



## Planning Committee A

**Report title:** Hesper House, Wells Park Road, SE26 6RQ

**Date:** 06 January 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** Forest Hill

**Contributors:** Samuel James

### Outline and recommendations

The application is reported to committee as there have been over three planning objections.  
The application is recommended for approval.

## Application details

**Application reference number(s):** DC/21/120262

**Application Date:** 29 January 2021

**Applicant:** The Edition Group Ltd.

**Proposal:** Demolition of existing buildings on site and the construction of a 5-storey building (plus lower ground) consisting of 5 x three bedroom, 8 x two bedroom and 2 x one bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 6 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and documents  
(3) Internal consultee responses  
(4) Statutory consultee responses  
(5) *Appendix A: Local Meeting Minutes*

**Designation:** PTAL 2

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The site is located on the northern side of Wells Park Road and is currently occupied by a 2-storey, single family dwellinghouse located towards the west of the site. The remainder of the site forms the private garden of the dwelling.
- 2 The site has a varied topography, and slopes up steeply from street level towards the rear boundary, as well as from east to west (following the topography of Wells Park road. The existing house sits well above street level.
- 3 The site area is 0.07ha and is therefore a Small Site for the purposes of LP H2 and Lewisham's Small Sites SPD.

### *Character of area*

- 4 The immediately surrounding area is predominantly residential in character. To the immediate north and west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats and accessed from Sydenham Hill, with a residential estate to the north of that. Sydenham Hill Wood is approximately 300m to the North and West, with Dulwich Golf Course and Park to the North and West of that.

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5 Directly adjoining to the east is a 5-storey block of flats (Greyfriars), which is accessed from Wells Park Road. Further to the east are the larger 6-storey residential blocks of the Sydenham Hill Estate.

6 To the south are the residential properties on Longton Avenue, which are predominantly larger detached dwellings; Sydenham Wells Park is to the Eastern side of Longton Avenue. To the West of Longton Avenue is Hillcrest Wood, which has a public footpath leading down to Upper Sydenham, and towards Crystal Palace Park.

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

7 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.

8 The site is not within a known area of archaeological interest.

### ***Surrounding area***

9 Kirkdale, a large local shopping parade is approximately 700m to the east of the site.

10 Sydenham Wells Park, a large public park is located opposite the site.

11 The site falls within a designated 'Area of Special Character' known as 'Sydenham Ridge'.

### ***Local environment***

12 The site is in flood zone risk area 1 meaning the risk of river flooding is low.

### ***Transport***

13 The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is below average for London areas.

14 Wells Park Road is a public highway with a speed limit of 20mph, and speed humps.

15 The existing property benefits from a vehicular crossover to the highway.

## **2 RELEVANT PLANNING HISTORY**

16 **DC/19/133716:** Demolition of existing buildings on site and the construction of a 5-storey building (plus basement for parking) consisting of 7x three bedroom and 3 x two bedroom self-contained dwellings at the site known as Hesper House, Wells Park Road, SE26, incorporating 10 off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities. **Granted 13 January 2021.**

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## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 17 The proposal is for the demolition of the existing two-storey dwelling known as Hesper House, and the construction of a five storey, plus a partial lower ground floor level, building. The proposal would provide fifteen new self-contained dwellings: 5x Three bed, 8x two bed and 2x one bedroom.
- 18 The proposal includes 6x off-street car parking spaces, landscaping of the wider site and the provision of bicycle and refuse storage.

### **3.2 COMPARISON WITH PREVIOUSLY APPROVED SCHEME**

- 19 The scale of the proposed building is similar to the building approved previously (DC/19/133716). The height is the same, as is the depth, and the current proposed building is marginally wider.
- 20 The key difference is the current proposal is for 15 dwellings, an additional five dwellings above the previously approved scheme. This is facilitated through internal alterations to amend the dwelling mix: two fewer 3-bedroom dwellings, five additional 2-bedroom dwellings and two additional 1-bedroom dwellings.
- 21 Furthermore, the current proposal would provide 6 parking spaces instead of the 10 previously approved, and these would no longer be within a fully enclosed basement level, rather they would be on the forecourt and within a small undercroft at the front of the building. As a consequence, the soft landscaped area is reduced.
- 22 Since the previous scheme was approved, the following policy changes have occurred:
- The new London Plan (March 2021) was published on 2<sup>nd</sup> March 2021
  - The NPPF was revised in July 2021
  - The Lewisham Small Sites SPD was adopted in October 2021

## **4 CONSULTATION**

### **4.1 APPLICATION PUBLICITY**

- 23 Site notices were displayed on 17<sup>th</sup> February 2021 and a press notice was published on 17<sup>th</sup> February 2021.
- 24 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 10<sup>th</sup> February 2021. On 10<sup>th</sup> October 2021, following revisions to the proposed plans, further letters were sent to neighbours again.
- 25 26 number responses received, comprising 21 objections, 4 support and 0 comments.

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#### 4.1.1 Comments in objection

Comment	Para where addressed
Overdevelopment / density too high	62
Reduction in family sized units compared to previous approval	99
No affordable housing + viability assessment	76
Scale of development and height of building	153
Impacts to Sydenham Ridge area of local character	138
Parking stress, proposed on-site parking inadequate	213
Safety of vehicular entrance	191
Deliveries	203
Overlooking	243
Visual impacts + loss of light	264
Noise and disturbance	265
Impacts to bats and other wildlife	327
Nearby ancient woodland	326
Loss of greenery on site	295
Old disused railway Tunnel near site	Condition 7 Piling
Impacts to groundwater / ground stability	Condition 7 Piling
Impact to surrounding infrastructure (i.e. schools hospitals)	360
Carbon footprint of new building	283

#### 4.1.2 Comments in support

Comment
New building appears high quality and would improve street
The area desperately needs more high quality housing like this application, homes that will attract a mix of aspirational professionals and families of all ages.
Existing property in desperate need of expensive maintenance
I believe that the setback from the street coupled with a comprehensive landscaping scheme will help the somewhat confrontational condition that currently exists
Replacing the single dwelling on this plot with 15 apartments catered to families and couples would be beneficial to the borough of Lewisham, which is in much need of more new homes being built that are well-designed, modern, and affordable.
The development is well located and close to amenities such as Sydenham Wells Park and Sydenham Station close-by and would be perfectly located on Wells Park Road which accommodates a variety of apartment blocks, therefore this development will

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certainly not detract from the character of area, and in my opinion seeks to enhance it - particularly with its attractive landscaping and elegant modern design.

The floor plans are generous and provide considerate design features such as large windows, ample landscaping and onsite car parking.

#### 4.1.3 Local Meeting

- 26 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend a 'Local Meeting'. This meeting was held on 14th October 2021. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Leo Gibbons, and followed a webinar format. The Local Meeting was held in accordance with temporary changes to Lewisham's Statement of Community Involvement.
- 27 The developer was invited to give a short presentation on the scheme, followed by pre submitted questions which had been emailed to officers prior to the meeting. Follow up questions during the meeting were submitted via text on the Zoom web application.
- 28 The meeting was attended by nine local residents, Councillor Gibbons, Councillor Davis, the developer's planning agents representing Craftworks, and Planning Officers James Hughes (South Area Team Leader) and Samuel James (case officer).
- 29 The key concerns raised by objectors largely mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area, highways, ecology and the impact on neighbouring amenity. The minutes of the Local Meeting are included at Appendix A.

## 4.2 INTERNAL CONSULTATION

- 30 The following internal consultees were notified on 8 February 2021.
- 31 Highways: Concern was initially raised that the proposed parking represented an over-provision, and that the submitted transport statement contained out of date London Plan policies. Following receipt of revised details and reduction in parking, no objections are raised, subject to conditions. See from para 1776.4.1 for further details.
- 32 Ecology Officer: Concern was initially raised regarding the Preliminary Ecological Survey that had been submitted and further information regarding landscaping and the proposed living roof was requested. Following receipt of additional information, no objections are raised, subject to conditions. See from para 320 for further details.
- 33 Flood Resilience Manager: Initially requested revised and additional information, and when this was submitted no objections were raised, subject to a standard condition requiring compliance with the details. See para 306 for further details.
- 34 Environmental Health: No comments received.
- 35 Tree Officer: No comments received.

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## 4.3 EXTERNAL CONSULTATION

36 The following External Consultees were notified on 8 February 2021:

37 Metropolitan Police: Made several comments and recommendations, which they recommend are secured by condition. See para181 356 for further details.

38 Thames Water: Raised no objections, subject to several informative notes.

39 BPS (Viability Consultants): comments outlined from paragraph 76

## 5 POLICY CONTEXT

### 5.1 LEGISLATION

40 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).

### 5.2 MATERIAL CONSIDERATIONS

41 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.

42 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.

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

### 5.3 NATIONAL POLICY & GUIDANCE

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

### 5.4 DEVELOPMENT PLAN

44 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)

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- 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

45 Lewisham SPG/SPD:

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

46 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (2012)
- All London Green Grid (March 2012)
- Play and Informal Recreation (September 2012)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

## 6 PLANNING CONSIDERATIONS

47 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*

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48 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.

49 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*

50 The London Plan at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham, and London Plan Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

51 LPPH2 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 on these kinds of sites.

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

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

54 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.

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

55 The proposal would include the demolition of the existing dwelling-house, and the provision of fifteen new dwellinghouses. There would be an increase of 14 homes to the housing stock, five of which would be family housing with three bedrooms.

56 The existing house is not considered to be of any architectural merit, and therefore its demolition is acceptable, considering fifteen new homes would be provided by the proposal.

