



Planning Committee A

54 Venner Road

Date: 17 March 2022

Key decision: No

Class: Part 1

Ward(s) affected: Sydenham

Contributors: Samuel James

Outline and recommendations

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

Application details

Application reference number(s): DC/21/123295

Application Date: 26 August 2021

Applicant: Money Tree Development Ltd.

Proposal: The construction of first and second floor extensions including the addition of balconies to the rear, a two storey 'bay' extension to the front, the construction of an additional storey and elevational treatments in connection with the refurbishment of and alterations to the four existing dwellings at 54 Venner Road, SE26, together with the construction of a two storey building at the rear to provide 1x one bedroom, and 1x two bedroom self contained dwellings, the provision of cycle parking, refuse and recycling storage and landscaping works.

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

Designation: PTAL 5

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is located on the west side of the northern part of Venner Road in between the junctions with Sydenham Road (A212) to the north and Tredown Road to the south. The property itself, called Barclay Court, is a three storey 1960s flat-roofed apartment building built of gault brick masonry in stretcher bond and comprised of 4 self-contained flats. The property benefits from a large extension to the rear.
- 2 The far-end of the site is sectioned off with fencing, this used to be a set of three garages constructed in the 1960s according to Council records, but these have since been demolished, and the area now contains self-seeded shrubbery, a tree and a shed as well as rubbish and debris. The near end is paved, and is in use as amenity space for the existing flats.
- 3 The site area is 0.038ha and is therefore a Small Site for the purposes of LP H2 and Lewisham's Small Sites SPD.

Character of area

- 4 The property sits at a point in the street where there are considerable variations in character. To the north, on the west side of Venner Road, is the two-storey modern housing of Canal Walk, constructed in the 1970s. The form of the development is of two rows of small two-storey properties in tandem. The front properties face directly onto Venner Road and are numbered 2-46 Venner Road, whilst the row of properties to the rear are numbered 1-24 (consecutive) Canal Walk. (Note that 46 Venner Road is the

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property immediately to the north of 54 Venner Road, i.e. there are no buildings with the numbers 48-52 Venner Road.)

- 5 To the south of the host property are traditional Victorian semi-detached properties. On the east side of Venner Road more substantial flatted blocks, in the form of Waverley Court to the north-east and The Firs opposite. To the rear of the application property is the four-track Sydenham railway line, running in a deep and wide cutting.

Heritage/archaeology

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

Surrounding area

- 8 The site adjoins the railway embankment at the rear.
- 9 Sydenham Town Centre is located approximately 200m to the north.
- 10 Alexandra Recreation Ground is approximately 550m walk to the east, and Mayow Park is approximately 650m walk to the north. Crystal Palace Park is approximately 1km to the south west.

Local environment

- 11 The railway land to the rear of the property is designated as a Green Corridor and a Site of Importance for Nature Conservation (SINC).
- 12 The site is in flood zone risk area 1 meaning the risk of river flooding is low.
- 13 There is a designated open space deficiency in surrounding area.

Transport

- 14 The site has a PTAL rating of 5 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is very good.

2 RELEVANT PLANNING HISTORY

- 15 **DC/15/093615:** The construction of two new residential units to the rear of 54 Venner Road including associated cycle parking and refuse storage. **Refused for the following reasons:**
- The proposed development, involving the back garden/communal amenity area as originally designed is considered unacceptable in principle due to the harmful effect to the urban perimeter block typology in which the site is located. The proposal is considered an overdevelopment of the site, unacceptable in principle and harmful to the character and appearance of the wider locality and the rear garden setting.

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- The proposed development results in a poor standard of accommodation by reason of failing to meet minimum dwelling sizes and floor to ceiling clearances. It would also provide limited outlook to the rear habitable rooms and to the front as well as overlooking of neighbouring properties; particularly no. 54 and 46 Venner Road would result in an unacceptable impact on the amenity of neighbours and future occupiers. In addition, the siting and the design of the development due to its location on the shared boundaries with no. 46 and 56 Venner Road would result in an unbearable level of enclosure and overlooking on adjoining neighbours.
- The proposed design by reason of massing and scale, siting, detailed design, material choice, articulation would be highly incongruous with the surrounding area and is not considered to be a high quality design which has a very poor relationship with the prevalent architectural character found in the surrounding area.

