

PLANNING COMMITTEE A

Date of Meeting: **WEDNESDAY, 14 MARCH 2012 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Abdeslam Amrani (Chair)
Sam Owolabi-Oluyole (Vice-Chair)
Obajimi Adefiranye
Liam Curran
Janet Daby
Amanda De Ryk
Helen Gibson
Stephen Padmore
Jacq Paschoud**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 6 March 2012**

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Committee	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 14 MARCH 2012

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

Personal interests

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

Exemptions to the need to declare personal interest to the meeting

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

Sensitive information

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be

entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

Prejudicial interests

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Categories exempt from being prejudicial interest

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Effect of having a prejudicial interest

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

Exception

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

Prejudicial interests and overview and scrutiny

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 14 MARCH 2012

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 2 February 2012.

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Committee	PLANNING COMMITTEE (A)	
Report Title	FORMER R H ADAMS PREMISES NOW RENAMED IMPERIAL WORKS, HINDSLEYS PLACE SE23 2NQ	
Ward	Perry Vale	
Contributors	Tabitha Lythe	
Class	PART 1	Date: 14 MARCH 2012

<u>Reg. Nos.</u>	DC/11/78562 as revised
<u>Application dated</u>	13.10.11 revised 21.12.11 and 09.02.12
<u>Applicant</u>	Meadowcroft Griffin Architects on behalf of Mr J Lowe
<u>Proposal</u>	Demolition of the former R. H. Adams Premises, now renamed Imperial Works, Hindsley's Place SE23 and the construction of a part two, part three, part four-storey building to provide seven live/work units.
<u>Applicant's Plan Nos.</u>	1109_001 Rev B; 1109_002; 1109_003; 1109_004 Rev B; 1109_005; 1109_102 Rev C; 1109_103 Rev C; 1109_104 Rev H; 1109_105 Rev H; 1109_106 Rev J; 1109_107 Rev J; 1109_110 Rev E; 1109_111 Rev E; 1109_114 Rev B; Policy Section for Planning Statement 10.10.11; Environmental Report - Landmark Massing Studies_Sheet 1; Code for Sustainable Homes Pre-Assessment Estimate Version 1 Rev C 8.9.11 - SRE; Daylight, Sunlight & Overshadowing Report Rev F 5.10.11 - Inklings; Planning Design & Access Statement October 2011; Sustainable live/work development, Computer Generated Images
<u>Background Papers</u>	(1) Case File LE/623/C/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2011)
<u>Designation</u>	Core Strategy - Existing Use

1.0 Property/Site Description

- 1.1 The application site is roughly L-shaped and lies at the east end of Hindsley's Place, with a narrow element running through to Westbourne Drive. The buildings on site are mainly two-storey, with a single-storey workshop element. Although the building is commercial, this is not strongly evident from Hindsley's Place, with only a relatively modest signboard for R H Adams located at first floor level to indicate this. The two-storey elevation fronting Westbourne Drive is of later construction

than the main buildings on the Hindsley's Place side and is both more visually prominent in the street and obviously commercial in character than the buildings visible in Hindsley's Place. Apart from the application buildings, the Westbourne Drive surroundings are entirely residential. Hindsley's Place, however, contains a mix of residential and other commercial uses including live/work units. The alleyway in the north-eastern corner at this end of Hindsley's Place gives access to a number of small commercial workshops and live/work units.

- 1.2 The building is not located within a conservation area or covered by an Article 4 Direction and is not a listed building.

2.0 Planning History

- 2.1 2004: p.p. refused for the demolition of part the existing workshop and alterations to the existing buildings at R H Adams (Forest Hill) Ltd, Hindsley's Place SE23, and their conversion to residential use to provide 2, studio flats, 5, one bedroom and 1, two bedroom self-contained flats, together with the erection of a two storey extension on part of the Hindsley's Place frontage, provision of car parking and bicycles spaces and associated landscaping. (The proposal would involve the loss of an employment site contrary to Policy EMP 3 Employment Sites Outside Defined Employment Areas) – Appeal Dismissed
- 2.2 2009: application withdrawn for demolition of existing unit fronting onto Hindsley's Place and construction of two-storey unit, incorporating 1 no. Live/Work Unit and large separate artist's studio on footprint of existing building.
- 2.3 2010: application withdrawn for demolition of existing unit (former R. H Adams Premises, now renamed Imperial Club) Hindsley's Place SE23 and the construction of a 2-storey unit fronting Hindsley's Place and a 6 storey unit fronting Westbourne Drive, to provide one artist studio with associated office and gallery, one live/work unit and 1, two bedroom self-contained flat.

3.0 Current Planning Application

3.1 The Proposal

- 3.2 Demolition of the existing part-single, part-two storey building that covers the footprint of the site.
- 3.3 The construction of a part two (7.05m high), part three (10m high), part four-storey (15.1m high) building to provide seven live/work units on the footprint of the existing buildings. Two of the units would have one bedroom and five of the units would have two bedrooms. Five of the seven units would have private external amenity space. Three of the units would have a roof terrace facing Hindsley's Place and one facing Westbourne Drive at second floor level. One of the units would have a roof terrace facing Hindsley's Place at third floor level and another with external amenity space at ground floor level facing Hindsley's Place and Westbourne Drive.
- 3.4 32 Photovoltaic panels are proposed on the roof above the second, third and fourth storeys. A living roof of 8.5sq.m. is proposed above part of the second storey in the south-western corner.

- 3.5 The building would be proposed to be erected in brickwork in three different tones that vary from the midtone brick, which would be a light-coloured grey-brown with a vertical brick recess pattern on the northern elevation of the four-storey element. The third storey of the set-back element would be built in black fibre cement rainscreen and the windows and doors are proposed to be timber-framed. Balustrades to balconies are proposed to be painted metalwork and some of the screening/enclosures of the external amenity space is proposed to be 'Hit and miss' concrete screening.
- 3.6 Refuse is proposed to be stored in the ground floor facing Hindsley's Place and another store fronting Westbourne Drive. Cycle Storage for 5 bicycles is proposed fronting Westbourne Drive and one space within each of units 1-4 on the ground floor. Two of the ground floor units would have space to park a car inside.
- 3.7 Amendments: Alteration to existing and proposed building lines in the drawings to indicate what is on site correctly. Removal of window in northern elevation at ground floor level. Removal of window in southern elevation at third floor level. Reduction in height of boundary treatment facing Westbourne Drive from 2m high to 1.3m high. Eastern parapet to two-storey element reduced by 0.5m. North-eastern corner of first floor set-back 1.1m to align with the second floor above. North wall set back 0.5m to create a step between first and second floor levels.
- 3.8 Supporting Documents
- 3.9 Design and Access Statement and Environmental Report.
- 3.10 Daylight, Sunlight and Overshadowing Report which summarises that of all the windows that should be assessed as part of the impact on neighbouring properties from the proposed development would comply the BRE guidelines for Daylight and Sunlight and levels of overshadowing to the gardens of neighbouring properties would be within the BRE recommended guidelines.
- 3.11 Code for Sustainable Homes Pre-Assessment, which concludes that the proposal would meet level 4 of the Code for Sustainable Homes.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters of consultation were sent to 216 neighbouring properties as part of the planning application process. A Notice was displayed on site and Ward Councillors were also notified. A local meeting was held on 5 January 2012, of which a copy of the minutes are appended.

Written Responses received from Local Residents and Organisations

- 4.3 14 letters of objection were received from 10F; three residents at 12A; two residents at 12B; 12C; two residents at 12F; 18A; 19G; 23; 25A Westbourne Drive; 19 and Unit 3, 29 Hindsley's Place making the following comments:
- proposal is overdevelopment of the site;

- four-storey tower exceeds the scale of buildings on this section of Westbourne Drive;
- adjoining buildings are three-storey and the proposed development should not exceed that;
- design of the proposed building would be out of keeping with the neighbouring properties;
- existing building should be converted into workers cottages;
- materials proposed are unclear but would appear out of keeping with the street; overlooking to residential properties from second floor balconies and windows;
- loss of light to neighbouring homes;
- overshadowing to neighbouring gardens and balconies;
- noise from live/work units could disturb neighbours;
- increased pressure on parking from development;
- deliveries would disturb residents in terms of noise and parking;
- concerns about access being blocked to Hindsley's Place;
- not clear that there is a demand for live/work units as other retail units in the area remain vacant;
- concerns that car park in Westbourne Drive will remain fully-functional during building works as this bounds the site;
- plans submitted are inaccurate as the existing building overlaps the flank wall of 12 Westbourne Drive on the boundary to the car park.

4.4 1 comment; no objection to the proposal and quite happy with design but on Westbourne Drive the building should be restricted to three storeys.

4.5 30 letters of support were received from residents in the Forest Hill area making the following comments:

- well-designed;
- design of development is bold and innovative;
- choice of materials is appropriate;
- proposal promotes regeneration and investment in the area;
- improvement to dilapidated building;
- increase in creative quarter and improvement to a part of Forest Hill in need of it;

- proposal responds to changing needs of the workforce;
- the applicant's have done other successful developments in the area and this would be another.

Written Responses received from Statutory Agencies

- 4.6 Forest Hill Society: The live/work units proposed provide a flexible and valuable building type that has been successfully demonstrated in Forest Hill area at Havelock Walk and other developments. We are keen to support proposals that propose genuine live/work development such as this because they add to the richness of the area and support small scale employment opportunities.
- 4.7 The proposals are of a high quality and address concerns that have been raised to earlier proposals on the site. This development will make a significant improvement to Hindsley's Place in particular.
- 4.8 Environmental Services: If approval is recommended please can conditions for construction hours, dust mitigation and standard live/work unit conditions be added.

