



Planning Committee C

Lewisham Spiritualist Church, 65 Boone Street, London, SE13 5SE

Date: 24 February 2022

Key decision: No.

Class: Part 1

Ward affected: Blackheath

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 eight objections from local residents.

Application details

Application reference number(s): DC/21/123039

Application Date: 6 August 2021

Applicant: Princes Gate Properties Ltd

Proposal: Demolition of the existing single storey church building at 65 Boone Street SE13, and the construction of a replacement five storey building comprising a church at ground floor and eight new separate flats above, with associated car and cycle parking, bin storage and soft and hard landscaping.

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
Lee Neighbourhood Forum
PTAL 2

1 SITE AND CONTEXT

Site description and current use

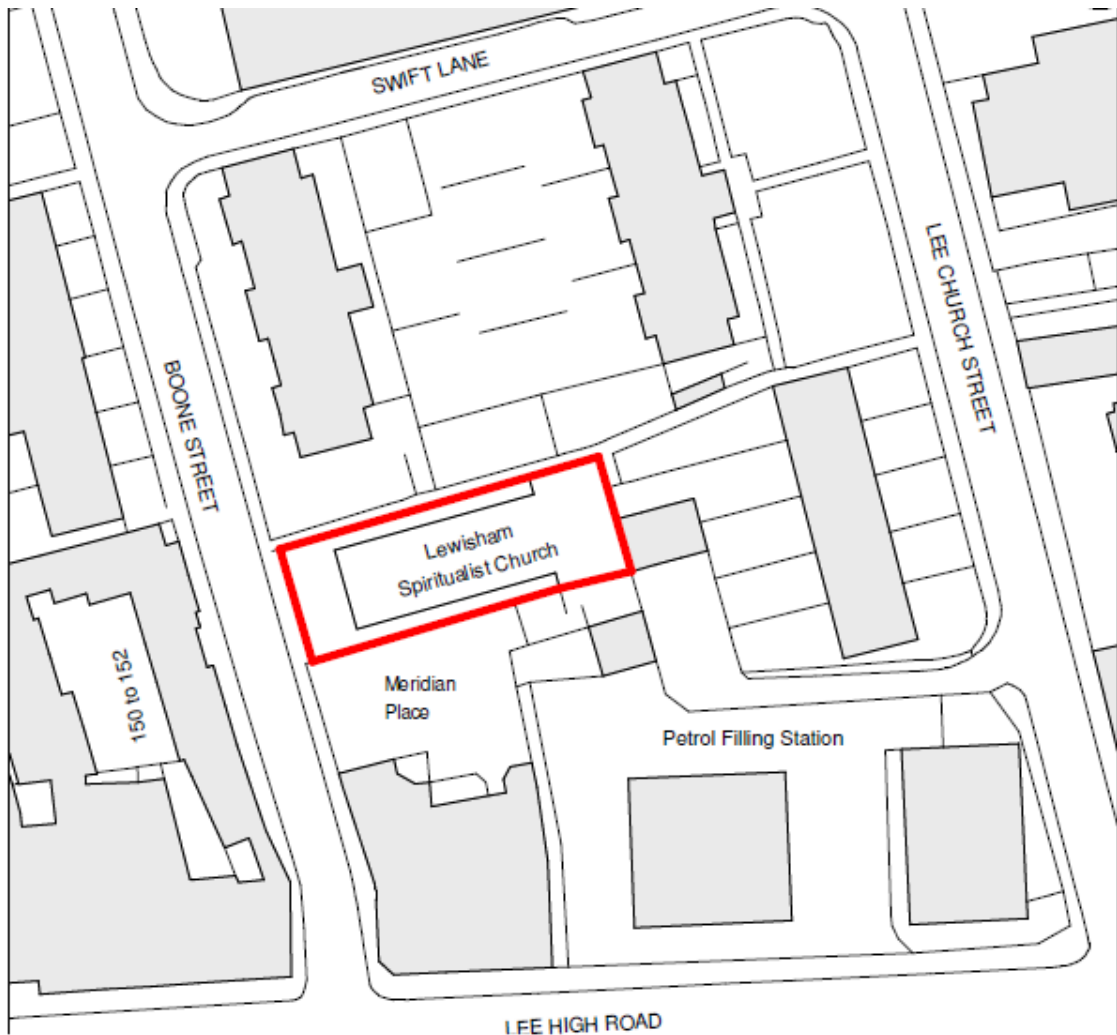
- 1 The site is located on the eastern side of Boone Street, which adjoins Lee High Road to the south. The site contains a single storey detached building that is currently in use as a church (Use Class F1). The building is constructed of brick with rendered facades that have been painted white and features a hipped roof with a tiled covering. To the front of the building is a forecourt that is hard surfaced.
- 2 The site area is 0.04 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

- 3 North, east and west of the site are predominantly residential land-uses of varying typology and density generally two to four storeys in scale. To the south-east of the site is a petrol station currently occupied by BP. To the south-west of the site is a three-storey brick building accommodating ground-floor commercial uses, which front on to Lee High Road.
- 4 Boone Street is predominantly residential in character. Lee High Road, located approximately 50m to the south, has a more mixed commercial character and features a number of shopping parades. Lewisham Town Centre is located 1km to the west and the site is also within 0.8km of Blackheath District Centre and 0.8km of Lee Green District Centre.

Heritage/archaeology

- 5 The site is not located within a conservation area, nor does it contain a listed (statutorily or locally) building. The closest listed buildings are Boones Chapel (Grade I) and the Merchant Taylors Almshouses (Grade II) located between Boone Street and Brandram Road to the west. Blackheath Conservation Area is located 40m to the west and 150m to the north.

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Transport

- 6 The site has a PTAL of 2 which is poor. However, the site is less than 50m from Lee High Road, which is served by several bus routes. The closest train stations to the site are Hither Green approximately 800m to the south-west and Blackheath approximately 800m to the north-east. The site is within an Air Quality Management Area.