57 The site would make a valuable contribution towards meeting housing needs as identified in the London Plan to increase housing supply and optimise housing potential. The proposal would make more efficient use of the land and officers therefore support the principle of development.

58 It is also noted that it is a material consideration that the principle of residential redevelopment of the site for 10 dwellings has been recently approved on the site under application DC/19/113716 dated 13 January 2021.

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59 The acceptability of the proposed development is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided.

## 6.2 HOUSING

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

### 6.2.1 Contribution to housing supply

#### *Policy*

61 National and regional policy promotes the most efficient use of land.

62 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

63 LPP D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity.

64 London Plan Policies H1 and D6 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

#### *Discussion*

65 Table 6.1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

**Table [6.1]: Measures of Density**

Criteria	Value	Extant permission	Criteria/area	Extant permission
Site Area (ha)	A 0.07		n/a	n/a
Units	15	10	214 U/Ha	143 U/Ha
Habitable rooms	47	37	671 Hr/Ha	529 Hr/Ha
Bedrooms	32	27	457 Br/Ha	386 Br/Ha
Bedspaces	54	44	771 Bs/Ha	629 Bs/Ha

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66 Table 6.2 below sets out the measures of height and scale of each building or major component in the development required by the supporting text to LPP D3 (para 3.3.23 of the LP) for all major proposals.

**Table [6.2]: Additional Major criteria**

<b>Criteria</b>	<b>Value</b>	<b>Extant permission</b>
<i>Site Area</i>	<i>0.07</i>	<i>0.07</i>
Floor Area Ratio (GEA of all floors/site area)	21786	16000
Site Coverage Ratio (GEA of ground floors/site area)	4100	3000
Maximum height (m above ground level)*	12.6m	12.6m

*Summary*

67 Policy D6 of the London Plan states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites. The design of the development must optimise density.

68 The proposed development would be of a greater density than the extant permission, and this is shown in table 6.1 and 6.2 above.

69 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report; however, the additional dwellings would be accommodated in a building only marginally larger than that granted planning permission earlier this year. As such, Officers conclude this proposal would optimise the site capacity in a way compliant with the London Plan.

**6.2.2 Affordable housing**

***Percentage of affordable housing***

*Policy*

70 The NPPF expects LPAs to specify the type of affordable housing required (para 63).

71 The Mayor of London’s Affordable Housing and Viability Supplementary Planning Guidance 2017, Core Strategy Policy 1 and DM Policy 7 - Affordable rented housing require that new residential development provide on-site affordable housing. Core Strategy Policy 1 requires that that a maximum provision of affordable with a strategic target of 50% affordable housing be secured unless it can be demonstrated through viability that a lower provision is appropriate.

72 LPP H4 Delivering affordable housing sets a strategic target of 50% genuinely affordable housing for all new homes delivered across London and states that this should be provided on site. Major developments which trigger affordable housing requirements

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should provide affordable housing through the threshold approach in line with Policy H5 Threshold approach to applications.

- 73 Policy H5 states that, unless a development is qualified for the Mayor's Fast Track Route
- 74 Where an application does not meet the requirements set out in Part C it must follow the Viability Tested Route.
- 75 CSP1 and DMP7 requires sites capable of providing 10 or more dwellings to provide contribution of affordable housing with a strategic target of 50% affordable housing from all sources. This contribution (50% affordable housing) is the starting point for negotiations and it is subject to financial viability assessment. The affordable housing component is to be proposed at 70% social rented and 30% intermediate housing.

#### *Discussion*

- 76 It is noted that the extant planning permission DC/19/113716, granted by Committee A on 4 November 2020, and agreed subject to a Section 106 Agreement dated 12 January 2021, would not provide any affordable housing.
- 77 The current proposal would also deliver 0% affordable housing. This is supported by a new Financial Viability Assessment (FVA), which has been interrogated by an independent consultant on behalf of the Planning Service. The submitted FVA concluded that the proposed development is showing a viability deficit of -£681,539 when compared to their adopted benchmark land value (BLV) of £1.25 million, assuming a 20% level of profit.
- 78 The Planning Service instructed BPS to undertake a review of the applicant's FVA.
- 79 BPS reviewed and appraised the submitted viability statement, they asked for further information to aid their assessment of the land values of the site. Following receipt of some additional details, BPS concluded that if we were to adopt the Alternative Use Value (AUV) scenario as Benchmark Land Value (BLV), this would produce a surplus, which could go towards an affordable housing contribution.
- 80 However they accepted that policy dictates that we must represent all the possible value to the landowner which means adopting the projected Existing Use Value (EUV) of £950,000. The EUV as calculated by BPS does not include the landowner premium that had been adopted in the applicants (JLL's) assumptions.
- 81 BPS also disputed the levels of developer profit being perused at 20%, which they considered to be high. Officers note however that the 20% profit and BLV (including landowner premium) was considered acceptable in assessment of the extant permission, as advised by the Council's appointed consultants at that time (GL Hearn).
- 82 Assuming a lower developer profit of 15%, and a lower BLV of £950,000, BPS concluded the scheme would still be showing a viability deficit of -£10,584 and therefore agreed that the scheme cannot viably provide any affordable housing at this stage.
- 83 Officers note the differences in adopted profit level and BLV between the applicant's and the Council's consultants. In this case, however, officers recommend the adoption of the higher 20% profit level and BLV is acceptable, considering the extant planning permission was assessed on this basis, and the resultant Section 106 contains the 20% target profit figure. This is a material consideration as it remains a fall-back position for

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the applicant. In light of accepting the higher profit level and land value, the difference between the consultant's deficit figures would be further reduced, and the scheme is accepted to have a significant viability deficit.

- 84 It is also noted that the revisions to the proposal, since the viability reviews were carried out, could have an impact on the figures used in the viability assessment. On one hand, the removal of 4 parking spaces from the scheme would reduce the sales values (and therefore the gross development value) of some of the dwellings which previously would have been allocated parking. On the other hand, the removal of the full basement area could reduce the overall build costs of the scheme. BPS were not provided with an updated appraisal of the amended scheme and have therefore not commented on the overall impact of this to the viability of the scheme.
- 85 Officers however consider that the cost difference would not be sufficient to produce a surplus, which would allow the council to seek contributions towards affordable housing. This is in consideration of the reduced build cost, but also reduced value of the development as a result and the size of the overall deficit to be overcome.
- 86 Further reviews are recommended to be included in the Section 106 Agreement. If the build costs and gross development value changed this would be reflected in the early or late-stage reviews. Therefore the Council would retain the opportunity to reassess the viability of the development. If it showed a surplus at either review, contributions towards affordable housing would be sought.
- 87 The applicant has submitted a Breakeven Appraisal, in line with the Mayor of London's Viability Review Mechanisms Procedural note (2019). BPS were consulted on this, and have confirmed that because the scheme has a demonstrated deficit, this is the correct approach. They have recommended that there is a clause the review mechanism, which would ensure transparency.
- 88 In light of the above, on balance the proposal is considered policy compliant with regards to the proposed provision of affordable housing.

### ***Review mechanisms***

#### *Policy*

- 89 Taking account of London Plan Policy H5 and the guidance in the Mayor's Affordable Housing and Viability SPG, officers recommend that s106 obligations require the proposed level of affordable housing is subject to review.
- 90 An early stage (delayed implementation) and late stage (when 75% of the units are sold) review mechanism would be secured in accordance with Policy H5 of the London Plan and the Mayor's SPG.
- 91 The early stage review means that if the ground floor slab has not been completed within 2 years of the permission being granted a review of the viability of the scheme would be triggered.
- 92 The late stage review means that once 75% of the proposed dwellings have been sold, but prior to the sale of the whole of the development the viability of the scheme would be reappraised.

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- 93 This reappraisal would be based on the sale values and costs incurred throughout the development, therefore addressing the economic uncertainty over the lifetime of the development.
- 94 There will be a clause in the review mechanism, to ensure transparency in the developer's future submissions relating to this matter.
- 95 While the scheme cannot viably deliver affordable housing, if the early or late stage review finds that the scheme can provide a contribution to affordable housing while remaining financially viable the outcome would likely be a financial contribution towards off-site affordable housing provision. Officers would assess this as part of the early and late stage reviews.

### **6.2.3 Dwelling Size**

#### *Policy*

- 96 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 97 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 98 London Plan Policy H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 99 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.
- 100 Development Management DM Policy 32 sets out how to achieve high quality design and internal layout of new development.

#### *Discussion*

- 101 The proposal includes two x one bedroom; eight x two bedroom dwelling; and five x three bed dwellings. This is considered to be a good mix of dwelling sizes, including five (33%) family sized dwellings for which there is an identified need, and is in considered to be in line with the above policies, despite the reduction in number of family sized dwellings compared to the extant permission.

### **6.2.4 Residential Quality**

#### *General Policy*

- 102 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).

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- 103 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 space standards**

*Policy*

- 104 The ‘Technical housing standards – nationally described space standards’ sets out the minimum floorspace requirements for dwellings.
- 105 DMP 32 ‘Housing design, layout and space standards’ and LPD6 of the London Plan require housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

*Discussion*

- 106 The table below sets out proposed dwelling sizes.

