



Planning Committee C

Report title:

Garages at the rear of 4-24 Blythe Vale, SE6 4UJ

Date: 24 February 2022

Key decision: No.

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

Class: Part 1

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

Ward(s) affected: Perry Vale

Contributors: Georgia McBirney

Outline and recommendations

This report sets out the officer recommendation of approval for this planning application.

This case has been brought before members for a decision as 5 objections have been received and Cllr John Paschoud requested the application be heard at committee.

Application details

Application reference number(s): DC/21/123262

Application Date: 17 September 2021

Applicant: Boyer on behalf of Burlington Developments

Proposal: Demolition of the existing garages at the rear of 4-24 Blythe Vale, SE6 (land on the west side of Blythe Vale) and the construction of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.

Background Papers: Submission drawings
Submission technical reports
Internal consultee responses
Statutory consultee responses

Designation: PTAL 4 and Local Open Space Deficiency

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The subject site is in Perry Vale and comprises of 40 garages located on an 'L' shaped plot accessible to vehicles from Blythe Vale between Nos. 18 and 24.
- 2 The northern boundary of the site is bounded by properties on Stanstead Road, the eastern and southern boundaries by properties on Blythe Vale and the western boundary of the site is bounded by properties on Carholme Road, as shown in Figure 1.

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Figure 1 Location Plan

Character of area

- 3 The surrounding area is predominately residential in nature. Residential properties in the vicinity are predominately two storey in height and date from the 19th and 20th Centuries.

Heritage/archaeology

- 4 The application site is not within a conservation area, nor is it subject to an Article 4 Direction.
- 5 The application site does not contain a listed building, nor is it in the vicinity of one.

Local environment

- 6 The site is within Flood Risk Zone 1 meaning there is minimal risk of river flooding; there are no known other sources of flood risk.

Transport

- 7 The application site has a PTAL rating of 4 on a scale of 0 to 6b, which indicates the site has good accessibility to public transport.
- 8 Catford and Catford Bridge Stations are 0.4 miles and 0.5 miles from the application respectively.

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9 There are bus stops a short walk from the site on Stanstead Road which are served by two bus routes (Nos. 171 and 185).

2 RELEVANT PLANNING HISTORY

10 **PRE/21/120305:** Pre-application advice on the demolition of the existing garages and the construction of nine residential dwellings.

11 It was advised that the principle of residential development could be supported on the site subject to details.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

12 The application is for the demolition of the existing garages at the application site and the construction of nine dwellinghouses. The dwellinghouses would be situated along the southern and western boundaries of the site.

13 Eight of the dwellings would be two-bedroom units and one dwelling would have three bedrooms. All of the dwellings would have private gardens.

14 Two of the dwellinghouses (Nos. 1 and 9) would be single storey in height and seven of dwellinghouses would be two storeys in height. The front elevations of proposed dwellinghouses 1 to 4 are shown in Figure 2 below and the front elevations of dwellinghouses 5 to 9 are shown in Figure 3 below.

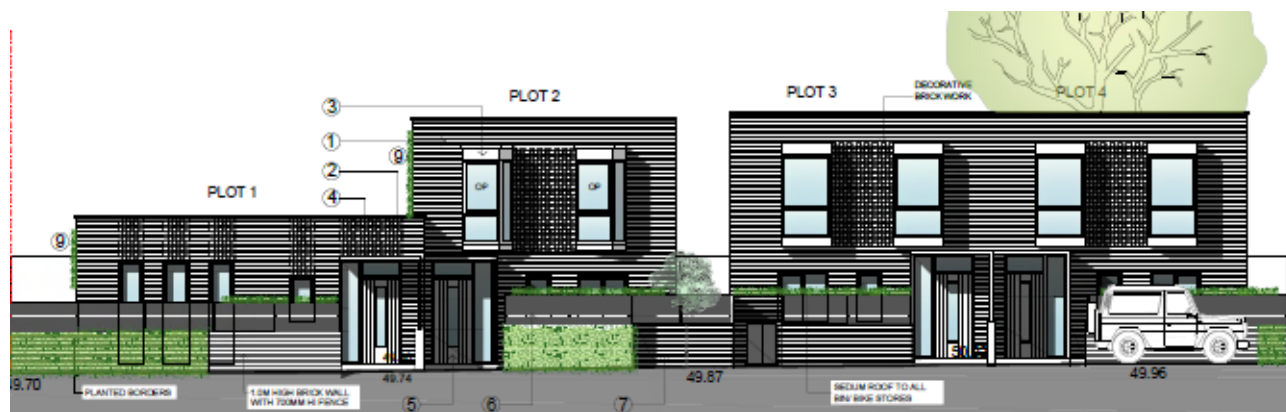


Figure 2 Front elevation of dwellings 1 to 4

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Figure 3 Front elevation of dwellings 5 to 9

- 15 Refuse storage and cycle parking would be provided for each dwellinghouse.
- 16 One disabled car parking space and one service vehicle bay are proposed as part of the development.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 17 The submission sets out that the applicants invited local residents by post to a non-statutory public consultation event which was held on the 1st July 2021.
- 18 The submission sets out that 35 individuals attended the consultation event.

4.2 APPLICATION PUBLICITY

- 19 A Site notice was displayed on the 24th September 2021.
- 20 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 24th September 2021.
- 21 [6] number responses received, comprising [5] objections, [1] support and [0] comments.

4.2.1 Comments in objection

Comment	Para where addressed
Increased parking demands and difficulties parking	126 - 127
Overlooking and loss of privacy	Section 6.5.2
Disruption and difficulties parking due to construction vehicles	A Construction Management Plan would be secured by condition
Proposal would alter fabric of the area due to cramming in dwellings in a low density area	60-64 and Section 6.3

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The dwellings would have small gardens compared to surrounding properties	82
Overdevelopment	60-64 and Section 6.3
Loss of green space	The application site is a brownfield garage site and there is no loss of green space
Over bearing and unneighbourly form of development	Section 6.5.1
Layout of development is out of character and harmful to amenities	60-64, Section 6.3 and Section 6.5
The design does not enhance the surrounding Victorian properties, local context or local character	98
Impact on trees in neighbouring properties	A Tree Protection Plan and Arboricultural Method Statement would be secured by Condition
Noise pollution from Air Source Heat Pump (ASHP)	167
No social and economic benefits to the area	The application is CIL liable
Loss of sunlight to gardens	Section 6.5.3
Noise and disturbance from dwellinghouses	Section 6.5.4
Concerns about delivery and servicing of dwellings	Section 6.4.2 and a Delivery and Servicing Plan would be secured by condition
Increased waste	Section 6.4.2 and a Waste Management Plan would be secured by condition
Increased dust pollution from construction	A Construction Management Plan would be secured by condition
Increased traffic	Section 6.4.1

22 Risk of subsidence to existing properties: This is not a material planning consideration

4.2.2 Comments in support

Comment	Para where addressed
There is a shortage of housing, this sensible reconstructing application should go ahead.	Section 6.1 and Section 6.2

4.3 INTERNAL CONSULTATION

23 The following internal consultees were notified on 23rd September 2021.

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- 24 Highways: No objection subject to details being secured by condition – see section 6.4 for further details.
- 25 Tree Officer: No comments received
- 26 Environmental Protection: No objection subject to conditions in respect of a Construction Management Plan, Site Contamination, Dust Minimisation, Wheel Washing, Construction Hours and a Noise Impacts Assessment.
- 27 Ecological Regeneration Manager: No objection subject to conditions - see section 6.7 for further details.

