



## Planning Committee C

### Report title:

**LAND TO THE REAR OF, 29 LADYWELL ROAD, LONDON, SE13 7UW**

**Date:** 02 December 2021

**Key decision:** No.

See "[Legal Requirements](#)" in the [guidance](#) for more information.

**Class:** Part 1

See "[Legal Requirements](#)" in the [guidance](#) for more information.

**Ward(s) affected:** Lewisham Central

**Contributors:** Max Curson

### 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 three individual objections have been received from local residents.*

## Application details

**Application reference number(s):** DC/21/123398

**Application Date:** 09 September 2021

**Applicant:** Lotta Nyman

**Proposal:** Demolition of two garages on land at the rear of 29 Ladywell Road SE13 and the construction of a one storey house incorporating basement and associated landscaping.

**Background Papers:**

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

**Designation:** Area of Archaeological Priority  
PTAL 6a  
Flood Risk Zone 2 and 3  
Local Open Space Deficiency  
St Mary's Conservation Area and Article 4  
Air Quality  
Major District Centre

**Screening:** Not applicable.

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application site is located to the rear of No 29 Ladywell Road, an end-of-terrace dwellinghouse on the junction of Ladywell Road and Church Grove. There are two single-storey garages with a forecourt on the site. The garages are accessed from Church Grove.

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**Figure 1: Site Plan**

***Character of area***

- 2 The surrounding area is predominantly residential with similarly built terraced dwellings situated on Church Grove and Ladywell Road.
- 3 Houses here form attractive stock brick terraces with medium-size front gardens. The terrace houses retained good cohesive appearance. They form part of the view into the conservation area from the railway bridge and they are the only residential houses in the conservation area.

***Heritage/archaeology***

- 4 The site is within the St Marys Conservation Area and is subject to an Article 4 direction. In addition to this the site is an Area of Archaeological Priority. The Grade II listed Playtower (former Ladywell Baths) are close to the site, while the terraces on Ladywell Road and Church Grove are considered non-designated heritage assets (NDHAs).

***Surrounding area***

- 5 The site is located approximately 200m from the entrance to the Ladywell Fields Park. Lewisham High Street is 0.2miles away and it provides various shops, other facilities and services

***Local environment***

- 6 The site falls within Flood Risk Zone 2 and 3 as shown on the Environmental Agency maps.

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7 It is also within an area of Local Open Space Deficiency and Air Quality Management Area.

### **Transport**

8 The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1-6b, 1 being lowest and 6b the highest. It is less than 200m from Ladywell Station and about 700m from Lewisham Town Centre.

9 Church Grove is included in Controlled Parking Zone (CPZ) B, which covers this part of Ladywell and Lewisham Central Mon-Sat 9am-6.30pm.

## **2 RELEVANT PLANNING HISTORY**

10 Application DC/20/117753 for “Demolition of two garages on land at the rear of 29 Ladywell Road and the construction of part 1/part 2 storey house incorporating basement and associated landscaping” was received in July 2020 and **refused** in October 2020 for the following reasons:

- 1) *The proposed development by reason of its siting, height, scale, bulk and design would result in a form of development that does not maintain or enhance the special historic character and appearance of the building, which is a non-designated heritage asset. The development would fail to preserve or enhance the character and appearance of the St Mary’s Conservation Area, affecting the setting of the application building and its contribution to the immediate area and wider conservation area. For this reason the proposal does not accord with paragraph 124, 184 and 192 of the NPPF (2019); Policies 7.4 ‘Local character’ and 7.6 ‘Architecture’ of the London Plan (2016); Policies 15 ‘High quality design for Lewisham’ and 16 ‘Conservation areas, heritage assets and the historic environment’ of the Core Strategy (2011); DM Policies 30 ‘Urban design and local character’, 31 ‘Alteration and extensions to existing building including residential extensions’, 32 ‘Housing design, layout and space standards’, 36 ‘New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens’ and 37 ‘Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest’ of the Development Management Local Plan (2014); and the Alterations and Extension Supplementary Planning Document (2019).*
- 2) *The proposed development would by reason of its siting, scale, height result in development that would have an adverse impact on No. 29 Ladywell Road in terms of being visually intrusive and overbearing, and result in an unreasonable sense of enclosure and unacceptable harmful impact on outlook from the windows in its rear elevation and its rear garden. As such, the proposal is contrary to paragraph 124 of the NPPF (February 2019); Policy 7.6 ‘Architecture’ of the London Plan (March 2016); Policies 15 ‘High quality design for Lewisham’ of the Core Strategy (June 2011); DM Policy 31 ‘Alteration and extensions to existing building including residential extension’; DM Policy 32 ‘Housing design, layout and space standards’ of the Development Management Plan (November 2014), and the Alterations and Extensions Supplementary Planning Document (April 2019).*
- 3) *The applicant has failed to demonstrate that the proposed development would not result in an unacceptable increase on on-street parking stress or demonstrate that it would not have a detrimental impact on the safe and efficient operation of the*