**Table [ 2 ]: Internal space standards – proposed v target**

Unit No.	Unit type ( <i>min req</i> GIA)	Unit size (GIA) (sqm)	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1 (gf)	1b1p (50)	54	2.4	14 (5)	Yes
2 (gf)	2b3p (61)	64	2.4	43 (6)	Yes
3 (gf)	3b6p (95)	97	2.4	112 (9)	Yes
4 (1 <sup>st</sup> )	2b3p (61)	65	2.4	7 (6)	Yes
5 (1 <sup>st</sup> )	2b3p (61)	64	2.4	9 (6)	Yes
6 (1 <sup>st</sup> )	3b5p (86)	97	2.4	<b>7 (8)</b>	Yes
7 (2 <sup>nd</sup> )	2b3p (61)	65	2.4	7 (6)	Yes
8 (2 <sup>nd</sup> )	2b3p (61)	64	2.4	9 (6)	Yes
9 (2 <sup>nd</sup> )	3b5p (86)	97	2.4	<b>7 (8)</b>	Yes
10 (3 <sup>rd</sup> )	1b2p (50)	59	2.4	11 (7)	Yes

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11 (3 <sup>rd</sup> )	2b3p (61)	64	2.4	9 (6)	Yes
12 (3 <sup>rd</sup> )	3b5p (86)	88	2.4	9 (6)	Yes
13 (4 <sup>th</sup> )	1b2p (50)	52	2.4	8 (5)	Yes
14 (4 <sup>th</sup> )	2b3p (61)	69	2.4	9 (6)	Yes
15 (4 <sup>th</sup> )	3b5p (86)	88	2.4	8 (8)	Yes

- 107 The proposed units would all exceed the minimum requirements in terms of overall floor areas, and in terms of the sized of individual bedrooms. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

### ***Outlook & Privacy***

#### *Policy*

- 108 London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).
- 109 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

#### *Discussion*

- 110 Given the at least dual aspect dwellings, and the good amount of glazing proposed to all habitable rooms, the dwellings would all be provided with good levels of outlook. All habitable rooms would be provided with windows, and officers consider the levels of outlook to be provided would be acceptable.
- 111 None of the proposed flats would be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.
- 112 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

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

#### *Policy*

- 113 The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces. LPP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

#### *Discussion*

- 114 The proposed flats would all be provided with good levels of glazing, and they would all have windows on at least 2 elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight.

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## **Overheating**

### *Policy*

- 115 LPP D6 requires housing development to minimise the risks to overheating through their design, including maximising the provision of dual aspect dwellings, ensuring adequate natural ventilation, and providing adequate daylight and sunlight whilst avoiding solar overheating in summer months.

### *Discussion*

- 116 All of the proposed dwellings would be dual aspect, and the number of and size of opening windows and doors to balconies would ensure dwellings receive good levels of ventilation. The amount of heat entering the building in summer is also proposed to be reduced through use of shading measures including internal/external blinds or curtains.
- 117 Further measures to reduce overheating risk are outlined in the submitted energy statement, with further discussion provided from paragraph 257 of this report.
- 118 Officers consider the design acceptable with regards to overheating risk.

## **Children's Play Space**

### *Policy*

- 119 LPP S4 requires residential development proposals to provide at least 10sqm of children's play space should be provided per child.

### *Discussion*

- 120 Using the GLA's Population yield calculator, an estimated 62sqm of play space is required for future residents of the proposed development.
- 121 Unit 3, the three bedroom family sized dwelling at ground floor level would have a large private amenity space, well in excess of the minimum requirement, to the side and rear of the building which would be suitable for stimulating children's play.
- 122 The remainder of family sized dwellings would be provided with a balcony, which may be considered unsuitable for children's play due to their limited size.
- 123 However, the proposed wooded communal amenity space to the rear of the site has an area of approximately 80sqm. Officers consider this space would provide good opportunities for future children residents to play, and as it is in excess of the requirement of LPPS4, officers consider this to be an acceptable provision.

## **Accessibility and inclusivity**

### *Policy*

- 124 DLPP D5 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.

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- 125 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users. Whilst this is not a major scheme, an assessment of the level of accessibility proposed follows.

*Discussion*

- 126 Unit 1 (2b3p) at ground floor level has been designed as a M4(3) wheelchair accessible dwelling, and all dwellings are designed as M4(2) wheelchair adaptable. Officers note the policy requirement would be for 2 M4(3) dwellings, and it is therefore considered reasonable to seek further details through a suitably worded condition for two of the dwellings to be wheelchair accessible.
- 127 One of the basement car parking spaces would be an accessible space, and a lift provides access to every level of the building from the car park. This is acceptable, as 10% of parking spaces are required to be suitable for wheelchair users.
- 128 Two of the fifteen units would be provided as a wheelchair accessible dwelling, and all other dwellings would be wheelchair adaptable it is considered a policy compliant level of accessible housing would be provided, in line with the above policies. This would be secured through condition.

***External space standards***

*Policy*

- 129 LPPD6H requires all new one bedroom dwellings to be provided with at least 5m<sup>2</sup> private external amenity space, and another 1m<sup>2</sup> for each additional occupant.

*Discussion*

- 130 A large majority of the dwellings would be provided with an excess of the minimum required private amenity space in the form of terraces or balconies.
- 131 Two of the three bedroom units (6 and 9) would fall short by 1m<sup>2</sup> in terms of the size of their private balconies. This is acceptable in this case because additional communal external amenity space would be provided at the rear of the property (approx. 80m<sup>2</sup> in total), and furthermore these units both exceed the minimum internal floor area for a 3b5p flat by 10m<sup>3</sup>, which makes up for the minor shortfall on balance.

***Summary of Residential Quality***

- 132 The proposed units would be of a high quality standard of accommodation and meet with the quality considerations of the London Plan and local policy and guidance.

**6.2.5 Housing conclusion**

- 133 The proposal would contribute to the Borough's housing targets in a residential location, making the most efficient use of land and optimising density. The scheme would provide an appropriate mix of good quality dwellings, including five family sized for which there is an identified need.

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## 6.3 URBAN DESIGN

### *General Policy*

- 134 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.
- 135 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 136 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 137 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 138 The proposal site is within the Sydenham Ridge Area of Special Character. The Sydenham Ridge forms the south-western boundary of the borough and is visible from within the borough. It forms a wooded skyline feature that the Council would wish to preserve.
- 139 CS18 Tall buildings states: Sydenham Ridge Area of Special Character, which comprises a topographical feature where tall or bulky buildings would affect the skyline and have an adverse effect on the landscape and local residential amenity. The proposed building is not by definition a tall building and therefore CS18 is not relevant.
- 140 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

### 6.3.1 Appearance and character

#### *Policy*

- 141 Policies D1 and D2 of the London Plan (2021), require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.
- 142 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

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

144 DM Policy 32 expects new residential development to be attractive and neighbourly

#### *Discussion*

145 Firstly it is noted that the external appearance of the proposed building is very similar to the extant planning permission (DC/19/113716). The main difference is the removal of the enclosed lower ground parking area, which would now be a combination of surface level open parking and a small undercroft.

146 The width of the proposed building would be increased by approximately 1m. The height would remain unchanged. The front and rear building lines at ground level would also remain unchanged. There would be increased massing at the front of the building on the upper floors as the extant permission included a small set back at second floor level, and further set backs for each of the floors above. This stepping has been removed from the current proposal. The increased massing of the upper floors is considered to be acceptable and would not harm the appearance of the surrounding area.

147 The character and appearance of buildings in the surrounding area are varied in style. To the immediate north and west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats with a residential estate to the north of that.

148 Directly adjoining to the east is a 5-storey block of flats (Greyfriars), which is accessed from Wells Park Road. Further to the east are the larger 6-storey residential blocks of the Sydenham Hill Estate.

149 To the south are the smaller residential properties on Longton Avenue, which are predominantly larger semi and detached dwellings; Sydenham Wells Park, a public amenity space is to the Eastern side of Longton Avenue.

150 When travelling along Wells Park Road, glimpses of the large 5 and 6 storey flatted developments can be seen through the front boundary vegetation, and access openings.

151 The proposed building would have a flat roof, with small projecting balconies to the front. It would be more visible than the existing neighbouring flatted developments along the street. Officers consider it would appear as a high quality addition to the streetscene and have a positive impact on the appearance of the surrounding area.

152 In terms of the impact to the Sydenham Ridge area of special character, this is considered to be minimal. The proposal is not a tall building, and it would therefore not be visible as part of the wider skyline when viewed from within the borough.

153 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition to the street, which would have a positive impact on the character and appearance of the area.

#### ***Layout***

#### *Policy*

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

155 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

#### *Discussion*

156 The building would have a north-south orientation, with the front elevation running parallel to the road. It would be well set back from the boundaries to allow for sufficient space between the adjoining properties.

157 The proposed dwellings would be accessed from the front of the building at ground floor level from a single central stair core. The lower ground level parking area would also include an access via lift into the building.

158 The submitted landscaping scheme is indicative at this stage, and is considered acceptable as it indicates significant planting of hedgerows, shrubbery, vegetation and trees within the site curtilage, and there is minimal hardstanding proposed, only where necessary. Biodiverse living roofs are also proposed to the roof.

159 The northern corner of the site is proposed to be a communal wooded area, and bicycle and bin stores are proposed to have green roof systems.

160 Overall the proposed layout makes good use of the site, and the proposed landscape scheme would be a high quality addition, subject to assessment of the final scheme of landscaping, which would be secured as a pre-commencement condition in consultation with the council's arboricultural officer.

#### ***Form and Scale***

##### *Policy*

161 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape.

162 The Small Sites SPD (2021) at para.12.3.2 states where streets are of varied character, applications with a height relating to the tallest existing building in relative close proximity will generally be supported. In some locations, depending on the site, size and context, it may be appropriate to build more than one storey taller than the context, subject to the scheme being of exceptional design quality.

##### *Discussion*

163 There are varying forms and scales of buildings in the immediately surrounding area, including three-storey flatted development to the north fronting Sydenham Hill, semi-detached and detached dwellings to the south on Longton Avenue, and the five and six storey flatted developments to the east.