4.4 EXTERNAL CONSULTATION

- 28 The following external consultees were notified on 11th January 2022.
- 29 Thames Water: No objection subject to informatives being attached to a permission

5 POLICY CONTEXT

5.1 LEGISLATION

- 30 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

5.2 MATERIAL CONSIDERATIONS

- 31 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 32 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 33 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

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

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5.4 DEVELOPMENT PLAN

34 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

35 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)
- Small Sites SPD (October 2021)

36 London Plan SPG/SPD:

- 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)
- Social Infrastructure (May 2015)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

37 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

38 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.

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Loss of Garages

- 39 The application proposes the loss of the existing garages on the site to make way for the proposed development.
- 40 Generally, the principle of demolition of the existing garages is accepted, full consideration to the displacement of parking spaces is considered in the relevant section of this report.

Residential Development

- 41 The NPPF (2021) speaks of the need for delivering a wide choice of high quality homes. Which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.
- 42 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting underutilised land and buildings, particularly where they would contribute to housing needs and where sites could be used more effectively.
- 43 Policy H2 of the London Plan requires boroughs to proactively support well designed new homes on small sites to help achieve targets set out in Table 4.2. Lewisham has a ten year target to deliver 3,790 new homes on small sites. Policy H2 sets out that boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 44 Spatial Policy 1 of the Core Strategy defines the location of the application as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for 14% of the boroughs requirements in order to meet local housing need and contribute towards meeting and exceeding London Plan targets.
- 45 DM Policy 33 Infill, backland and back garden and amenity area development sets out the requirements for a variety of sites within residential areas that may come forward for development. Part B of supporting paragraphs 2.251 defines Backland sites as 'landlocked' sites to the rear of street frontages not historically in garden use such as builders yards, small workshops and warehouses and garages. They require sensitive treatment and a high quality design in order to achieve successful development because of the potential for visual and functional intrusion due to the close proximity.
- 46 As the application site is a backland site, Part B of DM Policy 33 is relevant. It sets out that new development on sites of this type will only be permitted where they provided:
- (a) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians
 - (b) no significant loss of privacy and amenity, and no loss of security for adjoining houses and rear gardens; and
 - (c) appropriate amenity space in line with policy requirements in DM Policy 32 (Housing design, layout and space standards)
- 47 The Small Sites SPD sets out that backland sites present an opportunity to achieve high quality place making sense of identity. Similarly, to DM Policy 33, section 32 of the Small

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Sites SPD sets out that new residential development on sites previously occupied by garages should make adequate provision for pedestrians and take care to respect the privacy enjoyed by neighbours.

48 Residential development is acceptable in this location subject to the applicant meeting the policy tests set out above and other relevant development plan policies as set out in the sections below. The development is acceptable in principle and will make a contribution to Lewisham's targeted housing supply.

6.1.1 Principle of development conclusions

49 The demolition of the existing garages and construction of nine dwellinghouses is supported in principle.

6.2 HOUSING

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

6.2.1 Contribution to housing supply

Policy

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

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

53 The NPPF states that housing applications should be considered in the context of the presumption favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create, sustainable, inclusive and mixed communities.

54 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

55 The plan sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029.

56 National and regional policy avoids specifying prescriptive dwelling size and mixes for market and intermediate homes.

57 NPPF paragraph 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups within the community.

58 Core Strategy Policy 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

59 The area is characterised as being suburban.

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Discussion

- 60 The proposal is for nine dwellinghouses, consisting of 7x 2B/4P units, 1x 2B3P unit and 1x 3B6P unit. The site measures approximately 0.14 hectares.
- 61 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Table [1]: Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	A 0.14	n/a
Units	W 9	W/A 64.28 U/HA
Habitable rooms	X 28	X/A 200 Hr/HA
Bedrooms	Y 19	Y/A 135.71 Br/Ha
Bedspaces	Z 37	Z/A 264.28 Bs/Ha

Summary

- 62 Policy D6 of the London Plan states for London to accommodate the growth identified in the plan in an inclusive and responsible way, every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding areas on most sites.
- 63 Whether the scale of development is appropriate for the site and surrounding area, the impact of neighbouring occupiers, and accessibility are all relevant factors when determining the optimum density, and these are considered in the following sections of this report.
- 64 Subject to the following matters, the proposed density is acceptable and would not result in the over intensification of the site and would provide nine dwellinghouses, including family sized dwellings. The proposed development would result in a more efficient use of land and increase the housing supply in line with the London Plan (2021).

6.2.2 Affordable housing

Percentage of affordable housing

Policy

- 65 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG guidance makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e., development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more).
- 66 The application proposal falls below the threshold for seeking affordable housing provision as only 9 units are proposed. Officers consider that given the size of the site and the quantum of development, the provision of nine units is acceptable. The density

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calculations above do not suggest an under-utilisation of land or that additional units may be appropriate.

6.2.3 Residential Quality

General Policy

67 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, and Small Sites SPD 2021 LBL).

68 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity. The Small Sites SPD has an Inside and Out Toolkit at section 15.

Internal space standards

Policy

69 London Plan Policy D6 and DM Policy 32 seeks to achieve housing developments with the highest quality internally and externally in relation to their context and sets out minimum space standards. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

70 The table below sets out proposed dwelling sizes.

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

Unit	Layout	Storeys	GIAm ²	B1m ²	B2m ²	B3m ²	Built in storage	Amenity
1	2B/4P	1	87 (70)	16 (11.5)	15 (11.5)		2.71 (2)	28 (7)
2	2B/4P	2	88 (79)	14 (11.5)	13 (11.5)		2.36 (2)	30 (7)
3	2B/4P	2	88 (79)	14 (11.5)	13 (11.5)		2.21 (2)	22 (7)
4	2B/4P	2	88 (79)	13 (11.5)	14 (11.5)		2.21 (2)	21 (7)

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5	2B/4P	2	89 (79)	13 (11.5)	13 (11.5)		2.52 (2)	42 (7)
6	3B/6P	2	109 (102)	14 (11.5)	13 (11.5)	13 (11.5)	2.96 (2.5)	42 (9)
7	2B/4P	2	89 (79)	13 (11.5)	13 (11.5)		2.52 (2)	44 (7)
8	2B/4P	2	89 (79)	13 (11.5)	13 (11.5)		2.58 (2)	31 (7)
9	2B/3P	1	75 (70)	13.5 (11.5)	9 (7.5)		2.48 (2)	31 (6)

71 As can be seen from table 2 above, all of the units would exceed the minimum floor areas for the unit types. All of the bedrooms would also exceed the required sizes.

