



Planning Committee A

Report title: 433 New Cross Road, London, SE14 6TD

Date: 06 January 2022

Key decision: No.

Class: Part 1

Ward(s) affected: New Cross

Contributors: Alfie Williams

Outline and recommendations

. This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of four objections from local residents.

Application details

Application reference number(s): DC/21/123142

Application Date: 19 August 2021

Applicant: Twisper Trading Ltd.

Proposal: The demolition of the existing extension to the rear of 433 New Cross Road SE14 and the change of use, alterations and rear extensions to the existing building, together with the construction of a 5 storey building at the rear of the site with access onto Glenville Grove to provide 9 self-contained flats incorporating balconies and terraces, provision cycle store, bin store and plant structure in the centre of the site (to be accessed directly off Mornington Road).

Background Papers: (1) Submission Drawings
(2) Submission technical reports and supporting documents
(3) Internal consultee responses
(4) External consultee responses

Designation: Air Quality Management Area
Area of Archaeological Priority
PTAL 6b

1 SITE AND CONTEXT

Site description and current use

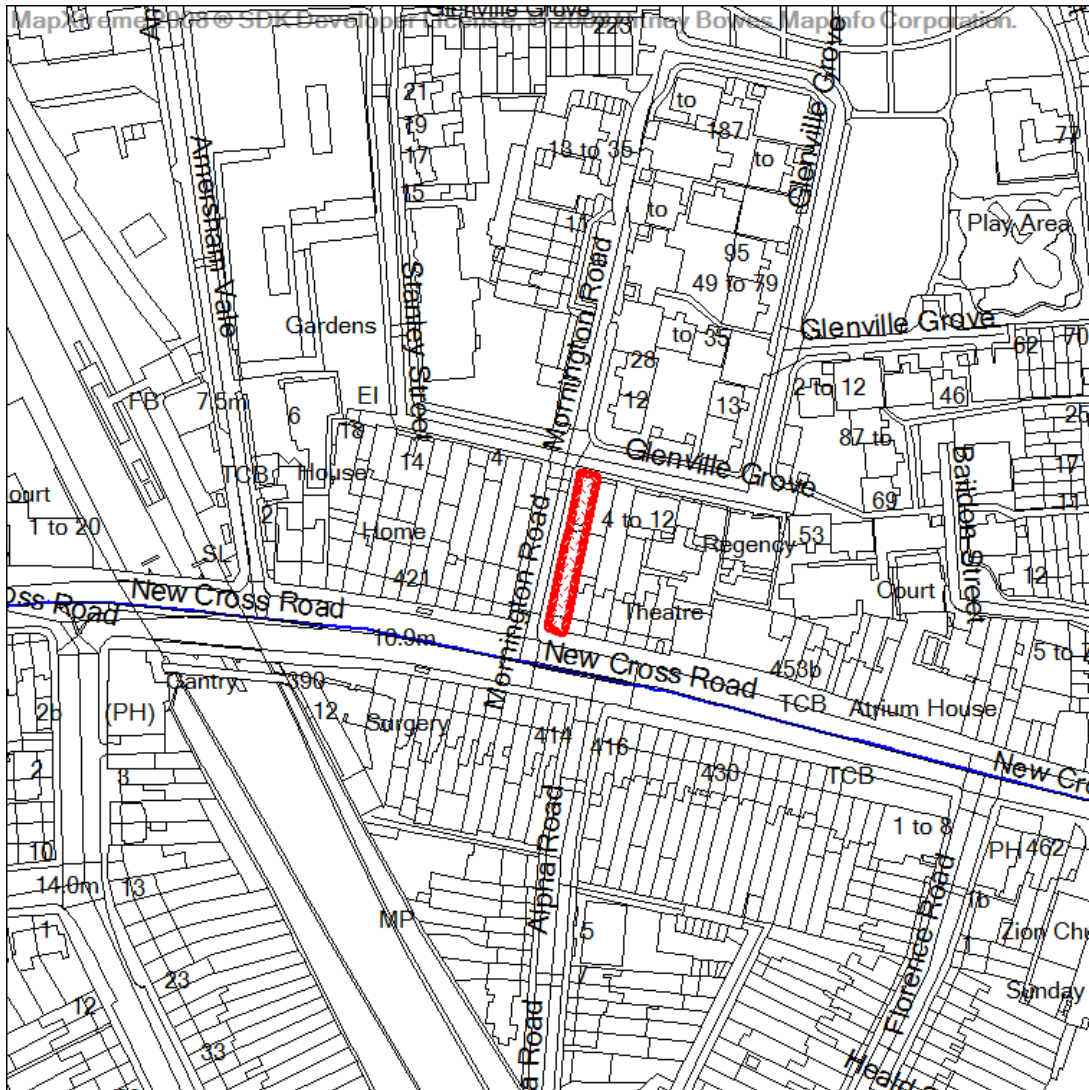
- 1 The application site is a three storey over basement property located on the northern side of New Cross Road at the junction with Mornington Road. The property was last used as a GP Surgery (Mornington Surgery) but is now vacant following the merger of Mornington Surgery with the Kingfisher Medical Centre located approximately 650m to the north at 3 Kingfisher Square.
- 2 The property is constructed of yellow stock bricks and features a London butterfly roof. The roof is concealed behind a continuous parapet with stucco cornice, obscuring the pitches and gutter, with only chimney stacks and pots visible above the corniced parapets. At the rear, the ground level drops so consequently the basement is level with the rear garden area. The rear of the property was extended in the 1990s at single and three storey level.
- 3 The site area is 0.281 ha, therefore this is a Small Site for purposes of LPP H2 and Lewisham's Small Sites SPD.

