



Planning Committee A

Report title:

LAND TO THE REAR OF 105A & 107, HONOR OAK PARK, SE23

Date: 08 June 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Forest Hill

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to a S106 Legal Agreement, conditions and informatives

The report has been brought before the committee for a decision due to the submission of five objections from neighbouring properties.

Application details

Application reference number(s): DC/21/124513

Application Date: 22 November 2021

Applicant: Maddox and Associates Ltd

Proposal: Construction of 6 two storey, three bedroom houses on the land to the rear of 105A and 107 Honor Oak Park SE23, together with the provision of cycle and refuse stores and associated landscaping. (Please note amended description 6 proposed dwellings, not 7)

Background Papers: (1) Submitted drawings
(2) Submitted technical reports and documents
(3) Statutory consultee responses

Designation: PTAL 3 / 4
Air Quality Enhancement Scheme

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

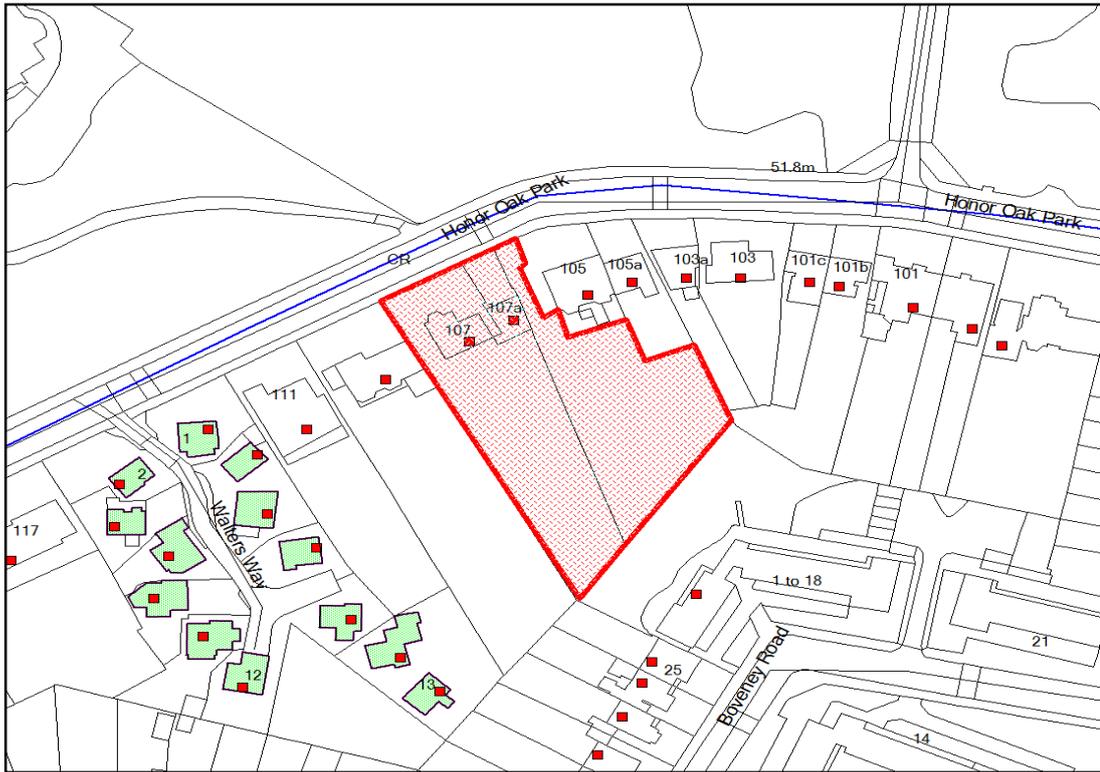
- 1 The application site is located to the rear of 105A and 107, on the southern side of Honor Oak Park, with access from a narrow passageway that provides access to the site from Honor Oak Park and between the properties at Nos 105 and 107. The site drops down towards south, the rear amenity space of the properties at Boveney Road. The application site area, which is discussed in detail at para 49, is 0.28ha.
- 2 Currently the site is overgrown with dense vegetation appear as a large naturally green space containing a number of trees that are subject to a site wide Tree Preservation Order.

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Figure 1 Site Location Plan



Character of area

- 3 The site lies in a predominantly residential area, characterised by detached and semi-detached properties. To the south of the site is a 3-storey block of purpose-built flats and 2-storey dwelling-houses fronting Boveney Road. To the north, on the other side of the road, there is Honor Oak Recreation Ground and Playground within the immediate vicinity of the site, providing local public amenity.

Figure 2 Aerial View of the Application Site



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Heritage/archaeology

- 4 The site does not lie within a conservation area. There are no Article 4 Directions and no listed buildings upon the site or within the immediate vicinity.

Transport

- 5 The site falls within PTAL of 4 which means it has good transport links. It is a 3min walk (280m) from Honor Oak station, which is served by London Overground and South-Eastern trains. It sits on the P4 and P12 bus routes. Day to day amenities are found in the shopping parades in Honor Oak Park, a 3-5min walk to the east.

2 RELEVANT PLANNING HISTORY

- 6 A planning application was formally submitted to the Council in 2011 proposing the construction of five, two storey, and three-bedroom houses, however it was later withdrawn following officer concerns.
- 7 **DC/15/094908** - The construction of 1, two storey three bedroom and 3, three storey four bedroom detached dwelling houses at the rear of 105-107 Honor Oak Park SE23, together with the provision of 4 car parking spaces. Refused 22/12/2016 for the following reasons:
- The proposed dwellings would fail to provide a sufficient standard of residential accommodation by virtue of undersized bedrooms and inadequate floor to ceiling height, contrary to policy DM Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014), and the London Plan Housing Supplementary Planning Guidance (2016).
 - The proposal, by virtue of design, arrangement, height and massing would represent a poor form of development that would be unsympathetic with the character of the backland site and surroundings, contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011), and DM Policy 30 Urban design and local character, DM Policy 32 Housing design, layout and space standards of Development Management and DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan (2014).
 - The proposed 'Plot 4' building, by virtue of its height and close proximity to the western boundary would be likely to result in visual harm to the adjoining occupiers by reason of overbearing impact, increased sense of enclosure and possible overlooking, contrary to 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).
 - The proposed vehicular access into the application site would compromise highway safety due to restricted visibility on Honor Oak Park, whilst vehicular movement would be likely to result in adverse harm upon the amenities of occupiers at 105 and 107 Honor Oak Park by way of increased noise and disturbance, contrary to DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Plan (November 2014).
 - The application fails to provide any details relating to a suitable collection point for waste and recycling, contrary to DM Policy 33 Development on infill sites, backland

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sites, back gardens and amenity areas of the Development Management Plan (November 2014), and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011).

- The application fails to suitably address ecology matters by providing outdated Habitat Survey and arboricultural reports, whilst failing to undertake an appropriate evaluation of bat presence on the site, contrary to DM Policy 24 Biodiversity, living roofs and artificial playing pitches and DM Policy 25 Landscaping and Trees of the Development Management Plan (November 2014). T

8 Appeal ref: APP/C5690/W/16/3151827 was dismissed.

9 **DC/17/101359** - The construction of 4, two storey three bedroom dwelling-houses at the rear of 105-107 Honor Oak Park SE23, together with the provision of 4 car parking spaces and associated landscaping. Refused 21/06/2018 for the following reasons:

- The proposed siting of the vehicular access onto Honor Oak Park would compromise highways safety due to severely restricted visibility, contrary to Policy 14 'Sustainable movement and transport' of the adopted Core Strategy (2011), and DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' of the Development Management Plan (2014).
- The lack of adequate spacing between the proposed central pair of dwellings (2 and 3) would reduce the openness of the site, resulting in a materially harmful impact upon the character and appearance of the surrounding area, contrary to Policy 15 'High quality design for Lewisham' of the adopted Core Strategy (2011), and DM Policy 30 'Urban design and local character' and DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' of the Development Management Local Plan (2014).
- The application provides inadequate information to demonstrate that the proposed development would not impact detrimentally upon the existing on-site trees during the construction process, contrary to DM Policy 25 'Landscaping and trees' of the Development Management Local Plan (2014).