16 **DC/15/091499** - The construction of a part-one/ part two/ part three-storey extension to the rear of 54 Venner Road, SE26, and the reconfiguration of the existing units to provide 2, one bedroom, and 2, two bedroom self-contained flats, together with the provision of refuse and secure cycle stores – **Granted 3 December 2015. Implemented.**

17 **DC/07/66494/X**: The construction of a two bedroom single storey plus roofspace house in the rear garden of 54 Venner Road SE26, together with provision of 1 car parking space. **Granted 22 October 2007.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

18 The proposal is for the construction of a two storey building consisting of 1x one bedroom, and 1x two bedroom self-contained dwellings, together with the following extensions and alterations to the existing building in connection with the refurbishment of and alterations to the four existing flats:

- A first and second storey extension to the rear, above existing single storey extension including the addition of balconies
- Roof extension to add an additional storey, and enlarge the existing top floor flat
- Construction of two storey bay extension to the front elevation, removal of existing cladding, replacement of windows and external doors, and new rendering
- Provision of cycle parking, refuse and recycling storage and landscaping works

4 CONSULTATION

4.1 APPLICATION PUBLICITY

19 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 15th September 2021.

20 Three responses received, comprising three objections.

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4.1.1 Comments in objection

Comment	Para where addressed
Overdevelopment of small site, increased density compared to surrounding development	55
Scale, mass and proximity of proposed rear building	100
Parking stress	141
Overlooking and loss of privacy	157
Overshadowing + loss of light	165
Visually overbearing impact	147

4.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 15th September 2021.

22 Highways: No objections subject to conditions, see Section 6.4 for further details.

23 Ecology Officer: Concern was initially raised regarding the Preliminary Ecological Survey that had been submitted and further information was requested. Following receipt of additional information, no objections are raised, subject to conditions. See from para 186 for further details.

4.3 EXTERNAL CONSULTATION

24 The following External Consultees were notified on 15th September 2021:

25 National Rail: Provided comments that the applicant will need to engage with their asset protection team in order to carry out the works, due to the proximity to the railway boundary.

5 POLICY CONTEXT

5.1 LEGISLATION

26 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

27 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

28 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

30 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

31 Lewisham SPG/SPD:

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

32 London Plan SPG/SPD:

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

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6 PLANNING CONSIDERATIONS

33 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

34 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

35 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

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

37 LPPH2 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes on these kinds of sites.

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

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

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

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41 DMP33 states new development on backland sites will only be permitted where they provide: a proper means of access and servicing which is convenient and safe for pedestrians; no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens and; appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards).

6.1.1 Principle of development discussion

42 The proposal includes extensions and alterations to the existing building, which is currently in use as 4 self-contained flats, as well as the construction of a building to the rear containing 2 self-contained flats.

43 The principle of alterations and extensions to the existing building is acceptable.

44 The area to the rear, on which the two new flats are proposed to be built, appears as part of the residential garden of the host dwelling; however it is fenced off and has been for a significant period of time. Further, according to Council records it used to contain three garages, approved to be built in the 1960s, which have since been demolished. It is also clear from permission DC/07/66494 that at that time, the Council accepted this parcel of land as a development site.

45 Officers consider that the rear parcel of land was unlikely to have been used as a residential garden for a very significant period of time. This is also clear from Google Satellite imagery, and photos provided which show this area to be fenced off and covered in debris and vegetation.

46 Considering the above, the area to the rear is considered a backland, small development site, as defined by Development Management Policy 33 (DM33); it is not considered existing residential amenity space. New development on sites of this type will only be permitted where they provide: a proper means of access and servicing which is convenient and safe for pedestrians; no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens and; appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards). These matters are addressed below.

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

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

6.2 HOUSING

49 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; and (iii) the standard of accommodation.

6.2.1 Contribution to housing supply

Policy

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

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- 51 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).
- 52 LPP D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity.
- 53 London Plan Policies H1 and D6 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

Discussion

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

Table [6.1]: Measures of Density

Criteria	Proposed Value	Existing	Criteria / area	Existing
Site Area (ha)	0.038	0.038	N/A	N/A
Units	7	5	184	132
Habitable rooms	13	9	342	238
Bedrooms	8	6	210	158
Bedspaces	11	8	289	210

Summary

- 55 Policy D6 of the London Plan states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites. The design of the development must optimise density.
- 56 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report. Subject to assessment of these matters, which follows, Officers conclude this proposal would optimise the site capacity in a way compliant with the London Plan.

6.2.2 Dwelling Size

Policy

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

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

Discussion

- 62 The proposal includes the refurbishment and alterations to the four existing flats. The two ground floor flats are to be retained as single person dwellings, the first floor flat as a two bedroom, three person dwelling, and the second floor flat would be extended to provide a two bedroom, four person dwelling.
- 63 The proposed building to the rear would provide a one bedroom, two person dwelling and a two bedroom, three person dwelling.