164 Hesper House is a two-storey dwellinghouse, which sits above street level, due to the existing gradient of the site.

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- 165 The proposed building would be significantly larger and taller than existing, at five stories. An area towards the front would be excavated, and developed as the frontage / lower ground undercroft car parking area, but the height of the building is five stories above ground level.
- 166 The front elevation of the building would be set back significantly from the street, where the parking entrance gate would be flush with the pavement, and replace the existing retaining wall.
- 167 Although the building is significantly larger than existing, the scale and massing to Wells Park Road is acceptable, as it would respect the massing and heights of buildings in close proximity, particularly those to the east. The proposed building would relate more with the surrounding estates than the suburban houses located in the south on Longton Avenue and therefore, scale and form are considered appropriate for this location.
- 168 It is also noted that the overall form and scale of the proposed building is largely commensurate with the building that has been previously approved at the site (the extant permission). Although the stepping has been removed from the front elevation, officers do not consider this would harm the appearance of the building, and would have an acceptable appearance.

### ***Detailing and Materials***

#### *Policy*

- 169 Policy D3 of the London Plan requires development proposals to be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

#### *Discussion*

- 170 The proposed elevation treatment and materials would appear modern and well considered. There would be a good level of detailing, and this would have a positive impact in terms of contributing to the local distinctiveness, as there is currently no real, prevailing established character along the street.
- 171 The general palette of materials is mostly similar to the extant permission, similar brickwork and stone cladding for the main faces of the building is proposed, as well as bronze coloured metal detailing.
- 172 Notable alterations include the use of metal railings for the first and second floor balconies, in place of solid screens. As well as the use of aluminium framed windows instead of timber. The proposed brickwork appears to be high quality, with areas of detailing and perforations.
- 173 The proposed aluminium framed windows, and metal balcony balustrades are considered acceptable in this context, and would not erode the design quality compared to the extant permission.
- 174 The proposed material palette is considered to be modern and high quality and would age well. This would have a positive impact on the appearance of the surrounding area. Final details of materials are to be secured by condition.

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### **6.3.2 Urban design conclusion**

- 175 In summary, the proposed building is considered to be a high quality, site specific response that would create interest at this currently under optimised site. It is of an appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.
- 176 It is also a relevant material consideration that a building of a very similar design has been recently previously approved at the site.

## **6.4 TRANSPORT IMPACT**

### *General policy*

- 177 NPPF Paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 178 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.
- 179 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 180 The site has a PTAL rating of 3, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it has average accessibility to public transport.

### **6.4.1 Access**

#### *Policy*

- 181 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing application for development it should be ensured that appropriate opportunities to promote suitable transport modes can – or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users. Paragraph 111 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 182 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is supported.

#### *Discussion*

- 183 Pedestrian accessibility to the site is considered to be good, as Wells Park Road is paved on both sides of the street. The pedestrian access would be in the south western corner of the site. The additional dwellings would have no significant impact on the existing pedestrian infrastructure, and therefore no contributions are sought in this respect.

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- 184 The pedestrian access would be separate from the vehicle access, and would provide a step-free route from the existing footway to a communal entrance in the lower ground floor. A lift to all floors would be also provided. Separate access to the cycle store would be provided adjacent to the pedestrian entrance. Access to the rear communal gardens would be provided to the west of the building.
- 185 Wells Park Road is an adopted highway with a 20MPH speed limit. The existing house benefits from a vehicular access point, and so does the adjacent Greyfriars.
- 186 Objections have been raised relating to existing safety issues on Wells Park Road.
- 187 The proposed vehicular access would be in the centre of the site, in a relatively similar position to the existing access, and similar to the recently approved extant permission. The closure of the existing access would be secured by legal agreement. Therefore the principle of vehicle access to the site is acceptable, however it is acknowledged that six parking spaces would generate a higher number of vehicle movements than the existing single dwelling.
- 188 Section drawings have been submitted which show how the access point would be constructed, and site lines from the access have been provided, which demonstrate the visibility of vehicles exiting the space would be good. Notwithstanding the acceptable levels of visibility, for added safety, initial details of a light and sound signal warning system have been submitted, which would warn oncoming pedestrians of vehicle accessing and egressing the parking area.
- 189 Officers also recommend the proposed development be approved subject to the following off-site highway works, that would be secured by S278 legal agreement, to ensure the access is safe:
- Closure of existing crossover, and creation of new crossover, and installation of tactile paving either side.
  - Waiting restrictions on Wells Park Road to manage loading adjacent to the site.
  - Road signs / markings on the approach to the site access to reinforce the 20mph speed limit.
- 190 Final details of the parking and access management plan would also be secured by condition, including details of management of the entrance to ensure there would be no vehicle queuing on the highway. Notwithstanding as there are 6 spaces proposed, which is a relatively small number, it's unlikely the proposal would result in harmful levels of quieting on the highway to access the site.
- 191 It is considered the proposed vehicular access would have acceptable impacts on highway safety, subject to submission of the final parking and access management plan and the off-site works, which would be the subject of a S278 agreement.
- 192 Officers consider the access to be acceptable.

## 6.4.2 Local Transport Network

### *Policy*

- 193 Policy T4 of the London Plan states consideration of the cumulative impacts of development on public transport and the road network capacity including walking and

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cycling, as well as associated effects on public health, should be taken into account and mitigated.

#### *Discussion*

- 194 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.
- 195 The site is not in a controlled parking zone. The proposed provision of on-site car parking would be 0.5 space per dwelling, which is the maximum allowance, in line with Policy T6 of the London Plan.
- 196 A parking survey has also been submitted to the Lambeth methodology, which confirms there would be capacity for any overspill parking within 200m of the site.
- 197 A preliminary construction management plan has also been submitted, and a full Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

### **6.4.3 Servicing and refuse**

#### *Policy*

- 198 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 199 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.
- 200 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*

- 201 Refuse storage would be provided towards the front boundary of the site within a communal refuse store. This location is acceptable, and would allow Lewisham waste operatives to collect and return bins to the store once they have been emptied.
- 202 To ensure the final details of the refuse store, as well as management of collection are acceptable, final details of these are recommended to be secured by condition.
- 203 In terms of residential deliveries, 15 units could result in significant deliveries compared to the single dwelling, and therefore details of a residential delivery and servicing plan would be secured by condition.

### **6.4.4 Transport modes**

#### ***Walking and cycling***

#### *Policy*

- 204 Policy T5 of the Publication London Plan states development proposals should create a healthy environment in which people choose to cycle, and should provide cycle parking in accordance with the minimum standards set out in table 10.2.

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205 Development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

*Discussion*

206 Secure bicycle storage would be provided at lower ground level. 30 spaces would be provided over 2-tier racks, and 2 wider Sheffield stand spaces would be provided. This exceeds the minimum provision set out in table 10.2 by 3 spaces. A further 2 visitor spaces would be provided.

207 The provision of cycle parking is in line with LPP table 10.2. Officers note that as currently proposed, the cycle parking is not fully compliant with the London Cycle Design Standards. However, there is scope to make the cycle parking compliant through an appropriately worded condition, as the parking area appears larger than required. Officers therefore recommend further details of cycle parking to be secured by planning condition, to ensure that it would comply with these requirements.

208 The site is accessible by walking, and the access through the site would be fully DDA compliant. This would be secured by planning condition.

**Public transport**

*Policy*

209 LPPT4 states development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

*Discussion*

210 There are a number of local bus services running close to the site, two of which run along Wells Park Road, with the closest sheltered bus stop 60m away. Sydenham Hill is the closest rail station, with links into London and Kent, which is an approximate 15 minute walk to the site.

211 It is considered that the scale of development (15 units) would have an acceptable impact on the local public transport network, and that the site is suitably accessible for residential development of this scale.

212 Regarding the cumulative impacts of development on the local transport network, CIL would be chargeable on this scheme, which in the future could be used to contribute to development of the local transport network.

**Private cars (include disabled and electric charging points)**

*Policy*

213 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are

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well-connected by public transport with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

### *Discussion*

- 214 The proposal includes six parking spaces, which is equivalent to 0.4 spaces per dwelling. These would be located to the front of the building and in an undercroft. As originally submitted with the current application, the proposal included 10 parking spaces. The Council's highways officer recommended this be reduced to no more than seven spaces, in line with Policy T6 of the London Plan.
- 215 Officers note that the proposed parking provision is a material difference to the extant permission, which included 10 parking spaces within a full basement.
- 216 Since the extant permission were granted, the London Plan (2021) has been adopted. This means that greater weight is now given by officers to the policies it sets out, than when the previous decision was made in January 2021.
- 217 Table 10.3 of the London Plan (2021) sets maximum parking standards. For sites in inner London Boroughs with a PTAL rating of 2, the maximum level of parking provided should be 0.5 spaces per dwelling. This would equate to a maximum of seven spaces provided on site.
- 218 The proposal would therefore deliver slightly less than the maximum provision of parking. This is considered acceptable provision to meet the expected needs of the development but with a clear intention to only provide for essential use, disabled use and Electric Vehicle parking (100% spaces will be EV capable with charging points included). Officers consider this would avoid any overprovision but would also avoid any harmful overspill parking onto Wells Park Road. This is in line with the aims of Policy T6 of the London Plan.
- 219 The application has been submitted with an on-street parking survey, which is included in the applicant's transport statement; it indicates the number of available parking spaces on the surrounding residential roads.
- 220 The Statement concludes there would be sufficient space to accommodate any additional or overspill parking that would be generated by the proposed residential development.
- 221 The surveys, carried out over two nights in July 2021, found parking stress of 25.9% within the 200m walking distance of the site. It found for Longton Avenue only the parking stress was 48%, with an average of 33.5 spaces free overnight.
- 222 Considering the amount of parking available on surrounding streets, and the minimal overspill parking that would be expected to be generated, officers do not consider the proposal would result in harmful increased parking stress in the local area.
- 223 Officers do not disputed the findings of the parking survey.
- 224 Each of the proposed parking spaces would be provided with an electric vehicle charging point, and these would be secured by condition.
- 225 Highways officers previously requested a parking management condition be added to any permission, which should outline management of the entrance, as well as ownership

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and enforcement of the use of spaces. This is also considered necessary for this application.