Figure 1. Site Location Plan

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Character of area

- 4 The surrounding area has a mixed character featuring areas of residential properties interspersed with parades of commercial units. This section of New Cross Road is predominantly residential and is characterised by similar Victorian properties largely comprised of flats. Either side of this New Cross Road is mainly commercial with the New Cross / New Cross Gate District Centre to the west and Deptford District Centre located to the east where New Cross Road becomes Deptford Broadway.
- 5 Mornington Road serves as a thoroughfare at the southern end adjacent to the application site and allows views towards the rears of the properties that front New Cross Road. At the northern end of Mornington Road is a modern housing development comprised of three and four storey blocks of flats. Glenville Close runs east to west along the rear of the site. Many of the neighbouring properties on New Cross Road feature contemporary four storey buildings at the rear of the plot that front onto Glenville Close.

Heritage/archaeology

- 6 The building is not listed nor is the site within a conservation area. Deptford Town Hall Conservation Area is located approximately 100m to the east on New Cross Road. Nos

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396-398 and 410-414 New Cross Road located opposite the application site are locally listed. The site is located within an area of archaeological priority.

Transport

- 7 The site has a PTAL of 6B, which is the highest possible, owing to the proximity of the site to the New Cross / New Cross Gate and Deptford District Centres. There are three train stations within short walking distance providing access to overground, underground and DLR services. New Cross Station is the closest, located approximately 100m to the west with New Cross Gate Station a further 600m to the west. Deptford Bridge DLR station is located 600m to the east. New Cross Gate station provides 24 hour services. New Cross Road is also served by several bus routes including 24 hour services.

Character of the Environment

- 8 The site lies in an Air Quality Management Area and the boundary of the GLA New Cross Air Quality Focus Area runs through the site. The site also lies within the recently expanded Ultra-Low Emissions Zone (ULEZ).

2 RELEVANT PLANNING HISTORY

- 9 In 1995 planning permission (reference DC/95/39531) was granted for the demolition of the existing extension to the rear of 433 New Cross Road SE14 and the erection of a part single/two/three storey extension to the rear including re-slating of the roof replacement windows in the front elevation and erection of boundary fencing and railings.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 The proposed development would see the demolition of the existing rear extension and construction of a new four storey rear extension to facilitate the conversion and change of use of the existing building to provide four flats. At the rear of the site a new five storey plus basement building would be constructed comprised of five flats.
- 11 The new rear building and rear extension would feature facing yellow stock brickwork with buff brick banding to the rear building. The top storey of the rear building would be set in from the elevations below and would be clad in dark red coloured zinc. The windows for the extension and new building would be dark coloured aluminium with red zinc panelling between each floor. The new building and the extension would accommodate green roof systems.
- 12 The area between the front and new rear buildings would be utilised for amenity space as well as a single storey building providing a separate plant room, cycle store and refuse store. Each store would be access via Mornington Road. The building would feature yellow stock bricks with a green roof.
- 13 The residential accommodation would have a mix of seven one bedroom two person units and two single person units. The four flats in the existing building would be

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accessed via the entrance on New Cross Road. The new rear building would feature an entrance onto Glenville Grove.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

14 Site notices were displayed on 22 September 2021. Letters were also sent to residents and business in the surrounding area as well as to the relevant ward Councillors on 22 September 2020.

15 Four responses were received, comprising four objections.

4.1.1 Comments in objection

Comment	Para where addressed
Height of the new rear building	76
Loss of outlook	103-105
Loss of light and overshadowing	109-119

16 The objections also raised the issue of maintenance of a neighbouring building. This matter would be subject to party wall legislation and thus is not a material planning consideration.