6.2.3 Residential Quality

General Policy

- 64 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 65 The main components of residential quality in this case are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) external space standards (v) noise and disturbance

Internal space standards

Policy

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

Discussion

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68 The table below sets out proposed dwelling sizes for the new build and extended unit.

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

Unit No.	Unit type (<i>min req GIA</i>)	Unit size (GIA) (sqm)	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
4 (2 nd and 3 rd)	2b4p (79)	91.8	2.3	9.5 + communal (7)	Yes
5 (New Build g)	1b2p (50)	52	2.3	9.8 (5)	Yes
6 (New Build 1 st)	2b3p (61)	62.6	2.3	5.9 (6)	Yes

69 The proposed new units would all exceed the minimum requirements in terms of overall floor areas, and in terms of the sizes of individual bedrooms.

70 The existing ground floor, single person flats are not proposed to be altered in size, and would remain as existing overall, however they would be internally renovated, and new windows provided, which is expected to improve the overall standard of accommodation.

71 It is considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

Outlook & Privacy

Policy

72 London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

73 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

74 Given the at least dual aspect dwellings, and the good amount of glazing proposed to all habitable rooms, the dwellings would all be provided with good levels of outlook. All habitable rooms would be provided with windows, and officers consider the levels of outlook to be provided would be acceptable.

75 Proposed new build, Unit 6, has 2 bedrooms proposed at first floor level, and the windows face towards the existing building at a distance of 14m between directly facing bedroom windows of Unit 3. The Small Sites SPD (2021) states distances between the principal windows serving habitable rooms should generally exceed 16m, however flexibility can be applied for new dwellings constructed within the boundary of an existing property.

76 As in this case the proposed building would be built within the curtilage of the existing building and because it would be a bedroom facing a bedroom, the relationship is considered acceptable.

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- 77 The access to communal front door for the existing block runs past the front window of unit 2; however this is an existing situation and therefore not within scope for change.
- 78 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

Daylight and Sunlight

Policy

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

Discussion

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

External space standards

Policy

- 81 LPPD6H requires all new one bedroom dwellings to be provided with at least 5m² private external amenity space, and another 1m² for each additional occupant.

Discussion

- 82 The new and extended dwellings would be provided with an excess of the minimum required private amenity space in the form of terraces or balconies.
- 83 The two existing ground floor flats would not be provided with private amenity space, but the existing flats do not have private amenity space. The existing flats have access to the communal space at the rear. This space would be improved through high quality landscaping, and therefore the amenity access of these flats would be improved upon compared to the existing situation.
- 84 To ensure the proposed communal amenity area is high quality and usable, the final scheme of landscaping is proposed to be secured by condition.

Noise and Disturbance

Policy

- 85 DMP26 requires new noise sensitive developments to be located away from existing or planned sources of noise pollution, except if it can be demonstrated through design or mitigation that internal and external noise levels can be satisfactorily controlled and managed by the noise sensitive development and there will be no adverse impact on the continued operation of any existing or proposed business or operation.

Discussion

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86 The proposal is for residential development in a residential area, and therefore the level of noise and disturbance felt by future occupants would likely be acceptable, as it would be similar to existing properties built along Canal Walk, which are at a similar distance to the railway line.

87 However it is noted that because the proposed new dwellings to the rear are located close to the railway, unless suitable mitigation is provided, the noise caused could result in unsatisfactory living conditions. For this reason, officers recommend a scheme of soundproofing of these dwellings to be submitted for approval, prior to commencement of above-ground works. This would ensure any noise from the railway line is suitably mitigated.

Summary of Residential Quality

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

6.2.4 Housing conclusion

89 The proposal would contribute to the Borough's housing targets in a residential location, making the most efficient use of land and optimising density. The existing units would be improved, and two new units would be provided.

6.3 URBAN DESIGN

Policy

90 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.

91 Policies D1 and D2 of the London Plan (2021), require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.

92 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

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

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

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95 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

Discussion

96 *Proposed Roof Extension:* The proposed roof extension would be set in from the side elevations by 0.6m, and set back from the front elevation by 2.5m. It would be finished in timber style cladding. The set-backs from the elevations below, and the use of a lightweight material would ensure the proposed extension remains subordinate to the main building, and would not result in a dominating effect. The overall height of the building would exceed the neighbouring No.56 by 0.3m.