Highways and Transportation

- 4.9 The proposed level of off-street car parking is considered acceptable. the site is well located in terms of public transport, situated within 200m of Forest Hill rail Station. The site has a Public Transport Accessibility Level (PTAL) of 4, which is rated as good.
- 4.10 A Delivery & Servicing Plan (DSP) is required for the development. The plan should include details of how delivery and servicing trips to the development will be managed, with the aim of reducing the impact of delivery/servicing activity, particularly in Hindsley's Place.
- 4.11 A Construction and Logistics Plan (CLP) is required, the plan should specify how the impacts of construction activities and associated traffic will be managed.
- 4.12 The applicant will also be required to enter into a S278 Highways Agreement to secure highways improvement & reinstatement works adjacent to the site.
- 4.13 Informative: The applicant should be informed that if Planning Consent is granted the implementation of the proposal will require approval by the Council of a Street Naming & Numbering application. Application forms are available on the Council's web site.

Lewisham Design Panel

- 4.14 The layout, scale and elevation of the Hindsley's Place part of the project was thought to be working well.
- 4.15 In relation to the Westbourne Drive element, while the Panel welcomed the reduction in height from six to four storeys, the general scale and massing still makes for an anti-social neighbour to the houses to the south. In addition to the overwhelming scale of the southern elevation, the bedroom windows with their

glass blocks, if not directly overlooking the neighbours, have a significant impact on neighbours' amenity in terms of lighting and noise.

- 4.16 In terms of elevational treatment the decorative brickwork on the side could be interesting but details are required. The building as a whole might appear less imposing if the top floor was clad in a lighter weight material. The boundary treatment of the 'front garden' to Westbourne Drive creates a strong divide between the open spaces on either side both visually and in the way pedestrians are directed. It appears flimsy and temporary and is not in keeping with the rest of the development.

5.0 Policy Context

Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

- 5.2 A [mixed use/residential/commercial] development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)
Planning Policy Statement 3: Housing (2010)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Guidance 13: Transport (2011)
Planning Policy Statement 22: Renewable Energy (2004)

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.3 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

5.4 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

5.5 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 4.1 Developing London's economy

Policy 4.3 Mixed use development and offices

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.15 Reducing noise and enhancing soundscapes

London Plan Supplementary Planning Guidance (SPG)

5.6 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2005)

Sustainable Design and Construction (2006)

Land for Transport Functions (2007)

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

5.7 The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
Health Issues in Planning (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 3 District Hubs
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

5.9 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design
URB 12 Landscape and Development
URB 14 Street Furniture and Paving
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development

Residential Standards Supplementary Planning Document (August 2006)

5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Housing

- d) Highways and Traffic Issues
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy

Principle of Development

- 6.2 Core Strategy Policy 5 states that it will protect the scattering of employment locations in the borough. It furthermore highlights the importance of creative industries particularly in areas such as Forest Hill as having significant growth potential. The office/store for plumbing site has been vacant since 2008 and the proposal would provide a wider choice of possible employment spaces as well as bringing back into use a vacated site.
- 6.3 Demand for live/work units would appear to be increasing with many people now working from home. Other live/work units in the area in particular Havelock Walk and the adjacent units in Hindsley's Place would seem to be fully occupied, and the applicant hopes to built upon the success of this artist community.
- 6.4 The principle of the change of use of this site from an office/store for a plumbing company Class B1/B8 to live/work units sui generis would be a reasonable use of this site as the site is an existing commercial site surrounded by other live/work units and residential properties.

Design

- 6.5 Following the previous application which was withdrawn, the applicants have amended the scheme to reduce the six-storey section to four-storeys along with altering the materials and mural to be more subtle.
- 6.6 PPS 1 and PPS 3 encourage high quality design within a sustainable development and Core Strategy Policy 15 and URB 3 of the Council's UDP supports this. Proposals should ensure a high standard of design whilst ensuring schemes are compatible with or complement the scale and character of the existing development and its settings.
- 6.7 The Lewisham Design Panel commented that the layout, scale and elevation of the Hindsley's Place part of the project worked well. However, the Westbourne Drive elevation raised concerns for them in terms of general scale and massing and the boundary treatment of the front garden creating a strong divide between the open space and the street.
- 6.8 Concerns have been raised by some local residents about the suitability of a four-storey building in this location. While the adjacent properties are not four-storeys those either side in Westbourne Drive are three-storeys with pitched roofs and this building would have a flat roof therefore minimising the impact of the fourth storey. The building would retain the footprint of the existing building and by having the stepped elements created by the varying storeys the building would create an architectural interest in this area. While the northern elevation of the fourth storey would be large and not have any windows the indented brickwork in vertical strips would add interest to this elevation and soften its impact.
- 6.9 The location of the site when viewed from Westbourne Drive would provide a number of restrictions to development, in particular the car park located in front of

a great deal of the site meaning that the whole elevation is visible from the street while the majority of it is set significantly back from the street without access to the street due to the car park. The site on this side is also surrounded by residential development which adds a further complexity. Amendments to the front boundary treatment mean that it has been opened up to create overlooking between the street and the work unit. Conditions requiring details of boundary treatment, cycle storage and refuse storage could be added to ensure that these would not dominate the area but allow for an active frontage to occur. While the location of the windows in the southern elevation is unfortunate as these would be visible from the rear garden of 16 and 18 Westbourne Drive they would add some architectural interest to what would otherwise be a blank brick wall.

- 6.10 The overall design of the building picks up elements from its Victorian/Edwardian heritage as well as its previous commercial use with a modern twist. Materials used would include traditional brick but in three tones of grey/brown to avoid a monotone appearance in contrast with more modern materials such as the fibre cement rain screen. A condition requiring details of materials to be used in the development could also be added which would allow materials to be considered to reduce the mass of the fourth storey element as suggested by the Design Panel. The building would form an interesting architectural 'stop' at the end of Hindsley's Place that would add further interest to this street enhancing the character and appearance of the street. On the Westbourne Drive streetscene the building would sit forward and higher than the existing buildings adjoining it and would be a feature of the street successfully utilising a tight part of the site particularly as there would appear to be no future plans to develop the car park of 12 Westbourne Drive.

Housing

- 6.11 The units would have living accommodation which is separate to the work space. All of the living accommodation within the flats would comply with the London Plan's minimum flat sizes except for unit 1 which would provide a 1 bedroom 2 person flat but would only meet the standard for a 1 bedroom 1 person flat. The bedroom in unit 1 would also be undersized for a 1 bedroom 2 person flat but would meet the standard for a 1 bedroom 1 person flat. All of the other units would have rooms that meet the minimum standards set out in the Council's Residential Standards Supplementary Planning Guidance. While it is unfortunate that unit 1 would be slightly undersized and would have an undersized bedroom as it is connected to a work space that would be for use by the occupants of the unit it would be considered to be acceptable in this instance.
- 6.12 Units 5, 6 and 7 would have a bedroom each that has a window which would be obscure glazed and fixed shut up to 1.7m high above internal floor levels which is to prevent overlooking into the neighbouring garden at 16 and 18 Westbourne Drive. All other rooms in each of the units would have sufficient levels of light and outlook. Therefore while it is regrettable that the three bedroom windows would have restricted outlook due to the constraints and complexity of the site it would be considered to be acceptable in this instance.
- 6.13 External amenity space is proposed for five of the seven units in the form of ground floor and roof terraces. Due to the site's location near the town centre and residential properties surrounding this would be considered an acceptable level of external amenity space.

Highways and Traffic Issues

a) Access

- 6.14 The site would be accessed from both Hindsley's Place and Westbourne Drive as per the existing site, however there would be no vehicular access from Westbourne Drive which currently exists. Two of the ground floor units fronting Hindsley's Place would have vehicular access, which currently has no vehicular access. This access would be considered to be acceptable as it would be onto an existing cul-de-sac and would not block access to the road or cause a hazard.

b) Servicing

- 6.15 Information has not been provided regarding servicing of the site, however a condition requiring a Delivery and Service Plan to be submitted to the local authority for approval would ensure that this would work sufficiently.

c) Cycle Parking

- 6.16 Sufficient cycle parking is proposed for the seven units, however the cycle parking fronting Westbourne Drive would not be enclosed or secured therefore details of the cycle parking could be added as a condition to ensure that this is achieved.

d) Car Parking

- 6.17 The site has two existing car parking spaces. Two of the units would be able to accommodate a car at ground floor level, however these are not specifically allocated car parking spaces. Therefore the proposal would lose the two existing spaces the site has. The loss of the spaces is unfortunate, however the site is within walking distance of Forest Hill Train Station, which is also part of the London Overground network as well as numerous buses, which makes it an ideal location for a car free development. Hindsley's Place is located within a Controlled Parking Zone, which covers only Hindsley's Place. While the new live/work units would not be exempt from obtaining a residential parking permit the provision of cycle parking and the proximity to the station mean that residents would be less likely to require a car and therefore pressure on parking would not be so great. One resident mentions in their letter to the Council as well as the point having been raised at the Local Meeting held for this application that many of the people parking are commuters using Forest Hill station who live further away therefore this is a wider parking issue created by non-residents.

f) Refuse

- 6.18 Refuse storage for the units is proposed in two locations, one fronting Hindsley's Place and one fronting Westbourne Drive. The refuse storage on Hindsley's Place would be enclosed within the building while the refuse storage fronting Westbourne Drive would be external. The detailed design of the storage fronting Westbourne Drive is not clear and a condition requiring details of this could be added to ensure that it is satisfactory.

g) Other

- 6.19 Due to the location of the site in a residential area a Construction and Logistics Plan is recommended to ensure minimal disruption to neighbouring properties which could be added as a condition.

Noise

- 6.20 Noise from the site both during construction and the use of it once complete have been raised as concerns by neighbouring properties. A Construction and Logistics Plan should ensure that this is minimised during construction and should overcome the concerns raised.
- 6.21 The use of the units is likely to create some noise however soundproofing will be required as part of building regulations. A condition requiring the work element of each of the live/work units to be a use which can be carried out without detriment to the amenity of residential amenities could also be added to protect this. Should noise become an issue Environmental Services could control this through noise legislation available to them.