10 **DC/20/118516** - The construction of 4, two storey three bedroom dwelling houses at the rear of 105-107 Honor Oak Park SE23, together with associated landscaping. Refused 23/12/2020 for the following reasons:

- The proposed development would fail to ensure a safe and convenient route for pedestrians and visitors, resulting in potential conflict with vehicle manoeuvring that would create conditions prejudicial to their safety, contrary to Policy 7.2 'An Inclusive Environment' of the London Plan (March 2016 as amended), Policy 14: 'Sustainable Movement & Transport' of the Core Strategy (June 2011) and DM Policy 33: 'Development on infill sites, backland sites, back gardens and amenity areas' of the Development Management Local Plan (November 2014).
- The application fails to suitably address the ecological merits of the site by providing an insufficient and in part outdated Ecology Report, whilst failing to undertake an appropriate evaluation of any bat presence on the site, contrary to Paragraph 180 of the NPPF (2019), Policy 7.19: Biodiversity and access to nature of the London Plan (March 2016 as amended), DM Policy 24: 'Biodiversity, living roofs and artificial playing pitches' and DM Policy 25: 'Landscaping and Trees' of the Development Management Plan (November 2014).
- The application provides inadequate and inconsistent information to justify the removal of existing mature trees that contribute significantly to the landscape and character of the site and wider area, whilst failing to propose suitable replacements

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that would mitigate the loss, or appropriate measures to safeguard existing trees to be retained, contrary to Paragraphs 170 and 180 of the NPPF (2019), Policy 7.21: 'Trees and Woodlands' of the London Plan (March 2016 as amended); Core Strategy Policy 12: 'Open space and environmental assets', and DM Policy 25: 'Landscaping and trees' of the Development Management Local Plan (2014).

- 11 **DC/21/124195** - Front Garden - Fell Horse Chestnut (T2), Rear Garden- Fell Sycamore (T5), Monkey Puzzle (T6) and Cedar (T7)(TPO 1998 A1): Remove Reason: Clay shrinkage subsidence damage at subject property, located in 105 Honor Oak Park SE23. London Borough of Lewisham Land at (105, 107a and 107Honor Oak Park, London SE23) Tree Preservation Order 1998. Pending.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSAL

- 12 The proposal is for construction of 6 two storey, three bedroom detached dwellinghouses on the land to the rear of 105A and 107 Honor Oak Park SE23. The development would be associate with the provision of cycle and refuse stores and associated landscaping.
- 13 Internally, the dwellings would each accommodate kitchens, living rooms and dining rooms on the ground floors, with three bedrooms located on the first floors.

Figure 3 Existing front entrance



- 14 An access way from Honor Oak Park would be formed to create a cul-de sac within the site, comprised of 6 dwellings laid out in a crescent shape. The two storey houses would each be provided with private rear gardens. The scheme would be car free.

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Figure 4 Site Layout

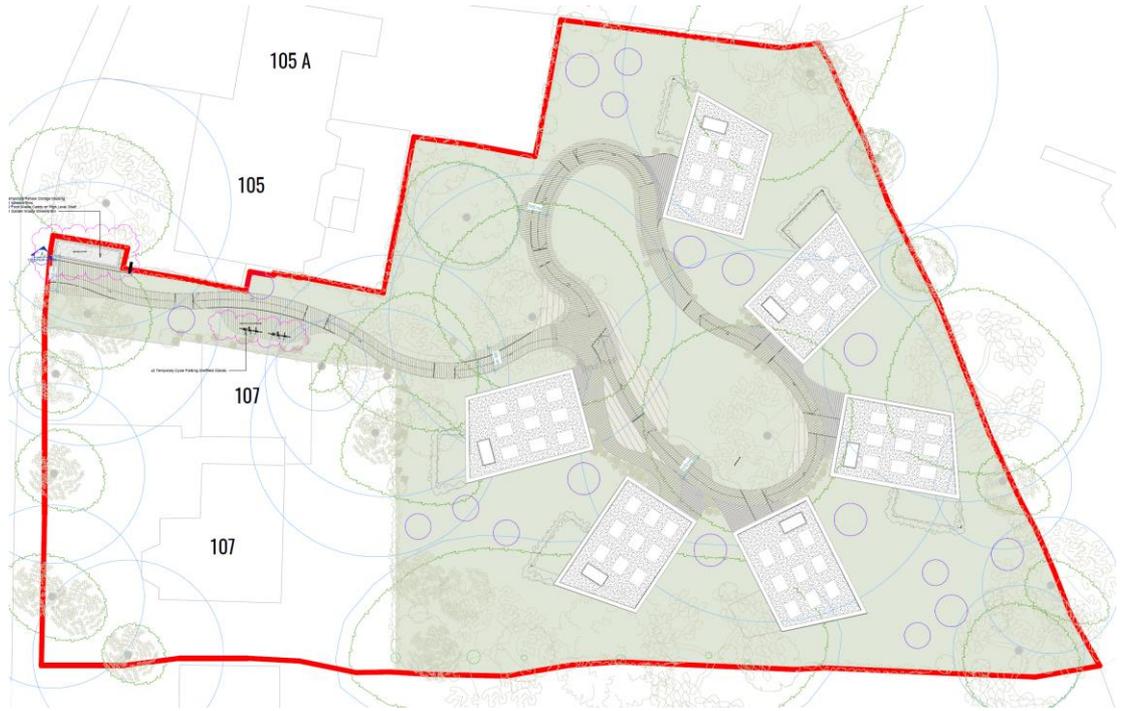
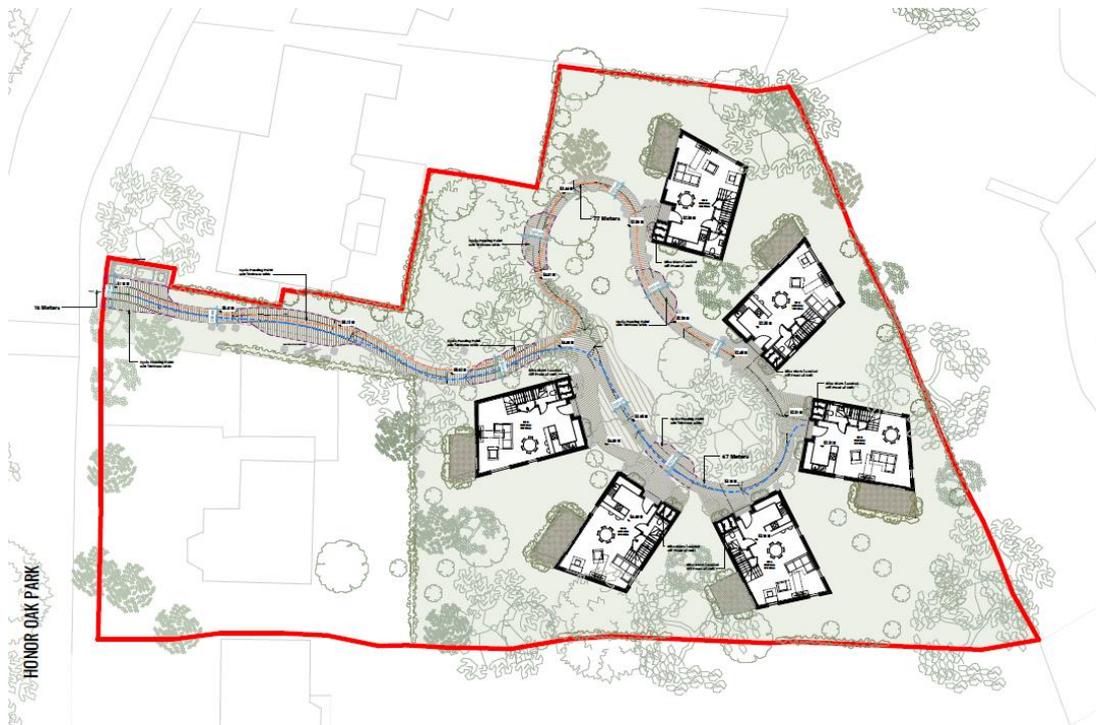