72 In respect of built in storage, part (7) of Policy D6 states that built in wardrobes in excess of 0.72m² in double bedrooms and 0.36m² in single bedrooms count towards built in storage. All of the dwellinghouses would be provided with dedicated built-in storage and all of the built in wardrobes would provide excess built in storage in accordance with part (7). The built in storage figure in table 2 include the built in and built in wardrobe excess; all of the units would exceed the minimum requirements for built in storage.

73 Units 1 and 9 would have floor to ceiling heights of 2.9m and would therefore comply with part (8) of Policy D6 and DMP 32. In respect of units 2 to 8, the ground floors would have a floor to ceiling height of 2.5m and first floors would have a height of 2.4m for 80% of the first floor, whilst this is not compliant with part (8) of Policy D6 and DMP, it is compliant with the Nationally Described Space Standards (2015) which state the floor to ceiling height should be 2.3m or above for 75%, as such the floor to ceiling height is acceptable.

Outlook & Privacy

Policy

74 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.

Discussion

75 All of the units would be dual aspect with all habitable rooms being provided with a good standard of outlook. Officers acknowledge that proposed dwellings 2 to 8 would not have any windows in the rear elevation at first floor level, these parts of the dwellinghouses host bathrooms, and gallery study spaces within the upstairs landing area. These rooms

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would be served by rooflights, given that these rooms are not main habitable rooms the lack of outlook is considered to be acceptable.

- 76 Privacy to the rooms of the proposed dwellinghouses is considered to be acceptable due to the location of the windows and the distance from neighbouring properties is not considered to result in direct overlooking. The windows on at first floor level on front elevations of dwellings 2 to 4 would be situated a minimum of 9m from the nearest garden boundary with the closest dwelling being having a separation distance of approximately 16m. Dwellings 5 to 9 would be situated a minimum of 3.6m from rear garden boundaries and in excess of 21m from the dwellinghouses fronting Blythe Vale.

Daylight and Sunlight

Policy

- 77 DMP 32(1)(b) expect new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living space.

Discussion

- 78 All of the dwellinghouses would be dual aspect with all habitable rooms being served by windows as such the proposed dwellinghouses are considered to received adequate levels of daylight and sunlight.

Accessibility and inclusivity

Policy

- 79 LPP D7 requires 10% of residential units to be designed to Building Regulation M4(3) 'wheelchair user dwellings' i.e., designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users; with the remaining 90% being designed to M4(2) 'accessible and adaptable'. Para 12.16 of the Small Sites SPD echoes LPP D5.

Discussion

- 80 Proposed dwellinghouse 1 would be designed to building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellinghouses would be designed to building regulation M4(2) 'accessible and adaptable', as such the development would comply with LPP D7.

External space standards

Policy

- 81 Standard 4.10.1 of the Mayors Housing SPG states that a 'minimum of 5sqm of private amenity outdoor amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. This is also set out in LPP D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.

Discussion

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82 Table 2 sets out the private amenity space for each dwelling against the size required, all of the dwellings would be provided with private amenity space that would exceed the minimum requirements.

Summary of Residential Quality

83 All of the units would exceed the minimum space standards, and the units are considered to provide high quality residential accommodation.

6.2.4 Housing conclusion

84 The proposal would deliver 9 dwellinghouses which exceed the required space standards. It would contribute to meeting the Boroughs identified housing need in a predominately residential and sustainable location, and substantial weight is given to this material planning consideration.

6.3 URBAN DESIGN

General Policy

85 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.

86 Policies D4 and D6 of the London Plan emphasise that the 'scrutiny of a proposed development should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping'.

87 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design, and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of site, is sensitive to local context, and responds to local character.

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

89 DMP 33 states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality and relates successfully and is sensitive to the existing design quality of the streetscape.

90 The Small Sites SPD includes a Placemaking Toolkit in section 16.

6.3.1 Appearance and character

Policy

91 In terms of architectural style, the NPPF encourage development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 130).

92 LPP D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout,

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orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

- 93 DM Policy 30 requires planning applications to demonstrate a site specific response which creates positive relationship with the existing townscape whereby height, scale and mass of the proposed development relates to urban typology of the area.
- 94 DM Policy 32 expects new residential development to be attractive and neighbourly.
- 95 DM Policy 33 relates to development on backland sites, and sets out a number of specific requirements for development on these sites.

Discussion

- 96 The development proposes a modern development consisting of 8 properties arranged in pairs and one detached property. Proposed dwellinghouses 2 to 8 would be two storeys in height and proposed dwellinghouses 1 and 9 would be single storey in height; dwellinghouse 9 is the detached dwellinghouse. Due to slight land level changes within the site, all of the two storey dwellinghouses would not be the same height, the height difference is considered to be an appropriate design response to the land level changes within the site. Whilst all of two storey dwellinghouses are not the same height, in each pair of two storey dwellinghouses (3&4, 5&6 and 7&8), the dwellinghouses are level. The pair consisting of dwellinghouse 1 and 2, the dwellings would not have the same height as dwellinghouse 1 would be single storey and dwellinghouse 2 would be two storeys. The difference in height is considered to be acceptable and site specific response to the relationship with neighbouring properties.
- 97 Whilst backland development is not a feature within the area, the development being arranged in pairs and with one detached property; and two proposed dwellings being single storey in height, aids in the massing and scale of the proposed development being acceptable and respecting the scale and massing of the surrounding development.
- 98 The applicants have taken a modern approach with design of the proposed development compared to the surrounding development which consists largely of Victorian and inter war properties, given the backland nature of the site, a modern approach that is different in style from the properties which front the surrounding streets is considered to be acceptable.
- 99 The submitted Design and Access Statement sets out that the facing material would be brick with corbelled brick panels, with powder coated olive grey aluminium doors and windows, metal sanding seam angled roofs and perforated olive grey entrance canopies. The principle of the proposed materials are considered to result in a high quality design the final details would be secured by condition so as to secure quality. Also, to ensure the design quality of the development and to avoid cluttered elevations and alterations, conditions are proposed to remove permitted development rights in respect of extensions and alterations to the dwellinghouses.
- 100 Parts of the site would retain the existing boundary walls and parts of the site would incorporate new boundary treatments, full details of the retained and proposed boundary treatments would be secured by condition.

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101 The design of the proposed development is considered to respect the height, massing and scale of surrounding development and is considered to be a high quality addition on an underutilised site.

6.3.2 Layout and landscaping

Policy

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

103 DMP 32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as the existing context of the surrounding area. They must also meet the functional needs to future residents.