2 RELEVANT PLANNING HISTORY

- 7 DC/20/116948: The demolition of the existing one storey church building at 65 Boone Street, SE13, and the construction of a replacement five storey building comprising a church (including ancillary flat) at ground floor and nine new separate flats, with associated car and cycle parking, bin storage and soft and hard landscaping – refused for the following reasons:
- 1. The proposed development, by reason of its design, plot coverage and excessive height, scale and bulk, would represent an over-dominant and visually obtrusive form of development that would substantially over-develop the restricted plot, failing to respect the character and appearance of the surrounding streetscene, contrary to Policies 3.5 Quality and design of housing developments, 7.4 Local character and 7.6 Architecture of the London Plan (March 2016 as amended), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 124 of the National Planning Policy Framework.*
 - 2. The proposal, by reason of the excessive height, massing and scale would appear as an excessive and visually overbearing form of development that would substantially over-develop the restricted plot resulting in an unacceptable impact on outlook to adjoining residential occupiers at 50-58 (evens) Lee Church Street, contrary to Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016 as amended), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and paragraph 127 of the National Planning Policy Framework.*
 - 3. The proposed development, by reason of the proximity of the windows and balconies to the northern boundary of the site, would result in an unacceptable loss of privacy to the adjoining residential occupiers of 41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street, contrary to Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016 as amended), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 127 National Planning Policy Framework.*
 - 4. Insufficient supporting information has been provided to demonstrate that there is sufficient parking capacity within the surrounding area to justify the car-free layout, contrary to Policy 6.13 Car parking of the London Plan (March 2016 as*

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amended), Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011), Policy 29 Car parking of the Development Management Local Plan (November 2014) and Paragraphs 102 and 109 of the National Planning Policy Framework.

8 DC/21/120931: Demolition of the existing one storey church building at 65 Boone Street SE13, and the construction of a replacement five storey building comprising a church at ground floor and nine new separate flats above, with associated car and cycle parking, bin storage and soft and hard landscaping – refused on 11 June 2021 for the following reasons:

- 1. The proposed development, by reason of its design, plot coverage and excessive height, scale and bulk, would represent an over-dominant and visually obtrusive form of development that would substantially over-develop the restricted plot, failing to respect the character and appearance of the surrounding streetscene, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 124 of the National Planning Policy Framework.*
- 2. The proposal, by reason of the excessive height, massing and scale would appear as an excessive and visually overbearing form of development that would substantially over-develop the restricted plot resulting in an unacceptable impact on outlook to adjoining residential occupiers at 50-58 (evens) Lee Church Street, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and paragraph 127 of the National Planning Policy Framework.*
- 3. The proposed development, by reason of the proximity of the windows and balconies to the northern boundary of the site, would result in an unacceptable loss of privacy to the adjoining residential occupiers of 41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards and 33 Development on infill site, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and Paragraph 127 National Planning Policy Framework.*
- 4. Insufficient supporting information has been provided to demonstrate that there is sufficient parking capacity within the surrounding area to justify the car-free layout or to effectively mitigate the effects of over-spill parking in the area, contrary to Policy T6 Car parking and Policy T6.1 Residential parking of the London Plan (March 2021), Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011), Policy 29 Car parking of the Development Management Local Plan (November 2014) and Paragraphs 102 and 109 of the National Planning Policy Framework.*

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 9 The proposed development would see the demolition of the existing building and construction of a five-storey building comprised of a replacement church with eight residential units above. The church would feature a main hall and five meetings rooms as well as a kitchen and toilet facilities. The eight residential units are arranged from the first floor above and would be accessed via an independent residential entrance in the front elevation.
- 10 The building would be five storeys to the front with void to the rear of the front block, which would facilitate a communal roof terrace at first floor level and space for balconies. The rear block would be four storeys in height with the top storey set in from all sides and the rear elevation stepping down to single storey. The building would be built over the majority of the plot including up to the rear and both side boundaries at ground floor level. The upper storeys would be set in from the side and rear boundaries. A small area at the front of the building would remain providing a forecourt for servicing, including a bin store for the residential accommodation, cycle parking for the church and soft landscaping. Cycle parking for the residential accommodation would be provided at ground floor level adjacent to the residential lobby.
- 11 The building would feature facing brickwork with a darker tone to the bottom and top storeys. All of the windows and doors would be dark grey powder coated aluminium. The church entrance would be larger than the residential entrance and would project forward with a canopy featuring signage. The building would also feature balconies with metal balustrades arranged on the front elevation and within the internal void. There would be one balcony on the rear elevation. At roof level the building would accommodate living roofs to the front and rear blocks at various levels.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 12 The scheme is similar to the previous scheme with the footprint, design and materials largely retained. However, there have been changes that attempt to overcome the refusal reasons for the previous application. These include the following measures:
- removal of the fifth storey from the rear block;
 - a reduction to the massing at the rear of the building at second, third and fourth storey level;
 - reducing the massing of the first floor level by setting the building in further from the northern boundary;
 - removing the balconies from the northern side elevation;
 - redesigning the front façade including the alignment of balconies and windows and alterations to the entrances;
 - a change to the material for the top storey of the rear block from metal to brick;
 - reduction to the number of flats from nine to eight.

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Figures 2 and 3 below illustrate these changes:

Figure 2: Proposed Side Elevation with dotted line overlaid showing the massing for the previous refused scheme DC/21/120931



Figure 3: Comparison proposed front elevations

Refused application DC/21/120931

Current Scheme



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4 CONSULTATION

4.1 APPLICATION PUBLICITY

14 Site notices were displayed and letters were sent to residents and business in the surrounding area as well as to the relevant ward Councillors on 16 August 2021.

15 20 responses were received, comprising eight objections and 12 comments in support.