97 *Elevation Alterations:* The proposal also includes a two storey bay window extension to the front elevation, which would be finished in perforated brickwork, and would include new windows to the centre of the front elevation. The front elevation would be partially rendered, and some original brickwork will remain.

98 The side elevations and rear elevations would also be partially rendered. Overall the proposed alterations elevations are considered to improve the appearance of the existing building.

99 *Proposed rear extension:* The proposal includes a 1.85m deep rear extension at first and second storey level, and the addition of a balcony at first floor level. The extension is of a moderate scale, and be finished in matching materials and therefore would have an acceptable impact on the appearance of the host property.

100 *Proposed new building to the rear:* Due to the siting of the proposed rear building, it would be considered as backland development, in reference to Policy DM33 and it is accepted by officers that this area to the rear is not existing residential amenity space. This is because it used to be the site of three garages, which have since been demolished, and has clearly been sectioned off from the remainder of the garden of the application site for a number of years.

101 DM33 states that New development on sites of this type will only be permitted where they provide: a) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians; b) no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens; and c) appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards).

102 Regarding point (a) of DM33, the proposed access is via the side of the existing building, and no vehicle access would be provided. The access is suitably convenient for future residents, but to ensure it would be safe during the night, a scheme of external lighting is proposed to be secured by condition.

103 With regard to point (b) the impact to neighbours is assessed in the relevant following section of this report. Regarding point (c) the proposed dwellings would all be provided with acceptable amenity space for future residents, as set out at paragraph 82 above.

104 Regarding the form and scale, the simple, flat roof form, and moderate scale of the proposed building is considered appropriate for the site, and the building would be in a similar position, and of a similar footprint to the existing residential dwellings of Canal Walk, to the rear of 46 – 28 Venner Road. The flat roof would sit below the roofline of the

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adjoining building, and the front elevation would be set back to provide a level of subservience.

- 105 The proposed materials would be a mixture of charred timber cladding, and some brickwork which would match the main building. The side facing No.56 would feature a green wall, and the building would have a green roof. Officers consider the timber cladding and green roof and wall would soften the appearance of the building, and ensure it would appear appropriate for its backland setting adjacent to the residential garden of No.56.
- 106 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition, which would have a positive impact on the character and appearance of the area.

6.3.1 Layout and landscaping

Policy

- 107 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.
- 108 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

Discussion

- 109 The proposal includes significant improvements to landscaping across the site. Several planting boxes, including shrubbery and trees are proposed, as well as a lawned area, and two benches.
- 110 Currently the rear amenity area has a depth of approximately 5.5m, and it consists of majority hardstanding. The end half of the area to the rear has been fenced off for a significant length of time, and the most recently known use of this part of the site according to Council records, prior to it being fenced off and left derelict was as 3 garages.
- 111 The proposed new communal amenity space would have a depth of approximately 6.5m, and the new soft landscaping would result in this being a more pleasant and usable space for future residents. The communal space would be available for use by all residents.
- 112 The use of the rear end of the site as a residential property is a more optimal use of this part of the site.
- 113 Overall the proposed layout makes good use of the site, and the proposed landscaping would improve the appearance of the site, subject to assessment of the final scheme of landscaping, which would be secured as a pre-occupation condition in consultation with the Council's arboricultural officer.

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6.3.2 Urban design conclusion

114 In summary, the proposed extensions, and the new building are considered to be a high quality, site specific response. The new building is of a height and scale for the backland setting, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

6.4 TRANSPORT IMPACT

General policy

115 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.

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

117 CSP 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

118 The site has a PTAL rating of 5, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is has an average accessibility to public transport.

6.4.1 Access

Policy

119 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing application for development it should be ensured that appropriate opportunities to promote suitable transport modes can – or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

120 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is be supported.

Discussion

121 Existing pedestrian accessibility to the site is considered to be good and the proposed rear building is suitably accessible via the existing access to the side.

122 No vehicular access is proposed. There is an existing crossover providing vehicle access to the front driveway, and towards the rear of the site, which would once have accessed the previously existing garages.

123 As no off-street parking is proposed, it would be a condition of development that the crossover is removed prior to first occupation of the development.

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124 To ensure pedestrian access to the rear of the site is suitably safe, particularly during the night, details of external lighting are proposed to be secured by condition.

6.4.2 Local Transport Network

Policy

125 Policy T4 of the London Plan states consideration of the cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

126 Due to the scale of development, which includes two new residential properties, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.