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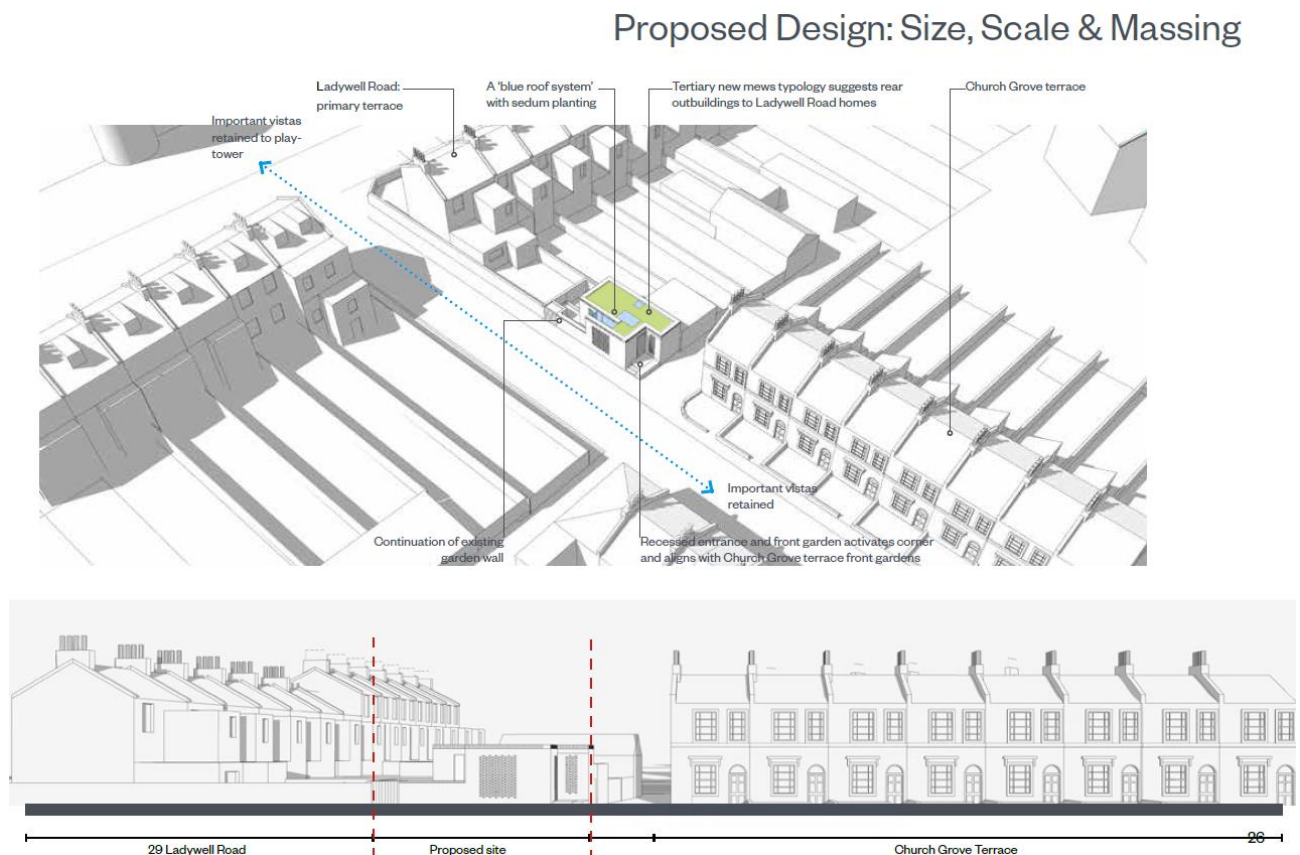
adjacent public highway. Accordingly, the proposal is contrary to Policies 6.12 “Road network capacity” and 6.13 “Parking” of the London Plan (March 2016) and Policy 14 “Sustainable movement and transport” of the Lewisham Core Strategy (June 2011).

11 A subsequent application DC/21/119932 dated 11 December 2020 was withdrawn by the applicant.

### 3 CURRENT PLANNING APPLICATION

#### 3.1 THE PROPOSALS

12 The application proposes the demolition of the existing garages, excavation below ground to form a basement and construction of a one-bedroom two-person, two-storey dwellinghouse, with only one storey visible above ground.



**Figure 2: Extract from Design and Access Statement**

13 The dwelling would have a flat roof and be finished in a London stock brick.

14 The basement would contain the kitchen, living and dining space opening onto a sunken terrace. At ground floor there would be a double bedroom, bathroom and small study area. Cycle and refuse storage would be provided in separate stores. Rooflights would provide some additional lighting to the basement and ground floor levels.

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## 3.2 COMPARISON WITH PREVIOUS SCHEME

- 15 The refused scheme, shown in figure 3 below, was larger than the current proposal in both footprint and height. It was for a two-bedroom dwellinghouse with two storeys above ground, with a correspondingly larger footprint and greater presence on the site.



