



## Planning Committee C

**Report title:**

Nelsons Archway, Brigade Street, London, SE3 0TW

**Date: 2nd December 2021**

**Key decision: No.**

**Class: Part 1**

**Ward(s) affected: Blackheath**

**Contributors: Max Curson, Planning Officer**

### Outline and recommendations

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

## Application details

**Application reference number(s):** DC/21/121093

**Application Date:** 09 March 2021

**Applicant:** Rodway Planning Consultancy Limited on behalf of J.Sage Builders Limited

**Proposal:** Change of use from lock up / open storage yard (Use Class B8) to an office (Use Class E) including the construction of a roof over the whole site and all associated works at Nelsons Archway, Brigade Street, SE3.

**Background Papers:**

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

**Designation:**

- Air Quality Management Area
- Area of Archaeological Priority
- PTAL 5
- Major District Centre
- Sustainable Drainage

## 1 SITE AND CONTEXT

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

The Brigade Street is an S shaped road. The application site is located to the north-east part of the road. The site is known as Nelsons Archway and it comprises an open air storage unit located behind the wall.

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**Figure 1: site location plan**

#### ***Character of area***

- 1 The surrounding area is mix-use with residential and commercial premises.

#### ***Heritage/archaeology***

- 2 The site is within the Blackheath Conservation Area. In addition to this the site is an Area of Archaeological Priority.

#### ***Surrounding area***

- 3 The site is located approximately 130m from the Heath.
- 4 Tranquil Vale and Montpelier Vale are approximately 160m away and they provide various shops, other facilities and services.

#### ***Local environment***

- 5 The site falls within Air Quality Management Area and Sustainable Drainage Area.

#### ***Transport***

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- 6 The site has a Public Transport Accessibility Level (PTAL) score of 5 on a scale of 1-6b, 1 being lowest and 6b the highest. It is 160m from Blackheath Station and the Blackheath town centre.
- 7 Brigade Street is included in Controlled Parking Zone (CPZ) BHA, which covers this part of Blackheath Mon-Sat 9am-7pm.

## **2 RELEVANT PLANNING HISTORY**

- 8 There is no relevant planning history.