Figure 5 Proposed ground floor Plans



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Figure 6 Section B-B



107 HONOR OAK PARK



Figure 7 Section D-D



107 HONOR OAK PARK



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Figure 8 Section E-E

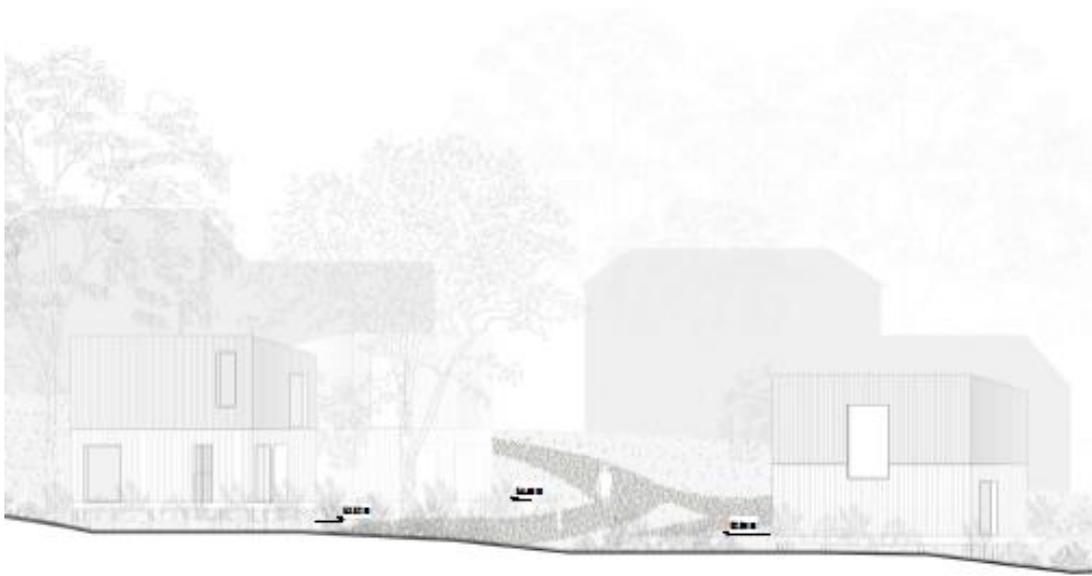


Figure 9 Section F-F

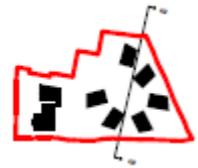


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Figure 10 Section G-G



3.2 REVISIONS

- 15 Due to concerns regarding the long distance between the cycling storage and the dwellings, the location of the bike store was amended to provide enclosed cycling storage for each dwelling.
- 16 Concerns were also raised regarding the amount of internal daylight / sunlight for some of the dwellings. Consequently, rooflights were added and the angle of the layout of some of the dwellings were reviewed to ensure the best layout would be provided.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 17 PRE/20/116799 - The pre-application consultation followed the Council's decision to refuse permission in December 2020 for the construction of 4, two storey three bedroom detached dwelling-houses at the rear of 105-107 Honor Oak Park.
- 18 The pre-application report letter was sent 5 August 2021. Officers raised no objections to the principle of developing the site for residential purposes, subject to a reconsideration of the number of dwellings, green walls, and appropriate landscaping / planting measures, providing a parking survey, and resolving issues that have been raised regarding harm to the trees on the proposal site.

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4.2 APPLICATION PUBLICITY

- 19 Site notices were published on displayed on 08/12/2021 and was displayed on 14/12/2021.
- 20 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/12/2021.
- 21 It should be noted that re-consultation was undertaken on 27/01/2022 for a number of addresses to ensure the consultation procedure was within the Council guidance.
- 22 6 responses were received, comprising 5 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Amenity impact	
Some of the proposed houses will be able to see into neighbours' gardens	81 and 119
More properties mean more potential noise from neighbours	126
The development will visually impact neighbouring properties at Honor Oak Park considerably	81 and 119
Design	
This Development is inappropriate for the Area	104
Transport	
Survey of parking spaces, may not have taken into account the current development at 109 Honor Oak Park, and the changes after pandemic	135
Concern over lack of access to services (ambulances etc.) and would a designated parking bay adjacent to footpath be a necessity	140
Trees and Natural Environment	
Unclear tree removal from front & rear, decreasing the number of trees	174 and 175
Effect of the designed landscape on wildlife	169
Discrepancy on the Greengage biodiversity impact assessment	164
The impact the development might have on soil	166

- 23 Non-material Planning concerns were raised regarding:
- 24 Impact on the local amenities in the area. *Officer Response:* This is a social infrastructure point like healthcare and schools which would be mitigated through CIL payment.
- 25 The question of foul sewage disposal is still unknown: *Officer Response:* Sewage is a building control and infrastructure provider concerns.

4.2.2 Comments in support

- 26 One letter of comments and support was received indicating: the choice of layout, building cladding and situated in between trees, with no vehicle access is right for the plot of land and location and enhances the area.

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4.3 INTERNAL CONSULTATION

27 The following internal consultees were notified:

- Highway: raised no objections in principle, but provided comments (see below)
- Tree officer: raised objections (see below)
- Ecological Regeneration Team: raised no objection
- Environmental Protection Team: no objections, recommended informative

5 POLICY CONTEXT

5.1 LEGISLATION

28 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

29 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.

30 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.

31 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

32 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

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- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPG/SPD:

- Small Site Design Guide (SPD) (Oct 2021)
- Planning Obligations Supplementary Planning Document (February 2015)

34 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

35 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

36 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.

37 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.

38 Chapter 11 of the NPPF (2021) outlines that planning decisions should make effective use of land by promoting and supporting underutilised land and buildings, particularly where they would contribute to housing needs and where site could be used more effectively.

39 The London Plan (2021) at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham and Policy H1 requires boroughs to

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optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

- 40 London Plan Policies H1 and D3 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.
- 41 Policy H2 of the London Plan is also relevant, albeit this site is marginally above the threshold (see para 49 for further discussion). It requires boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) to help achieve the housing targets set out on Table 4.2. 1) significantly increase the contribution of small sites to meeting London's housing needs; 2) diversify the sources, locations, type and mix of housing supply; 3) support small and medium-sized house builders; 4) support those wishing to bring forward custom, self-build and community-led housing. Principle of development conclusions

Discussion

- 42 The Development Plan is generally supportive of the provision of new housing, subject to matters including appropriate location, excellent design, and standard of residential accommodation and highways issues.
- 43 The site has, however, previously provided garden space for Nos 105 and 107 Honor Oak Park.
- 44 The NPPF introduced a strong presumption against back garden development, stating at paragraph 70: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".
- 45 Back gardens are defined in the Development Management Local Plan 2014 (DMLP) as, "private amenity areas that were the entire back garden to the rear of a dwelling or dwellings as originally designed." It is considered that the application site falls within this definition.
- 46 The principle of development on back gardens is addressed in Paragraph C of DMLP Policy 33 Development on infill sites, backland sites, back gardens and amenity areas which states that "The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study will not be granted planning permission. Private back gardens in all urban typologies should be retained in development proposals involving new separate dwellings."
- 47 The policy position is clear that back garden development of this nature is not supported. S38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. In this instance, Officers consider there are material considerations which indicate the weight given to the above policies should be balanced against other matters.
- 48 First, Officers accept that the land has been largely unused since the 1990s, and forms a separate parcel of land to Nos 105 and 107 Honor Oak Park, and fenced as shown on the submitted plans. It has not functioned as a back garden since the mid-1990s. Nos 105 and 107 Honor Oak Park were allocated private gardens, albeit significantly smaller

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than the original provision. This is not in itself determinative, but is significant, and substantial weight is given to this argument.

49 Second, the site area is close to the 0.25ha threshold for this to be considered a Small Site, and so benefit from the provisions of LPP H2 and Lewisham's Small Sites SPD. The area encompassed by the red line submitted by the Applicant is 0.28ha, which is above the threshold; however, if the existing homes, to which no works are proposed, are discounted this falls to 0.21ha. While Officers accept the site area is 0.28ha, the functional part which would be developed is 0.21ha. Therefore, it is reasonable to give some modest weight to LPP D2, which requires the Council to pro-actively support well-designed new homes on small sites.

50 Third, the principle of the development for construction of residential units on this site was not a point objected by the Planning Inspector in the previous appeal ref: APP/C5690/W/16/3151827. It should be noted that the presumption in favour of development carries substantial weight in the current application.