4.1.1 Comments in objection

Comment	Para where addressed
Impact on the operations of the church	41-45
Contribution to family housing	44
Affordable housing contribution	44
Noise and disturbance from the church to the residential accommodation above	63
Height & design (impact to townscape)	75-76
Traffic levels	85-86
Emergency vehicle access	87
Parking stress	98-99
Impact on outlook	108-111
Impact on privacy & overlooking	113-115
Impact on light & overshadowing	122-124
Anti-social behaviour and security	131
Impact to sewer capacity & drainage	142

16 The objections also raise issues relating to the Trust and ownership of the site. These matters are not material planning considerations.

4.1.2 Comments in support

Comment	Para where addressed
Secure the long-term viability of the church	41-45
Community value	41-42
Condition of the existing building	41-42, 75
High quality design	75-81
Contribution to urban greening	138-140

4.2 INTERNAL CONSULTATION

17 The following internal consultees were notified on 13 August 2021.

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- 18 Ecology: no objection subject to conditions securing the living roof, living wall and wildlife features. Also recommended a condition securing additional bat surveys in the event the demolition works are not undertaken within two years of the current survey.
- 19 Environmental Protection: no objection subject to conditions securing the recommendations of the Noise Impact Assessment. Conditions also recommended to secure a Construction Management Plan, Ultra-Low NOx Gas Boilers and Land Contamination.
- 20 Highways: raised no objections subject to conditions securing a Construction Management Plan, Delivery and Servicing Plan and Travel Plan. Also recommended that a legal agreement would be required securing a financial contribution for consultation to extend the CPZ and improvements to the public highway.

4.3 EXTERNAL CONSULTATION

- 21 The following External Consultees were notified on 13 August 2021.
- 22 Design Out Crime Officer: recommended security measures to meet Secured by Design Standards. Given the scale of development Officers have attached this advice as an informative.
- 23 London Fire Brigade: no objection.
- 24 Thames Water: Recommended a condition for a piling method statement and requested that informatives be attached with advise relating to surface water, ground water and mains water.

5 POLICY CONTEXT

5.1 LEGISLATION

- 25 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).
- 26 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

- 27 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.
- 28 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.
- 29 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

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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

30 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

31 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

32 London Plan SPG:

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

6 PLANNING CONSIDERATIONS

33 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

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- Natural Environment
- Planning Obligations

6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 34 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.
- 35 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

- 36 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.
- 37 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.
- 38 LPP S1 affords protection to existing social infrastructure and identifies that development proposals that provide high quality social infrastructure will be supported. The policy confirms that social infrastructure covers a wide range of facilities, including community and faith facilities. It identifies that proposals that would result in a loss of social infrastructure in areas of defined need without realistic proposals for re-provision should be resisted.
- 39 DMP 41 Innovative community provision, states that the Council will encourage the use of innovative solutions to the provision of community meeting space. The aim of this policy is to promote the provision of community facilities. These facilities can form the heart of communities and neighbourhoods and can be important to promoting social cohesion and opportunities to meet, socialise, learn and develop interests and skills. DMP 41 is also clear that community facilities refer not only to community halls and centres, but to all other spaces where people can meet, such as rooms above shops and pubs, as well as places of worship and sports and leisure space.
- 40 DMP 44 states that the Council's preferred locations for the development of public places of worship are within the network of major and district town centres.

Discussion

- 41 The proposed development would result in the re-provision of the existing church and associated community facilities on the site within a new purpose built space. Town centres are the Council's preferred locations for churches and public places of worship. However, the proposal would re-provide an existing church and as such the location is not objectionable. The replacement facility would measure 239sqm, which broadly matches the existing (243sqm).

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- 42 The redevelopment of the church would produce qualitative improvements to the church's facilities including five meeting rooms and the provision of a new building in place of the existing, which is in poor condition. The applicant has proposed agreement to a Community Access Plan (CAP) to be secured as a planning obligation. The CAP would formalise access to the facilities for local community groups and charities for 20 hours per week charged at a nominal fee and would represent a planning merit, to which significant weight is attached.
- 43 The application site is considered a sustainable location for intensification of this scale given the proximity to transport links and amenities on Lee High Road. The contribution of eight 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.
- 44 The scale of development does not meet the policy threshold (10 units) triggering a contribution to affordable housing or family housing thus this is not a material consideration. Officers are satisfied that eight units is the optimal scale of development here given that the previous nine unit scheme were assessed to overdevelop the site as indicated by the reasons for refusal.

6.1.1 Principle of development conclusions

- 45 The principle of the redevelopment of the site to provide a mixed-use building, including the re-provision of the church and new residential accommodation, is supported. The eight residential units would make a modest contribution to local housing targets, which constitutes a planning merit. The CAP would deliver benefits to the wider community in accordance with the principles of LPP S1 and DMP 41.

6.2 RESIDENTIAL QUALITY

General Policy

- 46 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 (CSP 15), the Local Plan (DMP 32) and associated guidance (GLA Housing SPG).
- 47 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

Internal and external space standards

Policy

- 48 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.
- 49 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.

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Discussion

50 The table below sets out proposed dwelling sizes.

Table 1: Internal and external space standards

Flat No.	Unit size	Required GIA (M ²)	GIA (m ²)	External amenity space (m ²)
1	2b3p	61	61	18
2	1b2p	52	50	7
3	1b2p	52	50	9
4	2b3p	61	61	6
5	2b4p	74	70	7
6	2b3p	61	61	6
7	2b3p	66	61	7
8	2b3p	61	61	6

51 All of the proposed residential units would either meet or exceed the London Plan requirements in terms of overall size. This is also true for the size of bedrooms and provision of storage. Floor to ceiling heights generally exceed 2.5m for the majority of the floor space. The proposed residential units would therefore be fully policy compliant with the internal space standards set by LPP D6. The provision of external amenity space would also either meet or exceed the London Plan requirement.

Outlook ventilation & Privacy

Policy

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

Discussion

53 All of the proposed residential units would be dual aspect providing passive ventilation, which would assist in mitigating overheating. The provision of windows and the open aspect around the site would ensure that the residential accommodation would benefit from acceptable levels of outlook.

