Each dwellinghouse within the terrace is slightly stepped and offset at an angle from its neighbour. When viewed from the existing site and from Woodcombe Crescent the dwellinghouses would appear as two storey in height. The terrace would have an irregular roof form with a maximum height of 7m when measured from the front elevation, when measured from the sunken gardens the dwellinghouses would have a height of 9.9m. The side elevation of No.5 when measured from Drakes Court would have a height of 9.92m.
- 114 Whilst mews style terraces are not a common feature of the area, the break in the massing of the terrace facilitated by balconies at first floor level aids in the massing and scale of the proposed development being acceptable and respecting the scale and massing of surrounding development.
- 115 The applicants have taken a modern approach with the design of the proposed development with irregular roof profiles compared to the surrounding built development, given the backland nature of the site the principle of this is considered acceptable. The impact of this on the Forest Hill Conservation Area is set out in section 7.3.2. The facing materials of the proposed dwellinghouse are brick work in a buff colour and vertical timber cladding. The dwellinghouses would have grey metal standing seam roofs and the openings would be dark grey aluminium frames. The principle of the proposed materials are considered to result in a high quality design and the final details would be addressed by condition so as to secure high quality design; this will include details of how the timber cladding will be treated so as to understand how it will weather. Also to ensure the design quality of the development and to avoid cluttered elevations and

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alterations, conditions are proposed to remove permitted development rights in respect of extensions and alterations to the dwellinghouses.

116 Limited information has been provided in respect of the boundary treatment, these details would be secured by condition.

117 Notwithstanding, the assessment on the Forest Hill Conservation Area which is set out in section 6.3.2, the design of the proposed development is considered to respect the height, massing and scale of surrounding dwellings and is considered to be high quality addition on an underutilised backland site.

Layout and Landscaping

Policy

118 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.

119 DMP 32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as the existing context of the surrounding area. They must also meet the functional needs to future residents.

Discussion

120 The proposed development would replace garages and there is currently no soft landscaping on the site. The access to the site and area in front of the dwellinghouses would incorporate hardstanding and raised planters. Given that there is no soft landscaping on site, Officers welcome the introduction of the planting within the raised planting beds. The final details of the hard and soft landscaping along with a maintenance and management plan would be secured by condition.

121 Whilst officers acknowledge that the entrances to each dwellinghouses would not be visible from the street and would be accessed via pedestrianised access way, given the backland nature of the site, this is considered to be acceptable. External lighting would be secured by condition as to ensure the access way to the dwellinghouses is adequately lit.

122 Overall, officers consider the layout of the development to make good use of the underutilised backland site.

6.3.2 Impact on Heritage Assets

Policy

123 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

124 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

125 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

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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.

- 126 Policy HC1 of the London Plan sets out that development proposals affecting heritage assets and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation with their surroundings.
- 127 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 128 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced. Small Sites SPD section 22 provides advice on heritage.

Discussion

- 129 As set out in section 4.4, Conservation Officers do not raise objection to the proposed development. The development would be obliquely visible from within the Forest Hill Conservation Area and could also be visible when looking through the site to Character Area 2 within the conservation area along Devonshire Road. However, these views are not protected and their alteration is not considered to harm the historic character of the Conservation Area and the grouping of properties along the west side of Devonshire Road. The application site and all of Woodcombe Crescent and much of Ewelme Road are excluded from the conservation area, with designated streets effectively surrounding the excluded streets. This configuration is because the excluded streets were not considered to be of historic interest to the conservation area itself. It is for these reasons that the proposed development and its siting and location do not have any negative impact on the setting of the Forest Hill Conservation Area or its special interest.
- 130 Officers consider that the current proposal would lead to no harm to the Forest Hill Conservation Area. As such a public interest test and balancing exercise are not required.

Summary

- 131 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 preserve or enhance the character or appearance of Forest Hill Conservation Area.