51 While neither of the above points are determinative individually, together they provide sufficient material considerations to accept the principle of development. This is consistent with the previous decisions on this site, which have been refused for a variety of reasons over recent years but not on a matter of principle.

52 The acceptability of the scheme is subject to the standard of accommodation provided, the proposed dwelling / houses being of an appropriate scale and design, which would have an acceptable impact on the surrounding area, including on the amenities of neighbours, as well as the impact to the local highways network. These matters are discussed in the following sections of this report.

6.1.1 Principle of development conclusion

53 In light of the above, and given that the proposed development would bring more residential units appropriate for families to Lewisham, and as it is consistent with the direction of the NPPF, policies in the adopted London Plan and the various documents in the Lewisham development plan is therefore considered acceptable in principle.

6.2 HOUSING

54 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

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

56 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.

57 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for

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meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

- 58 The London Plan sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029.
- 59 National and regional policy avoids specifying prescriptive dwelling size and mixes for market and intermediate homes.
- 60 NPPF para 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 61 The application site is within the immediate area which is largely residential in character. The application site is characterised as Urban.

Discussion

- 62 The proposal is for construction of 6 new two storey, three-bedroom houses on the land to the rear of 105A and 107 Honor Oak Park SE23, together with the provision of cycle and refuse stores and associated landscaping.
- 63 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Figure 11 Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	0.27	n/a
Units	W 6	22 U/Ha
Habitable rooms	X 30	111 Hr/Ha
Bedrooms	Y 19	67 Br/Ha
Bedspaces	Z 30	111 Bs/Ha

Summary

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

6.2.2 Residential Quality

General Policy

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

68 The main components of residential quality are: (i) internal space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) overheating; (vi) external space standards; (vii) accessibility and inclusivity.

General Policy

69 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 (LP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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

Internal Space standards

Policy

71 London Plan Policy D6 and DM Policy 32 seek to achieve housing developments with the highest quality internally and externally in relation to their context.

Discussion

Figure 12 Internal space and amenities – proposed

Layout	GIAm ²	Room sizes (metres squared)	Built in storage (m. squared)	Amenity space (m. squared)	Compliance
Unit 1 3B5p	102 m ²	1 at GF and wardrobe in each room min 1	at GF and wardrobe in each room min 1	8 m ² with access to the communal open space	Pass
Unit 2 3B5p	102 m ²	Bed 1 (double) - 13.5 Bed 2 (single) - 8.5 Bed 3 (double) -11.7	at GF and wardrobe in each room min 1	8 m ² with access to the communal open space	Pass
Unit 3 3B5p	103 m ²	Bed 1 (double) - 13.5 Bed 2 (single) - 8.5 Bed 3 (double) -11.7	at GF and wardrobe in each room min 1	8m ² with access to the communal open space	Pass
Unit 4 3B5p	102 m ²	Bed 1 (double) - 13.5 Bed 2 (single) - 8.5 Bed 3 (double) -11.7	at GF and wardrobe in	8m ² with access to the communal open space	Pass

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			each room min 1		
Unit 5 3B5p	102 m ²	Bed 1 (double) - 13.5 Bed 2 (single) - 8.5 Bed 3 (double) -11.7	2 at GF and wardrobe in each room min 1	8m ² with access to the communal open space	Pass
Unit 6 3B5p	102 m ²	Bed 1 (double) - 13.5 Bed 2 (single) - 8.5 Bed 3 (double) -11.7	2 at GF and wardrobe in each room min 1	8m ² with access to the communal open space	Pass

72 The table above sets out proposed dwelling sizes.

73 Table 3.1 of Policy D6 of the London Plan states that the minimum gross internal area floor area for 3B5p units is 86m² and also sets out the minimum size requirement of a single bedroom to be 7.5m² and 11.5m² for a double bedroom. The proposed dwellings would provide larger gross internal floor areas than required within LP policy as above.

74 All dwellings would have internal storage space of 2m² at the ground floor plus all bedroom would have a minimum wardrobe of 1m², therefore, it is considered that there would be sufficient space within the proposed scheme.

75 In terms of floor to ceiling height, London Plan Policy D6 states that the floor to ceiling height should be 2.5m for 75% for the GIA of each dwelling. In this proposal the internal height is 2.7m at the ground floor and 2.65 at the first floor.

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

Outlook & Privacy

Policy

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

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

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

Discussion

80 All units would be triple aspect at the ground and at the first-floor units 1 and 2 are dual aspects and units 3, 4, 5 and 6 are triple aspects. All habitable rooms would be provided with adequate outlook, which is in line with standard of accommodation and is considered to be acceptable.

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- 81 Due to the location of the property, there would be adequate distance (21m) with greenery and mature trees between the application site windows at the rear and the neighbours at the back of the application site on Boveney Road. Towards Honor Oak Park, one of the proposed dwellings would be within a distance of 7m from the boundary wall and 16m from the main building of flats at No 107 and 107a. Due to the topology of the proposal plot, unit 6 would be 1.5m lower than its immediate neighbours, therefore, due to boundary fences, trees and the difference in level, there would be no potential of overlooking to unit 6. The only bathroom window at the first floor of unit 6 towards 107 and 107a would have obscure glazing. Units 4, 5 and 1 would have windows towards the back garden of Nos 103a and 109, but due to the distance with the main building at Nos 103a and 109, boundary fences, the large back garden of these properties and the difference in ground levels, there would not be a potential of overlooking to the windows and doors at units 4, 5 and 1. Therefore, the proposed development would provide an acceptable level of privacy and outlook.
- 82 Given the above, Officers are of the view that the proposed dwellings would have a good level of outlook and would provide acceptable level of privacy.

Daylight and Sunlight

Policy

- 83 DM Policy 32 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.
- 84 Daylights and sunlight is generally measures against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context.

Discussion

- 85 All habitable space and bedrooms would have openable windows. Given the size of the proposed development, and as the proposal would have windows to the front, side and rear elevations, officers are satisfied that the property would achieve acceptable levels of daylight internally.
- 86 Furthermore, rooflights (skylight) has been added which would provide more opportunities for daylight and sunlight to enter at all times of day through the tree canopy of T4, which is a beneficial addition to the development.
- 87 The proposed development is acceptable, in terms of daylight and sunlight.

Noise & Disturbance

Policy

- 88 The NPPF at paragraph 174 should among other things prevent new and existing development from contributing to, being put through an unacceptable risk, from, or being adversely affected by, unacceptable levels of noise pollution. Development should improve local environmental conditions. Paragraph 185 states decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life.

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89 LP Policy D14 required residential development to manage noise

Discussion

90 The proposed development is located in a residential area. Considering the size of application site, the private amenity space at the back of units is small and would limit socialising, and as the principle of residential development in this location is acceptable, the noise level is considered compatible with the surrounding area. As such, officers are of the view that there would not be negative impact on the amenity of future residential in terms of noise and disturbance.

Overheating

Policy

91 LP Policy D6, Part C, mentions that housing development should maximise the provision of dual aspect dwelling. Dual aspect dwellings with opening windows on at least two sides have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, and a greater capacity to address overheating, pollution mitigation, a choice of view, access to a quiet side of the building and greater flexibility in the use of the room.

Discussion

92 The proposed dwellings would be dual/triple aspect with openable windows being fitted in front and rear elevations. This would allow for natural cross-ventilation and prevention of overheating. The applicant has not submitted an Energy Statement as one is not required by policy for a scheme of this scale, but using materials such as high performing floor U values for external envelope, grey rainwater harvesting with water butts, smart thermostats, and green roofs all would positively contribute to acceptable levels of ventilation.

External space standards

Policy

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

94 The London Plan Housing SPG at paragraph 2.3.32 states that where site constraints make it impossible to provide private amenity space for all dwellings, dwellings may instead be provided with additional living space equivalent to the area of private amenity space requirements.

Discussion

95 All units would have 8m² private amenity space with a boundary fence. The dwellings would have access to the green communal areas which includes play space. Therefore, the proposed external space is considered acceptable.

Accessibility and inclusivity

Policy

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96 LPP H2 (supporting text para 4.2.9) requires compliance with LPP D7 for homes located on the ground floor.