226 Highways officers have also requested a review mechanism on the use of the parking spaces, whereby they could be used for additional cycle parking, or resident storage should the parking spaces become redundant in the future. This would form part of the Section 106 agreement.

#### **6.4.5 Transport impact conclusion**

227 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian and vehicular accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies.

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

#### *General Policy*

228 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 Publication London Plan PLPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

229 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

#### **6.5.1 Enclosure and Outlook**

##### *Policy*

230 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

##### *Discussion*

231 Greyfriars (adjoining to the east): There are two windows at each floor level which face the proposed development site. These windows would be a minimum of 11m, and a maximum of 15m from the proposed building, accounting for the off-set orientations.

232 A 45 degree test taken from these windows suggests that whilst the direct outlook would be affected at the distances outlined above, there would still be rearwards outlook past the building. It is also noted that there are existing large trees on the boundary, which would currently restrict the outlook of these windows.

233 The impact on outlook is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure to occupants of Greyfriars.

234 Bath Court (adjoining to north-west) has rear facing windows and inset balconies which face south, and would not directly face the proposed building. The separation distance between the proposed building and the south-eastern corner of the closest property on

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Bath would be 18m. In light of this, the proposal would have no significant impact on the outlook, or sense of enclosure experienced by residents of Bath court properties.

235 The Hill House adjoins to the north east, and is considerably uphill to the host property. Furthermore, the separation distance between the buildings would be at least 29m, and therefore there would be no significant impact on outlook or sense of enclosure experienced by residents of this property.

236 The garden of the closest property on Longton Avenue is approximately 21m south of the proposed building, and therefore it would have no significant impact on levels of enclosure felt by this property. No Longton Avenue properties would have their outlook affected.

237 In light of the above, the impact of the proposal on neighbouring outlook and sense of enclosure would be acceptable, and in line with the relevant aforementioned policies.

## 6.5.2 Privacy

### *Policy*

238 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

239 The Small Sites SPD (2021) states that in general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.

240 It also states there should be no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way.

### *Discussion*

241 All proposed side elevation windows would be obscure glazed and therefore there would be no direct overlooking to Greyfriars or Bath Court properties or amenity areas. This is noted on the plans and would be secured by condition. Furthermore, these windows are at oblique angles to the windows of adjoining properties, and there wouldn't be any directly facing windows due to this. A privacy screens would be installed over one half of the side facing amenity space opening of Unit 12 at third floor level.

242 The minimum distance between the proposed rear facing windows, and the rear boundary of Hill House to the north would be 13.5m, and at least 31m window to window distance. This is a sufficient distance to ensure no harmful overlooking to Hill House.

243 The distance between the balcony amenity areas to the front of the proposed building, and the garden of 125 Longton Avenue would be at least 19m. The distance to the closest windows in the rear elevation of No.125 would be at least 23m, and this would be at an oblique angle.

244 The distance of 19m to the nearest residential amenity area, and 23m (minimum and an oblique angle) to the nearest window is considered sufficient to ensure there would be

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no unreasonable loss of privacy to Longton Avenue properties. This greatly exceeds the minimum distances set out by the Small Sites SPD.

245 In light of the above, the impact to neighbouring privacy would be acceptable, in line with the relevant policies and guidance set out above.

### **6.5.3 Daylight and Sunlight**

#### *Policy*

246 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree 'rules'.

247 The methods for calculating impact on daylight and sunlight within the report are as follows: (i) Vertical Sky Component (VSC); (ii) Annual Probable Sunlight Hours (APSH); and (iii) No Sky Line (NSL).

248 The VSC is the amount of skylight received at the centre of a window from an overcast sky. VSC assessments are influenced by the size of obstruction, and NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

249 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants.

250 The report also assesses the impact of overshadowing to neighbouring properties.

251 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.' (GLA, 2017, Housing SPG, para 1.3.45).

#### *Discussion*

252 Again it is noted that the massing of the building would only marginally change in the current proposal, compared to the extant permission, and the daylight and sunlight impacts of the proposal are therefore very similar to that proposal.

253 The application has been submitted with an updated Daylight and Sunlight Assessment (dated January 2021) prepared by Rapleys. This assessment has identified the following residential properties as relevant for Daylight and Sunlight Assessment:

254 159 Wells Park Road: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.

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- 255 125 Longton Avenue: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 256 13-18 Bath Court: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 257 1-6 Leamington Court: The proposed development satisfies the BRE criteria in respect of all relevant factors for these properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 258 The Hill House: The proposed development satisfies the BRE criteria in respect of all relevant factors for this properties, and there would therefore be no harmful impact on levels of daylight and sunlight at this property.
- 259 1-16 Greyfriars: six windows (W3 and W4 in the diagrams within the DaS Assessment report), on the western elevation, at ground, first and second floor level of this property would fall below the BRE guidelines for the Vertical Sky Component (VSC) test, and for the Daylight Distribution (NSL) test. These are the same six windows identified as falling below the guidelines as a result of the previously approved building, and this was considered acceptable.
- 260 These windows are currently obstructed by the existing projecting wing on the property itself. The BRE guidance states that where a window has a projecting wing on one or both sides of it, a larger relative reduction in VCS may be unavoidable, as the building itself contributes to the poor daylighting. An alternative VSC test was undertaken with the wings removed, and this suggested that the existing building does result in the majority of the poor daylight factor of these affected windows, and the first and second floor windows would surpass the BRE criteria with regard to VSC. The ground floor windows would continue to fall short of the BRE criteria, but only marginally.
- 261 The impact on daylight distribution (NSL) to the six most affected windows would not become compliant with BRE guidance as a result of the alternative test (with projecting wing removed), and these would be affected by minor or moderate adverse loss.
- 262 APSH results showed that satisfactory level of sunlight amenity would be experienced by all living rooms, and the proposal would pass the BRE criterial in this respect for these properties. The results of the overshadowing test showed that sunlight availability to this garden after the development would be no less than 0.82 times the former value and therefore passes the BRE overshadowing to gardens and open spaces test.

### *Summary*

- 263 The submission has been accompanied by a comprehensive Daylight and Sunlight assessment in relation to the Proposed Development. The technical analysis has been undertaken in accordance with the BRE Guidelines.
- 264 The impact of the proposed building would be within the BRE guidance for all windows of all tested properties, except for six windows in the western side elevation of Greyfriars. It is acknowledged however that these most impacted windows already suffer from restricted light due to the existing overhanging wing of the building, as well as existing trees on the boundary. It is considered therefore that the harm to Greyfriars

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dwellings would be less than significant, and overall the impact on neighbouring daylight and sunlight would be acceptable, in line with the above mentioned policies.

#### **6.5.4 Noise and disturbance**

##### *Policy*

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

##### *Discussion*

266 15 residential dwellings is likely to generate a higher level of comings and goings and general residential activity than the existing single family dwellinghouse, and the additional noise and disturbance that would come with this. However, as this would be a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

#### **6.5.5 Impact on neighbours conclusion**

267 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and although some harm, in terms of loss of daylight just outside the BRE recommendations to six windows has been identified, this harm would be less than significant. It is therefore not considered the proposal would give rise to unreasonable impact on neighbours that would warrant refusal of the planning application, particularly when considering the planning merits of the scheme that are outlined elsewhere in this report.

268 Officers also note the impacts to neighbouring amenity that would result from the proposal, are largely the same as those that would result from the extant planning permission.

### **6.6 SUSTAINABLE DEVELOPMENT**

##### *General Policy*

269 NPPF para 152 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

270 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

#### **6.6.1 Energy and carbon emissions reduction**

##### *Policy*

271 CSP8 seeks to minimise the carbon dioxide (CO<sub>2</sub>) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

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272 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

273 LPPSI 2 requires new development to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

1) be lean: use less energy and manage demand during operation

2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly

3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site

4) be seen: monitor, verify and report on energy performance.

#### *Discussion*

274 The application is accompanied by a Sustainability and Energy Statement prepared by Syntegra Consulting (January 2021). The report sets out that the Target Emission Rate (TER) for the building would be 17 tonnes of CO<sub>2</sub>/yr. This constitutes the baseline. London Plan policy is to reduce this by 35% via Be Lean, Be Clean and Be Green measures. To achieve net zero carbon, the remaining 65% is offset by mitigation measures funded via the carbon offset fund, managed by Lewisham Council.

#### ***Be Lean***

275 Passive design measures such as enhanced building materials, orientation, natural ventilation, solar shading and use of the cooling hierarchy will be utilised as specified in the energy statement.

276 Active design measures are proposed to include high efficiency lighting and high efficiency boilers. It is noted that the statement states the boiler specification is provisional at this stage. During the Local Meeting, the applicant confirmed they will not be using gas boilers, and that the intention is currently to use electric boilers.

277 Combined, these measures would reduce emissions by 10% from the TER, according to the Statement.

278 Officers note that the previous application was granted subject to the condition that full details of the proposed strategy to minimise carbon dioxide emissions and maximise energy efficiency would be submitted for approval prior to completion of the building shell. These details were to include: Details of the proposed mechanical background ventilation and under floor heating strategy, including smart heating control system; Details on how the heating system could be retrofitted to a low carbon source in the future; Detailed drawings of any venting locations on the elevations; Details of the proposed LED internal lighting specification.