4.2 INTERNAL CONSULTATION

17 The following internal consultees were notified on 21 October 2021.

18 Highways: raised concerns with the proposed cycle parking arrangement and requested a financial contribution to CPZ consultation in order to secure a car-free scheme.

19 Environment Protection: no objection subject to securing the recommendations of the Noise Impact Assessment by condition.

4.3 EXTERNAL CONSULTATION

20 The following External Consultees were notified on 21 October 2021:

21 TfL: were largely satisfied with the proposed development subject to conditions for a Construction Management Plan and planning obligations to secure a car-free scheme. However, TfL have raised objections to the proposed cycle parking arrangements, see paras 89-92 for discussion.

22 Thames Water: no objection subject to a condition securing a piling method statement. Thames Water also requested informatives relating to waste water, groundwater and surface water.

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5 POLICY CONTEXT

5.1 LEGISLATION

23 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

24 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.

25 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.

26 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

27 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

28 Lewisham SPD:

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

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29 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

30 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

31 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.

32 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

33 The London Plan (LPP) at Policy H1 sets Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

34 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.

35 LPP S1 *Developing London's social infrastructure* states that development proposals that would result in a loss of social infrastructure in an area of defined need should only be permitted where: (i) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or (ii) the loss is part of a wider public service transformation plan.

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36 Core Strategy Policy (CSP) 20 is consistent with the London Plan and aims to protect and enhance social and community infrastructure.

37 Development Management Local Plan Policy (DMP) 32 at para 4.e. states that single person dwellings will not be supported other than in exceptional circumstances where there is exceptional design quality and the site is within highly accessible locations

Discussion

38 The proposed development would see the change of use of the vacant Mornington GP surgery, which became vacant on 30 June 2021. The London Plan at para 5.1.1 includes healthcare provision within its definition of social infrastructure and therefore LPP S1 is relevant. LPP S1.F states that development that would result in the loss of social infrastructure will only be supported if it forms part of a public service transformation plan or if the service would be re-provided.

39 The loss of the GP surgery is a consequence of a merger with Kingfisher Medical Centre. The merger of the two surgeries took place on 1 July 2021, having been approved by the NHS South-East London Primary Care Commissioning Committee (PCCC) on 5th May 2021. The PCCC highlighted that both practices were already part of the North Lewisham Primary Care Network (PCN) and, in making the decision, pointed to the increased efficiencies and no loss of services resulting from the merger as part of the justification for approval. As such, Officers are satisfied that the relocated surgery would continue to meet the needs of the neighbourhood it serves as recommended by para 5.1.5 of the London Plan and therefore the change of use of the property would not be objectionable.

40 Turning to the proposed residential use, the site is located between two district centres and benefits from exceptional public transport links so is considered a sustainable location for intensification and increasing housing density. The contribution of nine new residential units towards both the small sites and overall housing targets set by the London Plan is a planning merit of the scheme, which would carry weight within the overall planning balance.

41 The provision of single occupancy residential units necessitates an assessment against DMP 32.4.e, which sets the criteria that single person units would have to be of exceptional design quality and in a highly accessible location. The site is considered suitable for single person units given the very high PTAL and proximity to two district centres, which indicate that this is a highly accessible location. The two single person units (Units 5 and 8) are considered to meet the requisite standard by virtue of being dual aspect and providing oversized internal and external areas.

6.1.1 Principle of development conclusions

42 The principle of the change of use is supported subject to an assessment of the material planning considerations. The contribution to local housing targets is planning merit, which is attributed moderate weight within the overall planning balance.

6.2 Residential Quality

General Policy

43 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

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future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

- 44 The main components of residential quality are: (i) space standards; (ii) outlook, privacy and ventilation; (iii) daylight and sunlight; (iv) noise and disturbance; (v) Accessibility and inclusivity; and (vi) air quality.

Internal and external space standards

Policy

- 45 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32. Table 3 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.
- 46 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

Discussion

- 47 Table 2 below sets out proposed dwelling sizes.

Table 2: Internal & External space standards

Flat No.	Unit size	Required GIA (M²)	GIA (m²)	External amenity space (m²)
1	1b2p	50	55	11
2	1b2p	50	61	6
3	1b2p	50	61	6
4	1b2p	50	61	6
5	1b1p	39	43	9
6	1b2p	50	67	11
7	1b2p	50	50	0
8	1b1p	39	46	8
9	1b2p	50	51	0

- 48 All of the proposed flats would either meet or exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height of the majority dwellings would exceed the 2.5m target for at least 75 per cent of the dwelling as required by LPP D6. The one exception would be Unit 6, which is 2.3m throughout the dwelling. This is considered acceptable in this instance as the unit is

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located within the existing building and at 2.3m would comply with the national described space standard. Furthermore, Unit 6 would be oversized by 17sqm.

