

## PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 19 JUNE 2014 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)  
Roy Kennedy (Deputy Chair)  
Obajimi Adefiranye  
Andre Bourne  
Amanda De Ryk  
Alan Hall  
Pat Raven  
Alan Till  
Paul Upex  
James Walsh**

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, 10 June 2014**

**For further information please contact:**

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Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	19 June 2014

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

**(1) Personal interests**

There are three types of personal interest referred to in the Council's Member Code of Conduct:-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

**(2) Disclosable pecuniary interests**

These are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either

- (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### (3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### (4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### (5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

**(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

**(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (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).

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Committee	PLANNING COMMITTEE A	
Report Title	MINUTES	
Class	PART 1	19 June 2014

MINUTES

To approve the minutes of the meeting of Planning Committee A held on 08 April 2014

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Committee	PLANNING COMMITTEE A	
Report Title	7 Albacore Crescent SE13 7HW	
Ward	Rushey Green	
Contributors	Geoff Whittington	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/11/78077
<u>Application dated</u>	17 May 2011, amended 11 March 2014.
<u>Applicant</u>	Mr Anthony
<u>Proposal</u>	The demolition of the existing garage at 7 Albacore Crescent SE13, and the construction of a 2-storey building accommodating 1, one bedroom and 1, two bedroom self-contained flats, together with associated landscaping and the provision of one off-street parking space.
<u>Applicant's Plan Nos.</u>	DWG Nos 3, 4, 5C, 6C, 7D & 8C, Design and Access Statement and Site Location Plan.
<u>Background Papers</u>	(1) Case File LE/912/7/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) Unitary Development Plan (July 2004) (4) The London Plan (February 2011)
<u>Zoning</u>	Adopted UDP - Existing Use PTAL 4 Area of Archaeological Priority Not in a Conservation Area Not a Listed Building

## **1.0 Property/Site Description**

- 1.1 The application site lies on the south side of Albacore Crescent, and currently accommodates a 2-storey plus roofspace semi-detached dwelling-house, with associated garden to the rear. A former detached garage to the side of no.7 has since been demolished.
- 1.2 The property is not within a Conservation Area, nor within the vicinity of any listed buildings.
- 1.3 The surrounding area is mostly residential, characterised by terraced dwellings and flats. Lewisham Hospital lies to the north of the site, with an access into an associated car park from Albacore Crescent.
- 1.4 The PTAL rating for this area is 4, attributed to the excellent provision of public transport nearby.

## **2.0 Planning History**

2.1 No planning history on file.

## **3.0 Current Planning Application**

3.1 The current application proposes the construction of a 2-storey residential building to land at the side of 7 Albacore Crescent, which would accommodate 1, one bedroom and 1, two bedroom self-contained units.

3.2 The applicant has advised all units would be built to Lifetime Homes standards, and would meet Code Level 4 for Sustainable Homes.

3.3 The application also includes associated landscaping to the rear of the building, with the ground floor unit being afforded a private garden space.

3.4 Refuse/ recycling stores would be located to the front, together with one off-street car-parking space.

3.5 The application has been ongoing for a significant length of time due to a number of revisions that have been undertaken. In March 2014, further plans were submitted to the Council, proposing a reduction in both the scale of the building and the number of units from 3 to 2, which officers consider to be an improvement upon the previous proposals.

## **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 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

### Written Responses received from Local Residents and Organisations

4.3 Letters of consultation were sent to 13 local residents on 5 August 2011, together with a notice displayed on site. Ward Councillors were also consulted.

4.4 Subsequently, four letters were received from 9a Albacore Crescent, 18 & 22 Blagdon Road, and Cllr Fitzsimmons, objecting to the proposed development on the following grounds:

- Over-development;
- Parking concerns;
- Visual appearance and relationship with neighbouring properties.

4.5 In light of the submission of amended plans, a further period of consultation was undertaken on 13 March 2014. No further responses were received.

### Highways and Transportation

4.6 No objections raised.

## Environmental Health

- 4.7 No objections raised.

## Design Officers

- 4.8 Whilst officers raised no objections to the principle of a residential scheme upon the site, they were concerned with the scale and appearance of the original submission.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

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

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'..

- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 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

- 5.6 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)

- 5.7 The London Plan policies relevant to this application are

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 3.1 Ensuring equal life chances for all  
Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
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 3.14 Existing housing  
Policy 3.15 Co-ordination of housing development and investment  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.4 Retrofitting  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.15 Water use and supplies  
Policy 6.9 Cycling  
Policy 6.10 Walking  
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 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

5.8 The London Plan SPG's relevant to this application are

Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Sustainable Design and Construction (2006)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

#### London Plan Best Practice Guidance

5.9 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

5.10 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 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Spatial Policy 3 District Hubs  
Spatial Policy 4 Local Hubs  
Spatial Policy 5 Areas of Stability and Managed Change  
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 9 Improving local air quality  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 12 Open space and environmental assets  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Unitary Development Plan (2004)

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

STR URB 1 The Built Environment  
URB 3 Urban Design  
URB 12 Landscape and Development

HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
HSG 8 Backland and In-fill Development

### Residential Standards Supplementary Planning Document

- 5.12 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.

### Emerging Plans

- 5.13 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, (the greater the weight that may be given).
- 5.14 The following emerging plans are relevant to this application.

### Development Management Plan

- 5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013, the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
- 5.16 The following policies are considered to be relevant to this application:
- |              |   |
|--------------|---|
| DM Policy 1  | Presumption in favour of sustainable development  |
| DM Policy 22 | Sustainable design and construction   |
| DM Policy 23 | Air quality   |
| DM Policy 25 | Landscaping and trees   |
| DM Policy 29 | Car parking   |
| DM Policy 30 | Urban design and local character  |
|              | <ul style="list-style-type: none"><li>• <i>General principles</i></li><li>• <i>Detailed design issues</i></li></ul> |
| DM Policy 32 | Housing design, layout and space standards  |

- *Siting and layout of development*
  - *Internal standards*
- DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas
- *General principles*
  - *A: Infill sites*
  - *B: Backland sites*
  - *C: Back gardens*
  - *D: Amenity areas*

## **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) Standard of Accommodation
- d) Impact on Neighbouring Properties
- e) Highways and Traffic Issues
- f) Sustainability and Energy
- g) Landscaping
- h) Refuse/ Recycling
- i) Community Infrastructure Levy

### Principle of Development

- 6.2 The application proposes the construction of a 2-storey plus roofspace building that would accommodate two self-contained flats upon land to the side of 7 Albacore Crescent.
- 6.3 The applicant has confirmed he owns the existing residential property at no.7, and the associated land to the side, which was formerly occupied by a single-storey detached garage.
- 6.4 The London Plan Policy 3.3 seeks to increase the housing supply via sensitive renewal of existing residential areas. This housing should be of the highest quality internally, externally and in relation to their context. New housing should enhance the quality of local places.
- 6.5 In principle, an additional property in this area is acceptable provided the design is of the highest quality, and other policies are met, such as ensuring no negative impact upon neighbouring amenity or the character of the streetscene. Considering the size and location of the application site, a redevelopment would have the potential to enhance the quality of the streetscene, whilst bringing into use a long redundant plot.

### Design

- 6.6 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

- 6.7 The application originally proposed a contemporary approach, which did not itself raise officer objections, rather the scale of the development. During the course of the application period, officers have met with the applicant on several occasions to discuss alternative designs.
- 6.8 The current plans propose a simpler, more traditional approach that draws upon the design principles of the existing dwellings at 5, 7 and 9 Albacore. The width of the side area is 650mm less than no.7, therefore the applicant has stepped the building back from the frontage by 450mm to maintain the subordinate appearance of the existing pair of semis.
- 6.9 The roof height would be level with the existing, forming a gable end. The original hip ended roof to no.7 was extended in 2012 to form a gable, whilst the property at no.5 also has a gabled roof, therefore the proposal would be in keeping with the appearance of the immediate neighbours. The proposed height would also assist in providing a better standard of accommodation within the roofspace, which would be compromised if the ridgeline was positioned any lower.
- 6.10 At the rear, a 2-storey projecting element is proposed, measuring 4.8 metres in length. Nos 7 and 9 both have such elements, which are of a greater length and height. The original plans proposed a 3-storey rear element, however this was reduced due to officer concerns.
- 6.11 A condition has been included to request the formal submission of facing material samples and a concise materials schedule for further assessment, thereby ensuring the development contributes positively to the streetscene generally.
- 6.12 It is also considered appropriate for a condition requesting further detailed elevational plans that ensures a high quality finish would be achieved. The front elevation windows are similar to the openings at no.5, rather than incorporating a bay window similar to nos. 7 and 9. Officers consider that bay windows would be inappropriate in this case, considering they would unlikely be of the same proportions due to the width of the new building.
- 6.13 To ensure the proposed fenestration is suitable, a condition will request detailed 1:20 plans and sections of the external windows and doors.
- 6.14 In summary, the proposal is considered to be appropriate in appearance, scale and massing, respecting the general form of development within the immediate area, and befitting of this location, whilst representing good design.

#### Standard of Residential Accommodation

- 6.15 The layout and circulation of the proposed units is considered to be acceptable, and would provide a good standard of accommodation for future occupiers. Flat sizes would accord with minimum guidance stated in The London Plan (2011). In terms of room sizes, the combined lounge/ dining/ kitchen areas within Flat 1 would measure 26sq.m, which exceeds the 23sq.m stated in Standard 4.4.1 of the GLA Housing SPG (2012).
- 6.16 All flats would be dual aspect, whilst each habitable room would be assured of sufficient natural light intake and outlook.



- 6.17 The ground floor unit would have sole access and use of the rear garden. The first floor unit would not benefit from this, however public open space is located nearby, including Ladywell Fields approximately 170 metres to the west.
- 6.18 The Council requires all new residential development to be built to Lifetime Home Standards, in accordance with London Plan policies. The applicant has confirmed the development would be fully compliant with these standards.
- 6.19 Officers raise no concerns toward the proposed standard of accommodation within the development.

#### Impact Upon Neighbouring Occupiers

- 6.20 Officers are satisfied the proposed development would not result in significant visual harm to neighbouring occupiers. The flank wall of no.5 has a staircase window, and what appears to be a secondary opening serving the roofspace bedroom, which also benefits from a front dormer.
- 6.21 At the rear, whilst the 2-storey element would project beyond the rear wall of no.5 by 2.7 metres, it would be unlikely to harm outlook from their habitable rooms as they have an existing ground floor extension, whilst lying a sufficient distance away.
- 6.22 To the south of the site is a recent residential development at the rear of 1 Blagdon Road that accommodates 1, one bedroom and 8, two bedroom self contained maisonettes, incorporating balconies and associated landscaping. There are no windows that would be affected by the proposed development.
- 6.23 No.7 has windows within the flank wall of the existing 2-storey outrigger that would face the new development, however these serve the existing kitchen and bathroom, in addition to providing a secondary window for the 1<sup>st</sup> floor bedroom.
- 6.24 Overall, officers are satisfied the level of visual impact, including overshadowing and overlooking, to existing occupiers would not be significant, and therefore the development would be in compliance with policies.

#### Highways and Parking

- 6.25 The development proposes one off-street parking space to the frontage. Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.26 The PTAL rating for this area is 4, with very good bus and train links locally. As a result, the provision of one space is considered acceptable.
- 6.27 Despite not being shown on the plans, secure cycle stands would be provided to the front. A condition would ensure this is provided in full prior to first occupation.
- 6.28 Officers subsequently raise no objections to the development on Highways grounds.

### Sustainability and Energy

- 6.29 The London Plan requires that all new residential developments meet Code Level 4 for Sustainable Homes, together with a reduction in carbon emissions.
- 6.30 In this case, the applicant has advised that the development would meet Code Level 4, with measures including the use of double glazing, condensing boilers, water efficient devices to reduce water consumption and energy efficient lighting.
- 6.31 The flat roof areas of the development would incorporate green living roofs, in compliance with Policy 5.3 Sustainable design and construction of the London Plan (2011). Construction details of the green roof have been provided, however further details are required by condition, including confirmation of use of species.
- 6.32 Officers are satisfied with the sustainability methods proposed, and is considered in principle to be compliant with London Plan policies.

### Landscaping

- 6.33 The areas to the front and rear of the development would comprise a mix of soft and hard landscaping, including a lawned garden at the rear for the ground floor occupiers.
- 6.34 Generally, officers are satisfied with the principle of proposed low maintenance landscaping works.

### Refuse

- 6.35 A timber framed refuse and recycling chamber would be located to the front of the building, measuring a length of 2.4 metres and 1.2 metre height. The siting and appearance is considered to be acceptable.