Discussion

104 The proposed development would replace garages and there is currently no soft landscaping on the site. To the front of each dwellinghouse soft landscaping is proposed and grassed garden are proposed. In addition, each dwellinghouse would incorporate green roofs and dwellings 1, 2 and 4 would incorporate green walls on the side elevations. Given that there is no soft landscaping on site, Officers welcome the introduction of landscaping, grassed gardens, green walls and green roofs. The final details of the hard and soft landscaping along with maintenance and management plan would be secured by condition.

105 Whilst officers acknowledge that the entrances to each dwellinghouse would not be visible from the street, and would be accessed via an access way (which can be accessed by vehicles as well as pedestrians); given the backland nature of the site, this is considered to be acceptable. External lighting would be secured by condition as to ensure the access way to the dwellinghouses is adequately lit.

106 Overall, officers consider the layout of the development to make good use of the underutilised backland site.

6.3.3 Urban design conclusion

107 In summary, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale, and would use suitable materials. The design of the proposal is acceptable and in line with the aforementioned policy.

6.4 TRANSPORT IMPACT

General policy

108 The NPPF paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

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109 Paragraph 111 of the NPPF states ‘development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

110 The Small Sites SPD has guidance in sub-sections 12.12 to 12.18.

6.4.1 Local Transport Network

Policy

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

Discussion

112 The application site has a PTAL rating of 4. Catford and Catford Bridge Stations are 0.4 miles and 0.5 miles from the application respectively. There are bus stops a short walk from the site on Stanstead Road which are served by two bus routes (Nos. 171 and 185).

113 The provision of nine additional dwellings is not considered to have a significant impact on the local transport network in terms of capacity on road network or public transport.

114 The loss of the existing garages on the highways network also needs to be considered. The submitted Planning Statement (prepared by Boyer, 2021) sets out that all of the garages are currently empty, and prior to be empty the most recent use was storage as the garages are too small to fit modern cars. Given that the garages are currently empty and prior to this were being used for storage and their size, the proposed loss of the garages are not considered to have an unacceptable impact on the highways network.

115 A Construction Management Plan would be secured by condition to ensure the impacts of construction vehicles on the local highways network would be acceptable.

6.4.2 Servicing and refuse

Policy

116 DM Policy 31 requires new development to have appropriate regard for servicing of residential units including refuse. The Small Sites SPD has guidance in sub-section 12.14.

Discussion

117 All of the units would be provided with individual bin stores; this is compliant with the guidance set out in the Small Sites SPD. It is not proposed for refuse vehicles to enter the site. As vehicles will not enter the site and the bin stores are outside of the 10m drag distance of the highways, the refuse bins will need to be brought within 10m of the highway on collection day and returned to the bin stores as to not restrict the foot paths and access to the site. Offices consider this approach acceptable provided a waste management plan is secured by condition.

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118 A service vehicle/loading bay is proposed, this is adjacent to the disabled parking bay. Given that telescopic bollards are proposed on the site access road, a delivery and servicing plan would be secured by condition that would set out the use and management of the bollards.

6.4.3 Transport modes

Walking and cycling

Policy

119 LP Policy T5 states that Development Plans and development proposals should remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

120 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

121 The Small Sites SPF has guidance on sections 12.13.

Discussion

122 In respect of cycle parking, Table 10.2 of LP Policy T5 sets out that each dwellinghouse should be provided with 2 spaces. Individual cycle parking would be provided for each dwellinghouse to accommodate the required 2 spaces. Whilst the development would provide the correct number of spaces, the stores as currently proposed would not comply with the London Cycling Designs Standards due to 1m spacing not being provided between Sheffield stands for dwellinghouses 1 to 4 and the width of the doors for the stores for dwellings 5 to 9 not being 1.2m wide as such revised cycle parking stores would be secure by condition.

123 In terms of short stay cycle parking, two spaces are required. Two spaces are proposed as part of this application and the details would be secured by condition.

Car parking

Policy

124 LP Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (car-lite). The Small Sites SPD has guidance in sub-section 12.12.

Discussion

125 Table 10.3 of LP Policy T6 states that areas of a PTAL of 4 in Inner London should be car free except for disabled persons parking. The proposed development proposes one on-site disabled bay.

126 Part G of LP Policy T6 states that disabled parking should be provided for new residential development and goes on to set minimum criteria for proposals delivering 10 or more units; this criterion is not applicable to this application as 9 units are proposed.

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Part H of LP Policy T6 sets out that disabled bays associated with residential development must be for residents used only (whether M4(2) or M4(3) dwellings) and not allocated to a specific dwelling, unless it is provided within the curtilage of a dwelling. A management plan for the disabled parking space would be secured by condition.

- 127 A parking stress survey was submitted with the application, the survey was conducted in June 2021. The surveys yielded a capacity 72.4% and 77.8% on surveyed streets, which indicates sufficient on street parking availability given the PTAL of the site and the number of proposed units.

6.4.4 Transport impact conclusion

- 128 The proposal would have an acceptable impact on transport in terms of parking, encouraging sustainable modes of transport and accommodating the site's servicing needs, subject to conditions.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 129 NPPF para 130 sets an expectation that new development will be designed to create place that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of LPP D3, D6 and D14 and DMP 30, 32 and 33.
- 130 DMP 31(1)(b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. The Small Site SPD provides general guidance in section 12 (sub section 12.2 to 12.4) and specific guidance in section 32.
- 131 The main impacts on amenity arise from: (i) overbearing sense of enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity area; and (iv) noise and disturbance.

6.5.1 Enclosure and Outlook

Policy

- 132 DMP 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings. The Small Sites SPD subsection 12.3 provides further details.

Discussion

- 133 Blythe Vale: The main properties on Blythe Vale that the impact needs to be considered on are properties which adjoin the site Nos. 4 to 18 and Nos. 24 and 26.