279 Considering the condition on the previous consent, and that the Energy statement states the specifications are provisional, officers consider it reasonable to recommend the current proposal be subject to the same condition.

#### ***Be Clean***

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- 280 The proposal is designed to meet the requirements of the building regulations part L1A policy for 35% carbon reduction on site. It is accepted that the proposed scheme is too small for a traditional communal heat system and is not in the vicinity of a district network. Sustainability Officers have requested further information on how the heating system could be retrofitted to a low carbon source in the future. The applicant has confirmed they will not be using gas boilers, and that the intention is currently to use electric boilers. Further details of the strategy to reduce energy consumption would be secured by condition.
- 281 As such there is currently no reduction to emissions from Be Clean measures, but further reductions would be expected through the submission of further details which would be secured by condition.

### ***Be Green***

- 282 The proposal includes provision of 66 Photovoltaic panels and this is acceptable in principle, and the final details of the PV panels are recommended to be secured by condition. According to the Statement, this would contribute a further 25% reduction in emissions. Overall, the Be Lean and Be Green measures would provide a 35% reduction to the TER, which complies with LPP SI 2.

### ***Carbon Offset***

- 283 A contribution towards Carbon Offset Fund of £19,927 has been calculated for the remaining 65% of emissions to meet net zero carbon. This would be secured through a legal agreement.

## **6.6.2 Overheating**

### ***Policy***

- 284 Policy SI 4 of the London Plan states major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

### ***Discussion***

- 285 The energy statement sets out the following: Firstly, internal heat generation would be minimised through energy efficient design in the course of design development. It would include minimising pipe lengths (particularly lateral pipework in corridors) and adopting pipe configurations which minimise heat loss, e.g. twin pipes.
- 286 Moreover, the amount of heat entering building in summer would be reduced through use of shading measures including internal/external blinds or curtains. Next, the internal layout provides the passive ventilation via openable windows.
- 287 Lastly, this natural ventilation would be adopted with extract fans in wet rooms (toilets, bathroom, and kitchen) to remove the hot humid air and help free cooling.
- 288 These measures follow the hierarchy set out by PLLSI4 and are considered to be acceptable.

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### 6.6.3 Urban Greening

#### *Policy*

- 289 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 290 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

#### *Discussion*

- 291 The proposal includes several measures to contribute to urban greening, including green roofs, new and improved landscaping and significant planting of a number of species of plants, shrubs, hedges and trees on site.
- 292 The proposal would retain the minimal amount of hardstanding required on site, with soft landscaping and planting proposed over the majority of the site not covered by the building.
- 293 The final details of the proposed living roof system, and soft landscaping scheme would be secured by condition, and subject to final details of these, the proposal is considered to comply with the above policies relating to urban greening.

#### ***Urban greening factor***

- 294 Policy G5 requires development to meet the target score of 0.4 UGF for residential developments. For example, semi-natural vegetation has a score of 1, extensive green roofs of 0.7, hedges and trees of 0.6, amenity grassland / lawn of 0.4. The Urban Greening Factor for a proposed development is calculated in the following way:
- (Factor A x Area) + (Factor B x Area) + (Factor C x Area) etc. divided by Total Site Area.
- 295 Officers have used the submitted site plan to estimate the following: Wooded area: (1 x 110) X Extensive green roof (0.7 x 202) X lawn (0.4 x 157) X hedges/shrubs (0.6 x 43) X permeable paving (140 X 0.1).
- 296 Officers estimate the urban greening factor to be approximately 0.5, which would be acceptable. Officers note however that an Urban Greening Factor plan and calculation has not been submitted in line with the Urban Greening Factor London Plan Guidance Draft document (September 2021) and this is why this is an estimate only. It is noted that this guidance is recent and in draft form, and the application was submitted before it was published.
- 297 Based upon the above estimate, officers consider the development can achieve the target score of 0.4, and it is therefore reasonable and necessary to impose a condition, requiring submission and approval of an Urban Greening Factor Plan and calculation, prior to completion of above ground works in line with LPPG5.

#### ***Living roofs***

**Table [ 6.3 ]: Living Roof Provision**

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Type of Living Roof/Wall	Size of Living Roof/Wall (m2)	Size of Living Roof (as % of total roof space)
Extensive living roof	202	70%

298 The Council's Ecology Officer has been consulted on the living roof proposal and asked for additional information including details on substrate depth and coverage and management. Following receipt of this additional information, the ecology officer has confirmed the living roof details to be acceptable, subject to a condition requiring confirmation it has been installed correctly and would be maintained for the lifetime of the development.

#### 6.6.4 Flood Risk

##### *Policy*

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

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

##### *Discussion*

301 The proposal is located in Flood Risk Zone 1, and therefore the risk of flooding is minimal. No flood risk assessment was therefore required to be submitted.

#### 6.6.5 Sustainable Urban Drainage

##### *Policy*

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

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

304 The NPPF at paragraph 168 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

##### *Discussion*

305 The application supported by a Sustainable Urban Drainage Solutions report.

306 The Council's Flood Risk Manager has been consulted on the submission, and originally raised concern that insufficient measures were proposed.

307 Following receipt of these comments, and to cover the amendments that occurred during the application period, the applicant submitted an updated Sustainable Drainage Assessment (GeoSmart dated 08 September 2021).

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308 The Flood resilience manager has confirmed the updated document is acceptable to ensure compliance with the above policies, subject to the condition that the measures and recommendations of the report are followed.

### **6.6.6 Sustainable Infrastructure conclusion**

309 The proposal has been designed to reduce carbon emissions through an enhanced fabric and the use of PV panels, and it has been demonstrated that the reduction is policy compliant. A condition is proposed to secure these benefits. Through its enhanced soft landscape scheme and use of green roof the proposal would contribute to urban greening in accordance with LP policies and furthermore it would not result in harmful additional surface water run-off, subject to the suggested conditions. A planning obligation is proposed to secure a carbon offset payment.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

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

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

312 NPPF 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.

### **6.7.1 Ecology and biodiversity**

#### *Policy*

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

314 The NPPF at para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.

315 CSP 12 seeks to preserve or enhance local biodiversity.

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

#### *Discussion*

317 The proposal is similar to the extant permission on this site, and the impacts to ecology are likely to be similar.

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- 318 The application was submitted with the same preliminary ecological appraisal as the previous application (Syntegra dated September 2019).
- 319 The council's ecology officer d recommended the ecology report be updated as it was 24 months old and therefore out of date.
- 320 Following receipt of the revised Ecology Appraisal, the ecology officer requested several revisions to the proposal. They requested the proposed planting schedules be revised to include a greater provision of native tree species and native woodland planting (taking inspiration from the Great North Wood). Updated planting schedules have been submitted, and the ecology officer has confirmed these to be acceptable.
- 321 They also asked for additional information regarding the proposed bat and swift bricks. Details of these have now been submitted, and the positions are indicated on revised side elevation plans. The ecology officer has confirmed this to be acceptable.
- 322 The ecology officer also noted that the Preliminary Ecological Appraisal identified three trees on the site, which had moderate potential to support roosting bats. They stated that surveys of these trees would need to be carried out if they were proposed to be removed, prior to removal.
- 323 As these trees are proposed to be removed, the applicant had a qualified ecologist survey these trees to assess the potential for roosting bats on 25<sup>th</sup> November 2021. The results of the survey indicate a low potential for roosting bats in these trees, however it has been recommended the trees are surveyed again a maximum of 1 week prior to their removal to ensure no bats have moved into any of PRFs during the time between this inspection and their scheduled removal. This is recommended as a condition of development. They also recommend that all the trees are soft felled under a watching brief from an ecologist. Each cut section should be gently lowered to the ground so it can be inspected. This is recommended to be included as an informative note.
- 324 The ecology officer has also requested further details of a sensitive external lighting scheme to be secured by condition.
- 325 It is also noted that the site is in relatively close proximity to a number of designated sites of nature conservation importance. The ecological assessment identified 11 statutory and non-statutory sites of nature conservation importance within 1km of the site, and concluded that none of these would be indirectly impacted by development of this scale, provided the recommended precautionary measures outlined in the report are followed.
- 326 The Council's ecology officer also recommends contributions are sought towards maintenance and tree planting in the Sydenham Wells Park or Hillcrest Wood. A contribution of £2,750 has been agreed by the applicant, and this would be included in the Section 106 legal agreement.
- 327 Considering the conclusions of the ecology report, it is considered that the impact on ecology and biodiversity on the site would be acceptable, provided the mitigation measures outlined in the report are followed.
- 328 Furthermore full details of the proposed ecological enhancements, and final details of the proposed planting and landscape maintenance scheme would be secured by condition, as would the proposed external lighting plan.

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## 6.7.2 Green spaces and trees

### *Policy*

- 329 Paragraph 131 of the NPPF (2021) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 330 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 331 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. DMP 25 sets out the required information to support development affecting trees

### *Discussion*

- 332 The extant permission proposal was submitted with an arboriculture impact assessment (Indigo dated September 2019). The approved tree works are shown in the table below, which has been lifted from the previous committee report.
- 333 The site is the subject of a group TPO, which was made in November 2019, in response to tree works on site which were carried out by the applicant and reported by neighbours. This TPO was confirmed unmodified on 06 May 2020. Planning permission is therefore required for the removal of or works to any tree on site.
- 334 The extant planning permission granted the removal of all the trees on the site to facilitate the proposed development.

