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www.TelegraphHillSociety.co.uk

The Telegraph Hill Society

Planning Service
London Borough of Lewisham
Laurence House
1 Catford Road
London SE6 4SW
19 August 2022

Dear Sir

Local Planning Validation List Requirements Consultation

Thank you for the opportunity to comment on this.

We have a limited number of comments as this is not an area in which we are expert. We would note firstly that, as important as having the correct lists themselves, is the need to ensure that the validation process is carried out as fully as possible in order to avoid incomplete applications having then to be challenged and returned to the applicant for amendment during the consultation period that follows.

We have seen many instances where, in our view, applications do not meet the criteria and yet have been passed through the validation process, these include, particularly:

- Drawings only provided of the property concerned with no illustration of the surrounding properties and no context given (in a conservation area, the context is particularly important)
- Drawings and heritage statements which do not match
- Absence of information relating to the proposed materials
- Absence of site location plans

Major applications local list point 24 and Minor applications local list point 19

These points relate to proposals which are within a Conservation Area or are within the setting of Conservation Areas. We are unclear as to the meaning of “setting” and feel that could be misinterpreted. For instance, would the proposed recent and withdrawn application for the redevelopment of the Sainsbury’s site in New Cross Gate, which was not in a Conservation Area but whose towers would have dominated both the Hatcham and Telegraph Hill Conservation Areas be regarded as in the “setting of” both Conservation Areas? Would the word “affect” be more appropriate? See the current development management policy DMP 36.4c.

Major applications local list point 4 and 6 and Minor applications local list point 4 and 6

We believe that, in addition to stating what consultation has been undertaken and what account has been taken of the outcome, the application should be required to state all significant objections made during the process and whether they have been accepted or rejected (and if so, why). It is our experience that some developers pick and choose what they state about the consultation process and its outcome in order to cast a better light on the result. Often they merely state what changes they have made rather than state what they have failed to respond to.

The Design and Access Statement, and relevant plans and drawings, should be required to be fair and balanced as well as proportionate. We have found in the past that visual representations in particular are selected by the developer to provide the best possible view of the proposal rather than a fair one. For example, in the recent Besson Street development in New Cross Gate, despite the Conservation Officer and English Heritage noting the impact the tower would have on the listed buildings at New Cross Gate, no rendered drawings showing this impact were provided. The Planning Committee were subsequently obliged to decide on the application without having this, arguably important, information to hand.

Section 6 of each specifically refers to street elevations showing the proposals in relation to the existing street scene. This has often been taken to mean only the direct elevations, with at most, one building on either side to provide context, whereas, as in the above Besson Street and Sainsbury's examples, the views from further afield as also relevant. If at all possible, 3d contextual renders should be provided as well as elevational drawings as many residents find architects' drawings impossible to understand.

Developers should also be required to produce a fair and balanced executive summary of their proposals explaining both the proposal and its impact – the full application on larger developments can run to hundreds of pages and most local residents do not have the expertise to tease out the important issues.

These additional requirements should be incorporated within the local requirements if the wording of the national requirements cannot be expanded accordingly.

Householder Application for Planning Permission

Point 4

This requires that the proposal should be shown in relation to adjoining buildings where appropriate. This should be expanded as regards Conservation Areas. DM policy 31.3 states "*that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area*". It should be incumbent on the applicant therefore to provide context not simply as regards "adjoining buildings" but the group of buildings as a whole or the wider character area. Within a Conservation Area showing, at least, the relationship to adjoining buildings, is imperative to understand the context and the wording should therefore make clear that showing the proposal in relation to such buildings will be expected.

Point 9.

See above as regards the interpretation of the "in the setting of Conservation Areas". DM 31 refers to "proposals affecting heritage assets" rather than their "setting".

DM 36.4c refers to developments "*adjacent to a Conservation Area*". In addition to developments affecting or in the setting of a Conservation Area, a Heritage Statement should therefore be explicitly required for any development adjacent to a Conservation Area regardless of affect or setting.

As well as requiring a statement describing the significance of the asset, DM policies 30.j and 36.1 require that the Heritage statement should provide "*an assessment of the impact of the proposals on that significance*". This latter requirement has been omitted from the requirements of point 9 and should be added.

Point 10

We do not understand what "operational development" means; surely materials and architectural details should be provided for all applications where there are new or changed architectural details or new or changed materials?

Additional points

DM36.2 requires that "*Where the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting, the Council will require clear and convincing justification. The Council will consider the wider public benefits which may flow from the development where these are fully justified in the impact assessment.*" There should therefore be a requirement (either separately or as part of the heritage statement) reflecting this requirement.

There are also a number of instances within the Alterations and Extensions SPD and the Small Sites SPD which require the applicant to “*demonstrate*” that certain requirements have been met¹. The Council should consider any of these should be included in the Validation Checklist either as separate points or as cross-references. In our view, such demonstrations of compliance are rarely included explicitly in proposals requiring the Planning Officer, Planning Committee or consultees to guess whether the applicant has considered the required compliance issue.

DM Policy 27 lays down specific requirements, particularly regarding light pollution.

Requirements for Design and Access statements/Heritage statements generally

The Council should consider that, wherever Design and Access and Heritage statements are required, the validation list should cross-refer to the specific requirements in DM Policy 30.5 since that policy requires that an “*adequate response to [the detailed matters listed] will be required in planning applications*” and that, therefore, any application which does not provide such a response should not be validated as complete.

DM Policy 27 requires applicants to consider the impact of light pollution on all stages of the development. It should be a requirement in the validation list to ensure that applicants have considered this issue, particularly in respect of the need to protect biodiversity, wildlife, and residential amenity as regards neighbouring properties.

Examples

We understand the rationale behind providing guidance on writing the description but are concerned that what is proposed is to give specific examples of such developments rather than guidance on writing them. There is a significant danger that, if examples are given, these will be used as boiler-plate and that the applicant will argue that, having complied with the examples, they have provided sufficient information. Each application is different and the applicant should be encouraged to put as much thought as necessary into preparing an application which justifies their proposal. Examples and boilerplate will not do that. We would strongly urge the Council not to give examples which could be used within an application.

Yours faithfully

Telegraph Hill Society.

¹ For example the Alterations and Extensions SPD at para 4.3.3 states that the onus is on the applicant to demonstrate the integrity of proposals’ para 5.8.3 requires the applicant to demonstrate exceptional design quality.