49 The majority of the proposed units would feature private external amenity space that either meets or exceeds the space standard set out in LPP D6. The two exceptions would be Units 7 and 9, which are located on the upper floors of the existing building. It would not be possible to provide balconies for these units due to potential overlooking to the neighbouring gardens. The London Plan Housing SPG advises that failure to provide external amenity space is only justified in exceptional circumstances. The constraints imposed by converting the existing building qualify as a justified reason. In such circumstances the Housing SPG advises that future residents are compensated internally through oversized internal floor space. This has not been achieved for Units 7 and 9 and would be difficult to do so due to the limited space available.

50 In this case the failure to adequately compensate for the absence of external amenity space for the two units is balanced by the general high quality of the accommodation, which includes seven oversized units and four units with oversized external amenity space. Therefore, as a matter of planning judgement, the failure to provide policy compliant external amenity space throughout the development is not considered to warrant the refusal of the application.

Outlook, Privacy & Ventilation

Policy

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

Discussion

52 All of the proposed flats would be dual aspect as a minimum with the allocation of windows providing good levels of outlook. The provision of windows would also provide passive cross ventilation providing mitigation against overheating. Furthermore,

53 The proposed development would feature directly facing rear elevation windows. The Small Sites SPD advises that in these circumstances the distance between the elevations should be 16m. This has not been achieved from the proposed development where the distance would be 14m. This is consistent with the pattern of development within the terrace and is indicative of the dense urban environment in which these relationships are typical. As such, the distance between the windows is considered to provide adequate levels of privacy.

54 Unit 1 would feature ground floor windows in the side and front elevations overlooking Mornington Road and Glenville Grove. The windows in the side elevation are secondary so would be obscure glazed to safeguard privacy. The glazing for the windows would be secured by condition. The window in the front elevation is the primary source of outlook and light for the bedroom so cannot be obscure glazed. However, an area of planting would be provided to the front of the window to provide some defensible space and therefore the privacy levels are considered acceptable. The balconies on the new building to the rear would be located next to balconies at 2A Glenville Grove. Screening would be installed between the balconies to ensure privacy is adequate. A condition is recommended securing the screening.

Daylight and Sunlight

Policy

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- 55 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 56 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 57 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

Discussion

- 58 A Daylight and Sunlight Report (Rapleys, August 2021) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the residential accommodation against the relevant BRE standard. The results confirm that all of the windows surveys would be compliant with the BRE standards for ADF and all of the relevant (non north facing) windows would meet the APSH standard. Only one of the seven amenity spaces would achieve the recommended 2 hours of direct sunlight to 50% of the area. This is due to being north facing, which is unavoidable given the orientation of the building and constraints imposed by the neighbouring residential properties.

Noise & Disturbance

Policy

- 59 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 60 LPP D13 *Agent of Change* states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses can be mitigated. The policy also aims to safeguard the ongoing operation of existing uses.
- 61 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

Discussion

- 62 A Noise Impact Assessment (ENS, August 2021) has been submitted with the application, which provides an analysis of the external noise environment. The most significant sources of external noise are vehicles on New Cross Road. The plant room is another source of potential disturbance. The NIA provides recommendations for the sound insulation performance for the elevations and windows in order to provide effective mitigation against noise from New Cross Road. The report also considers the noise impact of the plant room and potential mitigation measures. These measures will be secured by condition. Officers are satisfied the proposed flats would provide a

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satisfactory noise environment for future occupants in light of those mitigation measures and the fact the units are all dual aspect, so there would be facades that offer relief from the noisy environment of New Cross Road.

Accessibility and inclusivity

Policy

- 63 LPP D7 requires that at least 10% of new build dwelling meet Building Regulation requirement M4(3) 'wheelchair user dwelling' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwelling must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Wheelchair accessible homes should be distributed across tenure types and sized to give disabled and older people similar choices to non-disable. This is supported by CSP 1.

Discussion

- 64 The proposal would provide one flat (11%) that would be designed as wheelchair user dwellings (requirement M4(3)), located at ground floor level (Unit 6). This would be secured by condition.

Air Quality

Policy

- 65 NPPF para 170 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

Discussion

- 66 The proposed development would introduce new residential accommodation and with it additional sensitive receptors to an Air Quality Management Area. An Air Quality Assessment (AQA) has been submitted in support of the application, which found that the concentrations at the proposed receptor (windows and balconies) would be 5% below the annual mean objectives. Accordingly, the AQA concludes that additional mitigation would not be required.

Summary of Residential Quality

- 67 Overall standard of residential accommodation is generally good quality, with the failure to provide external amenity for all dwellings balanced by the prevalence of oversized units.