127 The site is not in a controlled parking zone, and no additional on-site parking is proposed. One off-street parking space would be removed from the site. No parking survey has been submitted with the application, but Highways officers have made an assessment of the on-street parking situation. They comment that it is evident that there appears to be considerable parking stress in the surrounding area, and Officers note there is no Controlled Parking Zone on this road. The proposal would increase the number of dwellings on site from four to six, whilst also removing an off-street space that could have been used by residents. However, in light of very good accessibility of the site the proposal is likely to be acceptable with regards to its impact on local parking stress, and officers would not expect a full parking survey to be carried out.

128 Officers note that while one off-street parking space would be removed from the site, in effect the removal of the crossover would create an additional on-street space, so there would be a net neutral impact on existing parking provision. Officers are of the view that, due to the very good public transport accessibility of the site, the lack of provision of off-street car parking would not result in harmful levels of parking stress in the surrounding area.

129 A Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

6.4.3 Servicing and refuse

Policy

130 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.

131 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.

132 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

Discussion

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- 133 The proposal includes provision for the storage of refuse for each dwelling, in a large store towards the front of the site. The positioning and size of the bin stores appears to be acceptable, however final details of these are recommended to be secured by condition to ensure an acceptable final appearance, and to ensure the bin store is enclosed.

6.4.4 Transport modes

Walking and cycling

Policy

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

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

Discussion

- 136 The site is in a residential street and is well accessible for pedestrians. The two new dwellings would be accessed to the side of the existing building, and this access route is considered to be suitable, and accessible.

- 137 The proposals would provide 10 long stay spaces and 2 short stay spaces in a communal store on the ground floor in accordance with London Plan requirements. However the spacing between the stands should be 1m and should be amended. This can be secured via planning condition. A revised scaled plan should be provided to ensure the cycle parking provision and design in accordance with the London Cycle Design Guide

Public transport

Policy

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

Discussion

- 139 It is considered that the scale of development (2 additional units) would have a negligible impact on the local public transport network, and that the site is suitably accessible for residential development of this scale.

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

Private cars

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Policy

- 141 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are well-connected by public transport with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

Discussion

- 142 No parking is proposed and the site has a PTAL rating of 5. The existing crossover to the site would be removed.
- 143 The proposals are car free which is in accordance with Policy T6 of the London Plan. Considering the site is well connected to public transport, the proposed car-free nature of the scheme is acceptable.

6.4.5 Transport impact conclusion

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

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 145 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the Publication London Plan PLPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).
- 146 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

6.5.1 Enclosure and Outlook

Policy

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

Discussion

- 148 *Proposed extensions to existing building:* The proposed rear extension at first and second floor level would have a moderate depth of 1.8m beyond the existing rear elevation. Due to the moderate increase in depth, and the separation distance of 3.5m to No.46 Venner Road, the extension would not result in significant harm to the outlook of this property, and nor would it result in a harmful increased sense of enclosure.

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- 149 Regarding the impact to No.56, the rear building line of extension would be set behind the existing three storey projection at this property by approximately 3m, and therefore it would not result in harm to the amenities of this property.
- 150 *Proposed building to the rear:* The rear building would be set behind the front elevation of No.24 Canal Walk by at least 1.25m, so would not impact on the front windows of this property. The rear elevation of the building would extend beyond the rear elevation of No.24 by approximately 2.8m and there would be a separation distance of 1.4m. The proposed building would therefore be visible, however a 45 degree sight line taken from the closest ground floor window suggests that this would not have a harmful impact on outlook and therefore officers do not consider that this would result in a harmful enclosing effect.
- 151 Regarding the impact to No.56, the proposed building would be a minimum distance of 7.5m to the ground floor rear facing window in the single storey rear projection at No.56. This is relatively close, and the proposed building will be visible from the neighbouring property, having an impact on outlook. However officers note the presence of heavy and tall vegetation along the shared boundary, which officers consider would have a similar impact on the outlook from this window.
- 152 Therefore the proposed building would have a similar impact on outlook as the existing hedging and vegetation, and officers consider the proposed building would not result in a harmful increased sense of enclosure to No.56 as a result. Officers note the inclusion of a green wall would further reduce the visual impacts of the proposed building. Further, the proposed building would be set further back, and away from the boundary than the existing vegetation.
- 153 In light of the above, the impact of the proposal on neighbouring outlook and sense of enclosure would be acceptable, and in line with the relevant aforementioned policies.

6.5.2 Privacy

Policy

- 154 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 155 The Small Sites SPD (2021) states that in general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.
- 156 It also states there should be no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way.