## **3 CURRENT PLANNING APPLICATION**

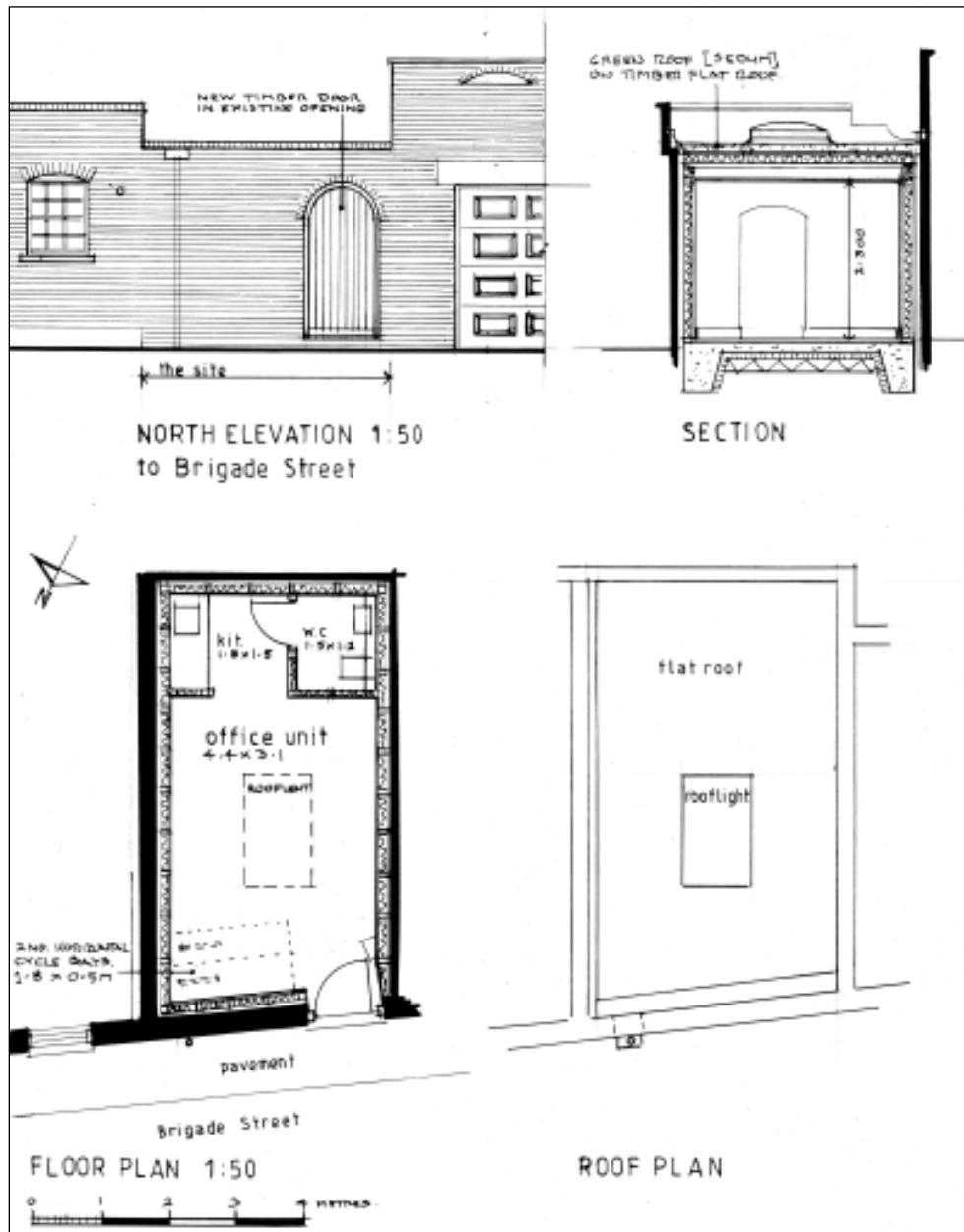
### **3.1 THE PROPOSALS**

- 9 The application proposes to change the use of the site from lock up / open storage yard (Use Class B8) to an office (Use Class E) including the construction of a roof over the whole site and all associated works.

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**Figure 2: extract from proposed plan**

- 10 The proposed roof would be a green (sedum) roof which includes overall roof thickness and loadings. The application included a maintenance schedule in the proposed drawings. For simplicity it is suggested that access would be over the front parapet wall for maintenance.

## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

- 11 Site notices were displayed on 21/05/21 and a press notice was published on 12/05/21.
- 12 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 05/05/21 and 14/06/21.

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- 13 The Blackheath Society did not comment.
- 14 Four (4) responses were received, three (3) in objection and one (1) in comment.

#### **4.1.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
Diminished security as the proposed roof would provide easy access to other sites	See para 39
Diminished amenity from the first floor of neighbouring properties	See para 40
There are existing parking issues caused by constant deliveries and both residents and employees trying to utilise the limited parking	See para 57
The street is not suitable for commercial development	See para 31

#### **4.1.2 General Comments**

<b>Comment</b>	<b>Para where addressed</b>
Query about party wall and what it means	This is not a planning matter. Officers explained via email what a party wall is and sent the Explanatory Booklet on Party Walls to the customer

## **4.2 EXTERNAL CONSULTATION**

- 15 The following External Consultees were notified on 11/02/21:
- 16 Ward Councillors: no response received.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

- 17 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).
- 18 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**

- 19 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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- 20 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.
- 21 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**

- 22 The National Policy and Guidance comprises:
- National Planning Policy Framework 2021 (NPPF)
  - National Planning Policy Guidance 2014 onwards (NPPG)

### **5.4 DEVELOPMENT PLAN**

- 23 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**

- 24 Lewisham SPG/SPD:
- Alteration and Extensions SPD (April 2019)

## **6 PLANNING CONSIDERATIONS**

- 25 The main issues are:
- Principle of Development
  - Urban Design
  - Impact on Adjoining Properties
  - Transport
  - Sustainable Development
  - Natural Environment

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## **6.1 PRINCIPLE OF DEVELOPMENT**

### *General policy*

- 26 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.
- 27 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

### *Policy*

- 28 National, regional and local planning policies all indicate that development should aim to make the most effective use of land.
- 29 LP Policy E1, Part B, states that increase in the current stock of offices should be supported in the location in Part C and D of the policy. Those locations include the CAZ, NIOD and other nationally significant office locations. Outside of these areas provision should be increased in town centres and other existing office clusters supported by improvements to walking, cycling and public transport connectivity.

### *Discussion*

- 30 The application site is currently a lock up / an open storage yard (Use Class B8). The submission indicates that this space is underused.
- 31 The proposed development would provide approximately 18sqm of enclosed office space that includes a kitchenette, WC and cycle parking. The provision of office space is supported and subject to detailed consideration that will be discussed below. The proposal is considered to be acceptable in principle.