### Community Infrastructure Levy

- 6.36 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.37 This development is considered to be CIL liable. The chargeable development is £35 per m<sup>2</sup>, which must be paid to the Council prior to the commencement of building works.

### Equalities Considerations

- 6.38 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 6.39 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.40 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 6.41 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **7.0 Consultations**

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council’s usual procedure. Officers are satisfied that all statutory Council procedures have been followed and all neighbour concerns have been addressed.

## **8.0 Conclusion**

- 8.1 Officers consider the design and massing of the proposed development to be acceptable, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future habitants. The standard of proposed accommodation and on-site parking provision is in compliance with guidelines.
- 8.2 The applicants will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows to ensure the development would impact positively upon the streetscene.
- 8.3 For these reasons, it is therefore recommended that planning permission be granted.

## **9.0 RECOMMENDATION**

- 9.1 **GRANT PERMISSION** subject to the conditions set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development:-

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

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

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

DWG Nos 3, 4, 5C, 6C, 7D & 8C, Design and Access Statement and Site Location Plan.

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

- 3) (a) The building hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 4) (a) No development shall commence on site until full details of cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

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

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) of the adopted Core Strategy (June 2011)

- 6) The proposed refuse and recycling chamber shall be provided in full prior to first occupation of the development, and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 8) The whole of the amenity space hereby approved shall be retained permanently for the benefit of the occupiers of the ground floor residential unit hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy HSG 7 Gardens in the Unitary Development Plan (July 2004).

- 9) The whole of the car parking accommodation shown on DWG No.5C hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

**Reason:** To ensure the permanent retention of the space for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity, to ensure highway safety, and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties

and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 11) No development above ground level shall commence on site until a detailed schedule of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 12) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the 1<sup>st</sup> floor flat roof area at the rear of the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roofs shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 13) No development shall commence on site until detailed plans demonstrating compliance with Lifetime Home Standards (in accordance with the 2010 (Revised) document) have been submitted to and approved in writing by the local planning authority. Thereafter, the plans as approved shall be implemented in full prior to first occupation.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- 14) No development above ground level shall commence until 1:20 plans of the proposed windows and doors are submitted to and approved in writing by the local planning authority.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design of the Unitary Development Plan (July 2004).

### **Informatives**

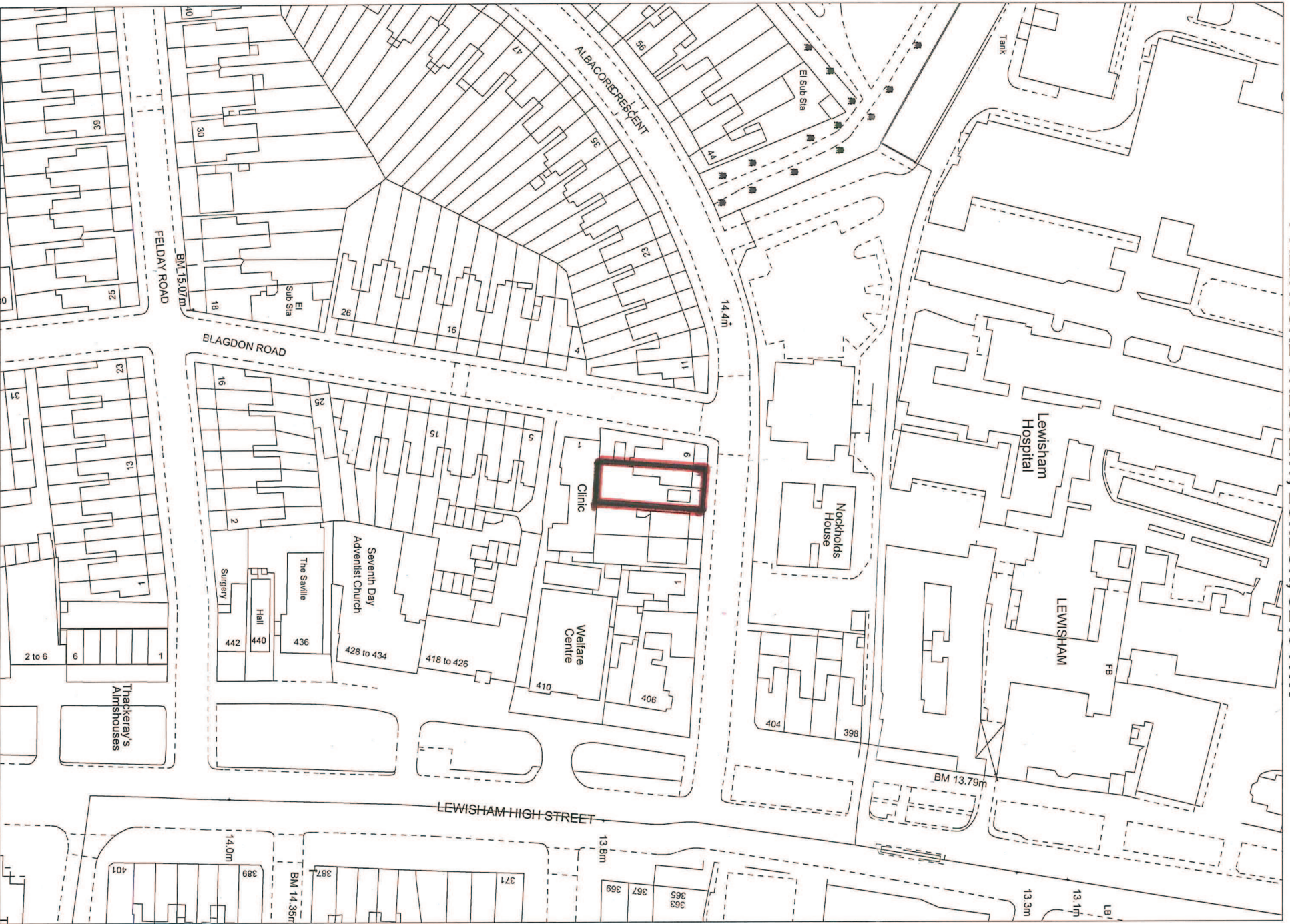
- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: - <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

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Committee	PLANNING COMMITTEE A	
Report Title	37 Arbuthnot Road SE14 5LS	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86805
<u>Application dated</u>	03.03.2014
<u>Applicant</u>	Mr Kershaw
<u>Proposal</u>	The construction a single storey infill extension at the rear of 37 Arbuthnot Road SE14.
<u>Applicant's Plan Nos.</u>	37.01 & 37.02, Site Plan, Design & Access Statement and Heritage Assessment and Photographs
<u>Background Papers</u>	(1) Case File DE/43/37/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Existing Use
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 37 Arbuthnot Road is a two storey mid-terrace single dwelling house on the north side of the road. The property forms part of an architecturally cohesive area of two storey terraces of almost identical design.
- 1.2 The property features an original two storey rear projection. There is currently a single storey rear extension projecting 2m from the rear elevation of the two storey projection.
- 1.3 The property is located within Telegraph Hill Conservation Area. It is not a listed building.

## **2.0 Planning History**

- 2.1 There is no relevant history associated with the subject property, however the adjacent property, number 35 Arbuthnot Road has been granted and implemented permission for a very similar extension built up to the party wall of number 37 under application ref DC/12/79710.

### **3.0 Current Planning Applications**

#### The Proposal

- 3.1 The applicant proposes to construct a single storey infill extension between the side elevation of the two storey projection and the property boundary.
- 3.2 The proposed extension infills the area between the original two storey rear projection and the side boundary with number 35. The extension would result in the loss of an original bay window located to the side of this rear projection.
- 3.3 This results in an extension which is 1.7m in width and 6.6m in depth finishing level with the end of the original two storey rear projection. The height of the extension on the boundary would be 2.5m and it would have a lean to roof rising to just over 3m which contains four rooflights.

### **4.0 Consultation**

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters were sent to adjoining neighbours, the Telegraph Hill Society and Ward Councillors were notified.
- 4.3 No objections have been received from neighbouring properties.

#### Written Responses received from the Telegraph Hill Society

- 4.4 The Telegraph Hill Society have objected to the application on the following grounds:
- The proposal will result in the loss of a bay window which is a significant original feature, the loss of which will damage the structural integrity of the property.
  - The extension will present a large blank wall to the neighbouring property
  - The large number of rooflights may result in light pollution for the neighbouring property.

#### Written Responses received from Amenities Societies Panel

- 4.5 The Panel objected to the loss of the bay window on the side of the back addition which is a distinctive feature of the Conservation Area. The large roof lights, which are a consequence of the over-large extension, will also give rise to glare and light spillage which will be harmful to the amenities of neighbouring occupiers.

### **5.0 Policy Context**

#### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Ministerial Statement: Planning for Growth (23 March 2011)

5.5 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)

- 5.6 The London Plan policies relevant to this application are:  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology

### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, 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 1 Lewisham Spatial Strategy  
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)

- 5.8 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 12 Residential Extensions

### Residential Standards Supplementary Planning Document (August 2006)

- 5.9 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.

- 5.10 Telegraph Hill Conservation Area Character Appraisal (2008)

### Emerging Plans

- 5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.12 The following emerging plans are relevant to this application.

Development Management Local Plan

5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

5.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.15 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.16 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

5.17 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and garden

**6.0 Planning Considerations**

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

- a) Design and visual impacts on the subject property and Conservation Area
- b) Impact on the amenities of neighbouring properties

Design and visual impact on the Conservation Area

6.2 Retained UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting.

- 6.3 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions to buildings will not be permitted where the proposal is incompatible with the special characteristics of the area, including the area's buildings, scale, form and materials.
- 6.4 The infill extension will project 6.6m from the rear elevation of the main building. The rear elevation of the new extension would align with the rear elevation of the original two storey projection. The proposed extension features a mono pitched roof containing four rooflights falling from a ridge height of 3m adjoining the side elevation of the two storey projection to an eaves height of 2.5m on the party wall with number 35.
- 6.5 The proposal is designed to share a party wall with and replicate the design and dimensions of an existing extension at number 35, which was granted permission in 2012 under application DC/12/79710. It is acknowledged that the construction of the proposed extension would result in the loss of an existing bay window which is an original feature of this property, however, given that this is not visible from any public vantage point and that the loss of such a bay window has already been granted permission for the neighbouring property, as part of a similar proposal, this is not considered to result in significant harm to the character and appearance of the Conservation Area and refusal would not be justified for this reason.
- 6.6 The proposed single storey extension is considered in be in scale with the existing building. The proposed materials of brick, glass and timber framed French windows will complement the existing materials, subject to a condition that the bricks should match the existing.
- 6.7 Impact on neighbouring properties
- 6.8 The Council's UDP policies HSG 4 Residential Amenity and HSG 12 Residential Extensions state that development should safeguard the residential amenities of the local area, that extensions should be neighbourly, and should not result in an appreciable loss of privacy and amenity for adjoining houses and their back gardens.
- 6.9 The eaves height of the new extension close to the boundary will be 2.5m, which is not significantly higher than a 2m boundary fence permitted by the GPDO. This rises to a ridge height of 3, which again is considered to be an acceptable height. However, most significant in terms of assessing the potential impact on neighbouring properties, is the fact that the adjacent property number 35, has already built an extension of almost identical dimensions up to the boundary. As a result, there are not considered to be any significant implications for the amenities of this neighbour. Also, as the proposed extension would be entirely contained to the west side of the two storey rear projection there are not considered to be any other implications in terms of the amenities of neighbouring properties. Being a single storey extension of modest scale there are not considered to be any significant impacts on the privacy of neighbouring properties.
- 6.10 The subject property would retain a readily accessible, secure, private and usable external space for recreation and domestic purposes in line with policy HSG 12 Residential Extensions.



6.11 Overall it is considered that the proposal will not result in an unacceptable impact on neighbouring properties in terms of overshadowing, overlooking, loss of light or loss of outlook. The proposal is therefore considered to be in accordance with the Council's adopted residential amenity policies.

## **7.0 Equalities Considerations**

7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

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

## **8.0 Conclusion**

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

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 building, the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies 7.6 Architecture and 7.8 Heritage assets and archaeology in the London Plan (July 2011); Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets, and the historic environment in the adopted Core Strategy (June 2011); and Policies 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, and HSG 12 Residential Extensions in the adopted Unitary Development Plan.

## **9.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:  
  
37.01 & 37.02, Site Plan, Design & Access Statement and Heritage Assessment and Photographs.
- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing

### **Reasons**

- (1) As required by Section 91 of the Town and Country Planning Act 1990
- (2) To ensure that the development is carried out in accordance with the approved documents.
- (3) To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

### **INFORMATIVES**

- (1) Positive and Proactive Statement

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.