Discussion

- 157 *Impacts to No.24 Canal Walk:* The proposed rear extension to the main building would result in rear facing windows being 1.8m closer to the windows in the front elevation of No.24. Furthermore, the addition of the first floor balcony could have an impact on privacy of this property. The applicant has submitted details of privacy screening of the

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first and second storey windows, which would block the direct line of sight to this property, thereby reducing the impacts that would result from these windows being closer.

- 158 The proposed first floor balcony is proposed to have screening up to 1.7m on each side, which would ensure it does not result in harmful overlooking of No.24.
- 159 The proposed rear window of the roof extension would be set further back than existing second floor windows, and the line of sight would be interrupted by the building envelope below, so whilst this window is large, it would not result in harmful levels of overlooking to No.24.
- 160 *Impacts to No.56 Venner Road:* The proposed first floor front elevation windows of the new building to the rear would be approximately 8m from the ground floor window, and 12m and 13m from the first and second floor rear facing windows of No.56, which could result in harmful levels of overlooking if no mitigation were in place. The applicant has agreed submitted details of screening to these windows which would interrupt the direct line of sight into the rear windows of No.56, reducing the impacts, and officers consider this to be acceptable.
- 161 *Impacts to No.46 Venner Road:* The separation distance would be 19.5m to the closest window at No.46, and the impacts of this would be acceptable.
- 162 In light of the above, the impact to neighbouring privacy would be acceptable, subject to suitable details of screening being submitted, and would be in line with the relevant policies and guidance set out above.

6.5.3 Daylight and Sunlight

Policy

- 163 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree 'rules'.
- 164 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.' (GLA, 2017, Housing SPG, para 1.3.45).

Discussion

- 165 *Proposed extensions to existing building:* No.46 is to the north of the proposed extension. Due to the limited additional depth of 1.8m and the significant separation distance of 5.1m between the buildings, officers are satisfied the impact on daylight and sunlight to No.46 would not be significantly harmful. 45 degree lines taken from the first and second floor windows of No.46 further suggest the impacts would be acceptable.
- 166 Officers are satisfied that due to the separation distance to No.24 Canal Walk that there would be no significant impact on daylight and sunlight to this property due to the rear extension.
- 167 *Proposed new building to the rear:* No.24 Canal Walk is to the north of the proposed new building to the rear, and the proposed building would protrude beyond its rear elevation

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of by approximately 2.7m. However, due to the separation distance of approximately 1.3m between the buildings and, and 3m to the nearest affected ground floor window, officers are satisfied there would not be a significantly harmful impact to the daylight and sunlight received at No.24. Furthermore, 45 degree lines taken from the closest affected window further suggest that the impacts would be acceptable on daylight and sunlight.

Summary

- 168 Officers have assessed the impact of the proposal on the levels of sunlight and daylight to neighbouring properties using the appropriate 45 degree guide test, and their professional planning judgement, and are satisfied that the impacts would not be significantly harmful. Overall, the impact on neighbouring daylight and sunlight would be acceptable, in line with the above mentioned policies.

6.5.4 Noise and disturbance

Policy

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

Discussion

- 170 Two additional residential dwellings are unlikely to generate a significantly higher level of comings and goings and general residential activity than the existing residential properties on the site, and as this is a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

6.5.5 Impact on neighbours conclusion

- 171 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 NATURAL ENVIRONMENT

General Policy

- 172 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 173 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 174 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 175 The NPPF at para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.

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

6.6.1 Urban Greening

Policy

177 CSP 12 seeks to preserve or enhance local biodiversity.

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

Discussion

179 Final details of the proposed green wall and biodiverse extensive green roof, as well as proposed numbers and species of replanting on the site are recommended to be secured by condition. It is appropriate to condition the living walls and roof in light of the extent to which the existing surface is proposed to be replaced with impermeable surfaces.

180 To ensure the final scheme of soft landscaping is acceptable, and contains appropriate numbers and species of plants, final details are recommended to be secured by condition.

6.6.2 Trees and Ecology

Policy

181 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 decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

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

Discussion

183 The proposal includes the removal of one tree on site to make way for the proposed development, identified in the submitted Schedule of Trees as T01, a Category C sycamore tree. The removal is required to make way for the proposed building at the rear. As this tree is only of moderate value (Class C) its removal is considered acceptable in this case, on the condition that two semi-mature trees are re-planted on site as part of the final landscaping scheme.