6.3 URBAN DESIGN

Policy

- 68 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.
- 69 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design,

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whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

- 70 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.
- 71 Further to this, 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.
- 72 DMP 31 requires development proposals for alterations and extensions to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 73 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.
- 74 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

Discussion

- 75 Infill sites are defined as sites within street frontages such as former builders' yards, small workshops and garages, gaps in terraces and gardens to the side of houses. The rear of the site is considered to meet this definition due to the street frontage onto Glenville Grove. The site would be at the end of a group of residential buildings that have evolved in a piecemeal manner over time.
- 76 The proposed scale of development at five storeys would be higher than the prevailing height of four storeys. The fifth storey is set back within the roof limiting its visual bulk and prominence to streetscene. At one storey higher than the adjacent property the building would accord with the general guidance on height for infill development on corner sites expressed within sections 28.2 and figure 139 of the Small Sites SPD. Accordingly, the height of the building is considered appropriate.
- 77 The siting of the fifth storey would give the building a distinct top section which would add vertical expression and definition to the building, with the use of rust coloured zinc cladding adding further contrast. The entrance and planted area to the front of the window would assist in providing definition to the bottom of the building, while the band of buff bricks between the first and ground floors would add further distinction. The middle section would utilise rust coloured panelling between the floors to provide visual interest. The same material would also be used to decorate the balconies resulting in a cohesive design approach.
- 78 The proposed yellow stock brickwork throughout the development would be in keeping with the dominant material in the area and is therefore appropriate. The zinc cladding and aluminium windows are high quality materials and are therefore supported. The rust colour used for the top storey and panelling references the roof tiles of the buildings opposite so is considered contextual.

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79 The extension to the rear elevation of the host property would be similar to the extension at No.431 New Cross Road and therefore the principle of a four storey extension is not objectionable. The extension would be lower than roof level thereby ensuring that the characteristic London butterfly roof form would be preserved in long views.

6.3.1 Urban design conclusion

80 Overall, Officers are satisfied that the proposed development would represent a high quality and contextual addition to the area that would respond positively to the surrounding townscape. Therefore, the proposed development is considered compliant with the relevant national, regional and local urban design policies

6.4 TRANSPORT IMPACT

General policy

81 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

82 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

6.4.1 Local Transport Network

Policy

83 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

84 The application site has a PTAL of 6b, which is an excellent level of public transport accessibility. Officers are therefore satisfied that the relatively modest scale of development could be accommodated by the existing transport infrastructure and network without any significant mitigation.

6.4.2 Servicing and refuse

Policy

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

86 CSP13 sets out the Council’s waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

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- 87 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

- 88 The site would be provided with an internal refuse store at ground floor level to be accessed from Mornington Road. The store would provide two Eurobins to be split between refuse and recycling provision. This is considered adequate to service the development. The refuse would be collected from the pavement on collection days, which is an acceptable arrangement. The provision of the refuse store will be secured by condition. Officers are also satisfied that the deliveries for the development could be undertaken from Mornington Road and Glenville Grove in keeping with the existing arrangement.

6.4.3 Transport modes

Cycling

Policy

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

Discussion

- 90 12 long-stay and two short-stay spaces are required to comply with Table 10.2 of the London Plan. There is existing short stay parking to the front of 445 New Cross Road. TfL are satisfied that the existing five spaces could accommodate the requirement for the development given that the site constraints prevent the provision of short stay stands within the site.
- 91 Both TfL and the Highways Officer objected to the long stay cycle facilities as initially proposed as the store was not large enough to accommodate the requisite 12 cycle stands and provide sufficient spacing between the stands to meet the London Cycle Design Standards as required by LPP T5. The ground floor layout has subsequently been revised to increase the size of the store to 28sqm, which is considered sufficient. This has been achieved through reducing the size of the bin store and reconfiguring the layout. The final details for the stands will be secured by condition.
- 92 TfL have also objected to the principle of a cycle store that would open directly onto the public realm due to concerns with security. These concerns are recognised, however the site constraints imposed by converting an existing site mean that there are few obvious alternatives. Therefore, the proposal to have a store accessed directly from the public realm is supported. In coming to this conclusion Officers have given weight to increased passive surveillance provided by the new residential accommodation. Details of other security measures will be secured by the condition.

Cars parking

Policy

- 93 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

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94 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

Discussion

95 No off-street parking would be provided by the development, This is supported given the excellent PTAL. The Transport Statement (Markides Associates August 2021) submitted with the application contains a parking beat survey. The survey demonstrates that there is sufficient capacity within the surrounding roads to accommodate the likely increase in parking: the surrounding area is 47% parked, significantly below the 80% considered unacceptable.