Tree	Observations (from Arboricultural Statement)	Proposed Works
T1 (off site)	Yew, <b>Category B</b> , 14m height	None
T2	Apple tree, <b>Category C</b> , 4m height	remove
T3	Ash, <b>Category U</b> , 11m height	remove
T4	Sycamore, <b>Category U</b> , 14m height	remove
T5 (off site)	Wild Cherry, <b>Category B</b> , 16m height	None
T6	European Lime, <b>Category C</b> , 16m height	remove
T7	Holly, <b>Category C</b> , 11m height	remove
T8	European Lime, <b>Category U</b> , 16m height	Remove
T9	European Lime, <b>Category C</b> , 17m height	Remove
T10	Sycamore, <b>Category C</b> , 17m height	Remove

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T11 (off site)	Sycamore, <b>Category B</b> , 18m height	None
T12	Holly, <b>Category C</b> , 6m height	Remove
T13	Yew, <b>Category C</b> , 4m height	Remove
T14	False Acacia, <b>Category U</b> , 7m height	Remove
G1	Group, <b>Category C</b> , 6m height	Remove
G2	Group, <b>Category C</b> , 5m height	Remove

335 T2, T6, T7, T9, T10, T12, T13, G1, G2, G3, G4 and G5 were approved to be removed to facilitate the previously approved scheme.

336 Trees T3, T4, T8 and T14 were approved to be removed due to arboricultural reasons, as these are 'U' class trees.

337 T1, T5 and T11 are off-site trees and are proposed to be retained. No works are proposed to these trees.

338 The arboriculture report recommended further investigations prior to commencing work to ensure the root protection areas of the off-site trees (T1, T5 and T11) are not detrimentally impacted by the proposed development. In light of this it is considered appropriate to add a condition requiring submission of a tree protection plan prior to commencement of development. This is also a condition of the extant permission.

339 The preliminary landscaping proposal includes the planting of significant numbers of new trees on site. The exact locations and numbers of these have not been finalised, so a condition requiring final details to be submitted for approval, prior to commencement of above ground works would be added to the permission if granted. The ecology officer has advised on the appropriate species to be included and has not objected to the submitted planting schedule submitted in response to their advice.

340 Considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, the loss of trees on site is considered acceptable on a balance, subject to discharge of the relevant conditions. It is also noted that the applicant's fall-back position (the extant planning permission) would allow the loss of the same number of trees.

### 6.7.3 Ground pollution

#### *Policy*

341 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.

342 DM Policy 28 advises the Council will use appropriate measures to ensure that contaminated land is fully investigated.

#### *Discussion*

343 Considering the residential use of the site, it is unlikely to meet the definition of contaminated land. No desk-top study or site investigations report has been submitted to

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characterise or risk assess the site, and therefore, prior to commencement of development, it would be a condition of development for a desk top study and site investigation report to be submitted to the Local Planning Authority for approval.

#### **6.7.4 Air pollution**

##### *Policy*

- 344 Policy S1 Improving air quality requires development to be air quality neutral. Development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures.

##### *Discussion*

- 345 The proposed scheme has been designed to minimise the generation of air pollution and mitigate against increased exposure to poor air quality. This would include low NOx heating systems and nontoxic building materials where feasible.
- 346 An air quality management plan and air quality (neutral) assessment is recommended to be secured by condition to ensure the impacts to local air quality are acceptable.

#### **6.7.5 Noise pollution**

##### *Policy*

- 347 DMP26 requires new noise sensitive developments are to be located away from existing or planned sources of noise pollution.

##### *Discussion*

- 348 The mitigation measures would be incorporated to the proposed building at construction stage to reduce sources of noise – insulate and soundproofing doors, walls, windows, floors and ceilings, and seal air gaps around windows. The scheme of residential sound insulation is recommended to be secured by condition. It is also noted this is a residential area, and there are no known sources of noise pollution in the vicinity.

#### **6.7.6 Light pollution**

##### *Policy*

- 349 DMP27 requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance.

##### *Discussion*

- 350 The submitted sustainability statement confirms the lighting scheme is intended to be designed to minimise light pollution. It is also noted that the ecology officer has recommended the final scheme of lighting be secured by condition, to ensure minimal lightspill which could harm ecology. This would be secured by condition.

#### **6.7.7 Natural Environment conclusion**

- 351 The impact on ecology and biodiversity on the site would not be harmful, subject to the final details of the proposed on-site ecological enhancements as mitigation.

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352 On a balance, whilst a number of lower quality trees on site would be lost, this is mitigated by proposed replanting and considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, their loss is acceptable, subject to final details of the proposed soft landscaping. A planning obligation is proposed to secure a financial contribution towards maintenance and/or new tree planting in Sydenham Wells Park and/or Hillcrest Wood Nature Reserve in mitigation.

## 6.8 PUBLIC HEALTH, WELL-BEING AND SAFETY

### *General Policy*

353 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).

354 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.

355 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### *Discussion*

356 The Metropolitan Police were consulted on the submission, and they made several comments and suggestions that should be incorporated into the proposal, to ensure it meets secured by design principles. These comments were forwarded to the applicant, and following this, revisions and confirmations were given in response:

- Audio visual control at pedestrian access gate on street and at front door. At entrance level stair and lift are secured by fob access door. Lift features tertiary resident fob entry and audio visual control panel for visitors.
- Post boxes within communal lobby, access is controlled via secure lift to upper floors
- Stair core secured by door at entry level
- Visitor bike stand now located outside of the resident bike store
- No perforated brick is below 3.5m. Access to rear communal garden is now also further secured by a gate

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- Appropriate planting will be considered during detail design and development of planting strategy with the landscape architect. Currently specified with low level native species planting.

357 To ensure the final details of the proposed scheme are in line with secured by design principles, the Metropolitan Police request details to be approved in writing, in consultation with them, prior to occupation of the development, and this is therefore recommended as a condition of development.

## 7 LOCAL FINANCE CONSIDERATIONS

358 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).

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

360 The CIL is therefore a material consideration.

361 £94,000 Lewisham CIL (£70pm<sup>2</sup>) and £47,040 MCIL (£35pm<sup>2</sup>) 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

362 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.

363 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.

364 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.

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- 365 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>
- 366 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
- 367 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>
- 368 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

- 369 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
- 370 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.

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- 371 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.
- 372 This application has the legitimate aim of providing a new building with residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 LEGAL AGREEMENT

- 373 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 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
- 374 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.

### ***Housing***

- 375 Affordable Housing Early and Late stage Review Mechanisms.

### ***Transport and public realm***

- 376 Offsite Highway works to include:
- Closure of existing crossover, and creation of new crossover, and installation of tactile paving.
  - Waiting restrictions on Wells Park Road to manage loading adjacent to the site.
  - Road signs / markings on the approach to the site access to reinforce the 20mph speed limit

- 377 Car Parking Review Mechanism

### ***Natural Environment / Greenspaces***

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378 Financial contribution of £2,750 towards maintenance, enhancements and/or new tree planting in Sydenham Wells Park and/or Hillcrest Wood Nature Reserve.

***Carbon Offset Payment***

379 Financial contribution of £19,927 payable upon commencement of development.

*Monitoring and Costs*

380 Meeting the Council's reasonable costs in preparing and monitoring the legal obligations.

381 The monitoring costs in this instance would be payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.

382 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**

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

384 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:

- Optimising the housing potential of an underused residential site;
- Providing a range of type and sizes of new homes, including family housing;
- Comprising an appropriate scaled and high quality building that takes account of the existing context;

385 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.

386 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents.

387 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

388 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy

389 In light of the above, the application is recommended for approval.

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## 12 RECOMMENDATION

390 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

### 12.1 CONDITIONS

#### 1. 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. Develop in Accordance with Approved Plans

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

118-P201 Rev.01; 118-P203 Rev.02; 118-P409; 118-P410 Rev.01; 118-P411; 118-P412; 118-P501 Rev.01; 118-P502 Rev.02; 118-P503 Rev.02 Received 1 November 2021;

Updated PEA Brief (Syntegra, Aug 2021); Dawn and Dusk Activity Survey Report (Syntegra, Aug 2021) Received 23 September 2021;

118-X001; 118-X080; 118-X100; 118-X101; 118-X102; 118-X200; 118-X201; 118-X202; 118-X203; 118-X210; 118-X300; 118-P001; 118-P070 Rev.01; 118-P080 Rev.01; 118-P099 Rev.01; 118-P100 Rev.01; 118-P101; 118-P102; 118-P103; 118-P104; 118-P105; 118-P200 Rev.01; 118-P202; 118-P210 Rev.01; 118-P300 Rev.01; 118-P301; 118-P302 Rev.01; 118-P400; 118-P401; 118-P402 Rev.01; 118-P403 Rev.01; 118-P404; 118-P405; 118-P406 Rev.01; 118-P407 Rev.01; 118-P408 Rev.01; 118-P500 Rev.01; 118-P504; 118-P505; 118-P900 Rev.01; Sustainable Drainage Assessment (GeoSmart, 8 Sep 2021); Transport Statement (Craftworks, Sept 2021) Received 14 September 2021;

Dusk Activity Survey Report (Syntegra, Oct 2020); Updated Daylight & Sunlight Study (Rapleys, Jan 2021) Received 2 February 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 authority.