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- 184 The submitted landscaping scheme is indicative at this stage. It is noted that one additional semi-mature tree is indicated on the plan, and several smaller shrubs and plants, and areas of turf. Further details of the proposed scheme of soft landscaping and planting, including a further replacement tree and maintenance, is recommended to be secured by condition. This would be determined in consultation with the Council's arboricultural officer
- 185 The submitted tree survey indicates a number of trees close to the site boundary, but has stated that at the time of the survey, the area was inaccessible to allow a full survey to be completed. To ensure none of the off-site trees along the railway embankment are harmed or damaged, a condition requiring submission of a full arboricultural impact assessment, and tree protection plan for all off-site trees close to the boundary is recommended, and the details would need to be submitted prior to commencement of development.
- 186 A preliminary Ecological Appraisal has been submitted in support of the proposed development. The Council's Ecology officer was consulted, and provided comments which raised initial concerns regarding the impact to nearby SINC's, as well as possible impacts to bats and birds. They also stated that further information regarding the proposed green roof and wall would be required. Following receipt of these comments, the applicant submitted a revised Ecological Appraisal, which addressed the concerns that had been raised.
- 187 Following receipt of further information the ecology officer has confirmed their concerns had been addressed, subject to submission of further information, which will be secured by condition.
- 188 Furthermore details of the proposed scheme of external lighting, to include measures to protect nocturnal wildlife are also recommended to be secured by condition. A full scheme of measures to protect and enhance ecology is recommended to be secured by condition, and this will require full details of the measures recommended by the submitted Ecology Appraisal.
- 189 Subject to suitable details being submitted with regards to proposed landscaping, tree planting, and ecological enhancements, the impacts to the ecology and trees are considered to be acceptable.

6.6.3 Natural Environment conclusion

- 190 The impact on ecology and biodiversity on the site would not be harmful, subject to the final details of the proposed on-site ecological enhancements as mitigation.
- 191 On a balance, whilst one lower quality tree on site would be lost, this is mitigated by proposed replanting and considering the wider benefits of the proposal, namely its contribution to the Borough's housing targets in a predominantly residential and sustainable urban location, whilst making the most efficient use of land and optimising density, this loss is acceptable, subject to final details of the proposed soft landscaping.

7 LOCAL FINANCE CONSIDERATIONS

- 192 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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- 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).

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

194 The CIL is therefore a material consideration.

195 £12,558 Lewisham CIL (£70pm²) and £6,279 (£35pm²) is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

196 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.

197 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.

198 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.

199 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

200 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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- 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

201 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>

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

9 HUMAN RIGHTS IMPLICATIONS

203 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

204 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.

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

206 This application has the legitimate aim of providing a new building with residential use and extensions to an existing residential building. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

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10 CONCLUSION

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

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

- Optimising the housing potential of an underused residential site, and providing two additional units of market housing;
- Improving existing residential dwellings;
- Comprising appropriate scaled and high quality extensions and alterations, and a new building that takes account of the existing context;

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

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

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

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

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

11 RECOMMENDATION

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

11.1 CONDITIONS

1. Planning Permission Time Limit

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

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

2. Approved Plans

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

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A-01.011 Rev.P5; A-01.012 Rev.P6; A-01.013 Rev.P7; A-01.014 Rev.P5; A-01.016 Rev.P3; A-01.010 Rev.P4 Received 16 February 2022;

Construction Method Statement; PlantBox Green Wall System (Hedera Screens); Green Roof Maintenance Guide (Bauder, November 2020) Received 20 January 2022; Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey + Appendix 2: Schedule of Trees (Arbtech, 17 January 2022); WE Wildflower Blanket System (Bauder, November 2020) Received 18 January 2022;

A-01.001; A-01.002; A-01.003; A-01.004; A-01.005; A-01.015 Rev.P3; A-01.017; A-01.018; A-01.019; Energy Statement (NRG, August 2021); Site Waste and Management Plan; Transport Statement (GTA, August 2021) Received 2 September 2021

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

3. **Construction and Environmental 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) Details of measures to ensure the protection of wildlife and ecology during the construction process, as recommended by the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, 17 Jan 2022).
- (c) The location and operation of plant and wheel washing facilities.
- (d) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- (e) 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.
- (f) Security Management (to minimise risks to unauthorised personnel).
- (g) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to protect ecology, in compliance with Policy SI1 Improving air quality, Policy G6 Biodiversity and access to nature and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021) and Policy 12 Open space and environmental assets of the Core Strategy

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(June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

4. **Site Contamination**

- (a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

5. **Materials Details**

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

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

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

6. **SUDS**

- (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).

7. **Refuse Storage and Management**

- (a) No development above ground level shall commence until full details of proposals for the storage and collection of refuse and recycling facilities 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).

8. **Cycle Parking**

- (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority. Such details shall include provision for 12 cycles in compliance with the London Cycling Design Standards and shall be secure and covered.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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- (c) 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).