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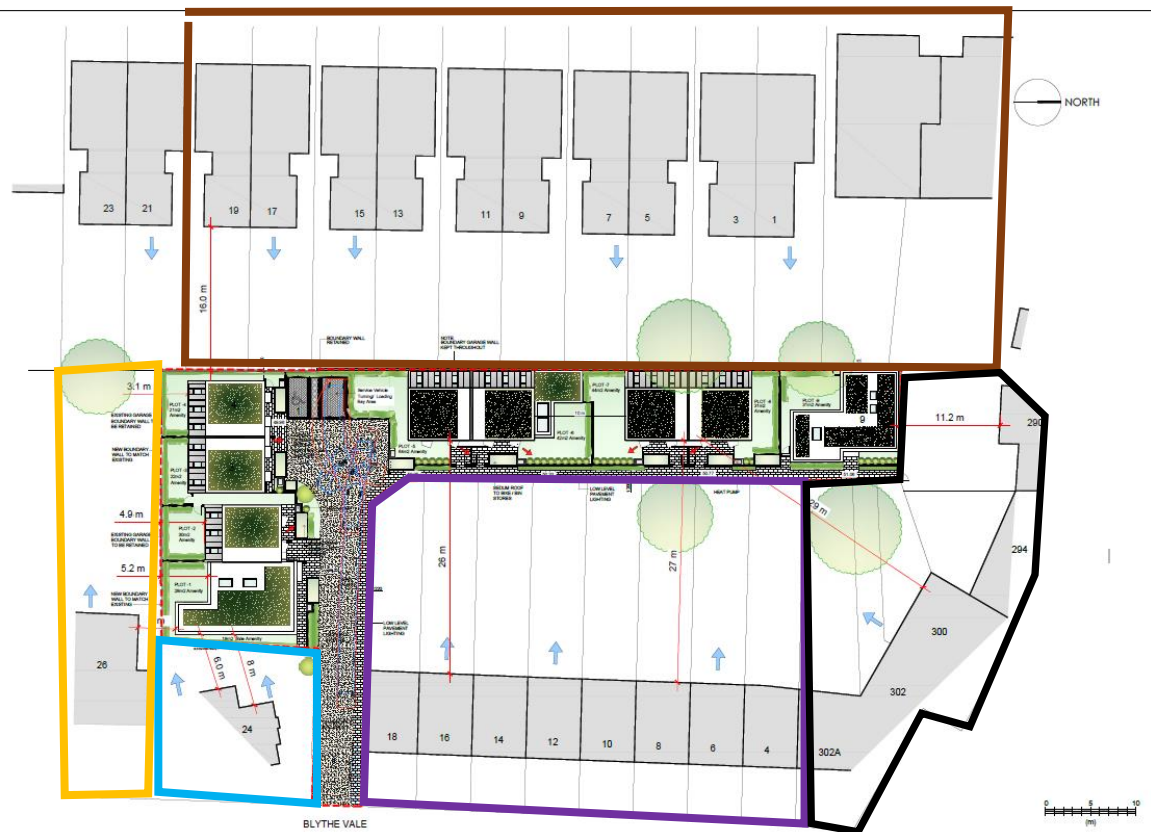


Figure 4 Block Plan and relationship to properties on Blythe Vale

- 134 Nos. 4 to 18 comprise of a terrace of inter/post war properties, which benefit from front and rear gardens; as outlined in purple in Figure 4. Some of the properties in the terrace benefit from single storey rear extensions. The gardens have approximate depths of between 18m and 21m. Dwellinghouses 5 to 9 would be situated to the rear of the gardens of Nos. 4 to 18, with the main front elevations of 5 to 8 setback 4.2m from the shared boundary and the elevation of No. 9 setback 2.07m from the shared boundary. Given the depth of the rear gardens and the setback of the dwellinghouses, the proposed dwellinghouses are not considered an unacceptable impact on Nos. 4 to 18 in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 135 Of the proposed dwellinghouses situated on the southern boundary, dwellinghouses 1 and 2 would be set back 7.7m from the side garden boundary of No. 18, given the siting of the dwellinghouses and the set back from the side garden boundary, the proposed dwellinghouses on the southern boundary are not considered to have an unacceptable impact on No. 18 in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 136 No. 24 Blythe Vale is a detached property which is adjacent to the entrance to the site, as outlined in blue in Figure 4. No. 24 is angled within its plot and the property has a shallow rear garden compared to the gardens of neighbouring properties, No.24 is setback approximately a minimum of 5m from the boundary of the site boundary. Proposed dwellinghouses 1 and 2 are the closest proposed dwellings to No. 24; proposed dwellinghouse 1 is single storey and proposed dwellinghouse 2 is two storey in height. Proposed dwellinghouse 1 would be set 1.22m from the shared boundary with No. 24 and would have a height of 3.8m. The existing 2m high fence would be retained,

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with additional boundary treatment with a height of 2m being installed within the garden of No.1. The proposed dwellinghouse would extend 1.8m above the existing boundary treatment. The two storey dwellinghouse at No. 2, would be set back 9m from the shared boundary with No.24. Considering the set back of No. 24 from the shared boundary with the application site, and that proposed dwellinghouse No. 1 would be single storey in height and the set back of the two storey dwellinghouses, the proposal is not considered to result in a materially harmful increase sense of enclosure or an unacceptable loss of outlook.

- 137 No. 26 Blythe Vale shares a boundary with the application site, No. 26 is outlined in yellow in Figure 4. None of the proposed dwellinghouses would be situated directly to the rear of No.26, and they would all be situated to the side as shown in Figure 4. Proposed dwellinghouse No.1 would be set back a minimum of 1.37m from the shared boundary with No. 26 Blythe Vale, proposed dwellinghouse No. 2 would be set back 4.2m from the shared boundary and proposed dwellinghouses 3 and 4 would be set back 3.1m from the shared boundary. Considering the set in of proposed dwellings 3 and 4 combined with the set back from the dwellinghouse at No. 26, proposed dwellings 2, 3 and 4 are not considered to an unacceptable impact on No. 28 in terms of an increased sense of enclosure or an unacceptable loss of outlook. Whilst officers acknowledge that proposed dwellinghouse 1 would be set a minimum of 1.37m from the shared boundary with No. 26, given the single storey nature of the proposed dwellinghouse, the proposal is not considered to result in a materially harmful increase sense of enclosure or an unacceptable loss of outlook.
- 138 Carholme Road: The main properties on Carholme Road that the impact needs to be considered on are Nos. 1 to 19 and Rosinella and Tehidy (named dwellings), which are outlined in brown in Figure 4. These properties are two storey residential properties which benefit from front gardens and rear gardens. Some of the properties benefit from single storey rear extensions. The rear gardens have an approximate depth of 16m. The side elevation of proposed dwelling 4 would be set in 1m from the shared boundary and the rear elevations of proposed dwellings 5 to 9 would be sited on the boundary. Whilst officers acknowledge that dwellinghouses 5 to 9 would not be set back from the shared boundary, given the pitched roofs of Nos 5 to 8 and the single storey height of No.9 which reduce the bulk of the dwellings, combined with the lengths of the rear gardens of the properties fronting Carholme Road, the proposal is not considered to be unacceptable in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 139 Stanstead Road: The application site share boundaries with Nos. 290, 294-298, 300, 302 and 302A Stanstead Road, which are outlined in black in Figure 4.
- 140 No. 290 Stanstead Road is a two storey residential property. The property benefits from a rear garden with an approximate length of 11.2m. Proposed dwellinghouse No. 9 would be built to the shared boundary with No. 290. Proposed dwellinghouse No. 9 would be single storey. Considering the single storey nature of proposed dwellinghouse No.9 and the depth of the rear garden of No. 290, the proposal is not considered to have an unacceptable impact in terms of an increased sense of enclosure or an unacceptable loss of outlook.
- 141 No. 294-298 was formerly in commercial use and in September 2020 and February 2021 permission was granted for the change of use of the ground and first floors into residential accommodation. Pre-commencement conditions attached have been discharged as such the assessment on this property will be on a residential use. Proposed dwelling No. 9 would be sited approximately 15m from the rear elevation of

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No. 294-298. The rear garden area of No. 294-298 does not directly adjoin the application site, further to this there is oblique relationship between No. 294-298 and proposed dwelling No. 9. Considering the oblique relationship and the separation distance, the proposal is not considered to have an unacceptable impact in terms of an increased sense of enclosure or an unacceptable loss of outlook.