Impact on Adjoining Properties

- 6.22 As the both the existing and proposed buildings stretch to the boundaries of the site and the site has residential properties located within close proximity there would be an impact on the amenities of neighbouring properties from the proposed development.
- 6.23 The Daylight/sunlight/overshadowing document submitted by the applicant indicates how the daylight would be reduced to neighbouring properties in particular 12 Westbourne Drive along with sunlight and overshadowing to neighbouring gardens. However the level of reduction would be within what is considered acceptable by the BRE. Therefore levels of daylight/sunlight/overshadowing would be considered to be acceptable.
- 6.24 The existing building currently has windows that overlook neighbouring properties. No windows are proposed in the northern elevation of the building which would be an improvement on the current situation for the residents at 12 Westbourne Drive. While more windows, doors and roof terraces are proposed in the eastern and western elevations these would not have any direct window-to-window overlooking and would mainly overlook the existing car park at 12 Westbourne Drive and the road in Hindsley's Place. Windows are proposed in the southern elevation which would be above the garden at 16 and 18 Westbourne Drive. These windows would be obscure glazed and fixed shut to at least 1.7m above internal floor level with the openable part sliding or opening internally so that they do not open past the site boundary. The windows being obscure glazed and fixed shut up to at least 1.7m high would ensure that the clear and openable part would be above eye-level and therefore not cause overlooking in to the garden of 16 and 18 Westbourne Drive.
- 6.25 The building at the four-storey section in particular would be higher than the existing building. To avoid the building at this section being overbearing and featureless the windows in the southern elevation and the indented brickwork in the northern elevation have been added. While large, in comparison to the existing building the proposal would open up both frontages more and create more connection with neighbouring properties and the proposal would therefore not be considered to be unneighbourly.

Sustainability and Energy

a) Renewable Energy

- 6.26 As the proposal is for live/work units it was decided in conjunction with the assessors of BREEAM and the Code for Sustainable Homes that this proposal would be better assessed using the Code for Sustainable Homes as more of the space is for residential use.
- 6.27 The proposal would just meet the requirements for level 4 of the Code for Sustainable Homes which complies with the Council's Core Strategy.
- 6.28 32 Photovoltaic panels have been proposed as provision of renewable energy for the units. This along with the pre-assessment report showing level 4 of the Code for Sustainable Homes would be reached shows a commitment to renewable energy as well as improving carbon emissions.

b) Living Roofs

- 6.29 A living roof is proposed on a small part of the roof. The applicant has suggested that this is due to placing Photovoltaic panels on a significant amount of the roof. However, there are case studies suggesting that a living roof underneath solar panels can improve the performance of the Photovoltaic panels. These were pointed out to the applicant who decided not to try this approach as he was unable to find an example of this having been carried out previously in London. Details of the type of living roof have not been provided however this could be added as a condition to ensure that a suitable type of living roof is achieved.

7.0 Conclusion

- 7.1 The demolition of the existing building and erection of a new building to be used as live/work units would provide a sustainable development which would be in compliance with the Code for Sustainable Home and encourage working from home and subsequently improving the local economy.
- 7.2 While the proposed building would be larger than the existing it would not be out of context with the area and the use for the development.
- 7.3 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.4 On balance, Officers consider that the proposed development would be an enhancement of the site which would generally comply with the Council's policies and the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies URB 3 Urban Design; URB 12 Landscape and Development; URB 14 Street Furniture and Paving; HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the

adopted Unitary Development Plan (July 2004) and Spatial Policy 3 District Hubs; Core Strategy Policy 1 Housing provision, mix and affordability; Core Strategy Policy 5 Other employment locations; Core Strategy Policy 7 Climate change and adapting to the effects; Core Strategy Policy 8 Sustainable design and construction and energy efficiency; Core Strategy Policy 14 Sustainable movement and transport and Core Strategy Policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

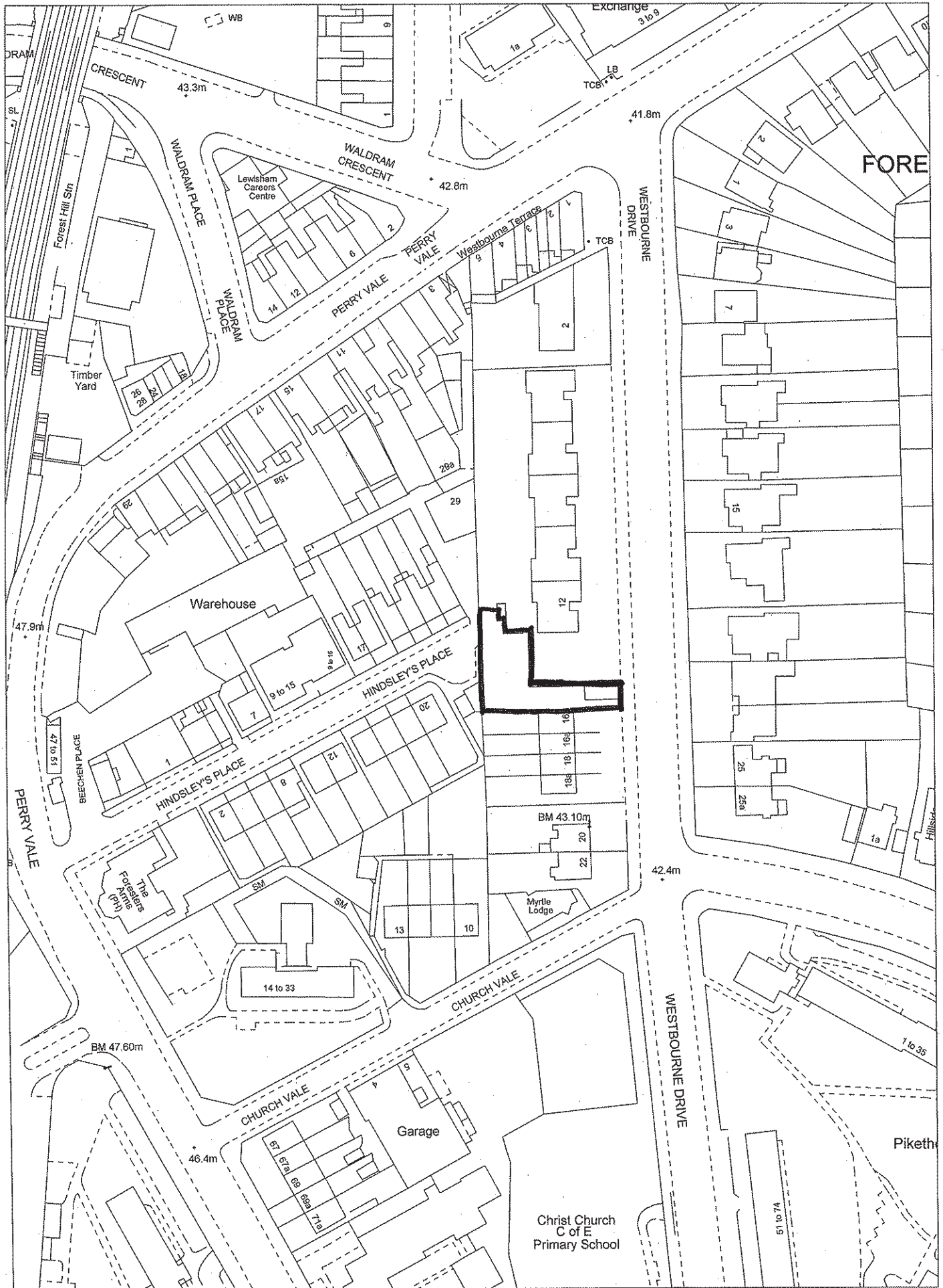
- (1) No development shall commence on site until details of all external materials (including their colour and texture) to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local planning authority agrees in writing to any variation.
- (2) Details of proposed site boundary treatment(s) and other means of enclosure shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall be implemented as approved.
- (3) The development hereby approved shall be built to a minimum standard of Level 4 of the Code for Sustainable Homes. Prior to the occupation of the live/work units a copy of the Post Construction Certificate indicating that at least Level 4 of the Code for Sustainable Homes has been achieved shall be submitted to the local planning authority for confirmation.
- (4) Details of cycle parking including enclosure and security to the Westbourne Drive (western) frontage shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall be implemented as approved.
- (5) Details of refuse storage including enclosure to the Westbourne Drive (western) frontage shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall be implemented as approved.
- (6) Details of the living roof including typology as indicated on drawing no: 1109_107 Rev J shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall be implemented as approved.
- (7) A Construction and Logistics Plan (CLP) including construction hours, dust mitigation and wheel washing shall be submitted to and approved in writing by the local planning authority prior the commencement of any works on site. The development shall be carried out in accordance with the approved Construction and Logistics Plan.
- (8) A Delivery and Servicing Plan (DSP) including the management of delivery and servicing trips to the development shall be submitted to and approved in writing by the local planning authority prior to the occupation of the live/work units. Deliveries and Servicing shall be carried out in accordance with the approved Delivery and Servicing Plan.

- (9) The windows in southern elevation should be obscure glazed and fixed shut to at least 1.7m above internal finished floor level with the opening part not opening outside the envelope of the building and maintained as such unless approved in writing by the local planning authority.
- (10) The roof(s) of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area except where indicated as external amenity space on drawing no's: 1109_106 Rev J and 1109_107 Rev J unless otherwise approved in writing by the local planning authority.
- (11) Each live/work unit hereby permitted shall be occupied as a single integrated unit and laid out as shown on the permitted drawings and no further subdivision shall take place without prior written consent of the local planning authority.
- (12) The work element of each live/work unit hereby permitted shall be a use which can be carried out without detriment to the amenity of the other units or the area generally by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- (13) The work element of each live/work unit hereby permitted must only operate in conjunction with the residential use and not form a separate entity/unit.
- (14) The residential accommodation of each live/work unit hereby permitted shall not be occupied other than by occupiers of the work space.