Figure 3: Previously refused scheme

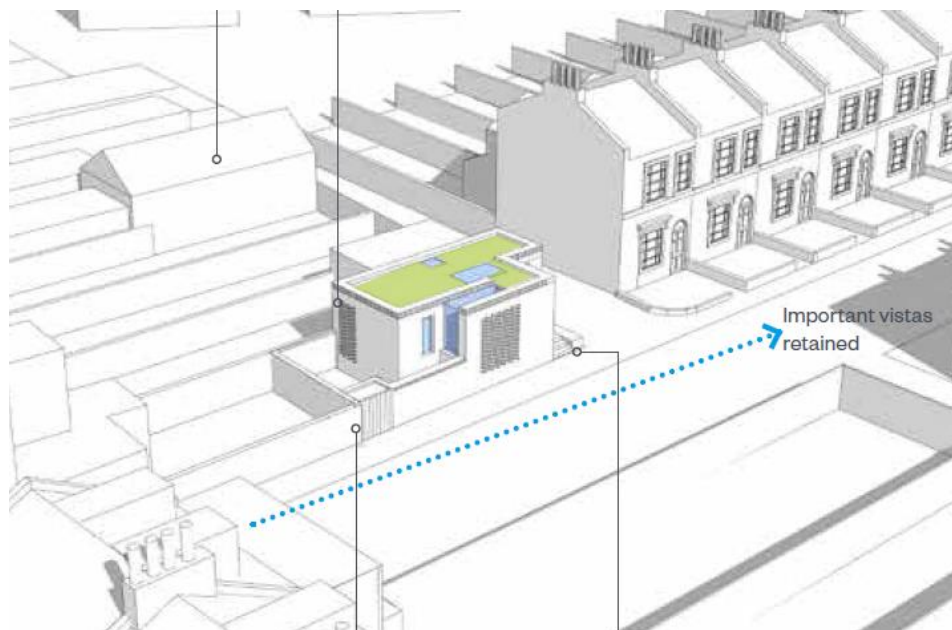


Figure 4: Current proposal

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## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

16 No pre-application engagement was undertaken.

### 4.2 APPLICATION PUBLICITY

17 Site notices were displayed on 25 September 2021 and a press notice was published on 29 September 2021.

18 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 21 September 2021.

19 Three responses were received, comprising three objections.

#### 4.2.1 Comments in objection

Comment	Para where addressed
A building in such a location would not be in keeping with the character of the street.	76-84
It would reduce the width of the alleyway to access the garages on Ladywell Road, increasing the likelihood of traffic accidents.	103
The design of the development would not enhance or preserve Church Grove or the wider conservation area.	76-84
Having a development with a basement is not safe in a flood zone.	132-136
Church Grove is under parking stress. The existing area in front of the garages is often used as overflow parking. Its loss will intensify parking issues.	100-106
The proposed development would be overlooked by No.29 Ladywell Road.	59, 120

20 A further comment was received regarding the loss of a turning area. The site is private land and not part of the public highway. It therefore does not function as a formal turning area and Officers do not consider this to be a relevant consideration.

21 A further comment was received stating that granting permission would lead to further development in other mews. Each planning decision will be made on the merits of each individual application. As such, this is not a material planning

### 4.3 INTERNAL CONSULTATION

22 The following internal consultees were notified on 20 September 2021.

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- 23 Conservation: no objection subject to conditions. See paras 76-84 for further details.
- 24 Highways: no objection subject to conditions and applicant entering into s106. See paras 100-106 for further details.

## **4.4 EXTERNAL CONSULTATION**

- 25 The following External Consultees were notified on 20 September 2021.
- 26 Environment Agency: raised no objections subject to conditions. See paras 132-136 for further details.
- 27 Thames Water: raised no objection subject to informatives.
- 28 Ladywell Society: did not provide comments.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

- 29 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).
- 30 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**

- 31 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.
- 32 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.
- 33 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)

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## 5.4 DEVELOPMENT PLAN

34 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

35 Lewisham SPG/SPD:

- St Mary's Conservation Area Supplementary Planning Document (2006)

## 5.6 OTHER MATERIAL DOCUMENTS

- Small Site Supplementary Planning Document (2021)

# 6 PLANNING CONSIDERATIONS

36 The main issues are:

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

## 6.1 PRINCIPLE OF DEVELOPMENT

*General policy*

37 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.

38 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*

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- 39 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority.
- 40 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 41 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.
- 42 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.

#### *Discussion*

- 43 Officers consider this to be an Infill Site for the purposes of DMP 33, as it has a wide street frontage with access to Church Grove. There is an existing structure that severs this land from the garden of the frontage property and the open space beyond that is laid out for vehicle parking. No loss of amenity space would arise from this development.
- 44 The proposal would involve the loss of two garage space. The existing garages are no longer considered fit for purpose due to their limited width. The technical note states the garages are not used for storing vehicles and the hard-standing has not been used by the landowner for several years. This is the information that has been given to the applicant from the current site owner and officers have no evidence to dispute this assertion. As such, the loss off the garages is considered acceptable.
- 45 The scheme would provide one additional residential dwelling. Although the contribution to the overall housing market would be small, this is a welcome contribution to the current annual target for Lewisham.
- 46 In light of the above, the proposed redevelopment of this site is consistent with the direction of the NPPF, policies in the adopted and intended to publish London Plan and the various documents in the Lewisham development plan.

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

- 47 In light of the above, the proposed redevelopment of this site is consistent with the Development Plan, subject to detail, and is considered a planning merit to which moderate weight is attached.