6.3.3 Urban design conclusion

- 132 In summary, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale, and would use suitable materials; it is considered that the proposed scheme would have an acceptable impact on the character and appearance of the adjacent Forest Hill Conservation Area. The design of the proposal is acceptable, and in line with the aforementioned policy.

6.4 TRANSPORT IMPACT

General policy

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133 NPPF paragraph 108 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

134 Paragraph 109 of the NPPF states 'Development should only be prevented or refused on transport grounds. The Small Sites SPD has guidance in sub-sections 12.12-12.18.

6.4.1 Access

Policy

135 As noted above, LPP D5 expects the highest standards of accessible and inclusive design while LPP D7 requires 10% of residential units to be designed to Building regulation standard M4(3) 'wheelchair user dwellings' i.e being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) 'accessible and adaptable'. Sub-sections 10.4 and 12.16 of the Small Sites SPD also sets out guidance for access to developments.

Discussion

136 This matter is also addressed in para 95, above. The dwellings independently of the stepped access would otherwise meet the requirements of M4(2) 'accessible and adaptable dwellings'; it is the stepped access to the site which result in the dwellings not being M4(2) compliant. Highways officers raised objection to the initially proposed sloped access due to the gradient of the slope (guidance states that gradients up to 5% are generally considered acceptable for wheelchair users, the gradient of the access to the application site is 12%) and also raise objection to the stepped access. Given that the proposal is for less than 10 units it is not required by policy to provide an M4(3) wheelchair accessible or adaptable unit. Due to the width of the access to the site the provision of an external lift would be unfeasible and would be disproportionate for a proposal a minor application for five dwellinghouses. The failure of this scheme to meet LPP D5 is a harm to which Officers have attributed weight in the overall planning balance, as set out in Section 10 (Conclusion).

137 A S278 agreement would be secured by condition to secure improvement/reinstatement works to the crossover/footway adjacent to the site access on Woodcombe Crescent.

6.4.2 Local Transport Network

Policy

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

Discussion

139 The application site has PTAL rating of 3- 4 and is approximately a 6 minute walk from Forest Hill Station (Google Maps). The provision of five additional dwellings is not considered to have a significant impact on the local transport network in terms of capacity of the road network or public transport.

140 The site is not within a controlled parking zone. No car parking is proposed as part of the development. The application was accompanied by Parking Stress Surveys which set

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out there is capacity within the surrounding streets to accommodate any parking demand generated by the development. Highways Officers did not raise any objections to the design and the findings of the parking stress survey.

141 The impact of the loss of the existing garages on the highways network also needs to be considered. The submitted Design and Access Statement has undertaken a survey of the uses of the existing garages. Of the 34 garages on the site, two are leased by properties within 250m of the site. The majority of the garages are used as storage. The Design and Access Statement also sets out that the garages are smaller than modern parking size standards. Given how the garages are being used currently, their size and results of the submitted parking stress survey, the loss of proposed garages are not considered to have an unacceptable impact on the highways network.

142 A Construction Management Plan would be secured by condition to ensure that the impacts of construction vehicles on the local highway network would be acceptable.

6.4.3 Servicing and refuse

Policy

143 DM Policy 31 requires new development to have appropriate regard for servicing of residential units including refuse. The Small Sites SPD has guidance in sub-sections 12.14.

Discussion

144 A bin store is proposed along the northern boundary of the site and would not be within 10m on the highway. It is proposed that a management company for the development would move the bins on collection day from the bin store to the edge of the site to be collected by Lewisham Refuse and to return the bins to the store after collection. Given that the units would be market units, this arrangement is considered acceptable. A planning condition for a waste management plan would secure the details of the management arrangement.

145 As access to the site for vehicles would be prevented, a Delivery and Servicing Plan, which includes details of where loading and unloading associated with the site would occur and how access to the site would be controlled would be secured by condition

6.4.4 Transport modes

Walking and cycling

Policy

146 London Plan Policy T5 states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

147 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

148 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised. The Small Sites SPD has guidance in sub-sections 12.13.