96 Despite the parking capacity in the area, both TfL and the Highways Department considered that the high PTAL justifies securing a car-free development in order to accord with the principles of LPPs T6 and T6.1. Therefore, a financial contribution to a future CPZ consultation has been secured as a planning obligation. The Section 106 Agreement would also prevent occupants of the development from obtaining permits for any future CPZ.

Construction impact

Policy

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

Discussion

98 No details have been provided for transport logistics. Therefore, these details will be secured within a logistics plan to be secured as part of a comprehensive Construction Management Plan (CMP) condition to be submitted and approved prior to the commencement of the development. The CMP should include details of how disruption to London's strategic road network and to pedestrians and cyclists will be avoided and/or mitigated.

6.4.4 Transport impact conclusion

99 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above and the relevant planning obligations.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

100 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

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101 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

102 The main impacts on amenity that generally arise from this type of development include: (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

103 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours.

Discussion

104 The new rear building would align with the footprint a of 2A Glenville Grove, which would mitigate much of the impact of the bulk and massing. The fifth storey would project above the level of the adjacent roof terrace at 2A Glenville Grove but this impact would not be oppressive given that the terrace is at fourth storey level so would retain a general sense of openness with aspect to the north, south and east remaining unimpeded. The provision of screens between the proposed front balconies and the existing balconies at 2A Glenville Grove are not assessed to be harmful to outlook given that the aspect to the front would remain.

105 The new rear extension to the original property would project beyond the rear building line of No.435 and would represent an increase in height and depth compared to the existing extensions. Despite this Officers are satisfied that the extension would not cause a significant increase in enclosure above that already caused by the existing three storey rear extension to the property. There are also some improvements to the existing situation given that the existing single storey extension is higher and projects further than the proposed single storey building in the centre of the plot.

6.5.2 Privacy

Policy

106 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant.

Discussion

107 There are high levels of existing overlooking within this terrace due to the evolving pattern of development, which has seen development at the rear of the gardens with windows overlooking the gardens resulting in high levels of existing overlooking. The distances between the rear elevations are a minimum of 14m, including between 435 New Cross Road and 2A Glenville Grove. The provision of additional windows within the rear elevations of the new building would be in keeping with this arrangement and would not result in a material loss of privacy for any of the neighbouring properties.

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108 The proposed balconies on the front elevation of the new rear building would feature screening to the eastern side in order to prevent direct views towards the adjoining balconies at 2A Glenville Grove. The first floor terrace for Unit 8, on the original building would also feature screening to the side to prevent direct views to No.435. The provision of the screening would be secured by condition. Views from the first floor terrace towards rear part of the garden at No.435 would be less intrusive given the distance and the existing overlooking.

6.5.3 Daylight and Sunlight

Policy

109 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.

110 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.

111 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

112 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. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).

113 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).

114 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

115 The application is accompanied by a Daylight and Sunlight Report (Rapeleys, August 2021). The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:

- 427 New Cross Road
- 429 New Cross Road
- 431 New Cross Road
- 435 New Cross Road
- 2A Stanley Street

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- 2A Glenville Grove
- 2-12 Mornington Road
- Lewisham Bridge Primary School

- 116 The report finds that the majority of the windows and amenity surveyed would retain sunlight and daylight levels in compliance with BRE guidelines, including throughout 427 New Cross Road, 2A Stanley Street, 2A Glenville Grove, Lewisham Bridge Primary School and 2-12 Mornington Road. However, there are exceptions where the impact would fall below the BRE recommendation.
- 117 At 429 New Cross Road all of the windows would pass the BRE guidelines for VSC and APSH. However, the area of garden receiving 2 hours of sunshine would be reduced from 24% to 8%. The effect at 431 New Cross Road is similar, with the impact to windows also fully compliant with BRE guidance, while the garden would see a reduction to the area receiving 2 hours of sunlight from 8% to 1%. For both properties this is primarily due to the existing impact of the northern orientation and the height of the buildings, which are the primary restriction on access to sunlight.
- 118 For 435 New Cross Road the impact to the garden would be fully compliant with BRE guidelines and there would be no impact on APSH. For VSC, four windows would fail to achieve compliance with BRE guidelines. One of the windows affected is a secondary window serving a kitchen so is less sensitive. The other three windows are primary windows serving bedrooms. Bedrooms are considered less important than living rooms but are afforded weight as habitable rooms. The bedrooms at ground and first floor would retain 0.63 and 0.75 of existing VSC levels, which is below the 0.8 target but are relatively modest transgressions.
- 119 The impact to the basement bedroom window would be worse at 0.39 the existing level but can be justified in a dense urban environment such as this. In coming to this conclusion Officers have given weight to the GLAs advice on the application of BRE guidance, which states that BRE should be applied flexibly within urban contexts. As such, the planning harms identified within the Daylight and Sunlight Report are considered modest and are outweighed by the merits of providing nine residential units.