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Committee	PLANNING COMMITTEE A	
Report Title	223-225 Lewisham High Street SE13 6LY	
Ward	Lewisham Central	
Contributors	Michael Forrester	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/13/85398
<u>Application dated</u>	27.01.2014
<u>Applicant</u>	BPTW Partnership
<u>Proposal</u>	Demolition of existing buildings at 223-225 Lewisham High Street SE13 and construction of a part 4/ part 5 storey building to provide 195 sq.m of commercial (A1/A2/B1 use classes) floorspace at ground floor, and 22 self-contained residential units on the ground and upper floors, with associated amenity space, refuse and recycling storage, and cycle storage.
<u>Applicant's Plan Nos.</u>	PL001, 002 Rev A, 010, 011, 012, 020, 021 Rev A, 022 Rev A, 030 Rev A, 031 Rev A, 032, 033 Rev A, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862 Rev A, Design & Access Statement, Viability Assessment, Air Quality Assessment – Aerquality Rev 1, Construction Management Plan, Wheelchair Housing Statement, Materials Statement, Sustainability Statement, Flood Risk Assessment, Planning Statement, Environmental Noise Assessment, Arboricultural Implications Study, Energy Statement, Transport Statement, Travel Plan, Sustainability Monitoring Form & CIL, Outline Surface Water Drainage Strategy ref 1201/RE/02-14/01, Phase 1 Assessment (Desk Study) ref DS-18425-14-34 REV B, Energy Strategy Addendum received 13/01/2014.
<u>Background Papers</u>	<ol style="list-style-type: none"> <li>(1) Case File LE/152/223/TP</li> <li>(2) Adopted Unitary Development Plan (July 2004)</li> <li>(3) Local Development Framework Documents</li> <li>(4) The London Plan</li> </ol>
<u>Designation</u>	Secondary shopping frontage, Lewisham Town Centre

## **1.0 Property/Site Description**

- 1.1 The application site measures approximately 0.07 hectares and is situated on the eastern side of Lewisham High Street close to the junction with Morley Road. The site is currently occupied by a two storey building fronting onto Lewisham High Street with various extensions to the rear with a parking area accessed via Clipper Way.
- 1.2 The site is included within the boundaries of Lewisham Town Centre, but is located outside of the primary shopping frontage. The site currently comprises offices occupied by Acorn estate agent. Adjacent units are mixed use, typically comprising retail at ground floor with associated storage or residential units above.
- 1.3 Adjacent to the site to the south is a two storey building in retail use on the Lewisham High Street frontage, to the rear of which is a small area of open green space with several trees. This green space, which is roughly triangular in shape is at the junction of Morley Road and Clipper Way and faces Morley Road. Adjacent to the north is a three storey building on the Lewisham High Street frontage.
- 1.4 The site has a PTAL rating of 6, and is located approximately 800m from Lewisham national rail and DLR station, and 500m from Ladywell rail station.

## **2.0 Planning History**

- 2.1 From the period of 1949 to 1962 limited period planning permissions were granted for the continued use and retention of temporary structures on the site for use as a grocery store and for the manufacture, sale and display of sectional buildings.
- 2.2 Refusal was issued in January 1952 for the erection of a motor show room at nos. 223-225 as the site was affected by a proposed service road and widening of Lewisham High Street.
- 2.3 Permission was also refused for the erection of a two-storey building comprising an open ground floor display area and offices, as unsatisfactory in both scale and proportions in relationship with adjoining buildings.
- 2.4 Planning Permission was granted in November 1962 for a two storey building comprising a showroom and ancillary offices and in August 1965 for the erection of a store and boiler room abutting the existing building and erection of an oil tank enclosure.
- 2.5 In November 1966, planning permission was granted to use part of the ground floor as a branch bank and in June 1967 approval was granted for the erection of a part single, part two storey extension to the rear of the branch bank for use as ancillary accommodation.
- 2.6 Planning permission for the use of no.225 as a business advice centre was granted in July 1983 and then in June 1994 for the change of use from a retail shop to an office.
- 2.7 In July 1999 planning permission was granted for the construction of a single storey extension to the side and an extension at first floor level together with the installation of a new shopfront.

- 2.8 In August 1999 planning permission was granted for the construction of an additional floor at second floor level to provide office accommodation. The second floor extension has not been constructed.
- 2.9 In 2003 Planning Committee resolved to grant permission, subject to the completion of a s106 agreement, for the construction of an additional two storeys on the frontage to Lewisham High Street, and alterations to the elevations of the existing office together with the demolition of the existing building at the rear and the construction of a three-storey building in its place to provide additional office space. The s106 agreement (which related to improvement works to the open land at the side and payment for improvements to public transport) was not completed.
- 2.10 In April 2008 a scheme for the construction of extensions to the building at ground and first floor levels, additional storeys at second and third floor levels and a part single/part three/part four storey block to the rear, incorporating balconies/terracing, to provide additional Finance/Professional Services floor space, (Use Class B1 and Use Class A2), 3 one bedroom and 6 two bedroom self-contained flats, together with the provision of cycle and refuse stores was withdrawn by the applicant reference DC/08/68844.
- 2.11 In May 2008 a resubmission of the above scheme for the construction of a four storey extension to the rear, additional storeys at second and third floor levels, alterations to elevations, incorporating balconies/terraces, to provide additional Office/Finance/Professional Services floor space, (Use Classes B1 and A2) and 3 one bedroom and 6 two bedroom self-contained flats, together with the provision of cycle and refuse stores was approved under reference DC/08/69872.

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 It is proposed to demolish all on site buildings and construct a replacement 5 storey block comprising commercial unit at ground floor and 12 flats above across four floors facing Lewisham High Street, together with a four storey block comprising 10 flats facing onto Clipper Way to the rear.
- 3.2 The ground floor commercial units are accessed via Lewisham High Street and have a floor area of 195.5 sqm. This is arranged as an open plan office with water closets to the rear. A rear lobby provides an exit to the rear of the site where a pedestrian access would lead out onto Clipper Way. The commercial bin store is located along the access onto Clipper Way.
- 3.3 A residential entrance is provided from the High Street for the first core, adjacent to the shopfront where an internal lobby provides access to the upper floors. A rear door provides a rear pedestrian access onto a residential refuse store and bicycle store and Clipper Way beyond.
- 3.4 The second core facing Clipper Way has a dedicated residential entrance leading to the upper levels. A ground floor wheelchair unit is proposed facing Clipper Way and is provided with its own entrance and residential garden to the rear. This is flanked by the residential cycle stores and bin stores for the development but is separated by a boundary enclosure and gate.

- 3.5 At fourth floor level a communal roof garden is provided, accessed from Core 1 facing Lewisham High Street, this has a series of seating areas and planters. This level also provides two dedicated areas of living roof. At fifth floor level are photovoltaic panels, this is not accessible to residents.
- 3.6 The proposals do not include any affordable housing, and the applicant has submitted a viability statement to justify this.
- 3.7 Supporting Documents
- 3.8 Planning Statement (BPTW Partnership) – this document provides a site and development overview and seeks to demonstrate how the proposals accord with local and national planning policy. The document also provides the relevant planning considerations in terms of density, design, residential standards, transport and viability.
- 3.9 Design and Access Statement (Yurky Cross) – this document provides a detailed site description, design overview of the proposals and seeks to demonstrate the design quality. Further topics covered include compliance with Lifetime Homes.
- 3.10 Air Quality Assessment (Aerquality) – Air monitoring has been carried out at the site to assess air quality levels. The report concludes that good management for the construction operations will ensure that levels of potential environmental contaminants from the development site are minimised.
- 3.11 Arboricultural Implication Study (acs consulting) – this document assesses the trees in close proximity to the site and the impacts that the scheme may have in terms of construction and on going maintenance issues. The report concludes that the proposal, in Arboricultural terms would have a reasonable relationship with the trees adjacent. The loss of one tree (rated as Category C) is proposed and this would have no implications in visual amenity on the area.
- 3.12 Energy Statement (Element Sustainability) – this document provides an overview of the development, proposed materials specification and renewable energy provision to demonstrate how the proposals would comply with London Plan policies.
- 3.13 Energy Statement Addendum (Element Sustainability) – this document confirms the provisions set out in the Energy Strategy and proposes a contribution towards a carbon off set scheme.
- 3.14 Environmental Noise Assessment (noise.co.uk) – this document provides an overview of the environmental noise levels on a typical week day period. The report concludes that existing noise levels are dominated by traffic with occasional contribution from the nearby railway line. The report monitored noise levels at two points within the site (Lewisham High Street and Clipper Way) and provides a list of mitigation measures which would result in acceptable internal noise levels. This includes insulation standards, glazing specification and ventilation.
- 3.15 Sustainability Statement (Element Sustainability) – this document provides a pre-assessment for both the commercial and residential elements of the project. The report concludes that the commercial unit would achieve BREEAM excellent, with the residential units achieving Code Level 4.



- 3.16 Construction Management Plan (Yurky Cross) – this report provides a basic level of construction management include size and movement of construction vehicles and provides a site waste management plan.
- 3.17 Right to Light (David Maycox and Co) – this report has undertaken a daylight/sunlight study and concludes that the proposed flats all exceed BRE guidance for average daylight.
- 3.18 Travel Plan (EAS) – this document provides a detailed overview of site accessibility, including on foot, bicycle, bus, rail/ underground and car and goes on to provide details of management by promoting sustainable modes of transport. The document confirms that occupiers will not be eligible for car parking permits and that this should be secured by a s106 agreement.
- 3.19 Materials Statement (Yurky Cross) – This document provides a detailed specification for the proposed materials of the building. This includes the facing brick, glazing, balconies (balustrade, soffits and fascias), windows, doors and landscaping.
- 3.20 Viability Statement (Savills) – this is an independent and confidential viability statement which seeks to demonstrate why the proposals cannot provide any on site affordable housing.
- 3.21 Flood Risk Assessment (Evans Rivers and Coastal Ltd) – this document acknowledges that the site is within Flood Zone 2 and is within proximity of the River Ravensbourne. The report concludes that the site is at a low risk from groundwater flooding.

#### **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 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant Ward Councillors. Transport for London and the Environment Agency were also consulted.

#### **Written Responses received from Local Residents and Organisations**

- 4.3 Two letters have been received in support of the scheme stating that the building is of high quality and will set a positive precedent for this part of the High Street, the works will contribute towards the overall regeneration of Lewisham Town Centre, improve business opportunities and provide a better outlook to existing residents.
- 4.4 A further representation has been received which raises concern regarding excessive noise levels during demolition and construction

Letters are available for Members to view.

#### 4.5 Written Responses received from Statutory Agencies

##### Transport for London (TfL).

- 4.6 TfL has no objections in principle to the grant of planning permission. In detail they are supportive of zero car parking, which should be secured within a S106. The submitted Travel Plan should be secured by condition. The level of cycle parking is acceptable, however, further details should be secured by condition to ensure they are practical and secure. TfL points out that consent from TfL as highway authority will be required to erect scaffolding and hoardings on the Lewisham High Street frontage and any over sailing of this highway by a crane

##### Environment Agency

- 4.7 Initial comments: The Environment Agency require further information regarding groundwater protection and contaminated land in respect of this proposal. The site lies within a Source Protection Zone 1 for public drinking water, a sensitive area for groundwater. Being in an urban area there is potential for land to be contaminated and the development could therefore pose a risk to groundwater. The Environment Agency would seek details of an outline drainage strategy and preliminary risk assessment for contamination.

- 4.8 Revised comments: Following the submission of the Phase 1 Assessment (Desk Study) by Merebrook Consulting Ltd (Ref DS-18425-14-34 rev B, February 2014) and Outline Surface strategy by Evans Rivers and Coastal Ltd (ref 1201/Re/02-14-01, February 2014) the Environment Agency raise no objection to the proposals. A list of conditions is recommended regarding land contamination, verification report, piling and foundation design and surface water drainage.

##### Sustainability Manager

- 4.9 Initial comments: The proposal targets a 25% reduction in CO<sub>2</sub> emissions for the energy requirements. However, since October 1st the requirement is 40%. The proposals need to comply with the target CO<sub>2</sub> reduction. However, if the scheme is unable to deliver anything further on site (which should be the first option) then there is the carbon offset fund, which sets the cost of carbon at £104 per ton of CO<sub>2</sub>.

- 4.10 Revised comments: A revised Energy Strategy has been submitted which improves air tightness levels and optimised photovoltaic panels. A financial contribution has been offered and the proposals are now acceptable.

##### Ecological Recreation Manager

- 4.11 The proposals are acceptable as they accord with the Councils preferred planting system and methodology, the details should be secured by condition.