- 142 No. 300 is in commercial use as such there is no residential amenity impact considerations.
- 143 There is residential accommodation at Nos. 302 and 302A and the rear gardens have approximate lengths of 19m and 23m respectively. The closest dwelling is set back 2m from the shared boundary. Given the depth of the rear gardens and the setback of the dwellinghouses, the proposed dwellinghouses are not considered an unacceptable impact on Nos. 302 and 302A in terms of an increased sense of enclosure or an unacceptable loss of outlook

6.5.2 Privacy

Policy

- 144 Privacy standards are distances between directly between facing windows and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 145 DMP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation distance of 21m between directly facing habitable windows on main rear elevations. This separation distance will be maintained as a general rule but will be applied flexibly dependent on the context of the development.
- 146 The Small Sites SPD sets out in section 12.4 that in general terms the privacy of the first 10m of a rear gardens (defined as the area of the rear garden extending 10m beyond the furthest rear part of the dwelling, for the main width of the dwelling) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (vertically aligned with clear glass) should be located more than 6m from the rear edge of the 10m privacy area.

Discussion

- 147 Blythe Vale: The windows at ground floor level of the dwellinghouses and the windows in the single storey dwellings would face within the site and onto the boundary treatment between the application site and neighbouring properties, therefore would not have an unacceptable impact in terms of privacy.
- 148 At first floor level, the front elevations would incorporate projecting windows which serve bedrooms. The windows in dwellings 2, and 5 to 8 would be angled as they face towards the properties and rear gardens on Blythe Vale. The windows on dwellings 3 and 4 would not be angled as they do not face directly onto any neighbouring property. The separation distance between the front elevations of the proposed dwellinghouses and the rear elevations is greater than the guidance of 21m and as such there is not considered to be an unacceptable impact in terms of overlooking to the dwellinghouses.

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- 149 In terms of overlooking to the rear gardens, of the windows would be exceed the guidance in the Small Sites SPD of the windows being located more than 6m from the rear edge of the 10m privacy area.
- 150 No windows would face towards No. 24 Blythe Vale therefore there would be no impact in terms of overlooking of loss of privacy.
- 151 The rear roof slope would host roof lights; therefore, the proposal would not result in any overlooking or loss of privacy in the rear garden of No. 26 Blythe Vale. Notwithstanding this, all of the rooflights would be set back from the rear boundary by a minimum of 3.1m from the shared boundary.
- 152 Carholme Road: The windows at ground floor level of the dwellinghouses and the windows in the single storey dwellings would face within the site and onto the boundary treatment between the application site and neighbouring properties, therefore would not have an unacceptable impact in terms of privacy.
- 153 The side elevation of dwellinghouse No 4 does not include any openings therefore there would no privacy considerations in respect of this proposed dwellinghouse on the properties fronting Carholme Road.
- 154 The rear roof slopes would host rooflights, therefore the proposal would not result in any overlooking or loss of privacy. Notwithstanding this, all of the rooflights would be located more than 6m form rear edge of the 10m privacy area.
- 155 Stanstead Road: The windows at ground floor level of the dwellinghouses and the windows in the single storey dwellings would face within the site and onto the boundary treatment between the application site and neighbouring properties, therefore would not have an unacceptable impact in terms of privacy.
- 156 The closest window at first floor level would be situated on proposed dwellinghouse No. 8 and this would be situated a minimum of 26m from the nearest property on Stanstead Road. Further to this, the window would be angled. The separation distance between the front elevations of the proposed dwellinghouses and the rear elevations is greater than the guidance of 21m and there such there is not considered to be an unacceptable impact in terms of overlooking to the dwellinghouses.

6.5.3 Daylight and Sunlight

Policy

- 157 London Plan Policy D6 states that design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate for its context. DMP 32 is in line with this and the Small Sites SPD provides further guidance in sub-section 12.3.
- 158 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.
- 159 The methods for calculating impact on daylight and sunlight within the report are as follows: (i) Vertical Sky Component (VSC); (ii) Annual Probable Sunlight Hours (APSH); and (iii) No Sky Line (NSL).

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

Discussion

161 The application is accompanied by a Daylight and Sunlight Assessment (prepared by T16 Design, dated August 2021).

162 The report sets out that in respect of daylight all of the neighbouring windows requiring analysis would comply with the BRE guidance. The report also sets out in respect of sunlight all of the windows requiring analysis would comply with BRE guidance.

163 The Daylight and Sunlight Assessment (prepared by T16 Design, dated August 2021), also includes an assessment in respect of sunlight to neighbouring gardens, all of the gardens would comply with the BRE guidance.

6.5.4 Noise and disturbance

Policy

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

Discussion

165 The site currently consists of 40 garages; whilst officers acknowledge that the proposed 9 dwellinghouses are likely to generate more noise and comings and goings compared to the garages, this is not considered to be unacceptably harmful to neighbouring properties.

166 While there will be servicing impacts that will occur to access the site, these again are limited due to 9 units being proposed. Officers note that the site has an established use for 40 garages. If the site were redeveloped to update the garages to allowing accommodation of modern vehicles, this would significantly increase the comings and goings to the site by way of vehicular traffic. On balance the servicing impacts are judged to be acceptable in this context.

167 Concern has been raised in respect of noise disturbance from the proposed ASHP, details of the acoustic enclosure for the ASHP would be secured by condition.

6.5.5 Impact on neighbours conclusion

168 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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- 169 Paragraph 153 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 170 CS objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. The Small Sites SPD sections 11 and 21 provide guidance of sustainability.

6.6.1 Energy and carbon emissions reduction

Policy

- 171 CSP 8 seeks to minimise carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 172 DMP22 requires all development to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.
- 173 LPP SI2 states that major development should achieve zero carbon and should minimise to 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.

Discussion

- 174 The application is not a major development (as only 9 units are proposed) and as such the provision of LPP do not apply. Notwithstanding this, the application is accompanied by an Energy and Sustainability Statement (prepared by XCO₂, dated August 2021).

Be Lean

- 175 The Statement sets out that the buildings have been designed to reduce energy demand. The Statement sets out that passive design measures include: enhanced u-values by way of insulation and glazing used; air tightness improvement; and reducing the need for artificial lighting.
- 176 The Statement sets out that active design measures include high efficacy lighting, mechanical ventilation heat recovery and ASHP.
- 177 The Statement sets out that the measures, would reduce regulated CO₂ emissions by 11.4% across the whole site.