54 The provision of new residential accommodation would result in additional sensitive receptors within an Air Quality Management Area. An Air Quality Assessment (AQA) prepared by Aether dated March 2020 has been submitted in support of the application. The report found that the concentrations at the proposed receptors (windows and balconies) would be below the annual mean objectives. Accordingly, the AQA concludes that additional mitigation would not be required.

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- 55 The separation distances between the application site and the nearest buildings would ensure that the proposed residential units are not directly overlooked. There would be a degree of overlooking between directly facing units within the internal void and there is potential for intrusive views from the first floor communal garden into the balconies of Flats 1 and 2 and a bedroom of Flat 2. Therefore, conditions are recommended securing obscure glazing for a number of the windows and details of the planting within the communal garden to ensure that the soft landscaping would prevent direct views into the residential accommodation and private amenity spaces.

Daylight and Sunlight

Policy

- 56 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 57 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.
- 58 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

- 59 An Internal Daylight Analysis (SRE, August 2021) has been submitted with the application. The report shows that all 22 habitable rooms would either meet or exceed the BRE guidance. Therefore, the proposed residential accommodation would receive acceptable levels of daylight and sunlight.

Noise & Disturbance

Policy

- 60 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.
- 61 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.
- 62 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

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- 63 There is significant potential for unacceptable noise levels to arise via internal noise transference from the operations of the church and external break in due to the proximity to Lee High Road (A20). A Noise Impact Assessment (NIA) prepared by Cass Allen has been submitted to support the application. The NIA concludes that it would be possible to mitigate the internal noise transference via measures including sound insulation between floors and noise limiters for acoustic equipment within the church. For external noise break in, the NIA recommends suitable glazing and ventilation specification for windows. Conditions will be imposed securing full details of the noise attenuation measures and specifications prior to the occupation of the residential accommodation.

Accessibility and inclusivity

Policy

- 64 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

- 65 The proposal would provide one flat (12.5%) that would be designed as wheelchair user dwellings (requirement M4(3)), located at second floor level (Flat 5). The remaining flats would be M4(2) compliant. This would be secured by condition.

Summary of Residential Quality

- 66 Overall standard of residential accommodation is generally good quality and compliant with the relevant policies of the Development Plan.

6.3 URBAN DESIGN

General Policy

- 67 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.

Policy

- 68 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, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.
- 69 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.
- 70 LPP D9 states that development plans should define what is considered a tall building for specific localities, although not less than 6 storeys or 18 metres.
- 71 CSP 15 aims to secure the highest quality design for Lewisham.

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- 72 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.
- 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 29 and 30 are of particular relevance.

Discussion

- 75 The existing building is of limited architectural value and therefore its demolition is not objectionable. The proposed redevelopment of the site would represent a significant increase to the scale of development compared to the existing building. At a single storey the application site is an anomaly on the eastern side of Boone Street, which features modern four and five storey flatted blocks that contrast with the two storey terraces on the western side of the road. Officers consider the proposed front block, at five storeys, would be appropriate giving the emerging context of the eastern side of Boone Street for larger scale development. At five storeys the building would not meet the London Plan definition of a tall building and thus policy D9 is not engaged.
- 76 The massing of the rear block has evolved in a positive way since the previous refused applications. The height has been reduced to four storeys providing a degree of subservience to the street frontage. In addition, the height steps down further towards the rear creating a less visually dominant building. The reductions to the height and massing combined with the void between the two main blocks ensures that the plot coverage would no longer be overbearing.
- 77 The changes to the front façade have resulted in greater refinement. The windows and balconies are now aligned, which reflects the fenestration pattern for the surrounding buildings. Two tones of brick would be used to provide vertical expression to the elevation with the top parapet and ground floor level utilising darker brown bricks with light brown brickwork between. This would create distinct top, middle and bottom sections of the façade. The brickwork for the front block would also be used for the rear block providing a cohesive overall design response. The rear elevation would feature a green wall adding visual interest to a largely blank elevation. The windows and balustrades for the balconies are high quality and therefore appropriate.
- 78 The entrance to the church has been pulled forward of the front façade and is higher than the residential entrance reflecting its civic stature. The improved stature of the entrance would be embellished by the enhanced detailing including the concrete surround and signage. The residential entrance would mimic the detailing of church entrance, at a lower scale, increasing legibility and presence within the streetscene.
- 79 The front forecourt would feature an area of soft landscaping in addition to the refuse stores and cycle standards. The landscaping would contribute to the greening of the streetscene and would be a significant improvement on the existing forecourt, which is entirely covered in concrete hardstanding.

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80 The scale of the building combined with the distance would prevent any adverse impacts to the setting of the heritage assets to the west and north of the site. Accordingly, the proposed development is considered compliant with the heritage policies of the development plan including LPP HC1, CSP 16 and DMPs 36 and 37.

6.3.1 Urban design conclusion

81 The amendments to the design, bulk and massing of the building compared to the previous refused schemes has successfully overcome the reason for refusal and would contribute a high quality contextual building to the streetscene. Therefore, the building is considered acceptable in urban design terms

6.4 TRANSPORT IMPACT

General policy

82 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.

83 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

84 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

85 The application site has a PTAL of 2, which is a poor level of public transport accessibility. However, this is considered an anomaly given the proximity to Lee High Road, which is well served by bus routes. Therefore, Officers are satisfied that additional residential units could be accommodated within the surrounding transport network.

86 One of the stated aims of the application is to improve the facilities for the church to secure its long-term future. The Highways Department have expressed concern that this may lead to intensification of the use of the church. Officers recognise that the use of the church could increase independent of this planning application, however, this is unlikely given the current condition of the building. The parking survey submitted with the application also indicated that parking stress in the area is high. Therefore, Officers consider it reasonable to impose a condition securing a user’s Travel Plan for the church in order to encourage non-car modes of travel to the site so as not to exacerbate existing problems with car parking.