##### Highways and Transportation

- 4.12 No objections to the scheme, however, car parking permits are required to be restricted in this location as this is a controlled parking zone. The submission of a Construction Method Statement and Travel Plan at application stage is welcome and should be secured by condition.

## Urban Design

- 4.13 The scheme has responded to advice given at pre-application stage and has been submitted with detailed sections and materials. These provide a realistic impression of the final building and conditions should be used to secure this detail.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 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.
- 5.6 The statement further sets out that local authorities should reconsider at developer's request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 2.13 Opportunity areas and intensification areas  
Policy 2.14 Areas for regeneration  
Policy 2.15 Town centres  
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 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 4.3 Mixed use development and offices  
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 5.8 Innovative energy technologies  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 6.3 Assessing effects of development on transport capacity  
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 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

## London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)

## London Plan Best Practice Guidance

The London Plan Best Practice Guidance's relevant to this application are:  
London Housing Design Guide (Interim Edition, 2010)

## Core Strategy

5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, 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 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
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 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 21 Planning obligations

## Unitary Development Plan (2004)

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

STR URB 1 The Built Environment  
STR URB 4 Regeneration Areas  
URB 1 Development Sites and Key Development Sites  
URB 3 Urban Design  
HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 8 Backland and In-fill Development

## Residential Standards Supplementary Planning Document (August 2006)

5.11 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.

### Planning Obligations Supplementary Planning Document (January 2011)

- 5.12 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

### Shopfront Design Guide Supplementary Planning Document (March 2006)

- 5.13 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

### Emerging Plans

- 5.14 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 5.15 The following emerging plans are relevant to this application.

### Development Management Plan

- 5.16 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.
- 5.17 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.
- 5.18 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.
- 5.19 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 35      Public realm

5.20 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

#### Lewisham Town Centre Local Plan

5.21 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on the 26<sup>th</sup> February 2014. The document sets out a suite of policies and proposals for development. The LTCLP guides where and how development should take place over the next five to ten years and will be used to determine planning decisions within Lewisham Town Centre.

5.22 The following policies are considered to be relevant to this application:

Policy LTCP0	Presumption in favour of sustainable development
Policy LTCP1	Plan boundaries
Policy LTC2	Town centre boundary
Policy LTC9	Growing the local economy
Policy LTC10	Mixed use
Policy LTC11	Employment uses
Policy LTC14	Town centre vitality and viability
Policy LTC18	Public realm
Policy LTC21	Sustainable transport
Policy LTC24	Carbon dioxide emission reduction
Policy LTC25	Adapting to climate change

## **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) Density
- d) Housing
- e) Highways and Traffic Issues
- f) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Planning Obligations

#### Principle of Development

6.2 The site is located in the non-core shopping area of Lewisham Town Centre. It is proposed to retain a commercial unit in A2 use within a redeveloped site. Policy

STC12 'Mixed Use Development' within the Unitary Development Plan states that 'the Council will welcome development proposals which involve appropriate mixed use schemes or a compatible mix of uses within close proximity to each other in the Major and District Town Centres and in other appropriate locations that are well served by public transport.

6.3 The site has an employment function where Core Strategy Policy 5 (other employment locations) states that:

1. The Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
2. Employment land within town centres, which has the potential to contribute to a Major town centre, District Hub, a Local Hub, or other cluster of commercial and business uses, should be recommended for retention in employment use.
3. Other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use.

6.4 Lewisham Town Centre Local Plan Policy LTC10 'Mixed Use' states that 'an appropriate mix of compatible land uses will be encouraged vertically and horizontally in Lewisham Town Centre. In particular, residential development located above ground floor retail and commercial uses will be supported (providing it meets LTC11 'Employment Uses – in B use classes').

6.5 The existing site is used as an estate agents' with ancillary office space, and it is proposed that this would be replaced within the scheme. The uses outlined by the applicant (A1, A2, B1) are acceptable in this location and Officers are generally supportive of the mixture of uses in principle.

### Design

6.6 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of the design more generally in the area'. Whilst paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.

6.7 The site is situated on Lewisham High Street with a rear car park which backs onto Clipper Way. Lewisham High Street is defined by buildings of between 2 and 8 storeys, buildings along this stretch of the High Street measure between 2 and 4 storeys. Clipper Way is a secondary route compared to the High Street, characterised by servicing and the scale of buildings reflects this, however, recent residential developments along this stretch have altered the character to include 3-4 storey high buildings.

6.8 The existing building is 2 storeys in height with an open rear yard and is of no particular character. It is therefore considered that the loss of the existing building



and associated servicing and car parking from this prominent location will have a positive impact on the character and appearance of Lewisham Town Centre provided that the quality of replacement buildings are high quality. It is also noted that redevelopment of this site has previously been approved in the 2008 application, which was not implemented.

- 6.9 The proposal seeks to continue the built frontage of Lewisham High Street with a replacement building measuring 5 storeys in height, which Officers consider to be of an acceptable scale taking into account the wider character of the Town Centre and previous permission. The front facade of the building is broken down into two distinct elements, a ground floor single storey commercial base, with a four storey element above set behind the front elevation. A regular grid frame projects up to the front elevation of the ground floor below to create articulation and break up the massing of the four storey element into smaller blocks which is considered to be an acceptable response to the surrounding context. The regular grid façade also houses balconies which finish flush with the front elevation below and negate the need for balconies to overhang the public highway and therefore continue the continuous façade which characterises Lewisham High Street. The flank elevations of the front Lewisham High Street block, which project above neighbouring buildings have been left blank, in order to not prejudice the development of the adjacent sites, but have incorporated recessed brickwork to provide visual interest.
- 6.10 To the rear on the Clipper Way frontage, it is proposed to replace the existing car park with a four storey building which would front onto the highway and continue the street frontage established by adjacent blocks of recent construction. Officers are supportive of the creation of a residential block which faces onto Clipper Way as this would provide a new street frontage.
- 6.11 Connecting these two blocks is a four storey linear block which is set hard up against the boundary with no. 221 Lewisham High Street and is set back from the southern boundary in order to create a ground floor courtyard. This block visually ties the front and rear massings of the scheme together and is considered to be of an acceptable scale. This 'courtyard' elevation is punctuated by balconies and would therefore contribute toward an active edge which would overlook the adjacent green space on the corner of Clipper Way, rather than provide a blank frontage visible from the public realm.
- 6.12 Officers consider the location and massing of the blocks to be acceptable and would retain the hierarchy of streets, where Lewisham High Street remains the principle route, with Clipper Way comprising a lower and subservient building, highlighting its secondary nature.
- 6.13 In terms of materiality, as described above, the elevations are proposed in brick. The massing of the Lewisham High Street block is further articulated by the use of a dark Ibstock Staffordshire Blue Brindle (or other similar) brick, with the upper floors and rectangular grid finished in Ibstock Tonbridge Handmade Heather Grey (or other similar). These are considered to be of a high quality, robust appearance. The rear Clipper Way block is to be constructed in Ibstock Surrey Yellow brick. Punctuating the brick façade are large areas of glazing with balconies. The connecting link building is finished in Trespa Meteon A 32.2.1 colour cladding panels. The above colour palette of materials is restrained in colour, and to provide interest the applicant proposes coloured window panels in Trespa Meteon. All balcony fascia and soffits are also detailed, and finished with

Trespa. The restrained colour palette and material choice is considered high quality which Officers support.

- 6.14 The applicant has prepared a series of visualisations (within the Design and Access Statement) which show the proposed building in the context of Lewisham High Street and Clipper Way. The scheme has the potential to be elegant and is therefore considered to be acceptable in principle. However, the success of the design and therefore its acceptability will depend entirely on securing the high quality of the materials and detailing proposed to ensure that the simplicity of the proposal does not lead to a scheme that is bland and fails to respond to the surrounding context. This is why it has been considered necessary by officers to secure the proposed materials for the scheme and why many details have been agreed with Officers prior to planning permission being recommended.
- 6.15 Following requests from the Council's officers at pre-application stage, the applicant has provided 1:25 details of various elements of the proposal and has confirmed the specification for the materials that will be used to ensure that the high quality design of the proposal will be delivered in accordance with the requirements of this sensitive site. It is considered that the details provided demonstrate that despite the simplicity of the building form, the scheme will make a positive contribution to Lewisham High Street and will conserve and enhance the character and appearance of the area. A condition is recommended to secure the agreed materials and details as they have been submitted.

#### *Deliverability of Design Quality*

- 6.16 Paragraph 173 of the NPPF states that the viability and deliverability of development should be considered in decision taking. The document goes on to say that to ensure viability, the cost of requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
- 6.17 As discussed, the building is simple in design and the palette of materials is limited. The clean aesthetic that this approach results in is considered to have merit but makes the detailing of the building and materials of vital importance to support such a simple approach. It has been necessary for the applicant to demonstrate how the high quality design would be delivered, given that the viability assessment submitted in support of the scheme has confirmed that the scheme has a relatively high build cost which has been confirmed by the independent assessment commissioned by the Council. One method to improve scheme viability is to reduce the building cost per square metre (by reducing the quality of the materials used). Given this, the applicant has submitted confirmation to deliver the proposed design, given that the quality of the materials is vital to demonstrate the acceptability of this development in principle and to show that the scheme is deliverable in the near future without any major redesign.
- 6.18 It is materially relevant for the Council to consider the likelihood of a proposed development being carried into effect and the planning consequences should a scheme be unviable and therefore not be delivered in accordance with the approved plans.
- 6.19 Officers consider that the acceptability of this scheme in principle is inextricably linked with the design and quality that is inherent within it. The acceptability of the

scale, massing, height and appearance of the proposal is inseparable from the design specification including the proposed materials. Given how vital these elements are to some of the fundamental elements of the scheme, it would not be possible in officers' view to leave the detailing to be subsequently submitted and dealt with via conditions as this would suggest that the principle of the approach is acceptable irrespective of detailing which would be capable of being resolved as a separate matter. Should future amendments to the scheme result in it being of a lesser quality than currently proposed, the entire approach to the development, its scale, height and appearance would need to be reconsidered as opposed to just considering alternative detailing. Given that the applicant has provided the details and material samples considered to be necessary as part of the submission and that they have confirmed that they are committed to delivering the scheme as designed, it is felt that the proposal would be acceptable in this regard and the quality of the proposal would be safeguarded via the suggested condition.

- 6.20 It is officer's view that any future amendments to the materials and design quality would also necessitate a re-evaluation of the viability of the scheme and its ability to deliver an off-site affordable housing contribution.

### Density

- 6.21 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2011 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principle in Policy 4B.1 with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 6.22 The site is considered in a 'central' setting and has a PTAL of 6, where Table 3.2 of the London Plan would give a guideline density range of 650-1100 habitable rooms per hectare (hrh). The residential density of the proposal is 857 hrh, which is within the London Plan density range guidelines for a site in a 'central' location with a PTAL 6 score. With the proximity to stations and the facilities of Lewisham Town Centre the site is appropriate to have a high density development.

### Housing

#### *a) Tenure of Residential Accommodation*

- 6.23 London Plan Policy 3.12 (Negotiating Affordable Housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential mixed use schemes, having regard to:
- a) Current and future requirements of affordable housing at local and regional levels identified in line with Policies 3.8, 3.10 and 3.11.
  - b) Affordable housing targets adopted in line with Policy 3.11
  - c) the need to encourage rather than restrain residential development
  - d) the need to promote mixed and balanced communities
  - e) the size and type of affordable housing needed in particular locations
  - f) the specific circumstances of individual sites.

The Policy goes on to state that 'negotiations on sites should take account of individual circumstances including development viability.