9. **Hard Landscaping**

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

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

10. **Arboricultural Impact Assessment**

- (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 and adjacent sites which may be affected, in line with the 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 and those which could be affected on adjacent sites, 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.

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(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.

11. **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).

12. **Soft Landscaping**

(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. Such details shall include at least two replacement semi-mature trees the species of which shall follow the principle of right tree, right place.

(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 including adequate replacement of the mature tree to be removed 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).

13. **Boundary treatment**

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- (a) 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).

14. **Ecological enhancements**

- (a) Full details of the ecological protection and enhancement measures to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed prior to residential occupation of the buildings and maintained in perpetuity.
- (b) The ecological enhancements shall include as a minimum:
 - Bird boxes for swifts on suitable trees and/or within the fabric of the building
 - Bat boxes on suitable trees and/or within the fabric of the building
 - Log piles placed on site and/or on the green roof
 - Gaps between boundary fences to allow wildlife to move between adjoining sites
 - Wildlife-friendly planting scheme
 - Maintenance and enhancement the western boundary vegetation to provide screening of the railway embankment
 - Lighting plan that is direct and of low light spill, to minimise illumination of the railway embankment

Reason: As recommended by the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, 17 Jan 2022) and to comply with Policy G6 Biodiversity and access to nature of the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

15. **Living Roof and Green Wall Details**

- (a) Full details of the proposed biodiversity living roof and green wall as indicated on plan nos. DR.A.01.020 Rev.P2; A-01.014 Rev.P4; General Maintenance Green Roof Extensive System and Wildflower Blanket System brochures by Bauder; Plant Box vertical greening brochure, shall be submitted to the Local Planning Authority and approved in writing prior to commencement of above ground works. The living roof must be installed in accordance with these details prior to residential occupation of the building hereby approved.

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- (b) Details of a proposed green roof system to the bin and bicycle stores shall be submitted to the Local Planning Authority and approved in writing prior to commencement of above ground works.
- (c) 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.
- (d) Evidence that the wall and 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).

16. **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 to protect residential amenity and ecology 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, minimise harm to wildlife and protect neighbouring amenity and to comply with DM Policy 24 Biodiversity, living roofs and artificial playing pitches and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

17. **Delivery and Servicing of residential properties**

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

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

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18. **S278 Agreement to remove crossover**

Prior to the residential occupation of the development hereby approved, an agreement pursuant to S278 of the Highways Act 1980 shall be entered into for works to remove the existing vehicular crossover and the reinstatement of the footway. The works the subject of the agreement shall be completed prior to the occupation of the development hereby approved.

Reason: To increase on-street parking provision, and to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

19. **Privacy Screening**

- (a) Full details of the privacy screening measures proposed to the new first and second floor windows and the first floor external balcony to the rear of the existing building, and the front facing bedroom windows at first floor level of the new rear building must be submitted to and approved in writing by the local planning authority prior to commencement of above ground works.
- (b) The screening shall be installed in accordance with the details approved under part (a) prior to the occupation of the development and shall be retained for the lifetime of the development.

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

20. **Removal of PD Rights**

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).

21. **Obscure Glazed Windows**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed at first and second floor level in the side elevations of the existing building, and at first floor level of the proposed new building hereby approved shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to

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existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

22. **Restricted use of flat roofs**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the buildings hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area (other than to those designated amenity spaces as set out on the approved plans).

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and 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).

23. **Construction Hours**

No deliveries in connection with construction works shall be taken at or despatched from 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.

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).

24. **Scheme of Soundproofing from External Noise and Vibration**

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

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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).

11.2 INFORMATIVES

- A **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre application discussions took place, and positive discussions took place during assessment which resulted in further information being submitted.
- B It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- C As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- D You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- E Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above site contamination condition. It must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.
- Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.
- F You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- G 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

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and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.

- H Japanese knotweed (*Fallopia japonica*) has been identified at the site. This species is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and as such it is an offence to plant or otherwise cause this species to grow in the wild. It is also classed as a controlled waste under the Environmental Protection Act (1990) and must be disposed of safely at licensed landfill. You are advised to follow the Environment Agency, 'Managing Japanese knotweed on development sites: the knotweed code of practice', available to download from their website. http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf
- I The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- J The proposed development is situated within 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This proposal is therefore in breach of a requirement which Network Rail ask for to allow for the construction and future maintenance of a third-party building without the need to access the operational railway environment. Consequently, there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. It should be noted that Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As a result, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk as soon as possible. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

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