### **6.1.1 Principle of development conclusions**

- 32 The proposed land use would deliver development plan objectives for the area and would better utilise an underused site. Overall, it is considered that the principle of development would comply with the development plan.

## **6.2 URBAN DESIGN**

### *Urban Design Policy*

- 33 The NPPF at para 126 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 34 LP Policy D4; CS Policy 15; and DMLP DM30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

### *Heritage Policy*

- 35 Section 72 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.

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- 36 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 37 LP Policy HC1; CS Policy 16; and DMP 36 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

*Discussion*

- 38 The proposal would re-develop the site by installing a roof and a rainwater pipe to the front elevations to drain the roof. There is no objection to the installation of the proposed rainwater pipe.
- 39 Concerns have been raised following consultation on the application. These include objections regarding the design of the roof and security. Following the objections the applicant amended the plans and provided additional details on the proposal. This included changing the design of the roof to a green (sedum) roof. The revised drawings were designed following the architect's discussions with a structural engineer, who advised on the details of the grass roof, including confirming the weight and structural requirements can be supported on the timber roof proposed. The submitted revised drawings include a maintenance schedule which is considered appropriate.
- 40 Officers note that structural and ground works are to be undertaken as part of the proposal. The application site is located within an Area of Archaeological Priority. As such, a condition will be attached to ensure a programmed of archaeological works are undertaken ahead of development.
- 41 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 lead to a degree of enhancement of the character and appearance of Blackheath Conservation Area.

### **6.2.1 Urban design conclusion**

- 42 As identified in the above analysis, Officers are satisfied that the proposed development would have a positive impact on the surrounding area and on designed heritage assets.

## **6.3 TRANSPORT IMPACT**

*General policy*

- 43 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

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- 44 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 45 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 46 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### **6.3.1 Local Transport Network**

#### *Policy*

- 47 The NPPF at paragraph 110 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

#### *Discussion*

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

### **6.3.2 Servicing and refuse**

- 49 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 50 CSP13 sets out the Council’s waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 51 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

#### *Discussion*

- 52 Commercial waste needs to be disposed of properly. This must be carried out by a licensed waste carrier, even if it is only a small amount. The Council provide a commercial waste and recycling service for local businesses. A condition would be added to ensure that commercial waste collection is arranged and in operation.

### **6.3.3 Transport modes**

#### *Cycling*

#### *Policy*

- 53 Business officers required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

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### *Discussion*

- 54 The property would be provided with cycle storage for two internal bikes in accordance with the requirements of Table 10.2 of the London Plan. A condition is recommended to ensure that the store is secured and provided prior to occupation.

### **Private cars**

#### *Policy*

- 55 LPP T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

#### *Discussion*

- 56 Concerns have been raised over parking as there are existing parking issues caused by constant deliveries and both residents and employees trying to utilise the limited parking.
- 57 The application site is in a PTAL 5 area, which indicates excellent to public transport. The provision of a car-free development would be compliant with the principles of the development plan and as such is supported. Given the small scale of the development and the existing use officers are satisfied that the proposal would not create significant parking stress in the area that would require for this to be controlled by special measures.

### **6.3.4 Construction impact**

#### *Policy*

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

#### *Discussion*

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

### **6.3.5 Transport impact conclusion**

- 60 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

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## **6.4 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 61 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. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 62 The NPPF at para 174(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air , water or noise pollution or land instability. At para 185 of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 63 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.
- 64 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.
- 65 Further guidance is given in the London Plan Housing SPG 2017

### **6.4.1 Enclosure, Outlook, Privacy, Daylight and Sunlight**

#### *Policy*

- 66 The NPPF does not express particular standards for daylight and sunlight.
- 67 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 68 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.

#### *Discussion*

- 69 The proposal is to re-develop the site by installing a roof with a rooflight and a rainwater pipe to the front elevations to drain the roof. The nature of the proposals will not result in an adverse impact on neighbouring amenity and no residential amenity issues in terms of overbearing impact, privacy, outlook, loss of daylight and sunlight.

### **6.4.2 Noise and disturbance**

#### *Policy*

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

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### *Discussion*

- 71 The introduction of new office within a mix-area is not considered to result in any significant long-term material impacts in terms of noise and disturbance.
- 72 The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however Officers do not consider that to be a material planning consideration in this case due to the modest scale of development. Hours of noisy work are controlled by other legislation.
- 73 Turning to the security concerns, the existing wall is 3m in height and it could be climbed at present and used to enter the neighbouring properties. As such, Officers consider that the proposal would not increase the chance of burglary.