#### 3. Site Contamination

- (a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying

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rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

#### 4. **Construction Management Plan**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.

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- (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

**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. Architectural details and materials

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence until a full specification of all external materials to be used, as well as detailed plans at a scale of 1:20 showing windows, doors, balconies, entrances, and important joints have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

## 6. Surface Water Management

The development shall be carried out in accordance with the submitted Sustainable Drainage Assessment (GeoSmart dated 8 September 2021) and thereafter retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

## 7. Piling

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority, in consultation with Thames Water.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

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**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land. And because the proposed works will be in close proximity (within 15m) to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

## 8. **Air Quality and Air Quality Neutral Assessments**

- (a) No development shall commence until an Air Quality Assessment and an Air Quality Neutral Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The Air Quality Assessments should be prepared in accordance with best practice guidance, and will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

**Reason:** In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) Policy 23 Air quality.

## 9. **Refuse Storage**

- (a) Full details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the completion of above ground works of development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of the development and retained thereafter.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, 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).

## 10. **Cycle Parking**

- (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with London Plan policy T5, Policy 14: Sustainable movement and transport of the Core Strategy (2011) and the London Cycling Design Standards.

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## 11. **Hard Landscaping**

- (a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

## 12. **Tree Protection Plan**

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

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

## 13. **Soft Landscaping and Urban Greening**

- (a) The full scheme of soft landscaping (including details of any trees or hedges to be retained and proposed planting numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to commencement of above-ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy G5 Urban Greening of the London Plan

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(2021); Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 14. **Boundary Treatments**

- (a) Full details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 15. **Ecological Enhancements**

- (a) No above ground works shall commence until full details of the ecological enhancements to be provided as part of the development hereby approved have first been submitted to and approved in writing by the local planning authority. The ecological enhancements shall include as a minimum:
  - Bird boxes on suitable trees and/or within the fabric of the building
  - Vincent Pro bat boxes on suitable trees and/or within the fabric of the building
  - Log piles placed on site
  - Wildlife-friendly planting scheme
  - Maintenance and enhancement of western and northern boundaries
- Lighting plan that is direct and of low light spill, with dark corridors in place
- (b) The development shall not be occupied until the works have been carried out in accordance with the details approved under (a) and the enhancements shall be retained for the lifetime of the development.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

#### 16. **Electric Vehicle Charging Points**

- (a) Full details of the six electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to occupation of the development.

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- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014)

## 17. Residential Soundproofing

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

## 18. Living Roofs

- (a) The proposed living roof system shall be installed in accordance with the details included in submitted documents hereby approved: Proposed Green Roof Technical Note (Craftworks dated October 2021); Green Roof Detail, Plan No.118 P501 Rev.01; Proposed Green Roof Coverage Plan, Plan No.118 P412 Rev.00.
- (b) The living 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 (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).

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## 19. External Lighting

- (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority. This shall include provision of dark corridors as recommended by the submitted Preliminary Ecological Appraisal (Syntegra dated August 2021).
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 24 Biodiversity and Living Roofs and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

## 20. Delivery and Servicing

- (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

## 21. Construction of Vehicular Access

The development hereby approved shall not be occupied until the existing vehicular access has been removed, and the proposed vehicular access as shown on plan nos. **118 P403 Rev.01**; **118 P406 Rev.01**; **118 P407 Rev.00** has been constructed in full accordance with the said plans.

**Reason:** In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## 22. Energy & Sustainability Statement

- (a) Prior to completion of the building shell, an updated energy strategy, including details of the proposed strategy to minimise carbon dioxide emissions and maximise energy efficiency of the development shall be submitted to the local planning

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authority and approved in writing. This shall include as a minimum (but not be limited to):

- Details of proposed electric boilers, mechanical background ventilation and under floor heating strategy, including smart heating control system;
- Details on how the heating system will be fitted to a low carbon source, or how this would be retrofitted in the future;
- Detailed drawings of any venting locations on the elevations;
- Details of the proposed LED internal lighting specification.

(b) The works must be implemented in full accordance with the measures, as approved under part (a), and retained for the lifetime of the development.

(c) The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority demonstrating that the measures identified within part (a) have been implemented in full. The measures identified shall be retained for the lifetime of the development.

**Reason:** To maximise the energy efficiency of the scheme, and ensure the development would comply with Policies SI1 Improving Air Quality, SI2 Minimising Greenhouse Gas Emissions of the London Plan (2021) and Lewisham Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

### 23. **Wheelchair homes**

(a) Two (2) M4(3) wheelchair accessible dwellings, and 13no. M4(2) wheelchair adaptable dwellings shall be provided within the approved scheme. These must be constructed in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012).

(b) Prior to commencement of above ground works, written confirmation from the appointed Building Control Body shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with (a).

(c) The development shall be carried out in accordance with the approved details under part (b).

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

### 24. **Obscure Glazing**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the eastern and western elevations of the building, as well as all proposed screening measures as shown on plan nos. **118 P201 Rev.00 and 118 P203 Rev.01** hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

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**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, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

25. **Amenity Space**

The whole of the amenity space (including the communal area and balconies) hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

26. **Provision of parking spaces**

The whole of the car parking accommodation shown on drawing no. **118-P099 Rev.01**, hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

**Reason:** To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policy T6 Car Parking of the London Plan (2021), Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan (November 2014).

27. **Secured by design**

- a. Prior to commencement of above ground work, full details of the security measures in line with the standards set out by 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.
- b. The measures must be implemented prior to occupation of the building in accordance with the details approved under part (a).
- c. Prior to first occupation, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to ensure that the development is safe, secure and appropriately accessible in accordance with Policy D11 Safety, security and resilience to emergency of the London Plan (2021), and the principles of 'Secured by Design'.

28. **PV Panels**

The development shall not be occupied, until full details of, and evidence that the proposed photovoltaic array, as indicatively shown on Plan Nos.118-P105 Rev.00

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and 118 P501 Rev.00 has been installed and approved in writing by the Local Planning Authority. The photovoltaic array shall be retained for the lifetime of the development in accordance with the approved details.

**Reason:** To ensure the photovoltaic panels are installed to the satisfaction of the Local Planning Authority, in compliance with Paragraph 152 of the National Planning Policy Framework (2021), Policy SI 2 Minimising greenhouse gas emissions of the London Plan (2021), Policy 7 Climate change and adapting to the effects, and Policy 8 Sustainable design and construction and energy efficiency of the Lewisham Core Strategy (2011), and Policy 22 Sustainable design and construction of the Development Management Local Plan (2014).

## 29. **Demolition and tree works supervision**

- a. All demolition and tree removal works must be carried out under the supervision of a suitably qualified ecologist with a bat licence.
- b. A maximum of 1 week prior to the removal of trees T3, T4 and T9, as identified in the submitted Updated PEA Brief (Syntegra, August 2021) as having low potential to support roosting bats, these trees must be inspected by a suitably qualified ecologist.

**Reason:** To ensure no harm is caused to protected species, and to comply with Policy G5 Biodiversity and access to nature conservation in the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

## 30. **Parking access and safety management plan**

(a) The development shall not be occupied until a parking access and safety management plan has been submitted to the Council and approved in writing. The plan shall include as a minimum:

- Further details of how the off-street spaces within the development will be allocated and managed.
- Further details of how access to the car park will be controlled and managed, including sensors and warning signals.
- The Plan should confirm the off-street parking spaces will be leased to residents of the development only and not sold off.
- Include a monitoring and review mechanism to determine whether a reduced demand for parking could be accommodated in the future

(b) The development shall be managed in accordance with the plan approved under part (a) for the lifetime of the development.

**Reason:** To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policy T6 Car Parking of the London Plan (2021), Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

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### 31. **Mains water consumption**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

**Reason:** In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

### 32. **Urban Greening Factor**

(a) No above ground works shall commence until an Urban Greening Factor landscaping plan and calculation table (set out in line with the London Plan Urban Greening Factor Guidance Draft document) demonstrating compliance with policy G5 of the London Plan has first been submitted to and approved in writing by the local planning authority.

(b) No part of the development of the development shall be occupied until evidence that the UGF works have been completed in accordance with the details approved under part (a) has first been submitted to and approved in writing by the Local Planning Authority.

(c) The UGF works shall be retained for the lifetime 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 Policy G5 Urban Greening of the London Plan (2021); Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 12.2 **INFORMATIVES**

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. **Asbestos:** It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- C. **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

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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>

- D. **Construction:** You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- E. **Site Contamination:** Applicants are advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- F. **Drainage:** You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- G. **Dust minimisation:** In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- H. **Lighting:** The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- I. **Street 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.
- J. **S106 Agreement:** You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on [CIL@lewisham.gov.uk](mailto:CIL@lewisham.gov.uk).

K. **Thames Water**

*Waste Comments*

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.

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[https://urldefense.com/v3/ https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD\\_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$) .

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. 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!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD\\_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZvriIFGAA\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZvriIFGAA$)

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other

structures.[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD\\_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$) . Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD\\_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw\\$](https://urldefense.com/v3/http://www.thameswater.co.uk_!!CVb4j_0G!CVxN0b1vnzyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw$) .

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Please refer to the Wholesale; Business customers; Groundwater discharges section.

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 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!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD\\_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw\\$](https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZuau5OcLw$). Please refer to the Wholesale; Business customers; Groundwater discharges section.

#### *Water Comments*

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!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD\\_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!!CVb4j_0G!CVxN0b1vnyNAiCH-SI8M4puxmBNxsRD_ccrF8Bv3f9w0C6TB-a3U6Z6l55PfZs8tqP91w$)

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.

- L. **Tree Works:** You are reminded that it is a condition of development that all trees are felled under a watching brief from an ecologist, and that they should be 'Soft-felled'. Each cut section should be gently lowered to the ground so it can be inspected for evidence of roosting bats.

## 13 BACKGROUND PAPERS

- (1) *Submission Drawings*
- (2) *Submission technical reports and documents*
- (3) *Internal consultee responses*

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- (4) *Statutory consultee responses*  
(5) *Appendix A: Local Meeting Minutes*

## 14 REPORT AUTHOR AND CONTACT

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