## **6.2 HOUSING**

- 48 This section covers the standard of accommodation.

### **6.2.1 Residential Quality**

#### *General Policy*

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- 49 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, LBL).
- 50 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.
- 51 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

**Internal and external space standards**

*Policy*

- 52 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

*Discussion*

- 53 The table below sets out proposed dwelling sizes.

**Table 1: Internal space standards – proposed v target**

No of bedrooms	No. of persons	2 storey dwelling (proposed (target))	Bedroom size sqm (proposed (target))	Amenity space sqm (proposed (target))	Built-in storage (proposed (target))
1b	2p	59 (58)	11.7 (11.5)	6.5 (5)	3.2 (1.5)

- 54 The proposed house would meet the requirements of LPP D6 in terms of total floorspace.
- 55 The proposal would also meet the requirements of LPP D6 in terms of the size of bedrooms with the double bedroom measuring 11.7sqm. The bedrooms would also be policy compliant in terms of the width of the rooms. The floor to ceiling height of the dwellings would be at least 2.5m in accordance with DMP 32 and LPP D6, while the storage would also comply.
- 56 The sunken terrace would provide 6.5sqm of external amenity space, which exceeds the 5sqm minimum required by LPP D6. This is therefore acceptable.

**Outlook, Privacy and Overheating**

*Policy*

- 57 DMP 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards

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of design and construction to be achieved, including the avoidance of single-aspect units.

58 London Plan Policies D6 and SI4 seek to avoid internal overheating through design, materials, construction and operation of the development. The Mayor's Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems.

59 The Small Sites SPD (2021) notes that the architecture of small sites will often need to work harder to protect and achieve privacy and outlook of neighbours and at the same time provide adequate privacy and outlook to the new residents. The design and the condition to require obscure glazed window facing No.29, will ensure the privacy of the residents is maintained.

#### *Discussion*

60 The main living space would have somewhat restricted outlook into a sunken terrace, however the ground floor would have good outlook to the east. On balance this is acceptable, in light of the constrained nature of the site and the overall good standard of accommodation otherwise.

61 The dwelling would benefit from good levels of privacy.

62 The dwelling would be dual aspect and the windows on the ground floor would be screened with a lattice of bricks. These measures are considered sufficient to avoid unacceptable overheating in this instance, having regard to the modest scale of the development.

#### ***Daylight and Sunlight***

##### *Policy*

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

##### *Discussion*

64 Officers consider the daylight and sunlight levels would be acceptable. No assessment has been provided but it is not considered necessary for this scheme given its modest scale and the benefits identified in the Design and Access Statement, namely: full height windows facing south at basement level, triple aspect ground floor, use of rooflights in upper hallway, bedroom and shower room and to the kitchen and staircase.

### **6.2.2 Housing conclusion**

65 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LPP D6 and DMP 32.

## **6.3 URBAN DESIGN**

### *General Policy*

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- 66 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.
- 67 LPP D3 requires new development proposals to 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.
- 68 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 69 DMLP DM30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.

#### *Heritage Policy*

- 70 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.
- 71 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.
- 72 LPP HC1 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details.
- 73 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.
- 74 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.
- 75 DMP 37 seeks to ensure that the value and significance of the borough's non-designated heritage assets are protected so that they may continue to contribute to the richness of the borough's historical environment and inform future development and regeneration.

#### *Discussion*

- 76 The Conservation Officer's full comments constitute part of the background papers. In summary, the St Mary's Conservation Area Character Appraisal describes Church Grove

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as “a small cul-de-sac with particular charm, due mainly to the well planted front gardens, smartly painted houses and survival of distinctive sash windows”. No 29 is the eastern end of a group with No’s 29-41 and 43-53. All of these buildings and those in Church Grove are identified as making a positive contribution to the Conservation Area and are considered NDHA).

- 77 The development site is the former rear garden to No 29, and is therefore of significance in forming the setting for this building. It reveals the historic pattern of development and allows views of the rears of Ladywell Road houses from Church Grove.
- 78 Officers consider the existing situation on the site detracts from the character and appearance of the St Mary’s Conservation Area. There is no objection to the demolition and redevelopment of the site provided that development is sensitive to the appearance and character of the surrounding area.
- 79 The former Ladywell baths (now known as the Playtower, Grade II listed) terminates the view from the northern end of Church Grove, and the proposed development would be seen in the foreground of this view.
- 80 The height and flat roofed form are sensitive to the historic pattern of development. It reads as a subordinate structure, continuing the scale of the boundary wall of no. 29. The cut-out entrance area at the northern end responds to the building line and gardens of the terrace to the north, and mitigates the transition between set-back buildings and buildings on the back edge of pavement. The form is a series of cuboids, relatively simple as befits its location but enhanced by the texture of the brickwork, with hit and miss brickwork to the glazed areas, and recessed headers to the solid Flemish bonded area. This, and the use of London Stock Brick, would help the building to sit comfortably in the streetscene and not attract undue attention away from the historic street or harm the symmetry of the existing arrangement.
- 81 Timber doors and aluminium framed windows are appropriate to the design of the building. It would have a blue roof with a sedum matt which is considered to improve the appearance of the site when viewed from the upper floors of the houses on Ladywell Road.
- 82 In terms of impact on listed buildings, the proposal would preserve the historic integrity of the view south along Church Grove towards the Playtower, responding to the historic pattern of development that forms the edges of view, and not encroach into the view or unduly draw attention away from the historic buildings. Turning to the impact on NDHAs, the proposal would sit comfortably at their rear, representing an appropriately subordinate scale and form. It would allow views of the rears of Nos 29-41 Ladywell Road, and would not block views of the Church Grove terrace to the north. The cut-out corner responds well to the pattern of front gardens and building line of this terrace.
- 83 The proposal includes basement excavation which could disturb archaeological deposits. Historic England have confirmed they have no objections to this proposal on archaeological grounds. GLAAS have confirmed that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 84 Officers consider that the current proposal maintain the character and appearance of the St Mary’s Conservation Area, subject to a materials condition to confirm the colour of the London Stock Brick (yellow would be most appropriate) and the colour/finish of the timber doors and aluminium framed windows.