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Discussion

- 149 Two bicycle stores are proposed which would provide 12 spaces, this is in accordance with Table 10.2 of the London Plan. The final details of the cycle parking would be secured by condition.
- 150 Details of the external lighting on the site will be secured by condition as to ensure safe pedestrian access and movement around the site.

Car Parking

Policy

- 151 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). The Small Sites SPD has guidance in sub-sections 12.12.

Discussion

- 152 No car parking is proposed as part of the application. The parking beat surveys conducted in June 2020 yielded a capacity of 77.5% and 79.5%, which indicates sufficient on street parking availability given the PTAL of the development site and the number of units proposed.

6.4.5 Transport impact conclusion

- 153 The proposal would have an acceptable impact on transport in terms of parking, encouraging sustainable modes of transport and accommodating the site's servicing needs, subject to conditions.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 154 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 LPP D3, D6 and D14 and DM Policy 30, 32 and 33.
- 155 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. The Small Sites SPD provides general guidance in section 12 (sub-sections 12.2 to 12.4) and specific guidance in section 32.
- 156 The main impacts on amenity arise from: (i) overbearing sense of enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance

6.5.1 Enclosure and Outlook

Policy

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157 DM Policy 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings. Small Sites SPD sub-section 12.3 provides further details

Discussion

158 Woodcombe Crescent: The properties on Woodcombe Crescent which are closest to the application site are two storey semi-detached properties, some of which have been extended. The dwellinghouses sit at a higher land level than the application site, with the gardens sloping down towards the application site. The rear gardens of the properties which adjoin to the application site are approximately 30m in length from the rear elevation to the rear boundary, with the rear garden of No. 28 being longer as the rear boundary of this property sits further back than the other properties as shown on Figure 5 below.



Figure 5 Relationship between application site and Woodcombe Crescent

159 As a mews is proposed to be created and as the proposed dwellinghouses would have a slightly staggered building line, the minimum setback from the shared boundary with rear boundaries would be 3.3m. Given the length of the rear gardens and setback of the dwellinghouses, the proposed dwellinghouses are not considered to have an

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unacceptable impact on the properties on Woodcombe Crescent in terms of an increased sense of enclosure or an unacceptable loss of outlook.

- 160 Officers do acknowledge that concern has been raised by residents that the view towards the site would change. It is highlighted that in planning terms there is no right to a view.
- 161 91a Devonshire Road: 91a Devonshire Road is a dwellinghouse which is setback approximately 30m from the street and has shallow rear garden with an approximate depth of 7m, No.91a is outlined in green on Figure 6 below. No.91a sits at a lower land level than the application site.



Figure 6 91a Devonshire Road

- 162 The existing boundary wall of the application site is 1m higher than the proposed boundary treatment. The ground and first floor of the proposed dwellinghouses being setback 4.27m from the rear boundary, officers note that the lower ground element does not extend above the boundary treatment. The proposed dwellinghouse closest to No.91a would not be situated directly behind No.91a. On balance, considering the existing relationship between the site, the set back and siting of the proposed dwellinghouse closest to No.91a, there is not considered to be such an unacceptable increase in a sense of enclosure or loss of outlook that would be so harmful to the amenities of No.91a that would warrant a refusal on this ground.
- 163 93-99 Devonshire Road: 93 to 99 Devonshire Road as three storey semi-detached properties. These properties have rear gardens with approximate depths of 23m from the rear boundary of the site to the rear elevation of the properties. These properties sit at a lower land level than the application site.
- 164 The existing boundary wall of the application site is 1m higher than the proposed boundary treatment along the shared boundary with 93-99 Devonshire Road, with the ground floor and first floor being setback 4.27m from the rear boundary, officers note that the lower ground element does not extend above the boundary treatment. Considering the heights of the existing and proposed boundary treatment and the set back of the

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ground and first floors from the shared boundary, the proposed development is not considered to result in an unacceptable impact on Nos. 93 to 99 in terms of an increased sense of enclosure or unacceptable loss of outlook.