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87 Boone Street is a narrow one-way road, under 5m at its narrowest point, which is close to the junction with Lee High Road. Highways Officers have highlighted a concern that visitors to the church and flats would further reduce this width by parking on single yellow lines outside the hours of control. Therefore, a s278 agreement is required to amend the waiting and loading restrictions on the western side of Boone Street (from the southernmost parking bays southwards to the junction with Lee High Road) to `no waiting or loading at any time`. The s278 agreement would also include the removal of the redundant vehicle crossover adjacent to the front of the site on Boone Street.

6.4.2 Servicing and refuse

Policy

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

89 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.

90 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

91 The provision of independent refuse and recycling storage for the residential accommodation and church is welcomed. The proposed four 1100l Eurobins for residents and two for use by the Church and church flat would exceed the requirement and as such are not objectionable.

92 Limited details have been provided in terms of deliveries and servicing for the church and the residential use. The Highways Department have raised this lack of information as a concern. However, the church can continue to operate the existing servicing arrangement without planning permission and maintaining the existing arrangements is unlikely to introduce any additional impacts to the surrounding transport network. Therefore, further details are not necessary.

6.4.3 Transport modes

Walking and cycling

Policy

93 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

94 The proposed development would generate a requirement of 15 long stay and two short stay cycle parking spaces for the proposed residential accommodation as set out within Table 10.2 of the London Plan. The proposed development would provide 16 long stay cycle parking spaces within a store at ground floor level and six short stay cycle stands within the front forecourt thereby exceeding this requirement. The long stay provision

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would be split between two tiered stands and Sheffield stands ensuring that accessible stands have been provided within the store.

- 95 Table 10.2 states that places of worship should provide one short stay space per 100sqm of floor space. At 239sqm the church would require two short stay spaces. As there is an existing church on the site this requirement is not engaged. However, the proposed six short stay parking would exceed this requirement.

Private cars

Policy

- 96 LP Policy T6, supported by CSP 14 and DMP 29, requires 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.
- 97 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

- 98 No on-site car parking spaces are proposed to be provided. Therefore, a Parking Survey (Appendix E of the Transport Statement) using the Lambeth Methodology has been submitted in order to justify intensification of the site in terms of the provision of eight residential units. The figures demonstrate that there is a high level of parking stress in the immediate vicinity. Under the current conditions parking was at 87% capacity for the first survey and 94% capacity for the second survey. This exceeds the 80% generally considered high and therefore additional on-street parking demand is a concern.
- 99 The Transport Statement (TPP Consulting, August 2021) proposes preventing access to residents permits for the CPZ as one of the measures to reduce the impact to parking stress. This approach is supported, however, despite the Site being within the Blackheath CPZ, the Traffic Order for Boone Street does not include all of the bays on Boone Street, with some designated as 'free'. Therefore, restricting access to residents permits alone would not be effective in managing parking stress on Boone Street as some bays are exempt from the CPZ. For that reason a financial contribution would be secured as a planning obligation to be used for public consultation to extend the CPZ restrictions on Boone Street. In addition three year membership of a car club will also be offered to future residents secured as a planning obligation.

6.4.4 Construction

Policy

- 100 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

- 101 The initial details for construction management and logistics are considered acceptable. The final details will be secured as part of a comprehensive Construction Management Plan (CMP) condition to be submitted and approved prior to the commencement of the development.

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6.4.5 Transport impact conclusion

102 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

103 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

104 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).

105 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

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

107 Section 12 of the Small Sites SPD (October 2021) established design principles for the development of small sites including guidance on preventing harmful impacts to the living conditions of neighbouring properties.

Discussion

108 The proposed redevelopment would significantly increase the scale of development on the site. The greatest impact would be to the properties located directly to the rear of the site on Lee Church Street. This impact was considered particularly severe for Nos 50 and 52 and constituted a reasons for the refusal of both previous applications.

109 For the current application this impact would be greatly reduced. At the rear boundary the height would step down to a single storey rather than being two storey. The second storey would be set back 1.6m from the rear boundary, with the floors above set back more substantially: the third storey by 5.6m and fourth storey by 6.7m. These distances are a significant improvement on the refused schemes with further improvements derived from the omission of the fifth storey entirely.

110 The recently adopted Small Sites SPD (October 2021) provides guidance on appropriate distances between new development from existing properties to ensure that impacts to amenity are within acceptable levels. Figure 27 of the SPD states that new development should generally not intercept a 25 degree line from the centre of the ground floor windows nor a 43 degree line from a point 1.6m above ground level 10m from the rear elevation. Figure 4 below demonstrates the significant improvements on the previous

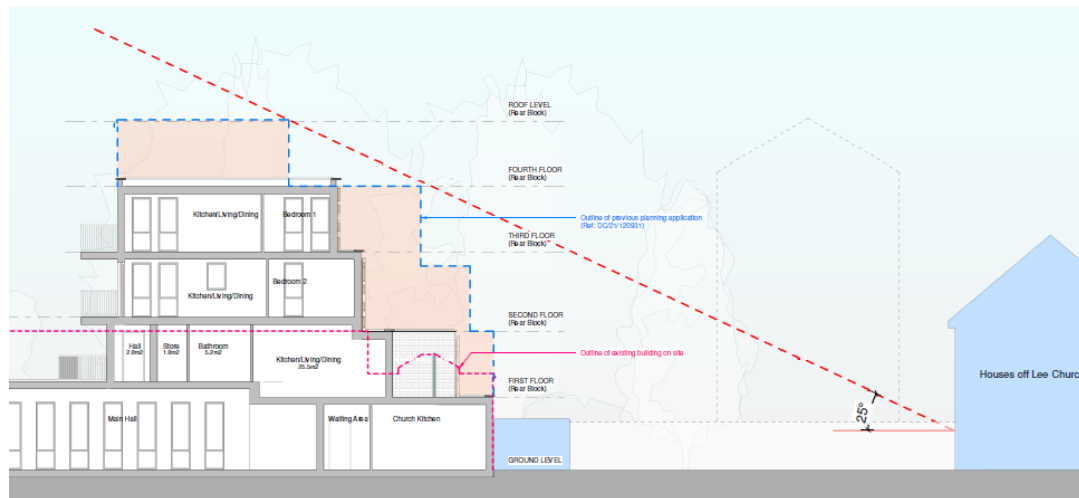
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refusals and compliance with the 25 degree line from the ground floor windows. The reductions to the massing combined with the 19m length of the gardens are considered to ensure that the development would not result in a materially harmful impact to outlook nor an adverse sense of enclosure at Nos 50 - 58.