6.5.4 Noise and disturbance

Policy

- 120 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 121 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;

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- an adverse effect is occurring or likely to occur; and
- a good standard of amenity can be achieved.

122 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.

123 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

Discussion

124 No long-term impacts are likely to arise from the provision of a residential development within a residential area. However, there is considerable potential for short-term impacts during the construction phase of development given the scale of the works. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a condition is recommended to secure a Construction Management Plan in order to minimise the impacts of the development. A Condition would also be imposed limiting the time of works and deliveries relating to the construction phase.

6.5.5 Impact on neighbours conclusion

125 No significant adverse impacts to the living conditions of the neighbouring properties have been identified and therefore the development would be compliant with the relevant policies of the development plan.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

126 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

127 CS Objective 5 reflect the principles of the NPPF and 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

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

129 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

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Discussion

- 130 The proposed development falls below the threshold for a major development and as such, the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, the conversion of an existing building is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.

6.6.2 Urban Greening

Policy

- 131 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 132 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

- 133 The proposed development would incorporate green roofs at various levels including the flat roofs of the new building at the rear of the site, the extension to the rear of the host property and the building in the centre of the site. This combined with the small areas of garden at ground floor level would represent a net increase in urban greening compared to the existing site which is almost entirely comprised of buildings and hardstanding save for a small area of planting at the rear of the building. A condition is recommended securing the provision of the green roofs, due to the fact the design proposes surface level plant, cycle and bin stores which reduces the opportunities for returning more of the site to naturally permeable land with a biodiversity benefit.

6.6.3 Sustainable Infrastructure conclusion

- 134 The proposal is acceptable in terms of Sustainable development, subject to the conditions detailed above. The increase in urban greening is a planning merit to which moderate weight it attached given the modest scale of development.

6.7 NATURAL ENVIRONMENT

General Policy

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

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6.7.1 Ecology and biodiversity

Policy

- 138 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 139 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 140 CSP 12 seeks to preserve or enhance local biodiversity.
- 141 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

- 142 The proposed biodiverse green roofs would enhance the contribution the site makes to biodiversity given the lack of soft landscaping at present. The specification for the green roofs will be secured by condition to ensure that the contribution to biodiversity is maximised.

6.7.2 Air pollution

Policy

- 143 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 144 LPP SI1, CSPs 7 and 9 and DMP 23 reflect the national guidance and are relevant. Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

- 145 An Air Quality Assessment (Delta Simons, August 2021) has been submitted in support of the application and shows a better than air quality neutral outcome for the construction and operational phase of development. As such, the propose development is considered acceptable in air quality terms. The recommendations of the AQA would be secured by condition.

6.7.3 Natural Environment conclusion

- 146 Officers are satisfied that there would not be any significant adverse impacts to the natural environment. In addition, the proposal is likely to result in a net gain in

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biodiversity due to the additional soft landscaping and increased levels of planting that would be introduced within the site.

7 LOCAL FINANCE CONSIDERATIONS

147 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).

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

149 The CIL is therefore a material consideration.

150 £52,731.00 Lewisham CIL and £34,840.13 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

151 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.

152 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.

153 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.

154 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

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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>

- 155 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
- 156 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>
- 157 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

- 158 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
- 159 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.
- 160 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,

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carefully consider the balance to be struck between individual rights and the wider public interest.

161 This application has the legitimate aim of providing a new building with [employment and residential uses]. The rights potentially engaged by this application, including Article 8 and Protocol 1 Article 1 are not considered to be unlawfully interfered with by this proposal.

10 LEGAL AGREEMENT

162 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

163 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.

164 The following are the draft Heads of Terms to which the applicant has agreed in writing:

Transport and Public Realm

- a financial contribution of £15,000 towards work to assess the potential to introduce a Controlled Parking Zone in the local area
- Prevent future occupiers from access to residents parking permits for the any future local CPZ (*save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970*).

165 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

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

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- 167 The principle of the proposed development is supported given that the loss of the GP surgery is a consequence of a merger with another surgery and therefore the local community would suffer the loss of a valuable service. The provision of 9 residential units would contribute to local housing target and as such would carry weight within the overall planning balance.
- 168 The standard of the accommodation provided by the residential units is considered to be of good quality. In design terms, the scale and massing of the building and extension are assessed to be appropriate for the context. Furthermore, the development would feature high quality materials and detailing, ensuring that the proposal would make a positive contribution to the surrounding townscape.
- 169 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment and would deliver benefits in terms of a net increase in urban greening and biodiversity. The proposed conditions are considered to ensure that any potentially adverse impacts to the local transport network would be mitigated.
- 170 In terms of residential amenity, Officers have identified some limited adverse impacts to some neighbouring properties in terms of daylight and overshadowing. However, these do not warrant the refusal of the application when taking into account the site context and weighed against the planning merits of the scheme.
- 171 Therefore, subject to the imposition of conditions, the development is judged acceptable and would accord with the Development Plan.