Discussion

97 The two storey dwellinghouses would not be M4(2) or M4(3) compliant beyond the ground floor. The provisions of M4(2) and M4(3) are optional requirements of the Building Regulations and are only required where a condition is imposed on new development as part of the planning process. It is noted that in this proposed development, dwellings would have entrance door at ground floor which have level threshold from the passageway, however, the bedrooms are not on the ground floor, therefore, no condition is imposed on dwellings as they will only need to meet the provision of M4(1), as specified in 12.16.2. Small Sites SPD. This is a building control matter and does not fall to be considered within this planning application.

6.2.3 Housing conclusion

98 Overall, the proposed development is considered to provide an acceptable standard of accommodation, layout, mass and appearance and to contribute positively to meeting the housing targets for small sites set out in the London Plan and is supported.

6.3 URBAN DESIGN

General Policy

99 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.

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

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

102 DM Policy 30, 31 and 32 requires planning applications to demonstrate site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and the mass of the proposed development relates to the urban typology of the area.

Discussion

103 DM Policy 31 states that extensions to existing dwellings or new dwellings are required to be of a high quality, site specific, and sensitive design quality, and to respect and/or complement the setting, period, architectural characteristics and detailing of the original Building external features, such as chimneys and porches. It further states that high quality matching or complimentary materials should be used in relation to the context.

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6.3.1 Appearance and character

- 104 The proposed dwellings would sit in the middle of the site, behind the buildings at No 103a to 107 Honor Oak Park. Due to the distances involved, the topography of the site (which slopes away from Honor Oak Park), and the height of the new dwellings, the proposed development would not have any visual impact on the surrounding street scene.
- 105 The maximum height of the two-storey dwellings would be 7.4m with an eave height of 6.2m from the ground level; due to the differences in levels of the land, these measurements from the garden level would vary by 1m. The height of the dwellings would be lower than the existing buildings around the application site. With the sharp drop away from Honor Oak Park to the rear, the proposed dwellings would not appear as prominent within the area in the context of the neighbouring properties.
- 106 The proposed alterations to the front of the proposal site, close to Honor Oak Park, is limited to paving of the passage way, and upgrading the boundary in brickworks and timber fencing. It is noted that a Tree application is submitted for the removal of two trees to the front of the proposal site.

Figure 13 Proposed Entrance to the Site



- 107 The proposed facing material for the dwellings would be timber and this is considered a high-quality material in the context of the woodland character of the site. Also, the combination of the proposed green roof, the timber paving and the type of windows and doors not only would not be harmful to local character it would introduce a new high-quality appearance with a combination of timber and glazing in a green natural environment.

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Figure 14 CGI



6.3.2 Layout

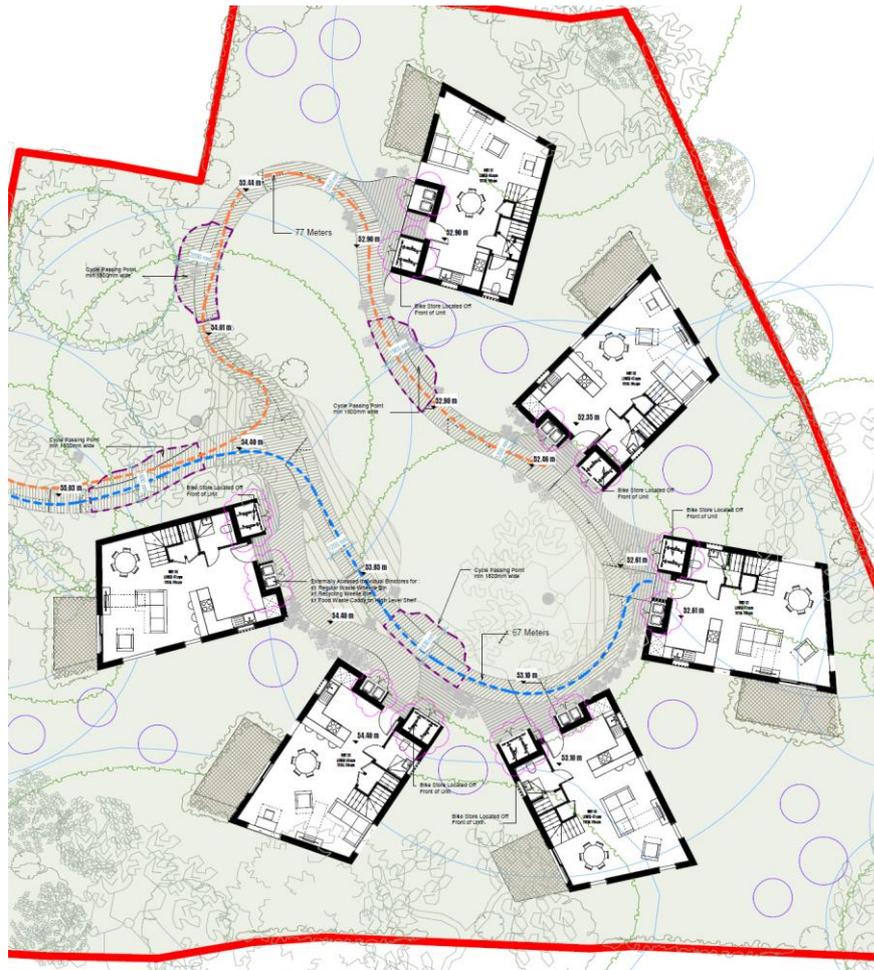
108 The proposed scheme consists of six dwellings sitting around a cul de sac in the middle of the application site where there are fewer mature trees. The new dwellings would establish a circular pedestrian access route connecting the front gardens of the six dwellings. There would be gaps between the units ranging between 3.8m to 5m and there would be a large distance between the proposed dwelling houses and the buildings at the surrounding area.

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Figure 15 Internal Layout



- 109 The green and open area of the application, here above indicated on the layout plan would be reduced slightly, but taking into account introduction of green roofs, and open and green public pathway, on balance the site remains largely an open green space as the proposed design is compatible with woodlands. The proposed development is car park free. Cycle stores for visitors (along the main passageway) and residents (attached to each dwelling) have been provided.
- 110 The development would introduce a distinctive design to the area and establish a suitable relationship with the trees, as such the layout is supported.

6.3.3 Detailing and Materials

- 111 The facing material would be slatted timber cladding to keep in harmony with the woodland character of the site. A condition would be secured to make sure that the wood cladding would be treated with fire retarding coating. Blackened steel details and concrete finishes would provide grey undertones to be in line with the timber. The windows and door would be timber revealed framed glazing. A condition would be imposed to ensure the high quality of materials.

6.3.4 Accessibility and inclusivity

- 112 Access to the site would be from the main road for pedestrians and cyclist only. Wooden decking would be provided as a walkway which would be wheel chair accessible. The

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proposed dwellings would have entrance door at ground floor which have level threshold from the passageway,

- 113 The treatment of the pathways which run throughout the site are dictated by the existing terrain and Root Protection Areas (RPAs) which are present on site. The network of Part M compliant paths is designed to adhere to a maximum ramp gradient of 1:12.

6.3.5 Urban Design conclusion

- 114 Subject to the final details being secured by condition the proposed development is considered to have an acceptable impact on the appearance of the neighbouring properties, the character of the streetscene and the wider area and is acceptable. .

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 115 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

- 116 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.

6.4.1 Enclosure/outlook

Policy

- 117 DMP 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

- 118 Whilst not directly applicable as the site has an area of 0.28 ha, the Small Site SPD in subsection 12.3 provides guidance in respect of separation distances.

Discussion

- 119 The generous size of the proposal site (0.28ha) and the green nature of the area together with the plot size and bulk of each new dwellinghouses, means that there would be no overbearing sense of enclosure or loss of outlook caused as a result of the proposed development.

6.4.2 Privacy

Policy

- 120 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 also seeks to maximise the provision of dual aspect dwellings. This is echoed in DM policy 32 and Small Sites SPD section 12.4 (Privacy, overlooking and aspect).

Discussion

- 121 The proposed housing plots would be sited a sufficient distance away from neighbouring properties to avoid any sense of detrimental harm upon their privacy. Units 1,2,3,4, and

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5 would have a separation distance of 21m from the properties at Boveney Road. Unit 6 would be within 10m distance of the boundary wall with Nos 107 and 107a and 14m away from the main building at Nos 107 and 107a. However, as the only window towards No 107 and 107a would be obscure as it serves a bathroom, the topography of the site, the existing greenery and fencing, it is not considered to have any adverse impact on the privacy of Nos 107 and 107a.