Reasons

- (1) 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 adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (2) To ensure a satisfactory appearance and accord with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (3) To ensure compliance with Policy 8 Sustainable design and construction and energy efficiency in the adopted Core Strategy (June 2011).
- (4) To ensure a satisfactory appearance and accord with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (5) To ensure a satisfactory appearance and accord with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (6) In order to assess the suitability of the proposed living roof.
- (7) To ensure the satisfactory implementation of the development and to protect the amenities of nearby residential occupiers in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (8) To protect the amenities of nearby residential occupiers in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (9) To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted UDP (July 2004).
- (10) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development and HSG 12 Residential Extensions in the adopted UDP (July 2004).
- (11) To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted UDP (July 2004).
- (12) To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted UDP (July 2004).
- (13) Any separate use would not comply with the local planning authority's normal policies in respect of new development, in particular the provision of off-street parking as set out in Policies HSG 5 Layout and Design of New Residential Development and TRN 26 Car Parking Standards in the adopted UDP (July 2004).
- (14) Any separate use would not comply with the local planning authority's normal policies in respect of new development, in particular the provision of off-street parking as set out in Policies HSG 5 Layout and Design of New Residential Development and TRN 26 Car Parking Standards in the adopted UDP (July 2004).



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Minutes of Local Meeting 5th January 2012 19:00 – 21:00

Site: Former R. H. Adams LTD Site, Hindsleys Place, SE23

Application no: DC/11/78562

Attendees:

1. Cllr John Paschoud – Chair - CJP
2. Tabitha Lythe – Case Officer - TL
3. Jeff Lowe – Applicant - JG
4. Nick Mansour – Applicant - NM
5. Hugo Braddick – Architect for applicant - HB
6. Richard Hibbert – Forest Hill Society - RH
7. Julie Gough – Resident 12 Westbourne Drive - JG
8. Peter Kalton – Resident 12 Westbourne Drive - PK
9. James Bikett – Resident 12 Westbourne Drive - JB
10. K. Willett – Local resident and Forest Hill Society - KW
11. B. Evans – Resident 18 Westbourne Drive – BE

CJP opens meeting.

HB: Present scheme. Additional information submitted to case officer previously shown. Boards of the existing site shown. Propose 7 live/work units. Character: High quality design and materials picking up on Victorian warehouse rhythms – conducive with live work use. The use would replicate Havelock Walk Mews. The smaller scale individual units would be a more appropriate use in this location than the current allowed use. It would have a better acoustic performance than the existing building. Considered issues of daylight/sunlight and overlooking. Showed Design and Access Statement existing and proposed massing. It's designed so the taller element is at the lower end of the site. Westbourne Drive side reduced from 6 to 4 storeys. The car park will always be there according to the owners which is a negative aspect.

CJP: Have you done shadow and light assessment?

HB: Yes. The sunlight and daylight report shows any impact is within BRE guidelines of acceptability. Overlooking – most windows face east and west (the car park and Hindsleys Place). Those overlooking north and south are high level windows. New plans shown removing window at ground floor level in the northern and elevation and the removal of a window in the southern elevation.

JB: So East side windows remain.

HB: These are views over the car park.

JB: Views to our flats as well.

HB: Amended building lines. Building footprint on OS wrong. Site visit showed overlap. New drawings have been issued to alter building line.

PK: But does still overlap.

HB: Overlap would be 300mm where bricks are.

NM: The building currently overlaps by 0.6m the proposal would only have the brick line overlapping.

HB: Windows set in to avoid overlooking. Balconies facing Westbourne Drive are for kitchens and are expected to be used for plants etc. Balconies facing Hindsleys Place would be more social use. Car parking is minimal because the property is 1min walk from the station. Could have no parking permits allowed in the Controlled Parking Zone (CPZ).

CJP: Check out CPZ – Hindsley's Place is odd.

JG: Parking – businesses are going to need to park, travel, etc.

JL: Own 40 live/work units and doubt even half of the units have cars.

CJP: Can you give examples?

JL: Havelock Walk - Use my unit more for art exhibits. The neighbour has a car, next 2 don't, neighbour after that does. The parking permits were added as problems were mainly from rail users.

JG: People will travel to the gallery and many by car.

JL: Doubt they will – few come often.

JB: Live/work users intrigued who's going to use them.

JL: Determined to make live/work units that are big enough so that they work as live/work units.

PK: People have cars. We've concluded that they're not car free.

CJP: Car free is a technical term. Two conflicting Council policies. Minimum parking but cars. It only works where public transport is good.

JL: People have got used to R H Adams being vacant. But if it was in use as allowed workshops then there could be many cars parked around.

HB: Council would condition as they see fit.

JG: We're representing others in the street as parking is a big issue. Often can't park own car in car park.

CJP: Declares interest in Lewisham Homes (owner of 12 Westbourne Drive). Have you got sunlight/daylight assessment?

HB: Sunlight/daylight report shows it meets BRE guidelines.

PK: Doesn't represent balconies loss of light.

JG: Properties at 12 Westbourne Drive have balconies.

PK: Loss of light will cause me to move.

JL: Sunlight assessments were done and then redone after discrepancies.

NM: BRE met in statement. Created state that doesn't cause significant loss.

HB: Sunlight hours measured in slightly different way. Windows face due West. In quantitative terms reason scores look low is because it is due west.

CJP: Apart from noon, part of 4 storey 5pm shadows show little impact. Committee should be told about it.

JG: Committee should come on site. It would be another storey so loss of light.

TL: Confirmed been on site.

JG: Number of residents on Westbourne Drive have asked us to represent their views in this presentation. 12 Westbourne Drive is unique as it backs on to the development as well as being immediately adjacent. Concerns that the previous light report was conducted on previous blue print. Documents themselves are quite vague. Deliberately vague. Question to architect if you could tell us the actual increase?

HB: Approx 1m. Sent e-mail back but got no response. It was 600mm.

JG: Concern 4 storey tower exceeds height of building immediately adjacent. No need. Why couldn't it be 3 storeys? Looked at UDP. Noise, light reduction and impact on residents we have concerns about these. Residents there are not likely to work conventional hours. 90% of the residents have children and don't want to be woken in the night. Concerns about how development itself will be demolished.

TL: Construction Management Plan – sign up to considerate constructors programme.

CJP: That is technical stuff so there is no consultation on it.

HB: Code for Sustainable Homes requires signing up to considerate constructors and more done with residents equals more points.

JG: Too many units – seems likely to be for profit. Parking issues – UDP areas highlighted that it questions. Boundary line – development is closer to boundary.

CJP: Useful for committee to have view between 12 and new proposal.

PK: Who will own land left over after boundary change?

NM: Would be left to residents at 12 to use.

JG: Loss of daylight and views from living rooms and balconies.

JB: Loss of views completely.

JG: Blocked in completely and solar panels will be even higher.

NM: Panels would be at 22degrees even though usually 35degrees.

JG: Photos show loss of view and daylight.

JB: Level of roof, is it changed from pitched to flat?

HB: Will be flat – 600mm above from existing building.

JB: Significant point is the building is going from 2 to 3 storeys.

PK: Which windows are assessed in lighting report.

HB: Windows are numbered in the report. Back windows are assessed.

PK: Were back windows definitely assessed?

JG: Doesn't Flat A fail?

NM: Daylight is fine – sunlight is an issue. As it's due west the argument is that it shouldn't be assessed.

JG: Flat 12C is more affected than E and A, probably won't get any light. The vision is seductive but not to belittle impact on neighbours.

NM: Feel as if the development we're putting there will be of benefit to streetscape on both side and will create a community.

BE: Concerned about 4 storey monstrosity. Will slightly affect light in terms of shade. Concern about overlooking. Not against redevelopment. May not be able to sell flat. Development could be done with more sympathy to residents. The height is not appropriate.

PK: No harmony between new building and old. 12 and 18 were built at the same time.

CJP: Committee report will look at outlook and daylight and sunlight and made clear.

PK: The main bit is out of proportion architecturally.

JL: Not doing it for money. 6 storey building was not economically feasible. We looked at lowering it but it didn't sit right.

PK: Go out to consult at earlier stage.

JL: Posted letters to residents.

Committee	PLANNING COMMITTEE (A)	
Report Title	34 BROMLEY ROAD SE6 2TP	
Ward	Rushey Green	
Contributors	Tabitha Lythe	
Class	PART 1	Date: 14 MARCH 2012

<u>Reg. No.</u>	DC/11/78471
<u>Application dated</u>	28.09.11 completed 21.10.11
<u>Applicant</u>	Canopy Planning Services Ltd on behalf of Care First UK Group Ltd
<u>Proposal</u>	The change of use from single-family dwellinghouse (Class C3) to a semi-independent living accommodation (Class C2) at 34 Bromley Road SE6, to provide residential care group home for seven young people, together with a self-contained unit in association with the use and the construction of a single storey outbuilding to be used for meeting, gym and IT facilities.
<u>Applicant's Plan Nos.</u>	11202/01; 02; 03; 04; 05; 06; 07; Site Plan; Received 3 Oct 2011; Access and Design Statement and Supporting Statement Received 21 October 2011
<u>Background Papers</u>	(1) Case File LE/472/34/TP (2) Adopted Unitary Development Plan (July 2004) (3) Core Strategy (June 2011) (4) The London Plan (July 2011)
<u>Designation</u>	Existing Use, Culverley Green Conservation Area, Article 4 Direction, Not Listed.

1.0 Property/Site Description

- 1.1 The property is a three-storey semi-detached single-dwelling located on the north-western side of Bromley Road near its junction with Penderley Road. A children's nursery is located to the north of the property and a nursing home to the south. Located within the Culverley Green Conservation Area which is covered by an Article 4 Direction. The property is not a listed building.

2.0 Planning History

- 2.1 **DC/02/51702:** The alteration and conversion to provide 1, one bedroom and 2, three bedroom, self-contained flats, together with the provision of 3 car parking spaces to the front. It appears that this consent was never implemented.