Be Clean

- 178 The Statement sets out that due to the location of the site and consultation with the London Heat Map it is not feasible to connect the site with a district heat network and the site is not within any Heat Network Priority Area. The Statement goes on to state that due to updated carbon factors and the small scale of the development it is deemed inappropriate to include a site wide CHP network. The Statement sets out that it is due to the above reasons that ASHP are proposed for the development.

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179 As such, there would be no reductions from Be Clean measures, this is considered to be acceptable as there is no policy requirement due to the scale of the development.

Be Green

180 The proposal includes ASHP for each dwellinghouse. The Statement sets that an appraisal of renewable, low and zero carbon technologies identified ASHP as suitable technology for the development. According to the Statement regulated carbon saving achieved is estimated to be 33.3%.

6.6.2 Overheating

Policy

181 LPP S14 states that major proposals should demonstrate through an energy strategy how the potential for internal overheating would be reduced.

Discussion

182 As the application is not a major development (as only 9 units are proposed) the provision of LPP S14 does not apply. Notwithstanding this, the submitted Statement sets out that risk of overheating will be mitigated by both passive and active design measures. These measures include the ASHP, the insulation of pipe work, the size of glazing and an MVHR system.

183 Further to this, all of the units would be dual aspect which have greater capacity to address overheating.

6.6.3 Flood Risk

Policy

184 LPP SI12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

185 The site lies outside of Flood Zones 2 and 3 and therefore is at low risk of flooding.

6.6.4 Sustainable Urban Drainage

Policy

186 LPP SI13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovering from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.

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

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

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189 Policy G4 of the London Plan requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs.

190 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

191 The application site is in an area of low to medium risk of surface water flooding in accordance with the Environment Agency surface water flood maps.

192 Whilst all of the dwellings and cycle and bin stores would include green biodiverse roofs, a full SuDS strategy has not been submitted. A SuDS strategy would be secured by condition.

193 Details of permeable hard landscaping will be secured by condition.

6.7 NATURAL ENVIRONMENT

General Policy

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

195 The NPPF and NPPG promote the conservation and enhancement of the natural environment (Chapter 15) and set out several principles to support these objectives.

196 The NPPF at para 180 states that decisions should ensure that new development is appropriate or its location taking into account the likely effects (including cumulative effects) of pollution of health, living condition and the natural environment, as well as the sensitivity of the site or wider area impacts that could arise from development. The Small Sites SPD provides a Green Toolkit at section 14.

6.7.1 Ecology and biodiversity

Policy

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

198 NPPF para 174 states that 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 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

199 CSP seeks to preserve or enhance local biodiversity.

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200 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivering of benefits and minimising of potential impacts on biodiversity.

Discussion

201 The application site is a brownfield site that consists of 40 garages. A Preliminary Ecological Appraisal and Preliminary Roost Assessment (prepared by Adonis Ecology Ltd, dated June 2021) has been submitted with the application.

202 This report has been reviewed by the Councils Ecological Regeneration who raised no objections subject to conditions in respect of:

- Demolition and vegetation works should happen outside bird nesting season (March to August inclusive) and if this is not possible the features to be removed should be checked by a qualified ecologist
- Integrated bird, bat and insect boxes as follows:
 - Plot 1 and 9: 1 insect hotel
 - Plot 2: 2 universal swift bricks and 1 bat brick, east side
 - Plot 4: 1 bat brick, west side
 - Plot 5 and 7: 1 bat brick, south side
 - Plot 6 and 8: 2 universal swift bricks, north side
- Soft landscaping with native and/or wildlife friendly species
- Details of living walls
- Biodiverse (non-sedum mat) living roofs on dwellinghouses and bin and cycle stores

203 The report sets out that if works do not commence within 18 months of the survey that has been undertaken for the report, the ecology of the site should be re-assessed as the ecological situation may have changed in the intervening time, this would be secured by condition.

6.7.2 Green spaces and trees

Policy

204 Section 197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.

205 Paragraph 131 of the NPPF (2021) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to

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ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

206 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system. 224 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. 225 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. Small Sites SPD section 19 provides guidance on, amongst other things, trees.

Discussion

207 There are no trees within the existing garage site, however, there are trees in adjacent sites close to the boundary with the application site. The application is accompanied by a Tree Survey Report and Arboricultural Impact Assessment (prepared by Adonis Ecology, dated June 2021).

208 No trees are proposed to be removed to facilitate the proposed development. Two of the dwellinghouses are within the Root Protection Areas (RPAs) of trees T2, T3, T4 and T5 as such as Tree Protection plan and Arboricultural Method Statement would be secured by condition.

209 The report set out that minor facilitation pruning of the lower canopies of Trees T2, T4 and T6, as well as the canopies of T5 and T7. In terms of the amenity value of these trees, considering their location and the as minor pruning is proposed, this is not considered to have such a harmful impact on the amenity value of the trees. The methodology and scope of works would be required to be set out in the Arboricultural Method Statement that would be secured by condition.

210 All of the properties would have grassed private amenity spaces. The introduction of grassed gardens is welcomed given that there is not soft landscaping on the site currently. Due to amount of hard landscaping proposed for the access road and pedestrian path, it would be secured by condition that the gardens have to remain grassed to ensure soft landscaping within the development.

6.7.3 Ground pollution

Policy

211 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.

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

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Discussion

213 A pre-commencement condition is attached in respect of a desk top study and investigation report for site contamination.

7 LOCAL FINANCE CONSIDERATIONS

214 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).

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

216 The CIL is therefore a material consideration.

217 The application is CIL liable and the amount due to be paid would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

218 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.

219 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.

220 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.

221 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

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to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

222 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

223 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>

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

9 HUMAN RIGHTS IMPLICATIONS

225 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

226 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.

227 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore,

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

228 This application has the legitimate aim of providing 9 new residential dwellings. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered unlawfully interfered with by this proposal.

10 CONCLUSION

229 This application has been considered in the light of policies set out in the development plan and other material considerations, including the recently adopted Small Sites SPD.

230 The principle of the proposed development is supported as it would provide 9 market units on an underutilised site, of which one would be a 3B6P unit and seven would be 2B4P units. All of the dwellings are considered to provide a good standard of accommodation to future occupiers and substantial weight is given to this material planning consideration.

231 In urban design terms, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale and would be of an appropriate materiality.

232 The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment subject to the recommended conditions. The impacts to the local transport network including parking capacity in the surrounding streets have been assessed and are considered acceptable.

233 No adverse impacts have been identified to the living conditions of the neighbouring properties.

234 Overall, the contribution to housing supply, efficient use of land, the high quality design of the proposed dwellinghouses and as the development would be acceptable in terms of sustainable development, natural environment impact, highways impacts and on residential neighbouring amenity, the application is recommended for approval subject to the conditions set out in section 11.1 below.