- 122 Due to the location, it is not considered that the proposed units 1, 4 and 5 have any adverse impact on Nos 103a and 109 due to the separation, the greenery, fences and angle of the new dwelling with the existing building and gardens at No 103a and 109.

6.4.3 Daylight and Sunlight

Policy

- 123 London Plan Policy 6 states that the design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate to its context. DMP 32 is in line with this.
- 124 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards, however, this is not formal planning guidance and should be applied flexibly according to context.

Discussion

- 125 Although no daylight and sunlight assessment has been produced, the low rise nature of the development and the separation distance of the houses to the properties at 105 and 107 Honor Oak Park means that Officers are satisfied, that there would be no harmful impact on the provision of daylight and sunlight to the habitable rooms or gardens of neighbouring properties.

6.4.4 Noise and disturbance

Policy

- 126
- 127 DMP 32 requires new development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

- 128 Concerns have been raised by neighbouring residents that the proposed development would result in an unacceptable level of noise disturbance. Officers note there would be no change in the use of the land: the proposed development would be residential and any noise coming from the site will be residential in nature, the same as the surrounding properties. Based on this, Officers are satisfied that the proposed development would not result in any unusual levels of noise for residential areas that would require mitigation.
- 129 Officers recognise that during implementation of the development there would be noise and disturbance from construction activity. This is a short-term impact and given the scale of the proposed development, it is not considered to be too adverse. A Construction Management Plan is proposed to be secured by condition.

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6.4.5 Impact on neighbours conclusion

- 130 The proposed development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light / sun light and impact on privacy and is therefore acceptable.

6.5 TRANSPORT

Policy

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

Discussion

- 132 The application site has a PTAL rate of 3 / 4. Honor Oak Park Train Station lies within a short walking distance of the application site, whilst there are bus stops within close proximity on Honor Oak Park. No on-site residential car parking is proposed. The provision of the proposed 6 residential units, are therefore not considered to have any significant impact on the local transport network in terms of capacity of the road network or public transport.

6.5.1 Car parking

Policy

- 133 LP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport.
- 134 CSP 14 supports this stance. The policy states that the Council will take a restrained approach to parking provision in line with car parking standards contained within the London Plan.

Discussion

- 135 The scheme is would have no off-street parking and no access for cars are provided into the site. Parking is generally restricted with double yellow lines from the Honor Oak Park train station up to 15m towards the west. Beyond the yellow lines to the west on the south side of the road parking is allowed which is not subject to restrictions.
- 136 Parking surveys carried out by the applicant in 2021 in accordance with the Lambeth Methodology demonstrated that there is low on-street parking stress, so car free development is appropriate, particularly taking into consideration the accessible location. The results indicate that from the 89 unrestricted on-street parking spaces within a 200m walk distance of the site, some 52 spaces were available during the first survey and 42 during the second survey, leading to a parking stress of only 42% and 53% respectively. It is clear that there is ample spare capacity for on-street parking in the vicinity.
- 137 Objections were raised regarding the loss of on-street parking and adverse impact on traffic flow. The Highway team are consulted and they raised no objections to the proposal.

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6.5.2 Emergency access

Policy

- 138 Policy T6 section I of L requires adequate provision should be made for efficient deliveries and servicing and emergency access.
- 139 DM Policy 33 under paragraph 2.257 confirms Good access to development on backland sites is a key issue and will be an important factor when considering development applications. Emergency vehicles, refuse vehicles and delivery services need appropriate access. Small Sites SPD guidance under section 12.15 requires appropriate access for services including paramedics and the fire brigade, which would have a significant impact on the development in particular backland sites that have limited street frontage.

Discussion

- 140 Officers had concerns regarding the need of emergency access, particularly for fire tenders. Amendments were carried out to the scheme and a dry riser infrastructure would be installed. The dry riser would be at the top of the site on Honor Oak Park, and an outlet riser at the bottom of the site located in the communal amenity spaces. This would allow a fire vehicle to connect to the subterranean pipeline on Honor Oak Park, feeding the outlet dry riser which would then be in close proximity to the proposed units. Highway team raised no objection to this arrangement, however, in order to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

6.5.3 Cycle parking

Policy

- 141 LP T5 states that development proposal should help remove barriers to cycling and create health environment in which people choose to cycle. This will be achieved through supporting the delivery of a London-wide network of cycle routes; and securing the provision of appropriate level of cycle parking which should be fit of purpose, secure and well-located. Cycle parking is expected to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities would cater for large cycles including adapted cycle for disabled people.

Discussion

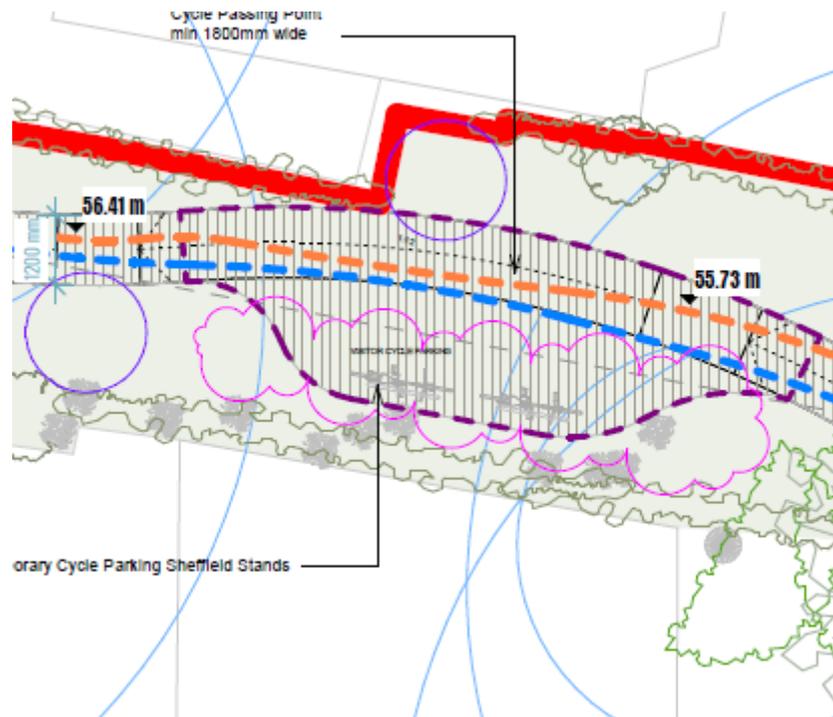
- 142 Initially the only cycling storage was to the front. Officer had concerns regarding the distance and safety of cyclist and security of the bike storage. With the amendments, therefore, the cycling storage would be for the use of visitors to the site only. The scheme has been amended so cycle storage for residents is to be provided for two bikes at each dwelling, here below. The number of the cycling storage, the style and location of them are in line with the guidance and are acceptable.

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Figure 16 Visitor Cycle Storage



143 The calculation that has been provided demonstrates that the number of cycle storage is based on table 10.2 of London Plan (2021). A total of eight cycle storage has been proposed. Highway Team raised no objection to the number, location and design of the proposed cycle storage. The details of this would be secured by condition.

144 Details of the external lighting on the building will be secured by condition as to ensure safe pedestrian and cyclist access.

6.5.4 Servicing and refuse

Policy

145 CSP 13, Part 4, requires that recycling facilities are well-designed and incorporated in the new development.

146 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

Discussion

147 Two waste bins of 1100L for dry recycling and general refuse bin, a food waste bin, and brown bin for garden waste would be located to the side elevation of No 105a which would be within 10m of the road and in line with Lewisham Council guidance. Officers had concerns regarding the location of rubbish bins, as it would be close to the boundary wall with No 105a, however as the refuse bin placement would be in timber enclosed with green roof, it is acceptable, subject to condition regarding the material and size.

148 Highway had concerns regarding the transfer of household refuse to the provided large bins at the entrance of the site (a distance of 30 meters). Therefore, should the Council be minded to grant a planning permission, the refuse collection arrangement would be

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secured by a condition requiring a waste management plan with associated details demonstrating how waste is to be managed at the proposed site.