165 Officers do acknowledge that concern has been raised by residents that the view towards the site would change. It is highlighted that in planning terms there is no right to a view.

166 Drakes Court: Drakes Court consists of three to four storey residential blocks. The blocks are set in communal open space. The proposed development would be situated approximately 33m from the block fronting Ewelme Road and approximately 24m from the block fronting Devonshire Road. Given the separation distance, the proposed development would not have an unacceptable impact on Drakes Court in terms of an increased sense of enclosure or unacceptable outlook.

167 Officers do acknowledge that concern has been raised by residents that the view towards the site would change. It is highlighted that in planning terms there is no right to a view.

6.5.2 Privacy

Policy

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

169 DM Policy 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations. This separation distance will be maintained as a general rule but will be applied flexibly dependent on the context of the development. The Small Sites SPD gives further specific guidance for sites such as this in section 32.

Discussion

170 Woodcombe Crescent: The windows at ground floor level of the proposed dwellinghouses facing the properties on Woodcombe Crescent would not have an unacceptable impact in terms of privacy as they would face into the mews and there would be boundary treatment between the sites.

171 The front elevation of dwellings Nos. 1-4 would incorporate one window opening which would serve a hallway and there would be one window opening in the front elevation of No. 5 which would serve a single bedroom. The separation distance between the front elevations of the proposed dwellinghouses and the rear elevations of the properties on Woodcombe Crescent is approximately 30m. The separation distance between elevations is greater than the guidance of 21m and as such there is not considered to be an unacceptable impact in terms of overlooking to the dwellinghouses on Woodcombe Crescent. Due to the distances involved, the gardens of properties on Woodcombe Crescent would retain a good level of privacy at their upper parts.

172 On the side elevation of proposed dwellinghouse No.1, three openings are proposed, one at ground floor level and two at first floor level; one of the openings at first floor level would be obscure glazed. These windows would be set back 1.85m from the shared

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boundary with No.28; this boundary is a side boundary of the application site and rear garden of No. 28. Given the boundary treatment, the window at ground floor level would not have an unacceptable impact on the privacy of No.28. At first floor level, considering the set back from the boundary, that one opening would be obscured glazed and privacy screening is proposed to the side (which would be secured by condition), the openings in the side elevation of proposed dwellinghouse No.1 are not considered to have such an unacceptable impact on the privacy of No.28 that would warrant a refusal on this ground.

- 173 Officers also need to consider overlooking of the rear gardens from the proposed windows in the front elevation and from the proposed balconies at first floor level.
- 174 The front elevation of proposed dwellinghouses 1 to 4 face onto the rear of Woodcombe Crescent. The windows at first floor level would serve a hallway/landing and not a habitable room, as such there is not considered to be an unacceptable impact in terms of overlooking and loss of privacy from this window.
- 175 Privacy screening for the proposed balconies would be secured by condition to ensure that there would not be an unacceptable impact in terms of overlooking and loss of privacy of the rear gardens of the properties on Woodcombe Crescent.
- 176 91a Devonshire Road: Whilst proposed dwellinghouse No.1 is not situated 21m from the rear elevation of No.91a, it is situated on the diagonal from this property so there would be no direct overlooking between rear elevations. Therefore the windows on the rear elevation on the proposed development would have an acceptable impact on the privacy of No.91a.
- 177 The balcony of proposed dwellinghouse No.1 would also be situated on the diagonal of No.91a. The siting of the balcony combined with the separation distance, is considered to result in there not being an unacceptable impact on the privacy of No.91a from the use of the proposed balcony.
- 178 93-99 Devonshire Road: Due to the siting of the proposed dwellinghouses, only the impacts of overlooking from Nos. 1 to 3 towards Nos. 93 to 99 needs to be considered, this is because proposed dwellinghouses 4 and 5 would not directly face onto these properties. There would be 3 windows at ground floor level and 1 window at first floor level, all of these windows would serve habitable rooms.
- 179 The separation distance between the windows in the proposed rear elevations and the rear elevations of No.93 to 99 is a minimum of 26m (scaled from submitted plans). This separation distance is greater than the guidance of 21m, and as such there is not considered to be an unacceptable impact in terms of overlooking on the dwellinghouses at 93-99 Devonshire Road.
- 180 Officers also need to consider overlooking of the rear gardens from the proposed windows in the rear elevation and from the proposed balconies at first floor level.
- 181 Whilst officers acknowledge that new views would be created from the first floor windows and the balconies, particularly towards the end of the rear gardens of Nos. 93 to 99, given the set back from the boundary and the length of the gardens, there is not considered to be such an unacceptable impact on privacy to the amenity space of those properties that would warrant a refusal on this ground. This is consistent with the guidance within the Small Sites SPD.
- 182 Drakes Court: Two obscure glazed windows are in the side elevation of proposed dwellinghouse No.5 which faces on the communal land of Drakes Court. These windows