3.0 Current Planning Application

3.1 The Proposals

3.2 The change of use from a single-family dwelling (Class C3) to a semi-independent living accommodation (Class C2) to provide a residential care group home for seven young people aged between 16 and 25 who are cognitively challenged, have mental ill health, have a learning disability and are in need of personal care or those leaving care with high needs and need help in learning independent living skills. The main house has already been altered inside to the proposed layout and was previously being used without the benefit of planning permission although the use has ceased pending the decision of this application. The internal layout has already been altered for the use as it was being used as living accommodation for young people for the last two years without the benefit of planning permission. However, the use has ceased pending a decision on the application.

3.3 Construction of a single-storey L-shaped outbuilding 8.75m wide (at rear of garden) and 4.4m wide x 14m deep along the boundary with 32 and 5m long along the boundary with 36 x 2.5m high with two windows proposed in the rear elevation and two doors and two windows proposed in the south-western elevation. The building is proposed to be built in brickwork to match the existing house with a felt roof and timber framed windows. It is proposed to be used in connection with the main house as a gym, leisure and IT facility.

4.0 Consultations

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and 25 letters were sent to residents and business in the surrounding area and the relevant Ward Councillors. We also consulted the Culverley Green Residents Association. The application was withdrawn from the agenda for the 16 February 2012 Planning Committee B due to incomplete consultation having been carried out. Letters were sent to 11 additional neighbouring properties taking the total letters sent to 36. No further comments have been received yet, however residents have until the 8 March 2012 to comment. Should any additional comments be received following the publishing of this agenda these comments will be provided to the Committee members prior to the start of the 14 March 2012 committee.

Written Responses received from Local Residents and Organisations

4.3 3 responses were received from 32 (children's nursery), Flat 4 at 40 and 42 (residential properties) Bromley Road, objecting to the proposals. The following comments are made:

- The Canadian Road/ Bromley Road area appears to be taking over by care homes, resulting in the loss of its residential nature;
- if approved the outbuilding would set a precedence for permanent buildings in the garden;

- it's a conservation area and preservation of green spaces is part of this; felling of a tree requires consent and building a building of this size is equally concerning;
- fewer young people could be taken in so the outbuilding is not required;
- residents of the home are noisy causing disturbance to neighbours;
- children in home will be swearing while there are young children at nurseries next door;
- children in the home have vandalised neighbouring property

(Letters are available to Members)

Amenity Societies' Panel

4.4 Objection to the size of the building in the rear garden and loss of garden area its construction would entail. Noise and disturbance could also be an issue given the presence of a night nursery in a neighbouring property.

4.5 Highways and Transportation

No comment.

5.0 Policy Context

Introduction

5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

5.2 A residential development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 5: Planning for the Historic Environment (2010)

London Plan (July 2011)

5.3 The London Plan policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all

Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 5.3 Sustainable design and construction
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

5.4 The London Plan SPG's relevant to this application are:

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

Core Strategy

5.5 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

5.6 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 12 Landscape and Development
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
HSG 1 Prevention of Loss of Housing
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 9 Conversion of Residential Property
HSG 12 Residential Extensions
HSG 18 Special Needs Housing

Residential Standards Supplementary Planning Document (August 2006)

5.7 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of

developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping

Principle of Development

6.2 The principle of the change of use from a single-family dwelling to semi-independent living accommodation to provide a residential care group home for seven young people would need to comply with Council policy HSG 18 Special Needs Housing.

6.3 There is a demand for this type of housing with Lewisham Social Services referring people to use this service as the property was being used previously for two years before the applicants realised planning permission was required. The use has ceased while planning permission is being sought, and the residents living there have been moved to temporary accommodation. As the accommodation had been used for two years previously with Lewisham Social Services referring people the accommodation is considered to be a suitable type of accommodation with private bedrooms and bathroom facilities as well as a large rear garden for external amenity space. Its location within walking distance of Catford town centre means that it is within easy reach of many other facilities that may assist in the care of the residents. Suitable accommodation is also provided for staff as they are required to be at the premises all of the time.

6.4 The self-contained unit would be provided as part of the specialist accommodation to provide a self-contained living environment within the security of the home for those preparing to move out of the accommodation into fully self-contained accommodation. Overall, officers consider that the principle of development is considered acceptable as it would provide valuable and needed accommodation.

Design

6.5 The main house would remain unchanged and all of the internal alterations have already been carried out.

6.6 Although the outbuilding would be large, it would cover less than 50% of the rear garden and would still leave more than 9m depth of the garden as well as being ancillary to the main house. As such, if the property would have been a single family dwelling house then planning permission would have not been required for

this structure. Within the context of the property and the large rear garden it would be considered to be an acceptable in this instance.

- 6.7 The design is basic and lacks architectural merit though its location at the rear of the property would mean that it would not be visible from the street. There is a high boundary fence between 34 and 36 which would mean that it would barely be visible from 36 and while the existing boundary wall between 32 and 34 is relatively low a boundary wall of 2m high could be erected without planning permission and the building would sit 0.5m above that. 32 also has some outbuilding along the boundary with 34 further lessening the impact. Landscaping works are also proposed to provide some greenery to the garden which is currently completely covered in concrete slabs providing some improvement to the garden.
- 6.8 The details of the proposed materials are acceptable and a condition requiring the building to be built in materials to match the existing house would ensure this.

Housing

- 6.9 The standard of the accommodation provided would be acceptable and meet the Borough's Residential Standards Planning Document in terms of minimum rooms sizes and acceptable levels of sunlight/daylight and outlook. The residents would also have access to a large rear garden for external amenity space.

Highways and Traffic Issues

a) Cycle Parking

- 6.10 No details of cycle parking have been proposed. There would be sufficient space within the front and rear gardens to provide cycle storage and a condition requiring details of this has been attached to the recommendation.

b) Car Parking

- 6.11 The existing three off-street parking spaces would be retained as part of this proposal which is above the maximum standards for a new dwelling but as this is the current situation this would be considered to be acceptable.

c) Refuse

- 6.12 The refuse storage is proposed to remain at the front of the property where it currently is and collection arrangements would not differ from existing. Therefore the refuse details are considered to be acceptable.

Impact on Adjoining Properties

- 6.13 Policy HSG 4 seeks to protect residential amenity.
- 6.14 Given the orientation, location and height of the outbuilding there would not be a significant loss of light or overshadowing to neighbouring windows. Furthermore there would be no significant increase in overlooking or loss of privacy beyond the current situation.
- 6.15 Concerns have been raised about the behaviour of some of the previous and proposed residents by two of the objectors. The Director of 1st Care Homes has

owned and operated children's homes for more than 20 years and semi independent living facilities since 2008 and has experience of working with young people with mental health and learning disabilities. Techniques are used to control behaviour including curfews so that residents are not out on their own late to overcome behaviour and crime issues. To ensure that behaviour is suitably controlled a management plan could be secured by way of a condition to overcome neighbours' concerns.

Sustainability and Energy

- 6.16 The only new development relates to the outbuilding as no works are to be carried out to the main building. For a development of this scale it is not considered to be reasonable to insist on sustainability measures.

Ecology and Landscaping

- 6.17 The removal of some of the concrete slabs and replacement with soft landscaping would improve the ecology and biodiversity of the garden.

7.0 Conclusion

- 7.1 Change of use from what was a single-family dwelling house to specialist residential accommodation would be an acceptable use in this location which would meet the Council's minimum standards for residential accommodation without having a significant impact on the amenities of neighbouring properties.

- 7.2 The outbuilding while larger than usual would be an acceptable development in this location and would not have a negative impact on the character and appearance of the property or the conservation area or on the amenities of neighbouring properties.

- 7.3 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.

- 7.4 On balance, Officers consider that the change of use from a single-dwelling house to a semi-independent living accommodation to provide residential care group home for seven young people, together with a self-contained unit in association with the use and the construction of a single storey outbuilding to be used for meeting, gym and IT facilities is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies URB 6 Alterations and Extensions; URB 12 Landscape and Development; URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas; HSG 1 Prevention of Loss of Housing; HSG 4 Residential Amenity; HSG 5 Layout and Design of New Residential Development; HSG 7 Gardens; HSG 9 Conversion of Residential Property; HSG 12 Residential Extensions and HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability; Core Strategy Policy 7 Climate change

and adapting to the effects; Core Strategy Policy 8 Sustainable design and construction and energy efficiency; Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, unless the local planning authority agrees in writing to any variation.
- (2) The use of the outbuilding shall be as set out in the application and no development or the formation of any door providing access to the roof of the outbuilding shall be carried out, nor shall the roof area of the outbuilding be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.
- (3) The outbuilding hereby granted planning permission shall be used as ancillary accommodation to the main house and shall not be used as a separate dwelling or any other separate use from the main house unless agreed in writing by the local planning authority.
- (4) Should the residential care group home use (Class C2) cease the site shall revert back to a single-family dwelling house (Class C3).
- (5) The premises shall not be occupied by more than 7 people (excluding staff).
- (6) The premises shall be used for residential care group home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- (7) A management plan outlining how the hostel shall be run, including supervisory arrangements, housing nominations, refuse collection and dealing with anti social behaviour, shall be submitted to and approved in writing by the local planning authority before the use commences. The use hereby approved shall thereafter be run in strict accordance with the approved management plan.
- (8) Details of cycle parking including enclosure and security shall be submitted to and approved in writing by the local planning authority within six months of the date of this permission. The details shall be implemented as approved.

Reasons

- (1) To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (2) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).
- (3) In order to prevent an unacceptable independent use occurring.
- (4) In order to prevent the unnecessary loss of residential family accommodation.
- (5) In order that the local planning authority may be satisfied as to the level of occupation and standard of accommodation provided and to comply with Policy HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004).
- (6) To ensure that any other use of the building would be suitable in this predominantly residential area and to protect the amenities of the occupiers of adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (7) In the interest of the residential amenities of future occupiers and local residents.
- (8) To ensure sufficient and suitable cycle parking is provided in accordance with Policy 6.9 Cycling of the London Plan (July 2011).