- 6.24 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. The Council will seek the maximum provision of affordable housing with the starting point for negotiations of 50%, subject to a financial viability statement.
- 6.25 The application has been submitted with no affordable housing proposed which is non-compliant with Core Strategy Policy 1. As such, the applicant has submitted a confidential financial viability statement that has enabled the Council, as advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision.
- 6.26 The Council has had the financial appraisal reviewed by independent specialists, Lambert Smith Hampton, who have reviewed sales figures achieved across a variety of comparable developments within Lewisham Town Centre and taken into account building costs and projected values of the commercial unit. The financial appraisal verification report concurs with the findings of the appraisal that the scheme cannot support on site affordable housing, but does conclude that an off site payment, in lieu of affordable housing is viable on this site and has suggested a figure of £443,000. This was discussed with the applicants and the authors of the viability report. As a result, updated figures for projected sales, building costs and values were subsequently submitted to the Council. These were re-appraised by Lambert Smith Hampton who accordingly have re-valued the suggested off site contribution at £160,000.
- 6.27 The principle of an off-site contribution is considered acceptable, given the low number of affordable units that could be delivered on site and the associated management problems for a Registered Provider seeking to manage a small number of affordable units that would be accessed off the same core as private units. Officers also accept the revised figure for off site affordable housing on the basis that this has been independently verified.
- 6.28 Given that affordable housing policies seek to encourage rather than restrain development, based on scheme viability which has been the subject of independent verification, the provision of an off-site financial contribution in lieu of on site affordable housing is considered to be acceptable. It is also important to consider the package of s106 contributions secured which include contributions towards open space, education, health and leisure. A public realm contribution of £11,000 has already been paid in respect of a previously granted scheme. Such mitigation has an impact on the viability of the scheme. It is therefore considered that the applicant has demonstrated, through development viability appraisal, that the scheme is not capable of supporting on site affordable housing.
- 6.29 Whilst the off-site affordable housing contribution is considered acceptable in principle, it is considered necessary to include a clause within a S106 agreement securing the requirement of a further financial viability appraisal to be submitted once 11 of the residential units and occupation of the commercial floorspace is reached. At this point an independent review would be undertaken of the profitability of the development, with the benefit of actual, rather than predicted figures. Should it be the case that a profit over and above the GLA guideline of 20% is likely to be made, then such profit would fund the provision of a further

financial contribution to be made to the Council for off-site provision of affordable housing.

*b) Dwelling Mix*

6.30 Core Strategy Policy 1 states that the Council will seek an appropriate mix of dwellings within a development, having regard to the following criteria:

- a. the physical character of the site or building and its setting
- b. the previous or existing use of the site or building
- c. access to private gardens or communal garden areas for family dwellings
- d. the likely effect on demand for car parking within the area
- e. the surrounding housing mix and density of population.
- f. the location of schools, shops, open space and other infrastructure requirements.

6.31 The site is well located in terms of local amenities in an area that comprises a mixture of flats and family dwellinghouses. The proposed mix (set out in Table 1 below) includes a higher number of 1 and two bedroom units together with 2 three bedroom units. This is considered to provide an acceptable mix of sizes given the town centre location of the site and the built up nature of the immediately surrounding area which makes it difficult to provide large areas of private garden for family units.

**Table 1: Residential Size Mix**

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Number of dwellings</b>	8	11	2	22

*c) Lifetime Homes and Wheelchair Accessible Housing*

6.32 In accordance with Core Strategy Policy 1 and Policy 3.8 of the London Plan, all of the units will meet Lifetime Homes requirements. A single wheelchair accessible flat is provided at ground floor of the Clipper Way block. The London Plan and Core Strategy both require that this should be 10% (which would equate to 2 units in this case), however, only one residential units is located at ground floor level, the provision of an additional ground floor flat given the physical constraints of the site would likely result in a poor standard of accommodation or loss of commercial floor space which is not considered to be desirable. As such the provision of a single unit which would be adaptable for wheelchair users is considered acceptable on the basis that the applicant has offered a financial contribution of £25,000 (to be secured by legal agreement) for the provision of a wheelchair unit off site.

6.33 The applicant has provided a 1:25 drawing of the wheelchair unit and this has been assessed against the South East London Housing Partnership Wheelchair (SELHP) standards. The provision of a good quality wheelchair unit is considered to be acceptable when balanced against the importance of this site is contributing towards the vitality and viability of the town centre and maximising ground floor commercial floorspace. A condition is recommended requiring the wheelchair units to be delivered in accordance with the 1:25 floor plan.

#### *d) Standard of Residential Accommodation*

- 6.34 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is also a material consideration, and contains further guidance on internal layout. The standards require the largest 1 bedroom flat to be a minimum of 50 sqm, the largest 2 bedroom unit to be 70 sqm and the largest 3 bedroom flat to be 95 sqm. All units would meet these standards.
- 6.35 The majority of the units are dual aspect, there are no single aspect north facing flats. The 8 single aspect flats shown have orientations facing south or east. All habitable rooms receive good levels of natural light, ventilation and outlook.
- 6.36 The layout of the development is such that habitable rooms are provided with an adequate level of privacy and units have been stacked as to reduce noise pollution.
- 6.37 Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5 sqm to be provided for 1-2 persons and an extra 1 sqm for each additional occupant. All units in the development would have private amenity space in the form of a garden, balcony or roof terrace. In addition all units would have access to a roof top communal garden. As well as private and communal amenity space, the site is located close to public open space including Lewisham Park. It is therefore considered that future occupiers of the units would benefit from high quality accommodation with a good standard of amenity. In addition the applicant has agreed to pay a Section 106 Contribution of £29,212.85 towards open space which includes a contribution towards amenity green space and children's play space.
- 6.38 All units would have bicycle, refuse and recycling storage facilities that are secure, covered and well located in relation to the dwelling, and it is considered that the layout and amenity of these dwellings is acceptable.

#### Highways and Traffic Issues

##### *a) Access*

- 6.39 The site benefits from a high PTAL of 6, and is easily accessible by public transport with both Lewisham rail and DLR and Ladywell rail stations both a short walk away. There is also a bus stop located outside of the site with bus routes from the town centre to Central London to the north, and Catford/ Bromley to the south. It is as such considered the site is highly accessible.
- 6.40 The scheme would have two entrances, one facing Lewisham High Street and a second facing Clipper Way. The ground floor wheelchair unit facing Clipper Way has an individual entrance. The entrances would be secure and it is considered that they are acceptable. Entrance into the commercial unit is via Lewisham High Street. The access points are considered to be legible and accessible.

*b) Servicing*

- 6.41 The Transport Statement and Travel Plan propose that all servicing opportunities are located to the rear along Clipper Way. This in principle is considered to be acceptable, as Lewisham High Street is a TfL controlled red route which does not provide servicing opportunities. Details are to be secured by way of a condition .

*c) Cycle Parking*

- 6.42 A cycle store is located in the centre of the building and is accessible from both Lewisham High Street and Clipper Way. The number of cycle parking spaces meets London Plan standards which raises no objections from the Councils Highways Officer or TfL, however, a condition is recommended so that details of the cycle storage can be secured.

*d) Car Parking*

- 6.43 The site has a PTAL rating of 6, indicating excellent links to public transport. The nearest rail stations are Lewisham and Ladywell, at approximately 800m and 500m away respectively. Lewisham High Street is also served by numerous bus links, with a bus stop located outside of the application site.
- 6.44 The scheme proposes no on site car parking, therefore it is recommended that a restriction for parking permits within the controlled parking zone is secured by a Section 106, with the exception of blue badge holders.

*e) Refuse*

- 6.45 There is an area for the storage of residential refuse and recyclable waste in the centre of the building. Refuse storage points are located in specified areas on the ground floor levels with separate areas for residential and commercial refuse and recycling. Refuse and recycling bins would be taken to the frontage of Clipper Way for collection. There are no outstanding concerns about the size and location of the waste collection points proposed. The refuse arrangements would be secured through the Delivery and Servicing Plan.

Impact on Adjoining Properties

- 6.46 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.47 All residential units would be provided with balconies. These would largely face into the courtyards of the new buildings. A mutual level of overlooking would occur between the users of the balconies but this is to be expected in a development of this nature. A roof terrace is also provided at fourth floor level. Any views from balconies or the communal terrace facing onto Lewisham High Street or Clipper Way would not give rise to an unacceptable loss of privacy. The balconies on the southern elevation of the building would overlook the public open space in Clipper Way which is welcomed as it will add a good level of natural surveillance and activity to this street frontage. Sufficient distance will be retained between these balconies and the proposed roof terrace and the properties in Morley Road to prevent any loss of privacy occurring.

- 6.48 It is recognised that during implementation of the development there would be a element of noise and disturbance from construction related activity including vehicular traffic.
- 6.49 Construction related noise and activity cannot be avoided when implementing a development of this nature in a dense urban location. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Environmental Management Plan (CEMP) and control of construction hours. The applicant has submitted Construction Management Plan which provides limited detail for construction and is considered acceptable in principle. However, it is recommended that by condition a more detailed Construction Management Plan is submitted, which takes into account the impact of construction on the TLRN including the footway and bus stop and those passengers waiting to board or alight.
- 6.50 Once operational it is not considered that the proposal would have an unacceptable adverse impact on neighbouring amenity by way of noise and disturbance. It is not considered that the residential element would give rise to significant harm to neighbouring amenity by way of noise or disturbance.
- 6.51 In conclusion, for the reasons set out above the proposal is not considered to have a significant adverse impact on neighbouring amenity.

### Sustainability and Energy

#### *a) Renewable Energy*

- 6.52 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.53 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be lean: use less energy
  - 2 Be clean: supply energy efficiently
  - 3 Be green: use renewable energy
- 6.54 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Homes Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'. Furthermore, this policy also states that from 2013 both residential and non-domestic buildings should achieve a 40% improvement on 2010 Building Regulations.
- 6.55 The applicant has submitted a Code for Sustainable Homes and BREEAM pre-assessment which confirms that the scheme is capable of achieving Code Level 4



(for the residential component) and BREEAM 'Excellent' in accordance with the requirements of Policy 8 Sustainable Design and Construction and Energy Efficiency of the Core Strategy. Conditions are recommended to secure this.

- 6.56 The applicants original statement proposed a 25% reduction in carbon over Building Regulations, however, as of October 2013 the London Plan requires that major development active a 40% reduction. Representations from the Council's Sustainability Officer states that the proposals were therefore not policy compliant.
- 6.57 A revised Energy Strategy has been submitted, which seeks to optimise the position and number of Photovoltaic panels and has demonstrated that the building quality of the structure is satisfactory, stating that the high quality materials and building quality have been factored in terms of air tightness and heat loss. The limited roof space for installation of photovoltaic panels has meant that the scheme is unable to deliver a 40% reduction in carbon on site. The Energy Strategy Addendum therefore proposes that the shortfall be secured by a carbon offset fund.
- 6.58 In certain circumstances such as this, the Council has a Carbon Offset Fund, in which developers can make a financial contribution toward the reduction of carbon. This figure is set at £104 per tonne of carbon. The applicant has accordingly agreed to submit a financial contribution as part of a S106 agreement. The funding secured within the Carbon Offset Fund is then used to reduce carbon emissions across built stock in the borough.

#### b) Living Roofs

- 6.59 Policy 5.11 of the London Plan confirms that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 6.60 Living roofs are proposed across the four storey block of the development, the specification provided confirms an aggregate (substrate) based living roof system designed specifically for biodiversity and to be planted with sedum and herbaceous wild mix. The Councils Ecological Regeneration Manager has welcomed this. A condition is recommended to ensure that the right type of green roof is secured, with suitable species that will make a contribution to local biodiversity.

#### Ecology and Landscaping

- 6.61 There is very little potential on the existing site for biodiversity and landscaping. The front of the site is covered by buildings with a car park to the rear, no current soft landscaping exists. The proposals include a green roof and ground floor private garden and it is considered that this will improve the value of the site in terms of biodiversity.

#### Planning Obligations

- 6.62 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether

otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

6.63 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

6.64 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

6.65 Off site contribution to affordable housing - £160,000  
Financial payment in lieu of 1 wheelchair unit - £25,000  
Employment and Training - £12,631.58  
Open Space - £29,212.85  
Leisure Facilities - £18,089.94  
Education - £43,752.89  
Other Community Facilities - £6,909.54  
Town Centre Management - £5,406.32  
Carbon Offset Fund - £3260.40  
Restriction on car parking permits within the Controlled Parking Zone  
Legal and Monitoring costs

6.66 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **7.0 Equalities Considerations**

7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **8.0 Local Finance Considerations**

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL is therefore a material consideration. CIL is payable on this scheme.

## **9.0 Conclusion**

- 9.1 Officers consider that the proposed development is of a high standard of design that will make a positive contribution to the character and appearance of the Lewisham Town Centre and provide a good overall standard of living accommodation. It is considered that the level of development proposed would maximise the potential of the site whilst retaining a commercial element which will continue to make a valuable contribution to employment in the borough. The impact on neighbouring residents is considered not to be significantly harmful such that it would warrant refusal. Whilst it is regrettable that the development will not deliver any on site affordable housing, the applicant has provided sufficient justification for this, which has been supported through independent analysis and has as mitigation offered an off site financial contribution. It is considered that the development would deliver regeneration benefits and improvements to the townscape on a prominent site in a highly sustainable location.
- 9.2 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. Officers consider that with the necessary conditions and obligations in place, the proposal would result in a high quality development that would support the regeneration of this part of Lewisham Town Centre and the proposal is therefore considered acceptable.