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would serve the hallways at ground and first floor level. Given the separation distance to the residential accommodation of Drakes Court, there is not considered to be an unacceptable impact in terms of privacy to the residents of Drakes Court.

6.5.3 Daylight and Sunlight

Policy

183 London Plan Policy D6 states that the design of development should provide sufficient daylight and sunlight to surrounding housing appropriate for its context. DM Policy 32 is in line with this and the Small Sites SPD provides further guidance in sub-section 12.3.

184 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards, however, this is not formal planning guidance and should be applied flexibly according to context. The guidance also sets standardised criteria for the assessment of planning applications including the 25 degree and 45 degree 'rules'.

Discussion

185 Whilst no daylight and sunlight impact assessment has been submitted, which is usual and acceptable for a development of this scale, the development would comply with the 25 degree rule and proposed shadow study diagrams have been included in the Design and Access Statement.

186 The submitted shadow study diagrams show that would be some over shadowing to gardens as result of the proposed development, however, the overshadowing is not considered to be unacceptable.

187 As such the proposed development due to its scale and siting is not considered to have a detrimental impact on neighbouring properties in terms of daylight and sunlight.

6.5.4 Noise and disturbance

Policy

188 DM Policy 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

189 The site currently consists of 34 garages; whilst officers acknowledge that the 5 dwellinghouse are likely to generate more noise and comings and goings compared to garages which are used for storage, this is not considered to be unacceptably harmful to neighbouring properties.

190 While there will be servicing impacts that will occur at the access to the site, these are again limited due to the small number of units proposed. Officers note that the site has established use for 34 garages. If the site were re-developed to update the garages to allowing accommodation of modern vehicles, this would significantly increase the coming and going to the site by way of vehicular travel. On balance the servicing impacts are judged acceptable in this context.

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- 191 Concern has been raised about the noise and disturbance that would be caused to the proposed dwellinghouse from the adjoining basketball court. Over the course of the application, the applicants amended the application to include acoustic screening to the balcony area. This acoustic screening would be secured by condition and as such the proposed basketball court is not considered to result in a significantly harmful impact in terms of noise and disturbance to the future occupiers of the proposed dwellinghouse.
- 192 The refuse storage area is in close proximity to the rear garden of No 38 Woobcombe Crescent. Details of waste storage will be secured by condition to ensure the enclosure is secure and well designed to prevent odour impacts between collections and ensure waste is well managed at point of storage.

6.5.5 Impact on neighbours conclusion

- 193 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 194 Para 153 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 195 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability.

6.6.1 Energy and carbon emissions reduction

Policy

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

Discussion

- 197 The application is not a major development (as only 5 units are proposed) and as such the provision of LPP SI2 do not apply. Notwithstanding this, the submitted Environmental Statement & Energy Assessment (prepared by PB Sustainability, dated July 2020) each dwellinghouse would have an Air Source Heat Pump (ASHP) which will reduce CO2 emissions. Also, the internal water use within all dwellings would be reduced to 105 litres per person per day.