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Scale 1:1250

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Committee	PLANNING COMMITTEE (A)	
Report Title	24 OMMANEY ROAD SE14 5NT	
Ward	Telegraph Hill	
Contributors	Kate Hayler	
Class	PART 1	Date 14 MARCH 2012

<u>Reg. No.</u>	DC/11/78716 as revised
<u>Application dated</u>	07.11.11 completed 19.1.12, revised 09.02.12 and email dated 21.2.12
	RIBO Associated Ltd on behalf of Mr E Egypt
<u>Proposal</u>	The alteration and conversion to provide 1 two-bedroom self-contained flat and 1 three bedroom self-contained maisonette.
<u>Applicant's Plan Nos.</u>	OMM/150A/01 (Received 7/11/11), OMM/150A/05 (Received 9/11/11); OMM/150A/02 Rev B, OMM/150A/03 Rev A, OMM/150A/04 Rev A (Received 9/02/12), Report in Support of Planning Application Rev A, Sustainability Statement (Received 16/11/11), email dated 21.2.12
<u>Background Papers</u>	(1) Case File DE/305/24/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2011)
<u>Designation</u>	Telegraph Hill Conservation Area Telegraph Hill Article 4(2) Direction

1.0 Property/Site Description

- 1.1 The subject property is a two storey plus semi-basement mid-terrace Victorian dwelling house, situated on the northern side of Ommaney Road within the Telegraph Hill Conservation Area, the whole of which is subject to an Article 4 Direction. It appears from the site visit that the property is currently being used as a HMO, with a kitchen fitted on the second floor to serve the residents of that floor. There is no record of planning permission being granted for the use of the property as an HMO and given that the property is described as a single dwelling house in the officer's report on a 2010 application, it seems unlikely that the HMO use could be established as lawful.
- 1.2 Ommaney Road is largely made up of three storey terraces of matching design with canted bays and entrance doors and windows to the semi basement served by steps leading up to the front path. The main front entrance to the properties are at raised ground level and are served by paths and steps many of which feature original tiles and railings. The properties feature three storey original rear extensions with bay windows to the rear elevation with large gardens measuring approximately 21m long.

1.3 The application site has been subject to a number of alterations over the years including the installation of metal windows, a wooden fence and a porch to the front and a lean-to rear extension. There is no record of these changes having been authorised and they are not considered to make a positive contribution to the appearance of the property and the wider Conservation Area. However, these alterations have been in place since 2007 and no enforcement action has been taken. It is likely that they are now immune from enforcement.

2.0 Planning History

2.1 **Nov 2008:** Planning permission was refused for the conversion of the property to provide 2 one bedroom flats and 1 two bedroom maisonette. The officer's recommendation for approval was overturned by members of the Planning Committee for the reason that it would not provide a three bedroom family unit.

2.2 **Oct 2009:** Planning permission was again refused for a revised scheme for the conversion of the property, into 2 one bedroom flats and 1 three bedroom maisonette, together with the construction of a single storey ground floor extension to the rear of the existing original rear projection.

2.3 The reason for refusal was as follows:

The proposed conversion, by reason of inadequate room sizes and awkward layout, would fail to provide suitable accommodation for a family as part of the conversion, to the detriment of the stock of family housing in the Borough and, as such, would be contrary to Policies HSG 5 Layout and Design of New Residential Development and HSG 9 Conversion of Residential Property in the adopted Unitary Development Plan (July 2004).

2.4 **Sept 2010:** Planning permission was again refused for the conversion of 24 Ommaney Road SE14, to provide 2 two bedroom, self-contained flats and 1 three bedroom, self-contained maisonette, together with the installation of two roof lights in the rear roof slope.

2.5 The proposed two bedroom flats were located on the lower ground and upper ground floor whilst the three bedroom maisonette was located on the first floor with one of the bedrooms located within the roof space of the property.

2.6 The reason for refusal was as follows:

The proposed conversion fails to provide access to secure, private and readily accessible garden space for the proposed three bedroom 'family' unit and by reason of inadequate room sizes and awkward layout, would fail to provide suitable accommodation for a family as part of the conversion, to the detriment of the stock of family housing in the Borough and, as such, would be contrary to Policies HSG 5 Layout and Design of New Residential Development, HSG 7 Gardens and HSG 9 Conversion of Residential Property in the adopted Unitary Development Plan (July 2004).

2.7 An appeal against the refusal of this application was dismissed in August 2011.

3.0 Current Planning Application

3.1 The Proposal

3.2 The present application proposes the conversion of the existing property into one 3 bedroom maisonette and one 2 bedroom flat.

3.3 The proposed 3 bedroom maisonette would be on the ground and lower ground floor and would have direct access to the large rear garden. On the ground floor, the unit would comprise a living room measuring 17.5sqm, a double bedroom measuring 12.2sqm and a single bedroom measuring 9.5sqm and a bathroom and separate WC. At lower ground floor level, the unit would comprise a second reception (dining room), a separate kitchen measuring 14.8sqm and a master bedroom measuring 18.05sqm with en suite WC and shower. Overall the unit measures approx. 117sqm.

3.4 The proposed 2 bedroom flat is located on the second floor. It would comprise a double bedroom measuring 10.9sqm and a second bedroom measuring 9.6sqm, an open plan dining room/ living room/ kitchen measuring 22.5sqm and a bathroom. Overall the unit would measure 61sqm.

3.5 In terms of external alterations, the application proposes the installation of a small window on the rear flank wall and the demolition of the lean-to extension and the installation of French doors. At the front, the only external alteration will be the installation of a bin enclosure although no details have been provided.

3.6 The application initially proposed the raising of the front path and moving the steps to provide for a new lower ground level front door below the stairs. The Council's conservation officer objected to this change and, as it was not necessary to facilitate the development, the Applicant agreed to remove this part of the proposal from the application.

3.7 Supporting Documents

3.8 A Design and Access Statement has been submitted with the application which provides details of how the scheme addresses policy and access requirements.

3.9 The application is also supported by a Sustainability Statement which sets out the sustainability measures that will be investigated by the applicant for inclusion in the scheme.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Letters of consultation were sent to 16 neighbouring properties as part of the planning application process, together with the Telegraph Hill Society. Notices were displayed on site and in the local press. Ward Councillors were also notified.

Written Responses received from Local Residents and Organisations

4.3 One letter of objection has been received from the Telegraph Hill Society setting out the following concerns:

- There is a high number of conversions in the area and this is having a cumulative impact on parking and resulting in a loss of family housing;
- Potential loss of chimney stack as chimney breasts are shown as removed from upper rooms;
- Lack of detail and contradictory nature of application – not clear if windows will be replaced with timber windows. If application approved request condition requiring reinstatement of wooden sash windows, to remove existing porch and reinstate front door in traditional design;
- Concerned that there will not be sufficient accommodation for wheelie bins;
- If application approved request condition requiring replacement of front boundary railings, wall and gate pillars and tiles to path;
- Concern that the conversion would add to existing parking stress; and
- If application approved request condition preventing pipes, wires and services being fixed to front elevation.

(Letter is available to Members)

Amenity Societies' Panel

4.4 The following comments were received from the Amenity Societies' Panel:

The application is inconsistent with the drawings.

The front elevation drawings show the retention of the replacement doors and windows in an incompatible style. The application states that the windows and doors will be replaced with timber framed doors matching original style.

The side elevation drawing and the application state that there will be "new steps and railings to match existing [style]". The drawing however suggests that the style will not match the existing style which is incompatible with the character of the area. The new steps and railings should match the original style of the property.

Insufficient detail given about proposed designs for these items.

Highways and Transportation

4.5 No response

Conservation Officer

- 4.6 The Council's Conservation Officer objected to the alterations to the front path and creating new front door to basement (works that have now been removed from the application).

5.0 Policy Context

Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

- 5.2 Planning Policy Guidance and Statements of relevance to the application include:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 3: Housing (2010)
Planning Policy Statement 5: Planning for the Historic Environment (2010)

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.3 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

London Plan (July 2011)

- 5.4 The London Plan policies relevant to this application are:

Policy 3.4 Optimising housing potential
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.15 Water use and supplies
Policy 6.9 Cycling
Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.5 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Objective 2: Housing provision and distribution

Objective 10: Protect and enhance Lewisham's character

Policy 8: Sustainable design and construction and energy efficiency

Policy 14: Sustainable movement and transport

Policy 15: High quality design for Lewisham

Policy 16: Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.6 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

HSG 7 Gardens

HSG 9 Conversion of Residential Property

Residential Standards Supplementary Planning Document (August 2006)

- 5.7 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Standard of Residential Accommodation
- c) Design
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

Principle of Development

- 6.2 Policy HSG 9 Conversion of Residential Property of the UDP states that the Council will allow the conversion of larger dwellings into self contained flats where the scheme would result in an increase in suitable accommodation provided that:
- the scheme would not have an unacceptable impact on residential amenity;
 - the property is suitable for conversion having a floor area of over 130sqm;
 - the scheme would not result in an unacceptable impact on highways safety due to additional parking requirements; and
 - it is not possible to retain sufficient area of the original garden to provide a suitable setting for the property and amenity space.
- 6.3 The policy also states that the Council will normally require at least one family unit to be provided in every conversion scheme unless it is satisfied that the dwelling is unsuited for family occupation because of its location or character.
- 6.4 The property is well over 130sqm and the principle of its conversion is therefore acceptable. In addition, the proposal includes the provision of a 3-bed family unit with access to the large garden area. The Telegraph Hill society have objected to the loss of larger family housing but the quality of the family unit that will be provided by the proposed conversion is considered to be high, with generous room sizes, two reception rooms and access to a large private garden. The conversion of the property into flats is therefore considered acceptable provided that a suitable quality of accommodation will be created and that there will be no unacceptable impact on highways or amenity.
- 6.5 The Telegraph Hill Society has objected to the cumulative impacts on conversions in the area. It is suggested that this has an unacceptable impact on the availability of family accommodation and results in an unacceptable impact on parking. The proposed conversion provides a high quality family unit which will continue to make a positive contribution towards mixed and balanced communities and is likely to be more affordable to young families wishing to remain in the area. The issue of parking is dealt with below.