## **10.0 RECOMMENDATIONS**

### **10.1 RECOMMENDATIONS (A)**

Authorise officers to negotiate and complete a legal agreement under Section 106 of the Town and Country Planning 1990 Act (and other appropriate powers) to

cover the following matters including such amendments as considered appropriate to ensure the acceptable implementation of the development:

Financial contribution towards:

- a) Off site contribution to affordable housing - £160,000.
- b) Financial payment in lieu of 1 wheelchair units - £25,000
- c) Employment and Training - £12,631.58
- d) Open Space - £29,212.85
- e) Leisure Facilities - £18,089.94
- f) Education - £43,752.89
- g) Other Community Facilities - £6,909.54
- h) Town Centre Management - £5,406.32
- i) Carbon Offset Fund - £3260.40

Restriction on car parking permits within the controlled parking area, with the exception of blue badge holders.

Meeting the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

## 10.2 **RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106, authorise the Head of Planning to Grant Permission subject to the following conditions:-

### **1. Time Limit**

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

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

### **2. Accordance with Plans**

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

PL001, 002 Rev A, 010, 011, 012, 020, 021 Rev A, 022 Rev A, 030 Rev A, 031 Rev A, 032, 033 Rev A, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862 Rev A, Design & Access Statement, Viability Assessment, Airquality, Construction Management Plan, Wheelchair Housing Statement, Materials Statement, Sustainability Statement, Flood Risk Assessment, Planning Statement, Environmental Noise Assessment, Arboricultural Implication Study, Energy Statement, Transport Statement, Travel Plan, Sustainability Monitoring Form & CIL, Outline Surface Water Drainage Strategy ref 1201/RE/02-14/01, Phase 1 Assessment (Desk Study) ref DS-18425-14-34 REV B, Energy Strategy Addendum received 13/01/2014.

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

### 3. Construction Management Plan

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

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

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### 4. Land Contamination (Environmental Health)

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

adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

## **5. BREEAM**

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## **6. Code for Sustainable Homes**

- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## **7. Materials**

- (a) The development shall be constructed in those materials as submitted namely: specify exact materials and in full accordance with Plan no.s PL021 A, PL022 A, PL 030 A, PL 031 A, PL032 A and Materials Statement (Yurky Cross Architects)
- (b) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

## **8. Refuse storage**

- a) The development shall be carried out in full accordance with the refuse details submitted within plan no. PL 010 and Transport Statement (Colbalt Ltd 2013).
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

## **9. Cycle Storage**

- (a) A minimum of 27 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved PL010.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

## **10. Living Roof**

- (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. PL033 rev A hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

## **11. Piling design**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect groundwater in the underlying aquifers from pollution linked to inappropriate foundation works through made or contaminated ground.

## **12. Travel Plan**

The proposal shall be implemented in full accordance with the approved Travel Plan.

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## **13. Lifetime Homes**

Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. PL854, 855, 856, 857, 858, 859, 860, 861, 850, 851, 852, 853 hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).



#### **14. Wheelchair unit**

The 1 wheelchair dwellings hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing nos.PL862 rev A hereby approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

#### **15. Plumping or Pipes**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building(s).

**Reason:** It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

#### **16. Construction Hours**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

#### **17. Delivery hours**

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining residents and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise

Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### **18. Hours of opening**

The premises shall only be open for customer business between the hours of 08:00-21:00 on Mondays to Saturdays and between 09:00 and 19:00 on Sundays and Bank and Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### **19. Restriction on use class**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used within classes A1, A2 or B1 and for no other purpose.

**Reason:** To ensure the continued viability and vitality of Lewisham High Street and to accord with policies STC5, STC 12 of the Unitary Development Plan and Policy LTC10 of the Lewisham Town Centre Local Plan.

### **20. Surface water drainage (Environment Agency)**

No infiltration or surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**Reason:** To prevent pollution of groundwater in the underlying Principal and Secondary Aquifers, within Source Protection Zone 1 of a public water supply.

### **21. Land contamination (Environment Agency)**

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** The site lies within a Source Protection Zone 1 for the public drinking water supply, which is a sensitive area for groundwater. Given the previous use there is potential for the land to be contaminated. The development could therefore pose a risk to groundwater.

## **22. Verification Report (Environment Agency)**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To ensure any issues related to historic contamination of land are addressed in accordance with the NPPF in order to protect groundwater in the underlying aquifers (within Source Protection Zone 1 for a public water supply) from pollution.

### **Informative**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

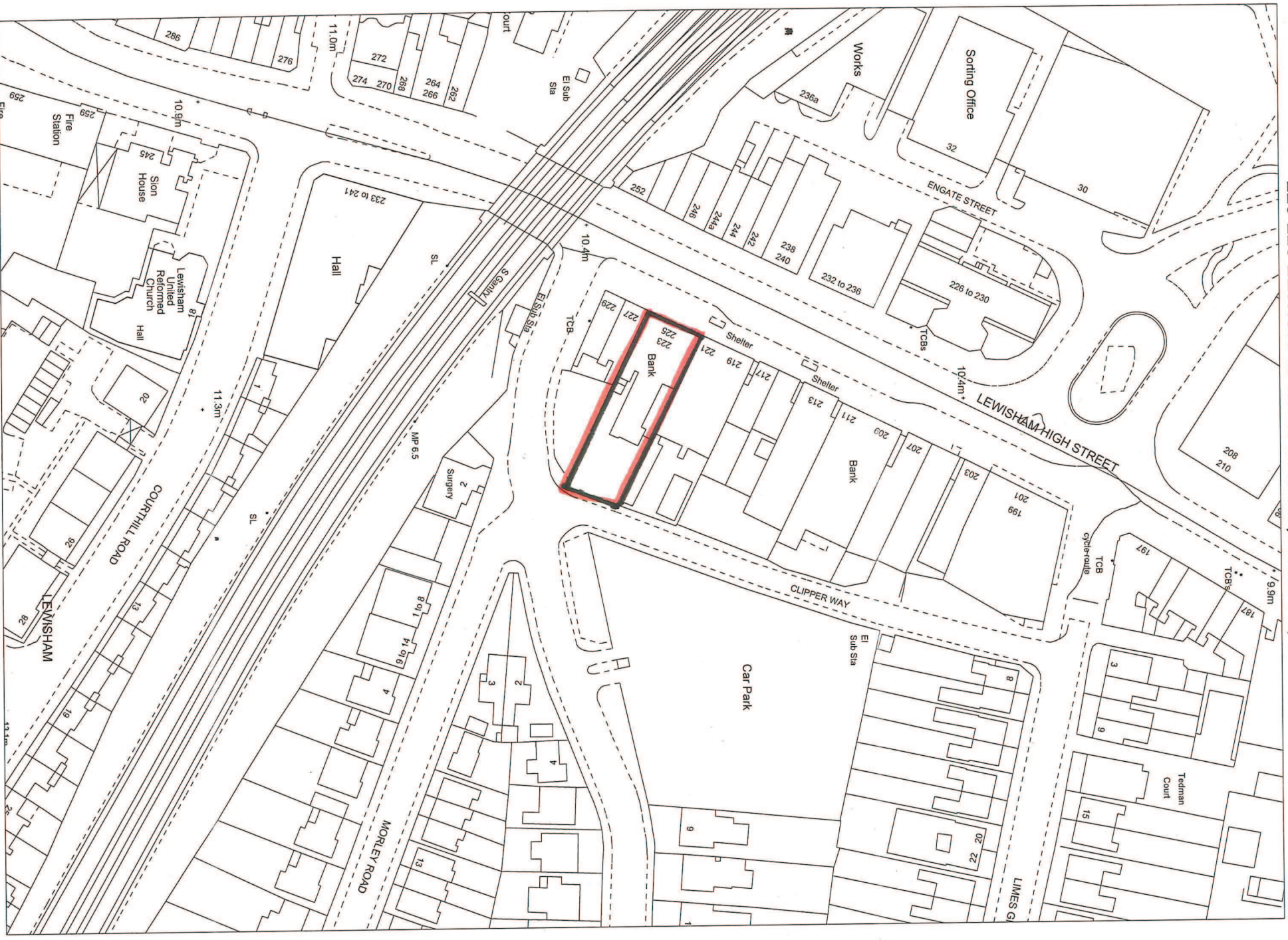
You are advised that the application granted is subject to the Mayoral Community Infrastructure Levy ('the CIL'). More information on the CIL is available at: - <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

With respect to any proposals for piling through made ground, the applicant is referred to the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. The applicant is advised that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site.

223-225 LEWISHAM HIGH STREET, LONDON, SE13 6LY



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Committee	PLANNING COMMITTEE A	
Report Title	1 Blythe Hill SE6 4UJ	
Ward	Perry Vale	
Contributors	Geoff Whittington	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86432
<u>Application dated</u>	8 February 2014, amended 4 April 2014.
<u>Applicant</u>	Mr McQuade Rossmore Property Investments Ltd
<u>Proposal</u>	The construction of a part single/ part two/ part three storey building including basement at 1 Blythe Hill (land adjacent to 3 Blythe Hill) SE6, to provide 3, two bedroom self-contained flats, together with associated landscaping, refuse/ recycling and cycle storage.
<u>Applicant's Plan Nos.</u>	PO1, PO2a, PO3a, PO4a, PO5a, PO6, PO7, PO8, PO9, P10, P12a, P13a, P14, P16a, P17, P18a, P20a, P25, Sustainability Report, Lifetime Homes Assessment and Site Location Plan.
<u>Background Papers</u>	(1) Case File LE/942/1/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) Unitary Development Plan (July 2004) (4) The London Plan (February 2011)
<u>Zoning</u>	Adopted UDP - Existing Use PTAL 3 Not in a Conservation Area Not a Listed Building

## **1.0 Property/Site Description**

- 1.1 The application plot lies on the north side of Blythe Hill and is currently vacant and overgrown. The plot has at some stage been divided into two sections, with both owned by the applicant. It is the southern half of the plot fronting Blythe Hill that is the subject of this application.
- 1.2 The application plot has a depth of 21.6 metres whilst the remaining half that is not part of the application site measures 22 metres. The width of the plot is 7.7 metres. The land slopes downwards in a westerly direction along Blythe Hill and slopes upwards in a northerly direction along Blythe Hill Lane towards Blythe Hill Fields.
- 1.3 Located at the junction of Blythe Hill and Blythe Hill Lane, officers have been advised the site once accommodated a property. The surrounding area is predominantly residential in character.

1.4 Neither Blythe Hill, nor Blythe Hill Lane are classified roads, the site is not within a conservation area and there are no listed buildings within the vicinity.

## **2.0 Planning History**

2.1 In 2009, planning permission was granted for the construction of a three storey, 3 bedroom dwellinghouse on land adjoining 3 Blythe Hill SE6, together with the provision of a cycle store.

2.2 In 2012, a renewal application relating to the 2009 consent was granted permission.

2.3 In 2012, an application was submitted for the northern parcel of land, proposing the construction of a part single/part two storey 2 bedroom dwelling house, together with the provision of bin / cycle stores and 1 car parking space with vehicular access onto Blythe Hill Lane. Permission was refused for the following reasons:

- 1) It is considered that the development by reason of its design and position, would fail to respect the established settlement pattern and townscape character, and is not of a sufficiently high quality design for its backland and in-fill location. The development would fail to respect the local character of the area, contrary to Policy HSG 8 'Backland and In-fill Development' of the UDP (July 2004), Policy 15 'High Quality Design for Lewisham' of the Core Strategy (June 2011), and Policies 7.4 'Local Character' and 7.6 'Architecture' of the London Plan (July 2011).
- 2) It is considered that the proposal would be overly intrusive and would fail to sit sensitively within the constrained site. The development would cause an unacceptable loss of privacy to the adjoining properties by reason of overlooking contrary to Policy 1 'Housing Provision, Mix, and Affordability' of the Core Strategy (June 2011), and policies HSG 4 'Residential Amenity', HSG 5 'Layout and Design of New Residential Development' and HSG 8 'Backland and In-fill Development' of the UDP (July 2004).
- 3) It is considered that the proposed development would provide a substandard unit of accommodation by reason of insufficient internal floor space and internal floor to ceiling height. As such the development would be contrary to Policy 1 'Housing Provision, Mix, and Affordability' of the Core Strategy (June 2011), and Policies HSG 4 'Residential Amenity', HSG 5 'Layout and Design of New Residential Development' and Policy 3.5 'Quality and Design of Housing' of the London Plan (July 2011).

2.4 The decision was appealed and subsequently upheld by the Planning Inspectorate on 10 September 2013.

## **3.0 Current Planning Application**

3.1 The current application proposes the construction of a part single/ 2/ 3-storey residential building to land at the side of 3 Blythe Hill. The building would accommodate 3, two bedroom self-contained units.