- 149 Concerns were raised about the initial arrangements for delivery and servicing. As the applicant is proposing delivery vehicles would stop on-street on Honor Oak Park, a condition would be imposed to secure a dedicated parking bay on the road for delivery and servicing under S278.

6.5.5 Construction management Plan

- 150 The applicant has provided an outline Construction Logistics Plan. The provided information indicates an undertaking by the applicant to keep the supply chain, local community, residents, businesses and LBL informed at all stages of the construction, in view of the restricted access to the site.

- 151 Furthermore, deliveries during construction would take place between the hours of 9:30am to 3.15pm and from 8am to 6pm during school holidays. The site delivery times will be subject to 'Just in time delivery' to avoid queues on Honor Oak Park and limit disturbance to the other residents in the area, which has been secured by a condition.

- 152 Highway Team raised no objections to the principle of the proposed construction and management. Details would be secured by condition.

6.5.6 Transport conclusion

- 153 The proposal would not have an adverse impact on transport in terms of parking, and accommodating the site's servicing needs, subject to conditions

6.6 NATURAL ENVIRONMENT

General Policy

- 154 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 155 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 156 NPPF para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.
- 157 LPP G6 and G7 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

6.6.1 Ecology and biodiversity

Policy

- 158 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.

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- 159 NPPF para 14 states that decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 180 sets out the principles which LPAs should apply when determining applications in respect of biodiversity. Paras 174 and 180 seek biodiversity net gain.
- 160 CSP 12 seeks to preserve or enhance local biodiversity.
- 161 DMP 24 requires all new development to take full account of biodiversity in development, design, ensuring the delivery of benefits and minimising the impacts on biodiversity.
- 162 Para 174 and 180 of NPPF emphasis that developments should enhance and protect value of landscapes and site biodiversity. And BNG guidelines provide quantities guidance in this regard.
- 163 LP G6 (under sub-paragraph D) states that ‘Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain’.

Discussion

- 164 Local residents have raised concerns over the impact this scheme would have on ecology and biodiversity. Furthermore, several points were raised with the refused planning applications and also within the pre-application, which have been addressed in the documents submitted with this application. Ecological officers have reviewed the submissions and confirmed the improvement of the proposal detailed below.
- 165 A Preliminary Ecological Appraisal is submitted with the application. The PEA identified value for a number of notable and protected species, including bats, badgers, reptiles, birds and hedgehog.
- 166 An objection was received concerning the impact of the proposed scheme on the quality of soil. It is noted that the above study concluded that the proposed development would have no adverse impact on the quality of the soil on the proposal site.
- 167 Mitigation actions for several ecological receptors on site have already been identified and should be included in a Ecological Management Plan (EMP) to be secured by planning condition, including:
- Provision of a bat sensitive lighting regime;
 - Destruction of mammal holes on site by hand;
 - Removing vegetation outside of the nesting bird season; and removing dense vegetation using a two-phase approach to protect reptiles and small mammal species.
- 168 Since the Preliminary Ecological Appraisal identified adverse impact on bats around the proposal site, a Bat Survey Report has been provided by the applicant which as identified mitigating measures covering lighting, Wildlife Friendly Landscaping; and Bat Boxes.
- 169 A Biodiversity Impact Assessment has been provided which deals with the flora on the site. Impact assessment concludes that the proposals are in compliance with local and national planning policy and The New Environment Act which has now mandated a 10% biodiversity net gain (BNG) for similar sites. According to this document, the proposed

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development stands to result in a post-development area-based value of 2.65, which is a net gain of 0.41 biodiversity units from pre-development levels which is a gain of 18.3%. This is considered a planning merit of the scheme secured by condition in mitigation for the loss of trees on site.

Summary

- 170 Given above various points raised in the above reviewed documents would be secured by conditions, should the council be minded to award a permission.

6.6.2 Green spaces and trees

Policy

- 171 NPPF para 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. It goes on to say existing trees should be retained wherever possible. Para 174 expects development to contribute to and enhance the natural and local environment.
- 172 LPP G7 states Development proposals should ensure that, wherever possible, existing trees of value are retained.
- 173 DMP 25 sets out the required information for landscaping plans and their management, along with the information required to support development affecting trees.

Discussion

- 174 The applicant has provided a Tree Survey and Arboricultural Impact Assessment which indicates that there are 19 individual trees which are all protected by a TPO, on the proposal site, comprising 1 no of tree in category A, 11 in Category B, 6 in Category C and 1 in Category U. Through this assessment it has been confirmed that all trees on site would be retained.
- 175 All trees on site are protected by a TPO and contribute to the urban forest canopy. It is however, noted that the council has received two applications to fell five trees close to 105 Honor Oak Park due to subsidence issues at the property (ref. DC/21/124194 and DC/21/124195). Although, the Tree Officer has identified that four of these trees are within the development site, the current application (as shown on the plans and confirmed in Tree Survey and Arboricultural Impact Assessment and also in an email on 26/05/2022), is not proposing to remove any trees as a result of the proposed development.
- 176 All proposed residential dwellings will, to varying extents, encroach upon the Root Protection Areas (RPAs) of some existing trees (T3, T4, T8, T9 and G12). The applicant is proposing that all dwellings are installed atop specialist mini-pile foundations designed for use around tree roots. The piling rig used to install the mini-pile foundations will never be in direct contact with the ground when within the RPAs and Cellweb, or another approved cellular confinement system will be used to avoid soil compaction beneath all site traffic. Hand excavations would be undertaken in the first instance to identify suitable locations of piling.
- 177 The proposed decking pays due attention to ground protection to prevent soil compaction around roots, as there are minor RPA incursions of T2, T3, T13 and T14 where a new pedestrian footpath would be constructed. This footpath is to consist of raised hardwood timber decking, in order to ensure that there is no impact upon these

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trees. Therefore, should the council decide to grant permission, conditions would be imposed.

- 178 Notwithstanding the above commitments by the applicant, the Council's Tree Officer raised objections to the proposed development with concerns for the siting of dwellings in such close proximity and underneath the canopies of large mature trees and potential post development pressure on TOP trees. To mitigate the impact on the trees, a condition is proposed in respect of crown reduction and works to retain trees so that the methodology can be approved and that the works are carried out under the supervision of a suitability qualified arboriculturalist.
- 179 Given above, on balance, with the presumption in favour of development, and the positive contribution of the proposal to the housing target in LBL and the provision of a biodiversity net gain of 18.3%, in this instance the impact of the proposal on natural environment is outweighed by the planning merits, which carries substantial material planning weight and is therefore considered to be acceptable.
- 180 It is indicated in the submitted Tree Survey and Arboricultural Impact Assessment that a detailed approach to the long-term maintenance and management of existing tree stock would be set out to ensure that trees on site are retained in the long-term. This was also a concern of the Tree Officer, which would be secure by a condition.

Figure 17 CGI II



Summary

- 181 On balance, the wider benefits of the proposal, and its contribution to the Council's housing targets by providing 6 new dwellinghouses, is considered to outweigh any adverse impact on the existing natural environment.
- 182 The impact on ecology and biodiversity on the site is considered to be acceptable subject to the imposition of conditions.

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6.6.3 Landscaping & Boundary Treatments

- 183 No boundary wall would be introduced to the front. The existing boundary around the site would be retained, enhanced with native hedge and shrub layers that have been proposed to the edges of the site to soften the boundary of the development.
- 184 Delineating the private amenity spaces would be timber fencing. Due to the change in level of the site, a condition would be imposed for further details of the boundary treatments to ensure the height and details are acceptable.
- 185 The proposed scheme includes play area for children and several decking and wooden walkways, integrated with the natural environment. As shown in the Tree Survey and Arboricultural Impact Assessment, no trees would be removed due to the proposed development, however, two applications are pending decision for removal of four trees within the development site. The proposed landscape design shows that footpaths/walkways would be constructed to respond to the constraints imposed by the RPAs of the trees. A condition would be imposed, should Members be minded to grant planning permission, to ensure the quality of walkways and the communal open spaces would be in line with the guidance, and RPAs are respected.
- 186 Various planting typologies have been proposed across the site to create both visual and ecological interest. Final details of planting, maintenance of the landscaping scheme and boundary walls would be secured by condition to ensure a high-quality landscape is maintained in perpetuity. It is noted that the planting may not be appropriate for the shaded area envisaged beneath the tree canopy, and therefore a condition would be imposed to secure planting with shade tolerant species mix.
- 187 A Landscape Maintenance and Management Plan has been provided as part of the Planning application, the quality of which would be secured by condition.