6.6.2 Overheating

Policy

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198 LPP SI4 states that major proposals should demonstrate through an energy strategy how the potential for internal overheating would be reduced.

Discussion

199 As the application is not major development (as only 5 units are proposed) the provision of LPP SI4 do not apply. Notwithstanding this, all of the units would be dual aspect which have greater capacity to address overheating

6.6.3 Flood Risk

Policy

200 LPP SI12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

201 The site lies outside of Flood Zones 2 and 3 and is therefore at low risk of flooding.

6.6.4 Sustainable Urban Drainage

Policy

202 LPP SI13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovering from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.

203 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

204 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.

205 Policy G4 of the London Plan requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs.

206 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

207 The application site is in an area of low risk of surface water flooding in accordance with the Environment Agency surface water flood maps.

208 Details of a SuDS Strategy has not been submitted with the application. A SuDS strategy will be secured by condition.

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209 Details of the permeable hard landscaping will be secured by condition. It will also be secured by condition that the proposed cycle and refuse stores incorporate green roofs.

6.7 NATURAL ENVIRONMENT

General Policy

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

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

212 The NPPF at para 180 states that 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 impacts that could arise from development. The Small Sites SPD provides a Green Toolkit at section 14.

6.7.1 Ecology and biodiversity

Policy

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

214 NPPF para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

215 CSP 12 seeks to preserve or enhance local biodiversity.

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

Discussion

217 The application site is a brownfield site that consists of 34 garages. An Arboricultural Impact Assessment (prepared by Tim Moya Associates, dated July 2020) and a Preliminary Ecological Appraisal (prepared by Tim Moya Associates, dated July 2020) have been submitted with the application.

218 The Arboricultural Impact Assessment concludes that proposed development is acceptable in arboricultural terms.

219 The Preliminary Ecological Appraisal (PEAR) concludes that the proposed development is not due to result in the loss of significant habitats or ecological value and that there are no habitats of principal importance under Section 41 of the NERC Act are present within or adjacent to the site. The following recommendations are made within the PEAR:

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- Tree protection areas and methods should be advised by a suitably qualified arboricultural consultant
- In order to confirm the absence of suitable roosting features, it is recommended that an internal inspection by a suitably qualified ecologist is undertaken prior to demolition works. If the surveys confirm the use of any roosting bats, additional bat surveys may be required
- Prior to any works, the feature should be inspected using an endoscope by a suitably qualified ecologist to confirm the absence of roosting bats in the cavity present on the damaged area of wall to the south. If no roosting bats are present, the feature should be sealed up using expanding foam.
- To avoid destruction of active bird nests, it is recommended that building demolition is only undertaken outside the bird nesting season. Building demolition may only be undertaken during the nesting season if a careful check by a suitably competent person can confirm that no active bird nests are present. If bird nests are present within buildings to be removed, they must be left in place and not disturbed until all the young have fledged and cease to return to the nest.

220 The Design and Access Statement shows that bird and bat boxes are proposed. The details of these will be secured by conditions

6.7.2 Trees

Policy

221 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.

222 NPPF para 174 expects development to contribute to and enhance the natural and local environment.

223 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

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

225 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases. Small Sites SPD section 19 provides guidance on, amongst other things, trees.

Discussion

226 There are no trees within the application site, however, there are trees in adjacent sites close to the boundary with the application site. A Tree Protection Plan will be secured by condition as to protect trees in adjacent properties.