Standard of Residential Accommodation

- 6.6 The proposed arrangement of the two units represents a significant improvement on past schemes in terms of layout. The 3-bed family maisonette will have direct access to a large garden in accordance with Policy HSG 7 of the UDP and retains the majority of the room layouts and original features of the properties.
- 6.7 The Council's Residential Standards SPD (2006) sets out guidance for the conversion of properties. The document states that all habitable rooms shall have reasonable daylight and outlook and that rooms in semi-basements, should not in themselves form a separate unit of accommodation but should form part of a unit, unless they can be provided with adequate natural lighting and outlook.
- 6.8 With regards to the family unit, it is considered that all habitable rooms will have good access to daylight and good outlook, except for some of the rooms in the semi basement. However, these rooms form part of a maisonette with rooms on

the ground floor in accordance with the SPD and the standard of accommodation for this unit overall is considered to be high. All of the rooms in this unit exceed the room size standards set out in paragraph 5.4 of the SPD.

- 6.9 With regard to the 2-bed unit, whilst the living area is marginally below the floorspace standards set out in the SPD, the rooms all have good levels of daylighting and outlook and the quality of the accommodation provided is considered to be acceptable. This unit will not have access to private amenity space, but given that it is not a family unit this is not considered to be sufficient reason to refuse the application.
- 6.10 On balance, the standard of accommodation provided by the new flats is considered to be acceptable.

Design

- 6.11 Following objections received from the Council's Conservation Officer, the Amenity Societies' Panel and the Telegraph Hill Society, the changes to the front of the building are limited to the installation of bin storage and no longer propose raising the steps to the upper ground floor to allow the installation of a new door. The steps and railings will therefore remain as existing. No details of the bin storage has been provided and the Conservation Officer has commented that improvements to the boundary treatment and landscaping to the front of the property will need to be made to mitigate the harm having additional bins outside the property will cause to the character and appearance of the conservation area. Conditions are therefore recommended requiring details of the bin storage arrangements to be submitted, but also requiring details of landscaping and boundary treatment to be submitted.
- 6.12 With regard to the proposed changes to the rear of the property, it is considered that the removal of the existing lean-to extension would be an improvement as the extension is constructed of materials that are not sympathetic to the conservation area and it is in a poor state of repair. The Telegraph Hill society have objected to the design of the replacement door and a condition is recommended requiring details of the new window and door to be submitted and approved by the Council prior to its installation so that the Council can be satisfied that they will be in keeping with the wider conservation area.
- 6.13 The Amenity Societies' Panel and the Telegraph Hill Society have objected to the lack of detail submitted in support of the application in terms of the proposed external alterations and the inconsistencies between the drawings and the design statement. The Applicant has confirmed in an e-mail that the external alterations are limited to the installation of a new window and door to the rear of the property and the new bin enclosure at the front of the property. It is recommended that details of these elements can be dealt with by condition. It has been suggested that additional works should be done to the property to reinstate original features such as timber sash windows and remove non-original features such as the porch that has been fitted to the front entrance, the removal of the gate piers and replacement of the tiles in the pathway. However, the Applicant has confirmed in the e-mail that no works are proposed to these elements (other than the front boundary treatment to incorporate the new bin store) and it would not be reasonable to require these works to be carried out.

- 6.14 The Telegraph Hill Society have raised concerns that the removal of the chimney breast on the first floor will result in the chimney stack having to be removed. The Applicant has confirmed that they do not intend to remove the chimney breast from the upper floor (loft floor) and the chimney stack at roof level. The chimney stack at roof level will be structurally supported (to structural Engineer's design & calculations/ Building Control approval).
- 6.15 Overall, the minor external alterations are not considered to result in harm to the character and appearance of the Conservation Area, subject to the new bin enclosure being acceptable (which is subject to condition).

Highways and Traffic Issues

- 6.16 No objection has been received from the Council's Highways team and it is not considered the conversion would harm the local environment or pedestrian safety. The site has very good access to public transport (PTAL 6A) and it is therefore considered acceptable that the scheme does not provide off street parking. This is in accordance with the London Plan which encourages low levels of car parking in areas with good access to public transport and encourages more sustainable means of travel.
- 6.17 No details of the cycle parking facilities have been provided. A condition is recommended requiring details of cycle parking to be submitted and approved.

Impact on Adjoining Properties

- 6.18 It is not considered that the conversion of the property will result in an unacceptable impact on residential amenity. There is a possibility that some overlooking may be caused by the insertion of a new window in the flank wall at semi basement level, but this window serves a bathroom and a condition is therefore recommended that will require the window to be obscure glazed to prevent any loss of privacy to neighbouring occupiers.

Sustainability and Energy

- 6.19 The applicant has submitted a Sustainability Statement in support of the application which confirmed the sustainability measures that will be employed in the conversion. These include the use of roof insulation and high performance windows and doors; the specification of A rated appliances where applicable; and the specification of dual flush toilets and low flow tap fittings to reduce water consumption.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.2 On balance, Officers consider that the principle of the conversion of the dwelling is acceptable given that a generously sized 3 bedroom family unit will be retained with direct access to the garden. In addition, the standard of the accommodation provided by the units is considered to be acceptable.

7.3 The proposal is not considered to have a negative impact on the amenity of neighbouring occupiers or on visual amenity. The scheme would result in the removal of the existing unsympathetic rear lean-to extension and the replacement of the existing wooden fence to the front of the property with a more appropriate boundary treatment.

7.4 The scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

8.1 It is considered that the proposal is appropriate in terms of the quality of accommodation provided and would not result in material harm to the appearance or character of the surrounding conservation area or the amenities of neighbouring occupiers. The proposal is thereby in accordance with saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 9 Conversion of Residential Property in the adopted Unitary Development Plan (July 2004), and Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the Local Development Framework: Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) Prior to the commencement of development full details of any new window and doors shall be submitted to and approved in writing by the local planning authority at a minimum scale of 1:20.
- (2) B05 – Windows – Obscured Glazing
- (3) H12 – Provision for Cyclists
- (4) No development shall commence on site until drawings showing the use of the paved area to the front of the property and the treatment thereof (including refuse/recycling bin storage, planting, paving and boundary treatment) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the residential units and shall be retained for the lifetime of the development.
- (5) B09 – Plumbing or Pipes

Reasons

- (1) To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy URB 3 Urban Design and Policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).
- (2) To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (3) In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011).
- (4) In order that the local planning authority may be satisfied with the provisions for refuse collection in the scheme and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (5) B09R – Plumbing or Pipes

Informative

The applicant be advised that, for the avoidance of doubt, any further subdivision of the property will require a further application for planning permission.

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+Committee	PLANNING COMMITTEE (A)	
Report Title	29 DARTMOUTH ROAD SE23 3HN	
Ward	Forest Hill	
Contributors	Kate Challenger	
Class	PART 1	Date 14 MARCH 2012

<u>Reg. No.</u>	DC/11/78476
<u>Application dated</u>	29.09.11 completed 21.10.11
<u>Applicant</u>	Ablitts Solicitors on behalf of Mr C Liburd
<u>Proposal</u>	The change of use from Retail Shop (Use Class A1) to Financial and Professional Services (Use Class A2).
<u>Applicant's Plan Nos.</u>	Site Location Plan; Ground Floor Plan; Lower Ground Floor Plan
<u>Background Papers</u>	(1) Case File LE/458/29/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2011)
<u>Designation</u>	Core Strategy or Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The application site is part of the ground floor and lower ground floor of a two storey plus basement end of terrace building on the east side of Dartmouth Road.
- 1.2 The property is within the Forest Hill Conservation Area, which is also subject to an Article IV Direction. It is within Forest Hill District Hub and is classified as a non-core shopping area.
- 1.3 The upper floor and rear of the ground and lower ground floors are in residential use, with access from the side alleyway. The last use of the application site was believed to be as a nail bar, within the A1 Use Class.
- 1.4 The surrounding properties along Dartmouth Road have a mix of commercial uses at ground floor level, with some residential above.

2.0 Planning History

- 2.1 In 1949 permission was granted for the use of the first floor as an office in connection with an employment agency.
- 2.2 In 1989 permission was granted for the use of the lower ground floor as a commercial studio (Class B1), the retention of the ground floor as a shop and the use of the first floor as a 2 bedroom flat, together with a first floor rear extension, an external staircase to the side, formation of a roof terrace and the provision of two off-street car parking spaces.

- 2.3 In 1993, permission was granted for the alteration and conversion of the first floor to provide 1, three bedroom self-contained flat, together with an external staircase at the rear and retention of the shopfront.
- 2.4 In 2009, permission was granted for the alteration and conversion of part of the lower ground and ground floors to provide 2, one bedroom self-contained flats, together with alterations to the elevations and the provision of refuse and cycle storage.
- 2.5 In 2010 permission was granted for the retention of the shopfront at 29 Dartmouth Road.

3.0 Current Planning Application

3.1 The Proposal

- 3.2 The change of use of the ground floor shop unit from A1 (retail) to A2 (Financial and Professional Services). The lower ground floor basement area would be continued to be used as storage ancillary to the use of the ground floor.
- 3.3 The works to convert the unit to A2 had already been carried out at the time of the planning officers site visit, in December 2011, however the unit was not open.
- 3.4 The proposed use is as a lender of short term 'pay day' loans under the name 'City of Cash'. Two full time employees are proposed with opening hours of 9 am-5 pm Mondays-Fridays and 10 am -4 pm on Saturdays. They are proposing to be closed on Sundays and Bank Holidays.
- 3.5 The arrangement internally provides for a waiting/queuing area to the front for customers, with serving staff at a high desk behind a glass screen. To the rear is a further desk, staff area and access to the basement storage area.
- 3.6 The signage of the property has also been changed, to include a box fascia sign, and double sided projecting sign, along with the addition of an external roller shutter. Although not illuminated at the time of the site visit, the signs do appear to have the capability to be internally illuminated. The signage and roller shutter do not form part of this application for change of use. The applicant has been informed of the need to apply separately for the changes to the shopfront and signage and of the fact that the existing signage is not appropriate within the Conservation Area.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters of consultation were sent to 14 neighbouring properties as part of the planning application process, together with the Forest Hill Society. Notices were displayed on site and in the local press. Ward Councillors were also notified.