Figure 4. Proposed site section with previous scheme overlaid with blue dashed line



111 For the flats to the north (41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street), the garden area provides an open aspect and as such Officers are satisfied that the proposed building would not cause harmful enclosure. The flats to the south and buildings opposite to the west do not have directly facing amenity spaces. The separation distances to the windows would prevent unacceptable enclosure and loss of outlook.

6.5.2 Privacy

Policy

112 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. The 16m allows for a 6m gap to the private garden zone defines as 10m from the year elevation.

Discussion

113 The provision of directly facing windows on the front elevation is considered to be acceptable and reflects a relationship that is typical of the road. The introduction of balconies to the front, while not typical, would not introduce harm given that these views are less sensitive. Views from the first floor windows and balcony in the rear elevation would be restricted by louvered screens at the rear preventing intrusive overlooking towards Lee Church Street. Further details of the screening would be secured by condition. The windows in the southern side elevation either face onto the petrol station or serve bathrooms and communal areas. As such, Officers consider that the impact to the privacy of the flats at 181-185 (odds) Lee High Road would be acceptable.

114 The previous two applications identified harm to the privacy of 41-63 (odds) Boone Street and 26-48 (evens) Lee Church Street from overlooking from the windows and

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balconies on the northern side elevation and formed the basis of Reason for Refusal 3 for both applications. This loss of privacy principally related to the garden area that separates the two blocks. The design of the proposed building has evolved so that balconies have been removed from the northern elevation. However, windows do remain.

- 115 The windows at first floor level would be set in 1.2m from the side boundary with the gardens a further 8m from the boundary separated by a public footpath and servicing areas for the flats. This relationship was considered unacceptable for the previous application. However, the recently adopted Small Sites SPD provides new guidance for privacy and at Figure 29 of the Small Sites SPD states that 6m is an appropriate gap between a window and private garden. Therefore, on balance Officers consider this impact to be acceptable taking into account the trees that line the boundary provide a degree of screening. In coming to this conclusion Officers have also given weight to the planning merits of the scheme and the improvements to the design of the building that have successfully overcome the other reasons for refusal.

6.5.3 Daylight and Sunlight

Policy

- 116 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 117 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.
- 118 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.
- 119 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).
- 120 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).
- 121 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

- 122 A Daylight, Sunlight and Overshadowing Report (SRE, August 2021) has been submitted with the application. 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:

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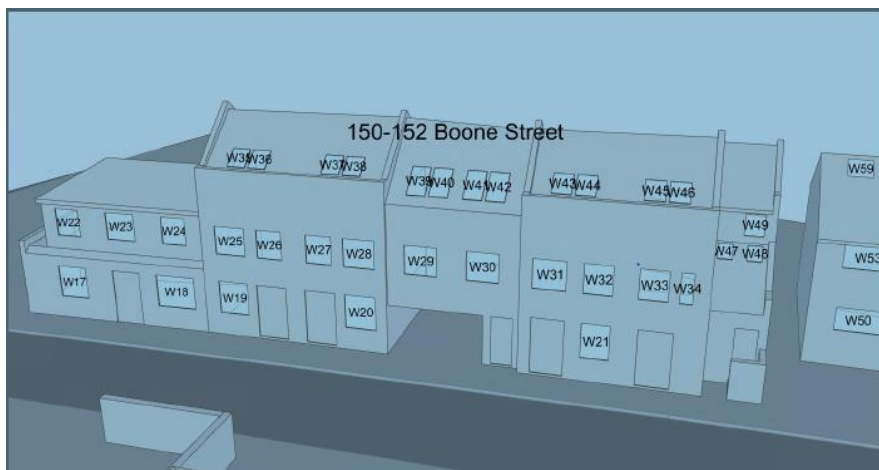
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- 41-63 Boone Street
- 120-130 Boone Street
- 150-152 Boone Street
- 26-48 Lee Church Street
- 50-58 Lee Church Street
- 181-185 Lee High Road

123

The report concludes that the proposed development would generally comply with BRE guidelines in terms of the impact to light levels at windows in the surrounding residential properties and overshadowing to amenity spaces. The BRE guidance states that development should not result in existing windows losing more than 20% of the existing value for VSC. The report finds that two windows at 150-152 Boone Street would lose 22% (W30 and W31 as shown in Figure 5) of their existing value for VSC, which is the only transgression beyond the BRE targets identified within the report. This is a modest transgression and is considered acceptable for an urban environment.

Figure 5. Model of 150-152 Boone Street taken from Daylight, Sunlight and Overshadowing Report (SRE, August 2021)



124

The report omits an assessment for four ground floor windows (W17, W19-21) at No.150-152, as it is claimed the windows serve offices. This claim is disputed within an objection, where it is claimed that the properties are live/work units. A review of Council records did not conclusively establish the use of the properties and there is limited guidance on amenity standards for live/work units. Notwithstanding the use of the properties, Officers are satisfied that the impact to the windows would not be significant given that analysis within the Daylight, Sunlight and Overshadowing Report demonstrates that the surrounding windows either pass (windows W18, W22-29, W32-49 as shown in Figure 5) or are within 2% of the requirement (windows W30 and W31 as shown in Figure 5). In making this assessment Officers have given appropriate regard to BRE guidance, which should be applied flexibly in urban environments as set out in the GLA Housing SPD.