11 RECOMMENDATION

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

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) **PLAN NUMBERS**

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

Received 17th September 2021

322-21-01; 322-21-02; 322-21-03; 322-21-09 Rev A; 322-21-10 Rev B; 322-21-12; 322-21-13; 322-21-14; LTH 322-21-01; LTH 322-21-02; LTH 322-21-03; LTH 322-21-04; LTH 322-21-05; LTH 322-21-06; LTH 322-21-07

Received 4th February 2022

322-21-04 Rev B; 322-21-05 Rev A; 322-21-06 Rev A; 322-21-07 Rev A; 322-21-08 Rev A; 322-21-11 Rev C; 322-21-15

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

3) **CONSTRUCTION MANAGEMENT PLAN**

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

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

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

4) **SITE CONTAMINATION**

(a) No demolition or development, 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).

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5) SURFACE WATER MANAGEMENT

(a) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

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

6) FIRE SAFETY STRATEGY

(a) No works whatsoever shall commence until a Planning Fire Safety Strategy has been submitted to and approved in writing by the local planning authority. The Planning Fire Safety Strategy should include:

- Details on space provisions for fire appliances and assembly points
- Details of passive and active safety measures
- Details of means of escape and evacuation
- Details of access and equipment for firefighting

(b) The development must be carried out in accordance with the provisions of the

Planning Fire Safety Strategy and retained as such for the lifetime of the development.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan (2021) and the provisions of the Small Sites SPD in light of the access arrangements from the public highway.

7) MATERIALS

No development above ground shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

8) **REFUSE STORAGE**

Notwithstanding the plans hereby approved, no development above ground shall commence until revised details of proposals for the storage of refuse and recycling facilities (including details of Biodiverse (non-sedum mat) living roofs) for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

9) **CYCLE PARKING**

Notwithstanding the plans hereby approved, no development above ground shall commence until revised details of proposals of the cycle parking facilities (including details of Biodiverse (non-sedum mat) living roofs) have been submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

10) **RESIDENTIAL SOUNDPROOFING**

(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB 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. External amenity areas shall be designed to achieve levels not

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exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (1) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

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

11) **HARD LANDSCAPING**

(a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

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).

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13) **SOFT LANDSCAPING AND LIVING WALLS**

(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 details of the living walls and 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 construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

14) **BIODIVERSE ROOFS**

(a) Details of Biodiverse (non-sedum mat) living roofs to the dwellinghouses, and cycle and reuse stores shall be submitted and approved in writing by the Local Planning Authority 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.

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).

15) **ARBORICULTURAL METHOD STATEMENT**

(a) No development shall take place until a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the local planning authority. Such study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the

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recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.: -

- Protection of trees within total exclusion zones.
- The location and type of protective fencing.
- The location of the main sewerage and water services in relation to trees.
- The location of all other underground services, i.e., gas, electricity and telecommunications.
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
- Suggested locations for the site compound, office, parking and site access.
- The replacement planting necessary to compensate for any necessary losses.

(b) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.

(c) The development shall be implemented in accordance with the approved AIS.

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 Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

16) **INTEGRATED BIRD, BAT AND INSECT BOXES**

Details of the following integrated bird, bat and insect boxes:

- Plot 1 and 9: 1 insect hotel
- Plot 2: 2 universal swift bricks and 1 bat brick, east side
- Plot 4: 1 bat brick, west side
- Plot 5 and 7: 1 bat brick, south side

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- Plot 6 and 8: 2 universal swift bricks, north side

Shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works and shall be installed in accordance with the approved details before the occupation of the buildings 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).

17) **EXTERNAL LIGHTING**

(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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

18) **RETENTION OF GRASSED AMENITY SPACE**

The whole of the grassed amenity spaces as shown on the drawings hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby approved.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014).

19) **BOUNDARY TREATMENTS**

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

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

20) **ACOUSTIC SCREENING FOR ASHP**

(a) Details of the acoustic screening to be installed to around the ASHP shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

(b) The approved acoustic screening shall be installed prior to occupation of any residential unit and retained in perpetuity.

Reason: To protect the amenities of the occupiers and to comply DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

21) **WASTE MANAGEMENT PLAN**

a) No development shall commence until a waste management plan has been submitted for the residential accommodation and approved in writing by the local planning authority.

(b) The waste management plan under part (a) shall be provided and implemented prior to the occupation of the development and shall thereafter be maintained.

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

22) **DELIVERY AND SERVICING PLANS**

(a) The development shall not be occupied until a Delivery and Servicing Plan including details of the operation and management of the bollard has been submitted to and approved in writing by the local planning authority.

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(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

23) **RESTRICTING PERMITTED DEVELOPMENT RIGHTS – EXTENSIONS**

No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

24) **RESTRICTING PERMITTED DEVELOPMENT RIGHTS – WINDOWS**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

25) **BIRD NESTING SEASON**

To avoid the destruction of active bird nests, demolition and vegetation works shall be undertaken outside of bird nesting season (March to August inclusive). If works are undertaken during the nesting season the features to be removed should be checked by a qualified ecologist that no active bird nests are present.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial

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

26) **TIME LIMIT OF ECOLOGY SURVEYS**

If works of the development hereby approved do not commence within 18 months of the survey that has been undertaken for the report, the ecology of the site should be re-assessed as the ecological situation may have changed in the intervening time.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

27) **CONSTRUCTION WORK HOURS**

No work shall take place on the site 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 170 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).

28) **WHEELCHAIR HOMES**

(a) One (1) M4(3) wheelchair accessible dwelling and eight (8) M4(2) accessible and adaptable dwellings shall be provided within the approved scheme.

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

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

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy

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(June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

29) **CAR PARKING MANAGEMENT PLAN**

Prior to first occupation, a Car Parking Management Plan shall be submitted for approval in writing by the Local Planning Authority. The plan should describe how the disabled parking will be distributed and managed on the site.

Reason: To ensure suitable arrangements for car parking as part of the development in accordance with Policy T6.1: Residential Parking of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (June 2011).

30) **PROVISIONS OF SUSTAINABILITY STATEMENT**

The proposed development shall be constructed in accordance with the recommendations within the submitted Energy and Sustainability Statement (prepared by XCO2, dated August 2021).

Reason: To comply with Policy SI2 Minimising greenhouse gas emissions of the London Plan (2021) and Lewisham Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

11.2 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

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

- 3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 4) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 5) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- 6) "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!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBePI_6-w\\$](https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBePI_6-w$) . Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 7) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8) The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at [https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBEi6YyDw\\$](https://urldefense.com/v3/__https://www.gov.uk/government/publications/groundwater-protection-position-statements__;!!CVb4j_0G!DAFWdBEDbMluIVKrrw_-Loer1o8Oa77yX6KC_pP2BPnEleQCMsNOKZRZu03g0YBEi6YyDw$)) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

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