12 RECOMMENDATION

- 172 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

12.1 CONDITIONS

Conditions

1. Full Planning Permission Time Limit

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

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

2. Approved Plans

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

8488-BOW-ZZ-ZZ-DR-A-0001 Rev P1; 8488-BOW-ZZ-ZZ-DR-A-0002 Rev P2; 8488-BOW-ZZ-ZZ-DR-A-0003 Rev P2; 8488-BOW-ZZ-ZZ-DR-A-0004 Rev P2; 8488-BOW-ZZ-ZZ-DR-A-0005 Rev P1; 8488-BOW-ZZ-ZZ-DR-A-0008 P5; 8488-BOW-ZZ-ZZ-DR-A-0009 Rev P5; 8488-BOW-ZZ-ZZ-DR-A-0010 Rev P3; 8488-BOW-ZZ-ZZ-DR-A-0011 Rev P4 received 20 August 2021;

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

3. **Construction Management Plan**

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

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

Reason: To ensure the Strategic Road Network and the needs of cyclists and pedestrians are not adversely affected during construction and in order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4. **Sound Insulation**

- (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 L_{Amax} (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.

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- (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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5. Plant Noise

The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

6. 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
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority, in consultation with Thames Water, prior to the 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).

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.

7. Materials and Design Quality

(a) No above ground works shall commence on site (excluding demolition) until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- (i) brickwork, mortar and pointing;
- (ii) cladding and panelling materials;
- (iii) roofing materials and roof junctions;
- (iv) windows, external doors and reveals;
- (v) rainwater goods;
- (vi) balconies and balustrades;

has been submitted to and approved in writing by the Council.

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(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the buildings 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.

8. Refuse & Recycling Facilities

- (a) Prior to the occupation of the development, details of the management strategy for the refuse and recycling facilities hereby approved shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

9. Cycle Parking

- (a) Prior to first occupation, full details of the cycle parking facilities (including security measures) providing 12 long stay in accordance with TfLs London Cycling Design Standards for the development 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 Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

10. Living Roofs

- (a) Prior to installation of the roof further details of the proposed extensive biodiverse living roof systems and their maintenance, to be laid out in accordance with 8488-BOW-ZZ-ZZ-DR-A-0011 Rev P4, shall be submitted to and approved in writing by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved and maintained thereafter.

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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).

11. Terrace and Balcony Screening

The residential units hereby approved shall not be occupied until full details of the siting and specification of the screening to the roof terraces and balconies, and planted area to the front of Unit 1, has been submitted to and approved in writing by the local planning authority and the privacy screens have first been installed in accordance with the approved detail.

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

12. Wheelchair Dwellings

The wheelchair dwellings hereby approved as identified on drawing 8488-BOW-ZZ-ZZ-DR-A-0007 Rev P5 shall be constructed to comply with Requirement M4(3), prior to their first occupation. All other residential units shall be constructed to meet Requirement M4(2), prior to first occupation.

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).

13. Obscure Glazed Windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the ground floor windows in the side elevation, as shown on drawing BOW-ZZ-ZZ-DR-A-0008 Rev P5, shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and retained in perpetuity.

Reason: To protect the privacy of the approved residential accommodation and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

14. Construction Hours

No works or deliveries in connection with construction works shall be undertaken other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 174 of the National Planning Policy Framework

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and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15. **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)

16. **Non Road Mobile Machinery (NRMM)**

All Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases of the development shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) and an inventory on site and/or online, as appropriate, shall be kept at all times.

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 Policy SI1 Improving air quality of the London Plan (March 2012), Control of Dust and Emissions During Construction SPG (July 2014) and Demolition and DM Policy 23 Air quality of the Development Management Local Plan (November 2014).

12.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) Thames Water have advised the following
 - 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 .
 - 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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a

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public sewer, prior approval from Thames Water Developer Services will be required.

- The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at [https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_OdyB6-Xg\\$](https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_OdyB6-Xg$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
 - There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
[https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g$)
 - The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
[https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!GokbmmjUykBqEgg0aKUHUPa0lnUopiDF2WXDzPFvrNEU9RTx9UB4NHU8QvU8_Mk6CEA-g$) .
 - 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
- 3) 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

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the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

13 BACKGROUND PAPERS

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

14 REPORT AUTHOR AND CONTACT

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