#### **6.4.3 Impact on neighbours conclusion**

- 74 The impact of the proposed use, impacts upon privacy, overshadowing, daylight, sunlight and noise are all considered to comply with the provisions of the development plan and relevant supporting guidance insofar as amenity is concerned.

## **6.5 SUSTAINABLE DEVELOPMENT**

### **6.5.1 Sustainable Urban Drainage**

#### *Policy*

- 75 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 76 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

#### *Discussion*

- 77 The existing site makes no contribution to the sustainable urban drainage given that it is entirely covered by hardstanding. The proposal includes a green sedum roof which contributes to the sustainability of a building. A green roof significantly reduces the need for air conditioning in summer and provides insulation in the winter. A condition would be added to ensure that the green roof is installed in line with the approved drawings.

#### **6.5.2 Sustainable Infrastructure conclusion**

- 78 The proposal is acceptable in terms of sustainable development, subject to conditions.

## **6.6 NATURAL ENVIRONMENT**

#### *General Policy*

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

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81 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

### **6.6.1 Air pollution**

#### *Policy*

- 82 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.
- 83 LPP SI1 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.
- 84 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.
- 85 Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

- 86 The site is located in an Air Quality Management Area. The proposal is modest in scale and benefits from a green sedum roof. As such, it is not considered to materially worsen the existing air quality nor expose new sensitive receptors to unacceptable air quality impacts.

### **6.6.2 Natural Environment conclusion**

- 87 The proposal is acceptable in terms of natural environment, subject to conditions.

## **7 LOCAL FINANCE CONSIDERATIONS**

- 88 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).

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

- 90 The CIL is therefore a material consideration.

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91 The applicant has completed the relevant form. £0 Lewisham CIL and £3,330.0 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption. This would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

92 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.

93 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.

94 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.

95 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>

96 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

97 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

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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>

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

## 9 HUMAN RIGHTS IMPLICATIONS

- 99 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

- 100 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.

- 101 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.

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

## 10 CONCLUSION

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

- 104 The principle of changing to the use of the site to an office is supported as it is situated in a sustainable urban area and would make better use of the site.

- 105 The proposed development is acceptable in terms of its scale, form, design, material and impact on heritage assets including the conservation area.

- 106 The proposal would not have an unacceptable impact on neighbours in terms of overlooking, loss of daylight/sunlight, noise or disturbance. It is also considered that the proposal would not negatively impact on the local transport network or parking.

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

## 11 RECOMMENDATION

108 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatics:

### 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 and drawings hereby approved and as detailed below:

2027/01 (Existing elevation and floor plan) received on 30 March 2021.

2027/04 (Site Location Plan); Block Plan (2027/05); and received on 30 March 2021 received on 6 May 2021.

2027 (Green sedum roof detail) and 2027/03B (Proposed elevation, floor and roof plan) received on 23 July 2021.

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

#### 3) REFUSE AND RECYCLING

- a) Prior to occupation of the office building details of disposal of refuse and recycling shall be submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) of this condition shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

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#### **4) CONSTRUCTION MANAGEMENT PLAN**

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

- a) Confirmation that vehicles that would be used during construction of the development can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway
- b) A site plan showing the location of storage for materials
- c) Dust mitigation measures.
- d) The location and operation of plant and wheel washing facilities
- e) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- f) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.
  - (iii) Measures to deal with safe pedestrian movement including any temporary arrangements for pedestrians, including access to neighbouring properties
- g) Security Management (to minimise risks to unauthorised personnel).
- h) (Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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

#### **5) CYCLE STORAGE**

- a) The cycle parking facilities as shown on submitted drawing (number 2027/03B) received on 23 July 2021 shall be provided in full 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).

#### **6) ARCHAEOLOGY**

No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority. Such a scheme shall be commensurate to the scale of the intrusion arising from the works approved.

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**Reason:** In light of the excavation of new foundations and to ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021)

#### 7) LIVING ROOF

- a) The green (sedum) roof shall be installed in line with submitted drawing (number 2027) received on 23 July 2021.
- b) The green (sedum) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policy G5 Urban greening in the London Plan (March 2021), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

## 11.2 INFORMATIVES

#### 1) CIL

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

#### 2) 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, no pre-application advice was sought. However, positive discussions took place which resulted in further information being submitted.

## 12 BACKGROUND PAPERS

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

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## **13 REPORT AUTHOR AND CONTACT**

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