3.2 The applicant has advised all units would be built to Lifetime Homes standards, and would meet Code Level 4 for Sustainable Homes.



3.3 The application also includes associated landscaping to the front and rear of the building. Private amenity space would be afforded to the lower ground floor and ground floor flats, whilst the upper floor unit would have use of a roof terrace fronting Blythe Hill Lane.

3.4 Refuse/ recycling stores would be located to the front, together with a cycle store.

#### **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 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### **Written Responses received from Local Residents and Organisations**

4.3 Letters of consultation were sent to 24 local residents on 25 February 2014, together with a notice displayed on site. Ward Councillors were also consulted.

4.4 Subsequently, four letters were received from the occupiers of 3 Blythe Hill, and 21, 28 & 54 Blythe Hill Lane, objecting to the proposed development on the following grounds:

- over-development;
- the property is higher than no.3 Blythe Hill;
- additional on-street parking;
- noise and overlooking from proposed roof terrace;
- sub-standard amenity space provision;
- insufficient bin store provision;
- the development should use both parcels of land to enable increased amenity space.

4.5 One letter of support was received from a neighbouring occupier.  
(All letters available to Members)

#### **Highways and Transportation**

4.6 No objections raised.

#### **Environmental Health**

4.7 No comments received.

#### **Design Officers**

4.8 No objections raised.

#### **5.0 Policy Context**

##### **Introduction**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

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

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 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

5.6 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)

5.7 The London Plan policies relevant to this application are

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 3.1 Ensuring equal life chances for all  
Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
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 3.14 Existing housing  
Policy 3.15 Co-ordination of housing development and investment  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.4 Retrofitting  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.15 Water use and supplies  
Policy 6.9 Cycling  
Policy 6.10 Walking  
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 8.3 Community infrastructure levy

## London Plan Supplementary Planning Guidance (SPG)

5.8 The London Plan SPG's relevant to this application are

Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Sustainable Design and Construction (2006)

Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

5.9 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

5.10 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 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Spatial Policy 3 District Hubs  
Spatial Policy 4 Local Hubs  
Spatial Policy 5 Areas of Stability and Managed Change  
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 9 Improving local air quality  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 12 Open space and environmental assets  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment  
URB 3 Urban Design  
URB 12 Landscape and Development  
HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document

5.12 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.

### Emerging Plans

5.13 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, (the greater the weight that may be given).

5.14 The following emerging plans are relevant to this application.

### Development Management Plan

5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

5.16 The following policies are considered to be relevant to this application:

- |              |  |
|--------------|--|
| DM Policy 1  | Presumption in favour of sustainable development   |
| DM Policy 22 | Sustainable design and construction  |
| DM Policy 23 | Air quality  |
| DM Policy 25 | Landscaping and trees  |
| DM Policy 29 | Car parking  |
| DM Policy 30 | Urban design and local character   |
|              | <ul style="list-style-type: none"><li>• <i>General principles</i></li><li>• <i>Detailed design issues</i></li></ul>  |
| DM Policy 32 | Housing design, layout and space standards   |
|              | <ul style="list-style-type: none"><li>• <i>Siting and layout of development</i></li><li>• <i>Internal standards</i></li></ul>  |
| DM Policy 33 | Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas  |
|              | <ul style="list-style-type: none"><li>• <i>General principles</i></li><li>• <i>A: Infill sites</i></li><li>• <i>B: Backland sites</i></li><li>• <i>C: Back gardens</i></li><li>• <i>D: Amenity areas</i></li></ul> |

## **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) Standard of Accommodation
- d) Impact on Neighbouring Properties
- e) Highways and Traffic Issues
- f) Sustainability and Energy
- g) Landscaping
- h) Refuse/ Recycling
- i) Community Infrastructure Levy

### Principle of Development

6.2 Considering the surrounding area is predominantly residential in character, whilst it is understood the application site once accommodated a residential dwelling, officers raise no objection to the principle of using the site for residential purposes. In 2008 and 2012, planning permission was approved for the construction of a single dwellinghouse upon the site.

6.3 The proposed development would also serve to improve the appearance of the unsightly and overgrown site that impacts negatively upon the character of the streetscene.

### Design

6.4 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

6.5 Policy 7.4 of the London Plan, Local Character, states that development should have regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass.

6.6 Core Strategy Policy 15 states that infill and small scale development in areas of stability and managed change will need to be designed and laid out to complement the character of surrounding development. Any adverse effect on neighbouring amenity will need to be addressed.

6.7 The proposal is considered to represent a good design, being respectful of the character and width proportions of neighbouring properties. The new building would measure 0.4 metres higher than the ridgeline of the adjoining dwelling at no.3, incorporating a pitch roof style that would replicate neighbouring properties.

6.8 The applicant advises the reason for the step-up from the ridgeline of the adjoining dwelling is:

'No.3 is at odds with the street, in that it steps down uncomfortably in height, and lacks the semi-basement level typical of this terrace and the row of houses opposite.'

- 6.9 The height of no.3 does indeed drop further down in comparison with the remainder of the terrace. The previous approval relating to the application site proposed a similar step-up from no.3, which was considered to be appropriate whilst complementing the general appearance of the terraced block. These considerations remain applicable to the current application.
- 6.10 The external faces of the building would be of brick, which is yet to be specified. The applicant has advised 'the brickwork will be selected to match as closely as reasonably possible in colour the main general facing brick used for the existing adjacent terrace.' The front bay would be of white painted render, all external doors and windows would be white powder coated uPVC, whilst the roof would be of slate.
- 6.11 A condition will be included to request samples of the facing materials for further assessment, however in principle, the proposed nature of materials are considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with existing properties.
- 6.12 In regard to density, the Council's former density policy (HSG 16) was not among those saved by the Secretary of State, therefore the London Plan now contains the detailed density policies for Development Plan purposes.
- 6.13 The Council's assessment of the nature of the immediate area is that the site falls within a suburban setting, therefore any development upon this site must respect the existing character.
- 6.14 The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.15 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character. The Public Transport Accessibility Level (PTAL) for the area is 3. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.16 The density of the proposed scheme is 266 habitable rooms per hectare, which exceeds the given range. Officers, however consider that the density would not result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers.
- 6.17 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of a planning condition to provide external material samples.

#### Standard of Residential Accommodation

- 6.18 Layout and circulation of the proposed units is considered to be acceptable, and would provide a good standard of accommodation for future occupiers. Flat sizes would accord with minimum guidance stated in The London Plan (2011).

- 6.19 All flats would be dual aspect, whilst the majority of habitable rooms would be assured of sufficient natural light intake and outlook. The rear rooms within Flat 1 would experience restricted outlook and daylight due to being partially below ground level, together with the slope of the site and boundary fencing, however considering these would be bedrooms, some leniency may be shown in this case.
- 6.20 The lower ground floor unit would have use of a small courtyard at the rear, measuring 3 metres deep and sloping away from the building. Whilst this would be relatively small, the primary external amenity space would be provided to the front of the building.
- 6.21 The upper floor flat would have sole use of a more sizeable rear garden, whilst Flat 3 would be afforded a second floor terrace to the side of the building. Public amenity space lies a short walking distance away from the application site at Blythe Hill Fields to the north.
- 6.22 The Council requires all new residential development to be built to Lifetime Homes Standards, in accordance with London Plan policies. The applicant has confirmed the development would be fully compliant with these standards.
- 6.23 Officers raise no objections toward the proposed standard of accommodation within the development.

#### Impact Upon Neighbouring Occupiers

- 6.24 The initial concern with the development related to the 0.8 metre projection beyond the existing rear wall of no.3, and why this would be required. The reasons have not been clarified, however it is noted that no.3 is set back from the established rear building line of the other dwellings that comprise this terrace. Considering the depth is less than a metre, whilst the orientation of the properties would not result in significant overshadowing or unacceptable sense of enclosure, officers raise no objections to this aspect.
- 6.25 In regard to the side roof terrace at 2<sup>nd</sup> floor level, the applicant has advised a frosted screen along its length would be provided to avoid overlooking to the neighbours on the opposite side of Blythe Hill and Blythe Hill Lane.
- 6.26 It is not considered that windows to the front and rear of the new building would result in any harmful impact upon the amenities of neighbouring occupiers.
- 6.27 Overall, officers are satisfied the level of visual impact, including overshadowing and overlooking, to existing occupiers would not be significant, therefore the development would be in compliance with Policy HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be neighbourly, and to avoid adversely affecting the amenity enjoyed by residential properties.



### Highways and Parking

- 6.28 The development proposes no off-street parking spaces. Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.29 The PTAL rating for this area is 3, with bus routes operating on nearby Stanstead Road, whilst the nearest train stations are Catford and Catford Bridge. On-street parking within the immediate area is unrestricted - although it is acknowledged there are parking pressures, particularly during the evening hours, there are parking opportunities available.
- 6.30 Cycle parking for the three units would be provided within a secure covered store located to the front of the building, accommodating up to 6 bicycles. A condition will be included in regard to further details of the construction of the store, and to ensure of its provision prior to first occupation.
- 6.31 As a result, it is considered the provision of a car-free development is acceptable, therefore officers raise no objections to the development on Highways grounds.

### Sustainability

- 6.32 The London Plan requires that all new residential developments meet Code Level 4 for Sustainable Homes, together with a reduction in carbon emissions.
- 6.33 In this case, the applicant has advised that the development would meet Code Level 4, with measures including the use of double glazing, solar hot water, water efficient devices to reduce water consumption and energy efficient lighting.
- 6.34 Officers are satisfied with the sustainability methods proposed, and is considered compliant with London Plan policies, however a condition will seek to ensure evidence is formally submitted that demonstrates Code 4 has been suitably achieved.

### Landscaping

- 6.35 The areas to the front and rear of the development would comprise a mix of soft and hard landscaping, including a lawned garden at the rear for the upper ground floor occupiers.
- 6.36 Generally, officers are satisfied with the principle of proposed landscaping works, however more details are required for a formal assessment.

### Refuse

- 6.37 Refuse and recycling bins would be located to the front of the building, adjacent to the cycle store. Flat 1 would have refuse space provided within its own front yard area. A condition will seek to ensure the areas are provided for such use prior to first occupation of the flats.

## Community Infrastructure Levy

- 6.38 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.39 This development is considered to be CIL liable. The chargeable development is £35 per m<sup>2</sup>, which must be paid to the Council prior to the commencement of building works.

## Equalities Considerations

- 6.40 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.41 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.42 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 6.43 In this case, the development does not provide any internal lifts to ease disabled access to the upper floors. For a development of this scale and height, officers acknowledge it would be difficult to make such provision, therefore the proposal is not considered to conflict with Section 149.

## **7.0 Consultations**

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council’s usual procedure. Officers are satisfied that all statutory Council procedures have been followed and all neighbour concerns have been addressed.

## **8.0 Conclusion**

- 8.1 Officers consider the design and massing of the proposed development to be acceptable, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future habitants. The standard of proposed accommodation and on-site parking provision is in compliance with guidelines.
- 8.2 The applicants will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows to ensure the development would impact positively upon the streetscene.

- 8.3 The development would enhance the long neglected plot, benefitting the streetscene generally.
- 8.4 For these reasons, it is therefore recommended that planning permission be granted.

## **9.0 RECOMMENDATION**

9.1 **GRANT PERMISSION** subject to the conditions set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development:-

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

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

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

PO1, PO2a, PO3a, PO4a, PO5a, PO6, PO7, PO8, PO9, P10, P12a, P13a, P14, P16a, P17, P18a, P20a, P25, Sustainability Report, Lifetime Homes Assessment and Site Location Plan

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

- 3)
  - (a) The building hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
  - (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
  - (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 4)
  - (a) No development shall commence on site until elevation and construction details of the proposed refuse and recycling facilities

have been submitted to and approved in writing by the local planning authority.

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

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 5) Construction details of the proposed cycle store shall be submitted to and approved in writing by the LPA prior to construction of above ground works. All cycle parking spaces shall subsequently be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

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

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) of the adopted Core Strategy (June 2011).

- 7) (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees, hedges or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3

Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

- 8)
  - (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
  - (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
  - (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 10) The whole of the amenity spaces hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy HSG 7 Gardens in the Unitary Development Plan (July 2004).