6.5.4 Noise and disturbance

Policy

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- 125 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
- 126 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;
 - an adverse effect is occurring or likely to occur; and
 - a good standard of amenity can be achieved.
- 127 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.
- 128 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

- 129 The proposed church would replace the existing church and therefore would not introduce additional disturbances to the area. A condition will be imposed to secure details of the sound insulation. The introduction of additional residential accommodation within a predominantly residential area is not likely to result in any adverse noise impacts.
- 130 There is potential for short-term disturbances to arise during the construction phase of development given the scale of the works. This is in terms of noise 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

- 131 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. In coming to this conclusion Officers have assessed the potential for an increase in anti-social behaviour and harm to security, as raised in the objections, and are satisfied that these impacts are not a likely consequence of a mixed-use development comprised of a church and residential accommodation.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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- 132 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 133 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 134 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

6.6.1 Energy and carbon emissions reduction

Policy

- 135 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.
- 136 CSP 8 also states that major development 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.

Discussion

- 137 The proposed development falls below the threshold for a major development so the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, an Energy and Sustainability Strategy (SRE, May 2021) has been submitted with the application detailing that Air Source Heat Pumps (ASHP) would be utilised for the development, which would deliver emission reductions beyond Building Regulations of 43.4%, for the residential aspect, and 36.5% for the place of worship aspect. This would surpass the requirements set by the London Plan.

6.6.2 Urban Greening

Policy

- 138 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 139 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

- 140 The proposed development would incorporate biodiverse green roofs at various levels including the flat roofs of both main blocks. This combined with the small area of garden landscaping at the front of the site and the green wall at the rear elevation would represent a significant net increase in urban greening compared to the existing site, which is almost entirely comprised of buildings and hardstanding. A condition is recommended securing the provision of the green roofs, green wall and soft landscaping.

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6.6.3 Sustainable Urban Drainage

Policy

141 LPP SI 13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Discussion

142 The proposed development would result in a substantial increase to the amount of green surfaces and soft landscaping on the site. These features would be secured by condition in addition to the hard landscaping thereby increasing the permeable surfaces as the site. Additionally, Thames Water have reviewed the application and have requested that applicant apply for the necessary permissions in terms of surface water, ground water and mains water. This advice would have been attached to the decision notice as an informative.

6.6.4 Sustainable Infrastructure conclusion

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

6.7 NATURAL ENVIRONMENT

General Policy

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

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

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

6.7.1 Ecology and biodiversity

Policy

147 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.

148 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.

149 CSP 12 seeks to preserve or enhance local biodiversity.

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150 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

151 An Ecological Mitigation and Enhancement Scheme (Tim Moya Associates, April 2020) has been submitted with the application and details that the development would incorporate the following wildlife enhancement measures:

- 'Extensive' green roofs
- Bird, bat and invertebrate boxes (various locations)
- Invertebrate boxes
- Log piles

152 The wildlife enhancements have been reviewed by the Council's Ecologist who is broadly supportive of the measures. However, the Ecologist has recommended that the number of bat bricks be increased from one to two and that the five bird bricks be exclusively swift bricks rather than include sparrow bricks due to new evidence.

153 A Bat Scoping Survey (Tim Moya Associates, April 2020) has also been submitted, which concludes that the site and the building has negligible potential for bat roosts. The conclusions of the survey have been accepted by the Council's Ecologist. However, the Ecologist has noted that the survey was conducted in March 2020 and is valid for two years. Therefore, a condition is recommended securing further surveys in the event that the demolition works are not carried out by March 2022.

6.7.2 Trees

Policy

154 At paragraph 131 the NPPF is clear that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

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

Discussion

156 A Tree Survey (ACD Environmental, March 2020) and Arboricultural Impact & Method Statement (ACD Environmental, March 2020) have been submitted with the application to detail the impact of the development to the trees on the adjacent sites. The survey identifies that there are five trees within the vicinity of the site. Of these trees the report states that the development would only require works within the Root Protection Area of the sycamore (T4) and concludes that the development would not result in the loss or harm to any of the trees on the adjacent sites. A condition is recommended securing a

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Tree Protection Plan for the construction phase of the development to ensure that none of the trees are harmed.

6.7.3 Ground pollution

Policy

157 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

158 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 174). Further, the NPPF at para 182 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. DMP 28 reflects national policy and is relevant.

Discussion

159 In the absence of a report demonstrating that the site is free from ground contamination Environmental Protection have recommended that a condition be imposed securing reports.

6.7.4 Air pollution

Policy

160 NPPF para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

161 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

162 An Air Quality Assessment (Aether, March 2020) 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.

6.7.5 Natural Environment conclusion

163 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 biodiversity due to the wildlife enhancements that would be introduced within the site.

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7 LOCAL FINANCE CONSIDERATIONS

164 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).

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

166 The CIL is therefore a material consideration.

167 £45,720.00 Lewisham CIL and £30,207.86 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

168 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.

169 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.

170 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.

171 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

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guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 172 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
- 173 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>
- 174 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, given that the church would be reprovided as part of the development. Therefore there would be minimal impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 175 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
 - Article 9: Freedom of thought, belief and religion
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 176 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.
- 177 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.

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178 This application has the legitimate aim of providing a new building with a replacement church and residential uses. The rights potentially engaged by this application, including Articles 8 and 9 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 LEGAL AGREEMENT

179 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

180 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.

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

Transport and Public Realm (s278 agreement)

- amending the waiting and loading restrictions on the western side of Boone Street to `no waiting or loading at any time`.
- remove the redundant vehicle crossover to the front of the site.