6.6.4 Living roofs

Policy

- 188 LP G1 considers green roofs a part of green infrastructure which contributes positively to urban greening. DM Policy 24 states New living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base.

Discussion

- 189 The roofs would be biosolar roofs to promote biodiversity, minimize the visual impact and help with air pollution, which is considered acceptable for a scheme of this nature. Although the Biodiversity Impact Assessment indicated the use of biosolar roofs, these living roofs will be substrate based, plug planted and seeded with a shade tolerant wildflower mix. The substrate would be 200mm deep and will be composed of recycled crushed brick, expanded clay shale and recycled organ. The Environmental Regeneration Team raised no objection to the proposed green/biosolar roofs, however, the final details of the living roof are to be secured by condition. Subject to details, the living roofs proposed would be acceptable, and would help to ensure the site contributes positively to urban greening and biodiversity net gain.

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6.6.5 Natural Environment Conclusion

190 Officers consider that the proposed development would not adversely impact the green spaces, trees, and natural diversity and the proposed scheme is considered to be acceptable.

7 LOCAL FINANCE CONSIDERATIONS

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

193 The CIL is therefore a material consideration.

194 £54,914.59 Lewisham CIL and £36,282.86.14 MCIL is estimated to be payable on this application with a total of £91,197.45, 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

195 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.

196 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.

197 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.

198 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

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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>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

200 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>

201 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

202 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

203 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.

204 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

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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.

205 This application has the legitimate aim of providing six new buildings with residential use. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

207 In urban design terms, the proposed development is considered to be a high quality proposal. It is of an appropriate height and scale, and would use suitable materials; and therefore, it is considered that the proposed scheme would not result in adverse impact on the character and appearance of the area and the streetscape.

208 In terms of standard of accommodation, the development would fulfil the requirements and is considered acceptable.

209 In terms of transportation, the scheme is not expected to have any adverse impact on the current traffic arrangement on the road or the local transport network.

210 The proposed development would not have any harmful impacts on neighbouring amenities or the living conditions of neighbours.

211 In terms of the natural environment, while no trees would be removed, and careful consideration is given to the design of the landscaping, a biodiversity net gain of 18.3% is predicated and a result of the development which is acceptable.

212 Overall, Officers consider that contribution to housing supply, efficient use of land, high-quality design of the proposed dwellinghouses and biodiversity net gain would outweigh any adverse impact on natural environment, and therefore it is recommended for approval subject to conditions set out in section below.

11 RECOMMENDATION

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

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

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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:

1061-HOP-EX-01 Rev 2; 1061-HOP-EX-02 Rev 2; 1061-HOP-LP-01 Rev 2; 1061-HOP-LP-02 Rev 2; 1061-HOP-GA-00 Rev 3; 1061-HOP-GA-01 Rev 2; 1061-HOP-EL-01 Rev 2; 1061-HOP-EL-02 Rev 2; 1061-HOP-EL-03 Rev 2; 1061-HOP-EL-04 Rev 2; 1061-HOP-EL-05 Rev 2; 1061-HOP-EL-06 Rev 2; 1061-HOP-SC-01 Rev 2; 1061-HOP-SC-02 Rev 2; 1061-HOP-SC-03 Rev 2; 1061-HOP-SC-04 Rev 2; 1061-HOP-SC-05 Rev 2; 1061-HOP-SC-06 Rev 2; 1061-HOP-SC-07 Rev 2; 1061-HOP-DR-02 Rev 2; 1061-HOP-DR-01 Rev 2; 1061-HOP-DR-03 Rev 2; 1061-HOP-DR-05 Rev 1; 1061-HOP-DR-04 Rev 1; Entrance View (received 26/05/2022)

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

3) SCHEDULE OF MATERIALS

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

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

4) ARCHITECTURAL DETAILS

(a) Notwithstanding the details hereby approved, prior to occupation of the development detailed plans at a scale of 1:20 showing windows/entrances important joints have been submitted to and approved in writing by the local planning authority

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

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development

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Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

5) CONSTRUCTION MANAGEMENT PLAN

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

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

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

6) REFUSE AND RECYCLING

- (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the completion of above ground works of development hereby approved. Such details shall include the volumes of storage to be provided for dry recycling, general waste, food waste and garden waste.
- (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

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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).

7) **CYCLE PARKING**

(a) Prior to above ground development, full details of the revised cycle parking facilities shall be submitted to and approved in writing by the local planning authority. Such details shall include 8 short-stay and 2 long-stay spaces provided in secure and covered stores which demonstrably meet the provisions of the London Cycling Design Standards

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

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

8) **REMOVAL of PD RIGHT**

No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2, Part 1 Classes A-G inclusive 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).

9) **EXTERNAL LIGHTING**

(a) Prior to occupation of the residential units a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority. Such details shall: (i) demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage; (ii) demonstrate that the proposed lighting is wildlife-sensitive lighting scheme; and (iii) indicate details of appropriate lighting along the footpaths /route to each dwelling.

(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.

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

10) **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, crown reductions) 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.

(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, maturity and native species.

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

11) **GREEN/BIOSOLAR ROOF**

(a) The development shall be constructed with Biosolar Roof at locations in accordance with plans, hereby approved, details for which need to be provided in accordance with LBL requirement including correct depth and species, details of proposed PV panels and approved in writing by the local planning authority prior to construction of the above ground works and maintained thereafter.

(b) Evidence that the roof (including PV panels) with Maintenance plans 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).

12) **HARD LANDSCAPING**

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(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) and drainage system (particularly to the front of the crossover), and water surface at the rear courtyard 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.

13) **DELIVERY AND SERVICING PLAN**

- a) No works whatsoever shall commence until the applicant first submits evidence in writing to and receives written approval from the local planning authority that the applicant has entered into a S278 Agreement for offsite Highway works. Such works shall include a 10m loading bay to the front of the property along Honor Oak Road just north of the existing crossover to the site.
- b) No part of the development shall be occupied until the applicant submits to and receives written approval from the local planning authority certification that the works approved under part (a) have been completed to the Highway authorities satisfaction.

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

14) **OBSCURED 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 to side elevations at the ground and second floors of the building hereby approved shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and/or 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 existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, 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).

15) **CONSTRUCTION HOURS**

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No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 9:30am to 3.15pm and from 8am to 6pm during school holidays 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 avoid peak school hour 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).

16) **WASTE MANAGEMENT PLAN**

Prior to the occupation a waste management plan and associated details is required to instruct a private firm to present the bins at the collection point on collection day to mitigate the excessive drag distances for the current location of the bin stores, and shall thereafter be maintained demonstrating how waste is to be managed at the property, has been submitted to and approved in writing by the local planning authority.

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

17) **BOUNDARY TREATMENTS**

(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).

18) **TREE PROTECTION PLAN**

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No development whatsoever including works of site clearance 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).

19) **TIME LIMIT ON SURVEY VALIDITY**

If the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological measures secured through Conditions above shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

i) establish if there have been any changes in the presence and/or abundance of protected/notable species and habitats.

ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

20) **Biodiversity Net Gain**

Prior to occupation of the development a report shall be submitted to and approved in writing by the local planning authority confirming that a net gain of 18.3% has been achieved as a result of the development as indicated in the Biodiversity Impact Assessment (submitted 24 Jan 2022).

Reason: To provide mitigation for planned and potential long term impacts on trees and to comply with Policy G6 Biodiversity and access to nature of the

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11.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit 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>
- 3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 4) Cherry laurel and Virginia creeper are both proposed to be planted and these species are recorded as invasive in the UK so in a scheme that aims to focus on nature and biodiversity should not be planted.
It is recommend the following reports for consideration:
<https://www.wildoxfordshire.org.uk/wp-content/uploads/2021/05/NF89-Biodiversity-in-new-housing-developments.pdf>

12 BACKGROUND PAPERS

- 214 Submission Drawings and Documents
- 215 Internal and external consultee responses

13 REPORT AUTHOR AND CONTACT

- 216 Zahra Rad (Planning Officer)
- 217 Email: Zahra.Rad@lewisham.gov.uk

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