Written Responses received from Local Residents and Organisations

4.3 One letter of objection has been received from the Forest Hill Society.

4.4 The concerns are:

- Object to change of use to A2 due to the loss of a retail unit.
- With the re-opening of the Forest Hill Pools it is believed that the area will be revitalised and therefore we need to protect existing retail units to provide opportunity for new businesses.
- The site is within the core shopping area of Forest Hill and is therefore covered by STC 4 in which the Council states it will strongly resist any change of use involving the loss of ground floor level A1 shops.
- The change to non-retail would harm the retail appearance of the road at this section.

(Letters are available to Members)

Amenity Societies Panel

4.5 The Panel have no objection in principle. However, the Panel were aware of concern about the proliferation of betting shops in the area and the Council may therefore wish to limit the nature of the A2 use by condition to Solicitor's office (this being the A2 use for which planning permission was being sought).

5.0 Policy Context

Introduction

5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

London Plan (July 2011)

5.2 The London Plan Policies relevant to this application are:

Policy 2.7 Outer London: economy
Policy 2.15 Town centres

Core Strategy

- 5.3 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 3 District Hubs

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.4 The saved policies of the UDP relevant to this application are:

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 4 Residential Amenity

STC 5 Major and District Centres – Non Core Shopping Areas

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:

- a) Principle of Change of Use
- b) Impact on Adjoining Properties

Principle of Change of Use

- 6.2 The site, as allocated on the UDP Proposals Map, is within the area designated as a non-core shopping area of a Major or District Centre. Policy STC 5 of the adopted Unitary Development Plan (2004) gives policy guidance for non-core shopping areas. It is not, as stated by the Forest Hill Society in their objection letter, in the Shopping Core Area of Forest Hill town centre. Within non-core shopping areas policy STC 5 states that proposals for changes of use from an A1 shop will generally be acceptable provided:

- a) It is to an A2, A3, community use or amusement centre;
- b) It does not harm the amenity of adjoining properties;
- c) It does not harm the retail character, attractiveness, vitality and viability of the Shopping Centre including unreasonably reducing the percentage of A1 units.

- 6.3 The proposed use is within the A2 Use Class. It is not considered that this change of use would have any negative impact on the amenity of adjoining residents or properties. Access is unchanged, and existing refuse collection arrangements are to be retained. The use would not create any noise or fumes and the number of customers/visitors would be similar to the existing A1 use.

- 6.4 The existing mix of uses along Dartmouth Road is approximately as follows:
- 40% Retail (Useclass A1)
 - 15% Financial and Professional Services (Useclass A2)
 - 15% Restaurants and Cafes (Useclass A3)
 - 4% Drinking Establishments (Useclass A4)
 - 6% Hot food Take-Away (Use class A5)
 - 5% OTHER (B1, D1 and Sui Generis)
 - 15% VACANT
- 6.5 Due to the relatively high number of existing A1 shops, and vacant units (many of which would or could be A1 use) it is considered that the change of use of this unit would not unacceptably reduce the percentage of A1 uses along this road.
- 6.6 Further, the open shop front window and existing entrance door have been retained, and the proposed use includes the coming and going of customers throughout the day and therefore it is not considered the change would harm the vitality of the area.
- 6.7 The retaining of the shop window also allows for a future change back to A1 use should demand exist.
- 6.8 The attractiveness of the parade is not reduced by the change of use itself, and no change to the existing open shopfront is proposed. However, it is noted that new signage and shutters have been installed without permission and these do detract from the attractiveness of the parade and conservation area. Therefore, should permission be granted an Informative should be added informing the applicant of the need to apply for advertisement consent for the new signage and planning permission for the new roller shutters and asking them to contact the Planning Department for further advice.
- 6.9 The proposed use is therefore not considered to harm the retail character, vitality or viability of the area.
- 6.10 Addressing the specific concern of the Amenity Societies' Panel that the granting of an A2 use would allow future change to a betting shop, it is noted that this is a possibility as this also falls within the A2 Use Class. However, the proposed use is not as a Solicitors office, but as a Pay Day Loans office, and it is therefore not considered that it would be desirable to limit the use to this alone. Equally, it is not considered that it would be reasonable to specifically exclude a betting shop use.

Impact on Adjoining Properties

- 6.11 It is not considered that the proposed change of use would have any negative impact on residential amenity of adjoining properties. Access is unchanged, and existing refuse collection arrangements are to be retained. The use would not create any noise or fumes and the number of customers/visitors would be similar to the existing A1 use.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.2 On balance, Officers consider that the change of use would not harm the character, vitality or viability of the shopping centre or harm the amenities of adjoining property and the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with Spatial Policy 3 District Hubs; Core Strategy Policy 6 Retail hierarchy and location of retail development; and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas; HSG 4 Residential Amenity; and STC 5 Major and District Centres – Non Core Shopping Areas in the adopted Unitary Development Plan (July 2004).
- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 3 District Hubs; Core Strategy Policy 6 Retail hierarchy and location of retail development; and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas; HSG 4 Residential Amenity; and STC 5 Major and District Centres – Non Core Shopping Areas in the adopted Unitary Development Plan (July 2004).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following condition:-

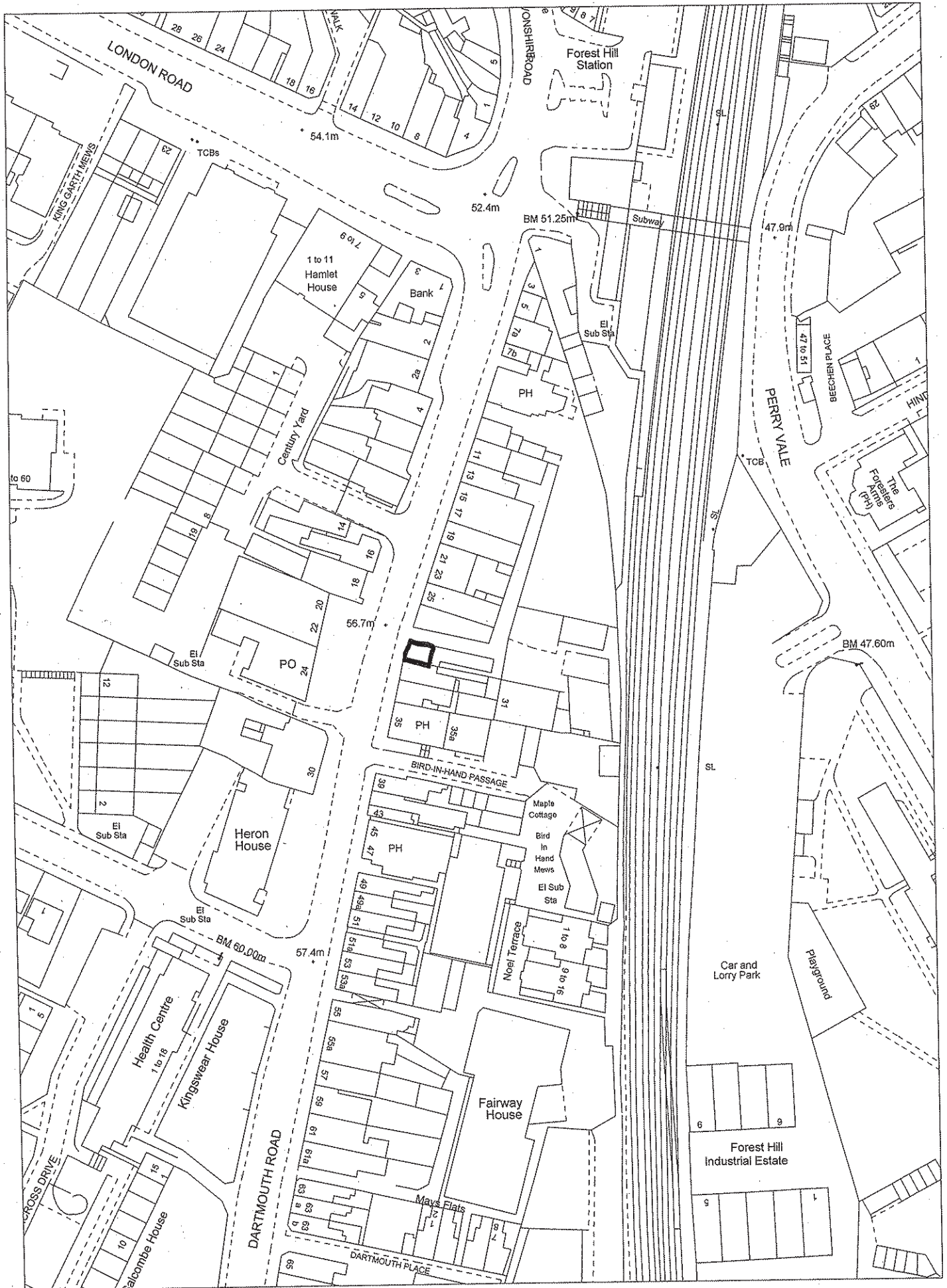
The premises shall not be open for customer business between the hours of 11 pm and 8 am on any day of the week.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Informative

The applicant be advised that the new signage and roller shutters require separate permission and are not included within this permission. The applicant should contact the Planning department for further advice on the suitability of these changes.



Scale 1:1250

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This plan forms no part of a planning application

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