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6.7.3 Air pollution

Policy

- 227 NPPF para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 228 LPP SI 1 Improving air quality states that Development proposals should not:
- a) lead to further deterioration of existing poor air quality
 - b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits
 - c) create unacceptable risk of high levels of exposure to poor air quality.
- 229 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

Discussion

- 230 The application site is within an air quality management zone. Environmental Protection Officer raise no objection to the proposed development subject to the imposition of conditions in respect of:
- Air Quality Neutral Assessment
 - Air Quality Dusk Risk Assessment and Dust Management Plan. The Dust Management Plan can be submitted as part of a Construction Environmental Management Plan
 - Combustion and Energy Plan

7 LOCAL FINANCE CONSIDERATIONS

- 231 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).
- 232 The weight to be attached to a local finance consideration remains a matter for the decision maker.

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233 The CIL is therefore a material consideration.

234 £6,192.00 Lewisham CIL and £4,091.14 MCIL is **estimated** to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

235 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.

236 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.

237 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.

238 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>

239 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

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240 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>

241 The assessment sets out that the access to the site and is therefore not suitable for those wheelchair users and individuals with mobility issues and other disabilities. Therefore it is concluded that the proposal would have a greater impact on those people with protected characteristics, (age and disabilities).

9 HUMAN RIGHTS IMPLICATIONS

242 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

243 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.

244 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.

245 This application has the legitimate aim of providing 5 new residential dwellings. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

246 This application has been considered in the light of policies set out in the development plan and other material considerations, including the recently adopted Small Sites SPD.

247 The principle of the proposed development is supported as it would provide five family sized market dwellings on an underutilised site. All of the dwellings are considered to provide a good standard of accommodation to future occupiers and substantial weight is given to this material planning consideration.

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- 248 In urban design terms, the proposed development is considered to be high quality proposal. It is of an appropriate height and scale, and would use suitable materials; it is considered that proposed scheme would have an acceptable impact on the character and appearance of the adjacent Forest Hill Conservation Area.
- 249 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment subject to the recommended conditions. The impacts to the local transport network including parking capacity in the surrounding streets have been assessed and are considered acceptable.
- 250 No adverse impacts have been identified to the living conditions of the neighbouring properties.
- 251 The officer assessment has identified that due to the stepped access of the site the dwellings would not be able to meet the requirements of LPP D5 or M4(3) wheelchair accessible or M4(2)(accessible and adaptable) of approved document M of the Building Regulations. The weight given to this failure is lowered due to the site specific circumstances of the narrow and steep access. Therefore, on balance, the planning merits of the scheme—in terms of the provision of five family sized markets dwellings on an underutilised site which would meet or exceed the required space standards—are considered to outweigh the harm identified.
- 252 Overall, the contribution to housing supply, efficient use of land, the high quality design of the proposed dwellinghouses and as the development would be acceptable in terms of sustainable development, natural environment impact, highways impacts and on residential neighbouring amenity, the application is recommended for approval subject to the conditions set out in section 11.1 below.

11 RECOMMENDATION

- 253 That the Committee resolve to **GRANT** planning permission subject to [a S106 Legal Agreement and to] the following conditions and informatives:

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

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

3) **CONSTRUCTION MANAGEMENT PLAN**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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

4) **SITE CONTAMINATION**

- (a) No development or phase of development (including demolition of existing buildings and structures) shall commence until :-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-

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

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

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

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

5) **MATERIALS**

No development **above ground** shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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6) DETAILS OF BUILT IN STORAGE

Notwithstanding the plans hereby approved, prior to above ground works, plans showing the built in storage for each dwellinghouse should be submitted and approved in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority are satisfied that the built in storage complies with the minimum requirements and to comply with Policy D6 Housing quality and standards of the London Plan (2021), Policy 1 'Housing Provision, mix and affordability' of the Core Strategy (2011); DM Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014).

7) PRIVACY SCREENS

(a) Details of privacy screens to the balconies shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved balcony treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

8) RETENTION OF AMENITY SPACE

The whole of the amenity spaces as shown on the drawings hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby approved.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014).

9) 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

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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).

10) **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 the elevations of the building 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 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).