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### **6.3.1 Urban design conclusion**

85 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 maintain the character and appearance of Conservation Area.

## **6.4 TRANSPORT IMPACT**

### *General policy*

86 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.

87 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”.

88 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.

89 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### **6.4.1 Local Transport Network**

#### *Policy*

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

#### *Discussion*

91 The application site has a PTAL of 6a, 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.

### **6.4.2 Servicing and refuse**

#### *Policy*

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

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93 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.

94 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*

95 A refuse store for the development would be provided at the front of the site close to the entrance. The store would house two standard (240l) wheelie bins, which would be sufficient to meet the refuse and recycling requirements for the development. No space is indicated for food waste, however. This can be addressed via a condition, should Members be minded to grant planning permission.

96 The store is located at the back edge of the footpath on Church Grove which is within the 10m accepted by Lewisham Council. As such, the refuse and recycling facilities are considered acceptable, subject to the aforementioned condition.

### **6.4.3 Transport modes**

#### ***Cycling***

*Policy*

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

*Discussion*

98 The property would be provided with cycle storage for two 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 covered and provided prior to occupation.

#### ***Private cars***

*Policy*

99 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*

100 No off-street parking is proposed, and theoretically the proposal results in the loss of off-street parking.

101 The site is in a PTAL 6a 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.

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- 102 Parking survey data was provided within the Parking Technical Note. The document was prepared by Lime Transport as part of their January 2021 technical note and was carried out in accordance with the Lambeth Methodology on two consecutive nights in mid-December 2020.
- 103 Objectors have raised concerns that the site currently contributes to parking capacity and its loss would exacerbate existing parking stress. The technical note states the garages are not used for storing vehicles and the hard-standing has not been used by the landowner for several years. This is the information that has been given to the applicant from the current site owner and officers have no evidence to dispute this assertion. In addition, the land is private, and not part of the public realm, thus would not be considered to restrict the access road to other nearby garages.
- 104 Another issue that was highlighted by objectors is that the survey was undertaken during a national lockdown.
- 105 Officers agree with the conclusion of the technical note. The results confirm the roads within the vicinity of the application site experience high levels of parking stress. Whilst parking impact on the survey area are acceptable, the site has the potential to add parking stress on Church Grove. Therefore it is considered necessary to secure a planning obligation to restrict the rights of future residents to a parking permit for the CPZ. This would be via a legal agreement or unilateral undertaking under S106 of the Act.
- 106 The applicant would be required by condition to remove the existing crossover and reinstate the footway on the site frontage, should Members be minded to grant planning permission.

#### **6.4.4 Construction impact**

##### *Policy*

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

##### *Discussion*

- 108 The site constraints, including the narrowness of Church Grove 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. The CMP should have regard for the other consented development on Church Grove, and consider the cumulative impact of construction activity on the residents of Church Grove. 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.

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#### **6.4.5 Other**

109 Highway Officer requested that further details of the boundary treatment is required, with particular reference to the wall between the proposed entrance to the property and the adjacent rear access road. The boundary wall adjacent to the entrance should not obscure visibility for vehicles using the rear access road. Visibility splays should be provided in accordance with the standards in 'Manual for Streets'. In addition, the boundary treatment adjacent to the rear access road should be extended to include the north side of the steps that provide access to the property. The proposed arrangement could result in turning vehicles overrunning the steps if they aren't protected by a boundary treatment. This detail would be secured by a planning conditions.

#### **6.4.6 Transport impact conclusion**

110 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.

### **6.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

111 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 183 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.

112 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 180(a) 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.

113 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.

114 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.

115 Further guidance is given in the London Plan Housing SPG 2017

#### **6.5.1 Enclosure, Outlook and Privacy**

##### *Policy*

116 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.