Community Access Plan

- a Community Access Plan for the church requiring the facilities to be made available for a minimum of 15hrs per week for community and voluntary groups at rates equivalent to similar Council facilities in the local area

Car Club Provision

- To enter into an agreement with a Car Club operator to provide 3 years membership to the first household of each residential unit.

Car Free

- a financial contribution of £15,000 towards work to assess the potential to extend the Controlled Parking Zone to include Boone Street.

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- Prevent future occupiers from access to residents parking permits for the local CPZ (save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).

Monitoring and Costs

- meeting the Council's reasonable costs in preparing and monitoring the legal obligations.

182 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

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

184 The principle of the proposed development is supported given that the existing church would be re-provided as part of the redevelopment of the site, resulting in a qualitative improvement to the church's facilities and an expanded community access offer from the new meeting rooms. The proposal would also deliver eight residential units. These are planning merits of the scheme to which considerable weight is attributed.

185 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 are assessed to be appropriate for the context and the materials and detailing high quality. As such, the building would make a positive contribution to the surrounding townscape.

186 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 and planning obligations are considered to ensure that any potentially adverse impacts to the local transport network would be mitigated, overcoming a refusal reason for the previous applications.

187 The reductions to the height and massing of the building would ensure that the building would not introduce a materially harmful loss of outlook or increased enclosure to the properties to the rear of the site on Lee Church Street. A change to planning guidance together with the improvements to the scheme have reduce the assessed level of harm to the privacy of the blocks to the north of the site on Boone Street and Lee Church Street. Accordingly, this impact is no longer considered to warrant the refusal of the application and all of the reasons for refusal for the previous schemes have been successfully overcome.

188 Therefore, subject to the imposition of conditions, the development is judged acceptable and would accord with the Development Plan.

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12 RECOMMENDATION

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

12.1 CONDITIONS

1. Full Planning Permission Time Limit

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

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

2. Approve Plans

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

5150_3_80; 5150_3_81 received 11 August 2021;

5150_3_84 Rev A; 5150_3_85 Rev A received 11 December 2021;

5150_3_82 Rev C; 5150_3_83 Rev B; 5150_3_89 received 9 February 2022;

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements

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(delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

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

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

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

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

5. External Sound Insulation

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- (a) The development shall not be occupied until a scheme of sound insulation against external noise and vibration has been submitted to and approved in writing by local planning authority. The sound insulation shall achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided..
- (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).

6. Internal Soundproofing

- (a) The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority demonstrating that soundproofing of a specification for sound insulation against airborne noise and structural vibration to meet 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms and 35dB LAeq (day) for other habitable rooms, would be installed where walls and/or ceilings for the residential accommodation parties non domestic use.
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety and post-completion sound testing to demonstrate compliance with the part (a) scheme have been submitted to and approved in writing by the local planning authority. The report shall be undertaken by a qualified independent acoustician. 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).

- 7. (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 in the form of 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) must be submitted to and approved in writing by the local planning authority (in consultation with Thames Water) 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.

8. **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) main entrances and signage;
- (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.

(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.

9. **Refuse and Recycling Facilities**

(a) Prior to the occupation of the development, details of the refuse and recycling facilities and management 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 residential accommodation 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 appearance of 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 Facilities**

(a) Prior to first occupation of the development, full details of the cycle parking facilities providing a minimum of 15 long stay and six short stay spaces 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 residential accommodation and maintained thereafter.

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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).

11. Hard Landscaping

- (a) Prior to the occupation of the development, drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the appearance and 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 shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

13. Bat Surveys

- (a) In the event that works on the demolition works, hereby approved, have not been completed by 31 March 2022, further bat surveys will be required. The surveys shall be carried out by a qualified ecologist in accordance with Natural England's standing advice for local planning authorities: *Bats: surveys and mitigation for development projects* (March 2015). A report documenting the outcome of the surveys and any necessary mitigation shall be submitted to and approved in writing by the Local Planning Authority.
- (b) The mitigation measures identified in the report approved in part (a) shall be implemented in full prior to works recommencing.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing

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

14. **Soft Landscaping**

- (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits and planting for screening within the communal courtyard at first floor level) 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 the occupation of the development.
- (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 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).

15. **Wildlife Features**

Details of the number and location of the wildlife features including bird boxes, bat boxes, log piles and invertebrate boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. All of the approved wildlife features shall be installed before prior to the occupation of the development and maintained in perpetuity.

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

16. **Living Roofs**

- (a) The development shall be constructed with an extensive biodiversity living roof (substrate depth approximately 135 mm, with variation between 80mm and 20mm across the roof) laid out in accordance with plan no. 5150_3_83_B and the Ecological Mitigation and Enhancement Scheme (Tim Moya Associates, April 2020) hereby approved and maintained thereafter.
- (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.

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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).

17. **Church Travel Plan**

- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan for the Church, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

18. **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 6, has been submitted to and approved in writing by the local planning authority.

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).

19. **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 windows marked as Obscured on drawing 5150_3_83 Rev B on the building hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

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

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20. Construction Works and Deliveries

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 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).

21. Mains Water

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)

22. Gas Boilers

In the event gas boilers are proposed, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and approved in writing by the local planning authority prior to installation. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI1 Improving Air Quality of the London Plan (March 2021).

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 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>

3 Thames Water have issued the following advice:

- 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 . Application forms should be completed on line via [https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFUI6EkdUw\\$](https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFUI6EkdUw$) . Please refer to the Wholesale; Business customers; Groundwater discharges section.
- With regard to Surface Water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website: [https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-payfor-services/Wastewater-services__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFXB1YMIfg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-payfor-services/Wastewater-services__;!!CVb4j_0G!AD-0nIXlp3-Pcc1j2wl_Gbgg_LTC_J0d3d7IT89wiPUz_oReA_VDwMSRZL5TgFXB1YMIfg$)
- If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.
- 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

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it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13 BACKGROUND PAPERS

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

14 REPORT AUTHOR AND CONTACT

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Telephone: 020 8314 9336

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