11) **HARD LANDSCAPING**

(a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

12) **SOFT LANDSCAPING**

(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become

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seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

13) **REFUSE STORAGE**

(a) No development above ground level shall commence until details of proposals for the storage of refuse and recycling facilities (including details of green roof for the store) for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

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

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

14) **CYCLE PARKING**

(a) No development shall commence on site until the full details of the cycle parking facilities (including details of green roof for the store) have been submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

15) **DELIVERY AND SERVICING PLANS**

(a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

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- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

16) **ACOUSTIC SCREENING**

(a) Details of the acoustic screening to be installed to dwellinghouse adjoining the basketball court shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

(b) The approved acoustic screening shall be installed prior to occupation of any residential unit and retained in perpetuity.

Reason: To protect the amenities of the occupiers and to comply DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

17) **TREE PROTECTION PLAN**

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

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

18) **BIRD AND BAT BOXES**

Details of the number and location of the bird and bat boxes to be provided as part of the development shall be submitted and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed in accordance with the approved details before the occupation of the buildings and maintained in perpetuity.

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

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19) **EXTERNAL LIGHTING**

(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

20) **SURFACE WATER DRAINAGE**

No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management, including specifications of the surface treatments, management plan and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme shall be implemented in full accordance prior to first occupancy.

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

21) **ROOSTING BATS – Garages**

An internal inspection of the garages must be undertaken by a suitability qualified ecologist prior to the demolition of the garages to confirm the absence of roosting feature and bats as recommended by the Preliminary Ecological Appraisal (prepared by Tim Moya Associates, dated July 2020).

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

22) **ROOSTING BATS – WALL**

Prior to any works to the wall to the south of the site, the wall should be inspected using an endoscope by a suitably qualified ecologist to confirm the absence of roosting bats. If no roosting bats are present, the feature should be sealed up by using expanding foam as recommended by the Preliminary Ecological Appraisal (prepared by Tim Moya Associates, dated July 2020).

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial

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playing pitches and local character of the Development Management Local Plan (November 2014).

23) **NESTING BIRDS**

To avoid the destruction of active bird nests, building demolition should be undertaken outside the bird nesting season. Building demolition may only be undertaken during the nesting season if a careful check by a suitably competent person can confirm that no active bird nests are present. If nests are present within buildings to be removed they must be left in place and not disturbed until all the young have fledged and cease to return to the nest as recommended by the Preliminary Ecological Appraisal (prepared by Tim Moya Associates, dated July 2020).

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

24) **AIR QUALITY NEUTRAL ASSESSMENT**

Prior to the commencement of development, an Air Quality Neutral assessment shall be submitted to and approved in writing, by the local planning authority.

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with paragraph 186 of the National Planning Policy Framework (2021) and Policy SI1 of the London Plan (2021).

25) **GAS BOILERS**

Prior to occupation of the development, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and agreed in writing by the council. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 30 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council 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 paragraph 186 of the National Planning Policy Framework (2021) and Policy SI1 of the London Plan (2021).

26) **CONSTRUCTION WORK HOURS**

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

27) **WASTE MANAGEMENT PLAN**

a) No development shall commence until a waste management plan has been submitted for the residential accommodation and approved in writing by the local planning authority.

(b) The waste management plan under part (a) shall be provided and implemented prior to the occupation of the development and shall thereafter be maintained.

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

29) **S278 HIGHWAYS WORKS**

(a) Prior to first occupation details of the following highways works (including drawings and specifications) must be submitted and approved in writing by the Local Planning Authority, including:

- The reinstatement of the crossover and improvements to the footway adjacent to the site access on Woodcombe Crescent.

(b) Prior to first occupation, the works as required under (a) must be completed and evidence of approval from the Highways Authority to this work must be submitted and approved by the Local Planning Authority.

Reason: To secure highways improvement works on the public highway and to accord with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

11.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before

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development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -

<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- 3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 4) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme

12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

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