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- 117 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*

- 118 The properties most likely to be impacted by the proposal are Nos 29 and 31 Ladywell Road. Other properties are considered sufficiently far from the site, or situated in such a way relative to the site, that no harm would arise.
- 119 The proposed building is modest in scale and would be 3.6m to the eaves. The location, mass and height of the building would mean that it would be in view from the neighbouring properties. The rear elevation of No 29 Ladywell Road is approximately 9m away at ground floor and 12m at first floor from the proposed building. Officers consider that the proposed property would have no harmful effect on the outlook from No 29. A short section (3.3m) of wall directly alongside the garden of No 31 would be 3.6m high, substantially higher than is normally permitted for outbuildings. Given the depth of the garden and the denser morphology of this part of the borough, this is considered acceptable.
- 120 Concerns have been raised in respect of overlooking of No 29. This would not arise as the window facing that direction would be obscure glazed; accordingly, the fact the distance between facing walls is less than 21m is not a reason to refuse the scheme. A condition is recommended to secure this, along with a condition to remove other relevant permitted development rights from this dwellinghouse, including the right to convert to an HMO, in light of the context of the surrounding area.

## **6.5.2 Daylight and Sunlight**

*Policy*

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

*Discussion*

- 123 The scale and position of the proposed dwelling relative to neighbouring properties' habitable rooms and their amenity spaces is such that no adverse impact on their daylight or sunlight is likely to arise.

## **6.5.3 Noise and disturbance**

*Policy*

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

*Discussion*

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

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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.

#### **6.5.4 Impact on neighbours conclusion**

126 The proposed development would not cause any unreasonable harm to the neighbouring properties.

### **6.6 SUSTAINABLE DEVELOPMENT**

#### *Living roofs*

127 The proposed development would have a blue roof with a sedum matt.

#### **6.6.1 Flood Risk**

##### *Policy*

128 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 167 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

129 LPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.

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

131 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

##### *Discussion*

132 The site is located in Flood Zone 2 and 3 which is defined as having a 'high probability' of river and sea flooding by the 'flood risk and coastal change' section of the national Planning Practice Guidance (PPG) (Table 1: flood zones of the flood zone and flood risk tables).

133 The proposed development – namely, residential accommodation – would be classified as 'more vulnerable', according to the 'flood risk and coastal change' section of the national PPG (Table 2: flood risk vulnerability classification of the flood zone and flood risk tables).

134 The application is accompanied by a Flood Risk Assessment ("FRA") prepared by Andy Clay Consulting (dated December 2020) and the FRA addendum by Andy Clay Consulting (dated March 2021). The proposed development has been designed to prevent a loss of flood storage volume by keeping the area of basement level the same area as the existing garages. The ground floor would be elevated above the existing ground level by 0.3m. The roof of the proposed building would have a blue roof which would help to retain water and slow run-off.

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135 There may be other sources of flooding which affect this site – such as surface water and groundwater flooding – which are not within our direct remit, but nevertheless could be important considerations for managing flood risk for the proposed development. Indeed, consideration of other sources of flooding may be necessary to inform suitable mitigation measures to reduce the impact of any such flooding. Under the Flood & Water Management Act 2010, the Lead Local Flood Authority (LLFA) has the lead role in such flooding matters.

136 Lewisham’s SFRA (Level 1) states that “where a basement is proposed as part of a larger dwelling in Flood Zone 3a, covenants need to be put in place to prevent future alteration of the basement to ‘more vulnerable’ uses without further consideration of the associated flood risk” (Paragraph 4.2.7). The Environment Agency’s lack of objection to this scheme relies on such a covenant to be put in place. A planning obligation is the appropriate means to secure this. The EA have also requested four other conditions, one of which overlaps with a condition suggested by Officers to comply with ground contamination. The other three relate to further details of the basement wall and to drainage systems, and for the development to be carried out in accordance with the submitted Flood Risk Assessment and Flood Risk Assessment Addendum.

### **6.6.2 Sustainable Urban Drainage**

#### *Policy*

137 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

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

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

#### *Discussion*

140 The proposal includes a blue sedum roof roof. The existing site makes no contribution to the sustainable urban drainage given that it is either covered by an existing garage or hardstanding. Given the size of the site there is limited opportunity to secure improvements. In light of this, Officers consider it reasonable to secure the proposed improvements by condition.

### **6.6.3 Sustainable Infrastructure conclusion**

141 The proposal is acceptable in terms of sustainable development, subject to obligation and conditions.

## **6.7 NATURAL ENVIRONMENT**

#### *General Policy*

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

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- 143 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 144 The NPPF at para 183 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.

### **6.7.1 Green spaces and trees**

#### *Policy*

- 145 NPPF para 174 expects development to contribute to and enhance the natural and local environment.
- 146 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 147 DMP 25 sets out the required information for landscaping plans and their management, along with the information required to support development affecting trees.

#### *Discussion*

- 148 The proposal includes plants within the courtyard and cycle store roof, provision of bat and bird boxes and brown/blue roofs. The existing site makes no contribution to the natural environment and given the size of the site there is limited opportunity to secure improvements. In light of this, Officers consider it reasonable to secure the proposed improvements by condition.

### **6.7.2 Ground pollution**

#### *Policy*

- 149 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at 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 soil pollution. Development should help to improve local environmental conditions.
- 150 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 174). Further, the NPPF at para 183 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 151 DMP 28 reflect national policy and is relevant.

#### *Discussion*

- 152 No ground investigation has been provided with the application. Officers consider this is appropriate given the low risk that the site has been exposed to contamination, given its residential use. While the risk is very low, there is the possibility that volatile organic compounds have leaked from vehicles over the years, so it is appropriate to impose a

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condition requiring approval of remediation measures should any contamination be encountered during works.

### 6.7.3 Air pollution

#### *Policy*

- 153 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.
- 154 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.
- 155 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.
- 156 Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

- 157 The site is located in an Air Quality Management Area. The proposal introduces a new sensitive receptor (residential use). In mitigation, the site is set back from, and screened by the existing properties fronting, Ladywell Road. It is also modest in scale and benefits from triple aspect windows. For these reasons it is not considered to materially worsen existing air quality nor expose new sensitive receptors to unacceptable air quality impacts.

### 6.7.4 Natural Environment conclusion

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

## 7 LOCAL FINANCE CONSIDERATIONS

- 159 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).
- 160 The weight to be attached to a local finance consideration remains a matter for the decision maker.

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161 The CIL is therefore a material consideration.

162 £5,220.00 Lewisham CIL and £3,448.93 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

163 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.

164 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.

165 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.

166 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>

167 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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168 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>

169 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

170 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

171 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.

172 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.

173 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 LEGAL AGREEMENT

174 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible

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to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

175 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

176 The following matter is necessary to be secured by a Legal Agreement or Unilateral Undertaking:

- Removal of rights to a parking permit for the CPZ in which the property is situated
- Covenants to prevent future alteration of the basement to 'more vulnerable' uses without further consideration of the associated flood risk

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

## 11 CONCLUSION

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

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

180 The proposed development is acceptable in terms of its scale, form, design, material and impact on heritage assets including the conservation area, the NDHA and nearby listed buildings.

181 The proposal would have no unacceptable impact on neighbour in terms of overlooking, loss of daylight/sunlight, noise or disturbance. It was also considered that the proposal would not negatively impact on the local transport network or parking.

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

## 12 RECOMMENDATION

183 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement or Unilateral Undertaking and to the following conditions and informatives:

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## 12.1 CONDITIONS

### 1) FULL PLANNING PERMISSION TIME LIMIT

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

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

### 2) APPROVED PLANS

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

ex 001; ex 002; ex 003; 001; 100; 101; 200; 201; 300 received on 13 January 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) MATERIALS

- a) Notwithstanding the submitted plans and information, prior to commencement of development no development (above ground level / beyond the superstructure) shall commence until details of colour of the London Stock Brick and the colour/finish of the timber doors and aluminium framed windows have been submitted to and approved in writing by the local planning authority.
- b) The scheme shall be constructed in those materials as approved under part (a) of this condition and in full accordance with state relevant plans mentioned in Condition 2.

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

### 4) REFUSE AND RECYCLING

- a) Notwithstanding the submitted plans, no development (above ground level / beyond the superstructure) shall commence until details of refuse and recycling facilities including food waste bin have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) of this condition shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding

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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).

5) **CYCLE STORAGE**

- a) Notwithstanding the submitted plans, no development (above ground level / beyond the superstructure) shall commence until detail of the cycle parking facilities that are safe, covered and weatherproofed shall be submitted to and approved in writing by the local planning authority.
- b) The cycle parking facilities approved under part (a) of this condition 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) **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) Demonstrate that the CMP have regard for the other consented development on Church Grove, and consider the cumulative impact of construction activity on the residents of Church Grove.
- c) A site plan showing the location of storage for materials
- d) Dust mitigation measures.
- e) The location and operation of plant and wheel washing facilities
- f) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- g) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement including any temporary arrangements for pedestrians, including access to neighbouring properties
- h) Security Management (to minimise risks to unauthorised personnel).
- i) (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).

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**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).

7) **OBSCURE GLAZED WINDOWS**

The window serving bathroom and the window facing the rear elevation of No 29 Ladywell Road as shown on Plan PL2 200 and PL2 201 shall be fitted with translucent glazing (not a film applied on the glass).

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

8) **REMOVAL OF PART 1 PD RIGHTS**

The development allowed under Article 2, Schedule 2, Classes, A, B, C, D, E, F, G, H of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall not 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).

9) **REMOVAL OF PART 3, CLASS L PD RIGHTS**

The development allowed under Article 2, Schedule 2, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall not 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) **LIVING ROOF**

- a) Notwithstanding the submitted plans, no development (above ground level / beyond the superstructure) shall commence until details of the blue roof with sedum planting is submitted to and approved in writing by the local

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planning authority. The drawing shall include section, landscaping design (number, species, etc.).

- b) The roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- 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) **HARD AND SOFT LANDSCAPING**

- a) Prior to superstructure works drawings showing soft and 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) **ENVIRONMENT AGENCY CONDITION 1**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Andy Clay Consulting (dated December 2020) and the submitted FRA addendum by Andy Clay Consulting (dated March 2021) and the following mitigation measure detailed within:

- finished ground floor levels shall be set no lower than 11.69 metres above Ordnance Datum (mAOD) (Sections 5.4, 5.15 and 7.9 within the submitted FRA; pages 2 to 5 inclusive within the submitted FRA addendum).

**Reason:** To reduce the risk of flooding to the development and occupants, in line with the London Borough of Lewisham's Core Strategy (Policy 10).

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## ENVIRONMENT AGENCY CONDITION 2

- 13) Prior to commencement of development, details of the covenant on the basement element of the development must be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The covenant should state that the basement level is at an increased risk of flooding and the finished floor level of the basement is situated significantly below the modelled flood level including consideration for climate change.

**Reason:** The purpose of the covenant is to communicate the potential flood risk to future occupants, informing their decisions, thereby reducing the risk of flooding to said occupants, in line with the London Borough of Lewisham's Core Strategy (Policy 10).

## ENVIRONMENT AGENCY CONDITION 3

- 14) Prior to commencement of development, further evidence that the basement wall will sufficiently protect the basement level from flooding over the 100 year lifetime of the development must be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. As part of the submission, the following information should be provided:

- details of the basement wall;
- a maintenance plan detailing annual inspection and outlining what maintenance may be required to maintain the wall to a degree where flood risk is mitigated. The measures shall be implemented as approved, and be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the development and occupants, in line with the London Borough of Lewisham's Core Strategy (Policy 10).

## ENVIRONMENT AGENCY CONDITION 4

- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to, and been approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

## ENVIRONMENT AGENCY CONDITION 5

- 16) No drainage systems for the infiltration of surface water drainage in to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels

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of water pollution caused by mobilised contaminants, in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

## 12.2 INFORMATIVES

### 1) FLOOD WARNING

You are advised that occupants of the proposed development register with the Environment Agency's flood warning service, in order that they may prepare themselves in the case of a flood event.

### 2) GROUNDWATER AND LAND CONTAMINATION

The Environment Agency notes that the site is situated over a Secondary Aquifer and within a groundwater Source Protection Zone (SPZ1).

If there is a reason to believe contamination could be an issue, applicants should provide proportionate but sufficient site investigation information (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') in order that these risks can be assessed and satisfactorily reduced to an acceptable level. The National Quality Mark Scheme for Land Contamination Management (NQMS) accredits competent persons with regard to assessing and reporting land contamination issues.

### 3) WASTE

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!CvArLuPt5Jb2KM4g46Eu-P5\\_k7iJmfGhCcrO5GK4XiqR6NMXNeDjR1bWh8VYLh0XDzmWag\\$](https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!CvArLuPt5Jb2KM4g46Eu-P5_k7iJmfGhCcrO5GK4XiqR6NMXNeDjR1bWh8VYLh0XDzmWag$)

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

[https://urldefense.com/v3/\\_https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services\\_!!CVb4j\\_0G!CvArLuPt5Jb2KM4g46Eu-P5\\_k7iJmfGhCcrO5GK4XiqR6NMXNeDjR1bWh8VYLh3Ucy\\_QXQ\\$](https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services_!!CVb4j_0G!CvArLuPt5Jb2KM4g46Eu-P5_k7iJmfGhCcrO5GK4XiqR6NMXNeDjR1bWh8VYLh3Ucy_QXQ$)

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as

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part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via

[https://urldefense.com/v3/\\_http://www.thameswater.co.uk\\_!!CVb4j\\_0G!CvArLuPt5Jb2KM4g46Eu-P5\\_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh2jqpf-Ww\\$](https://urldefense.com/v3/_http://www.thameswater.co.uk_!!CVb4j_0G!CvArLuPt5Jb2KM4g46Eu-P5_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh2jqpf-Ww$). Please refer to the Wholesale; Business customers; Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via

[https://urldefense.com/v3/\\_http://www.thameswater.co.uk\\_!!CVb4j\\_0G!CvArLuPt5Jb2KM4g46Eu-P5\\_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh2jqpf-Ww\\$](https://urldefense.com/v3/_http://www.thameswater.co.uk_!!CVb4j_0G!CvArLuPt5Jb2KM4g46Eu-P5_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh2jqpf-Ww$). Please refer to the Wholesale; Business customers; Groundwater discharges section.

#### 4) **WATER**

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!CvArLuPt5Jb2KM4g46Eu-P5\\_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh0XDzmWag\\$](https://urldefense.com/v3/_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!CvArLuPt5Jb2KM4g46Eu-P5_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh0XDzmWag$)

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's

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approach to groundwater protection (available at [https://urldefense.com/v3/ https://www.gov.uk/government/publications/groundwater-protection-position-statements\\_!!CVb4j\\_0G!CvArluPt5Jb2KM4q46Eu-P5\\_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh1eQE8iWw\\$](https://urldefense.com/v3/https://www.gov.uk/government/publications/groundwater-protection-position-statements_!!CVb4j_0G!CvArluPt5Jb2KM4q46Eu-P5_k7iJmfGhCcrO5GK4Xigr6NMXNeDjR1bWh8VYLh1eQE8iWw$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5) **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>

**STREET NAMING AND NUMBERING**

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

## 13 BACKGROUND PAPERS

- 184
- (1) Submission drawings
  - (2) Submission technical reports and documents
  - (3) Internal consultee responses
  - (4) Statutory consultee responses

## 14 REPORT AUTHOR AND CONTACT

185 Report author: Max Curson (Planning Officer)

Email: [max.curson@lewisham.gov.uk](mailto:max.curson@lewisham.gov.uk)

Telephone: 020 8314 7219

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