- 11) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
  - (a) Dust mitigation measures.
  - (b) The location and operation of plant and wheel washing facilities
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
  - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
    - (i) Rationalise travel and traffic routes to and from the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
- (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 12) No development above ground level shall commence on site until a detailed schedule of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 13) The proposed opaque screening to the 2<sup>nd</sup> floor terrace, as shown on P16a, shall be installed in full prior to first occupation, and thereafter maintained.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 14) The Lifetime Homes Plans as approved shall be implemented in full prior to first occupation.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- 15) (a) No development above ground level shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011),

Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

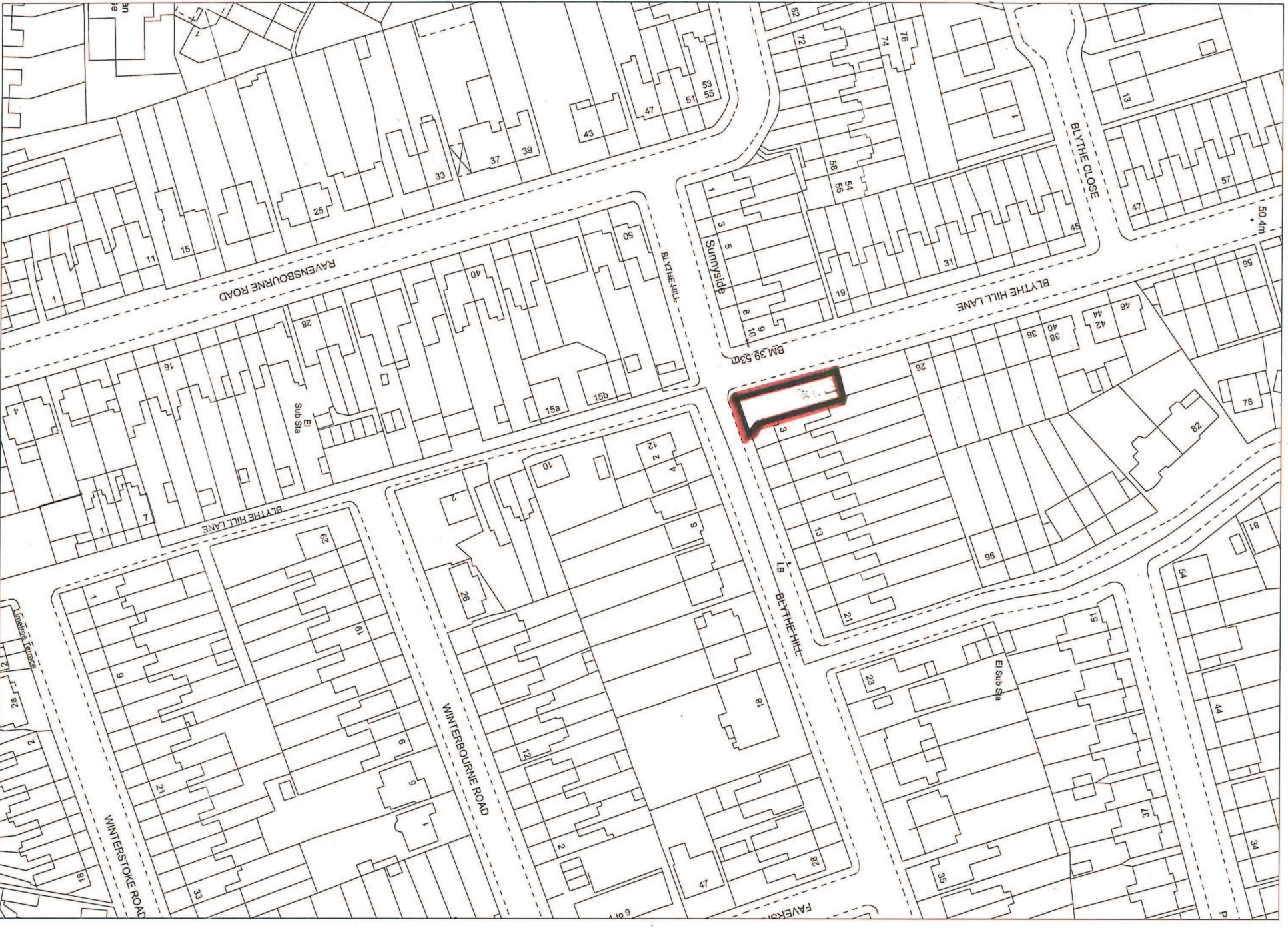
### **Informatives**

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
  
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: - <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

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Committee	PLANNING COMMITTEE A	
Report Title	1B & 1C Church Rise SE23 2UD	
Ward	Perry Vale	
Contributors	Amanda Ghani	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86574
<u>Application dated</u>	20.02.2014
<u>Applicant</u>	Faithorn Farrell Timms on behalf of London & Quadrant Housing Trust.
<u>Proposal</u>	The installation of replacement PVCu, double-glazed, top hung casement windows in the front and rear elevations of 1B and 1C Church Rise SE23 including replacement PVCu rear doors and french doors.
<u>Applicant's Plan Nos.</u>	T1-1325- 1, 2, 3, 4, Rehau S706 70mm Window Section Details, Rehau S706 70mm Window Section Drawing, Rehau S706 70mm Window Specification Details.
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/521/A/TP (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan
<u>Designation</u>	Existing Use
<u>Screening</u>	N/A

## **1.0 Introduction**

- 1.1 Councillor John Paschoud requested that this matter be considered by committee. The head of planning agreed and referred the matter to committee for consideration.

## **2.0 Property/Site Description**

- 2.1 The application site consists of a two-storey, detached, Victorian property arranged as two flats. The application is concerned with both flats. The property is situated on the west side of Church Rise, is not within a Conservation Area, nor subject to an Article 4 Direction and is not in the vicinity of a Listed Building. The road is unclassified.
- 2.2 The existing windows in the front elevation of both flats are timber framed, single glazed, sliding sash types. The existing windows in the rear elevation are a mixture of timber framed, single-glazed sliding-sash and casement types.

### **3.0 Planning History**

3.1 No relevant planning history

### **4.0 Current Planning Applications**

#### The Proposal

4.1 The current application is for the Installation of replacement PVCu, double-glazed, top-hung casement windows in the front and rear elevations of 1B and 1C Church Rise SE23 including replacement PVCu rear doors and french doors.

4.2 The proposed windows are of similar dimensions to the original, with similar window openings.

4.3 Church Rise is a residential road that is split mid-way by South Road. Between South Road and Perry Vale, Church Rise is dominated by 5 blocks of low rise flats. Between South Road and Waldram Park Road, there is an eclectic mix of residential dwellings, that include 1930's semi-detached large double fronted houses, a terrace of modern two-storey houses, a distinctive terrace of seven 2/3 storey Victorian houses that have been converted into flats and modern three storey town houses. The mix of building styles within the road means that no particular style has dominance giving no strong overall character to this road.

4.4 The majority of the blocks of flats have PVCu windows, Fountain Court has its original timber windows. Of the remaining 78 dwellings, 30 have had replacement PVCu windows installed, 38 have the original timber windows (in modern and period properties), 5 have had replacement timber windows installed, 4 have their original PVCu windows and 1 has replacement metal windows.

4.5 The application property is one of 6 similar Victorian houses that have been converted into flats. The properties form a group of similar style dwellings situated near the junction with Waldram Park Road and are numbered 1-11 (odd). The application property has been converted into 2 flats. Of the six properties in this group, only the application property has all of its original timber windows in situ; two have partially replaced whilst the remaining three have replaced all the windows with PVCu double-glazed types. Number 1 is adjacent to property 1a which is a modern built house that is used as a nursery; the property has PVCu windows throughout. The properties immediately opposite the application site have replacement, PVCu windows installed.

### **5.0 Consultation**

5.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area.

#### Pre-Application Consultation

5.3 Pre-application advice was received from the Planning and conservation teams regarding documentation requirements, window detail and design

## Written Responses received from Local Residents and Organisations

- 5.4 One Objection was received from Mr M Dobie, the resident at number 73 Sunderland Road who has objected to a number of applications, this being one of them. The objection concerns the negative cumulative effect on the appearance of Sunderland Road, South Road and Church Rise of granting permission for replacement PVCu windows to properties in these streets.

## Written Responses received from Statutory Agencies

- 5.5 None

## **6.0 Policy Context**

### Introduction

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to

relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 6.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211 and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 6.5 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

- 6.6 The other relevant national guidance is:

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

London Plan (July 2011)

- 6.7 The London Plan policies relevant to this application are:  
Policy 7.4 Local Character  
Policy 7.6 Architecture

- 6.8 London Plan Supplementary Planning Guidance (SPG)

The London Plan SPG's relevant to this application are: Housing (2012)

Core Strategy

- 6.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, 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:

- 6.10 Spatial Policy 1 Lewisham Spatial Strategy

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

URB 3 Urban Design  
URB 6 Alterations and Extensions  
HSG 4 Residential Amenity

## Residential Standards Supplementary Planning Document (August 2006)

- 6.12 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.

### Emerging Plans

- 6.13 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 6.14 The following emerging plans are relevant to this application.

### Development Management

- 6.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013, the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
- 6.16 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

## **7.0 Planning Considerations**

- 7.1 The main issues to be considered in respect of this application are:
- a) Design
  - b) Impact on Adjoining Properties
- 7.2 The relevant planning considerations are whether the proposal is of a high quality design and whether it preserves or enhances the character of the surrounding area.

## Design

- 7.3 The proposed PVCu windows would replicate the opening and dimensions of the existing windows although the frames would differ slightly in thickness and the glazing bar pattern would be similar to the original pattern. The proposed rear doors and french doors would be PVCu/glazed materials.
- 7.4 It is consequently felt that the proposed scheme to replace the windows, rear doors and french doors with PVCu double glazed units would not harm or detract from the surroundings and therefore adhere to Policy URB 3.

## Impact on adjoining properties

- 7.5 The loss of timber framed, sliding sash windows is always regrettable in a period property; In this instance, as the other five properties in the group have either partially replaced or totally replaced the original timber windows with PVCu windows in the front elevations and as the property is not listed and does not fall within a conservation area it is considered that the scheme would be sufficiently in keeping with the original pattern and therefore conforms to Policy URB 6.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 The proposed replacement windows are considered acceptable as they would not harm the character or appearance of the building. Furthermore there would be no adverse impact on neighbouring amenity.

## **9.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) Time limit
- (2) Development in accordance with approved plans.

### Reasons

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

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

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

T1-1325- 1, 2, 3, 4, Rehau S706 70mm Window Section Details, Rehau S706 70mm Window Section Drawing, Rehau S706 70mm Window Specification Details.

**Reason:** To ensure that the development is carried out in accordance with the approved documents.



## **INFORMATIVES**

- (1) Positive and Proactive Statement
- (2) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

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Committee	PLANNING COMMITTEE A	
Report Title	8A & 8B Church Rise SE23 2UD	
Ward	Perry Vale	
Contributors	Suzanne White	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86779
<u>Application dated</u>	06.03.2014
<u>Applicant</u>	Faithorn Farrell Timms on behalf of London & Quadrant Housing Trust
<u>Proposal</u>	The installation of replacement double glazed uPVC windows to all elevations, uPVC rear door and GRP composite front door at ground and 1 <sup>st</sup> floor flats known as 8A & 8B Church Rise SE23.
<u>Applicant's Plan Nos.</u>	Rehau S706 70mm Window Section Details 1, 2; T1-1325-1, 2, 3, 4 & WS; GRP Composite Door details.
<u>Background Papers</u>	(1) Case File LE/521/8/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

## **1.0 Introduction**

- 1.1 Councillor John Paschoud requested that this matter be considered by committee. The head of planning agreed and referred the matter to committee for consideration.

## **2.0 Property/Site Description**

- 2.1 The application site consists of a two-storey, detached, Victorian property converted into two flats. The application is concerned with both flats and with all elevations of the building. The property is situated on the western side of Church Rise.
- 2.2 The surrounding area is predominantly residential in character. Other properties on this part of Church Rise comprise similar, mainly two storey double fronted, detached residential properties of the Victorian period.
- 2.3 Many of the properties have been converted into flats, and there are crossovers and car parking in the front gardens of these properties on the east side.

- 2.4 The property is not within a Conservation Area, nor subject to an Article 4 Direction and is not in the vicinity of a Listed Building. The road is unclassified.
- 2.5 The existing windows in all elevations are predominantly timber framed, single glazed, sliding sash types. The existing windows at 2<sup>nd</sup> floor level of the rear elevation are timber casement types. The existing front door is timber and the rear door is timber framed/partially glazed.
- 2.6 Church Rise is predominantly residential in character. There is an eclectic mix of building styles within the road, including modern flats and houses, Victorian maisonettes and early 20<sup>th</sup> Century houses. No particular style has dominance giving no strong overall character to this road.
- 2.7 The surrounding properties are residential and have a mixture of original timber framed sliding sash and replacement PVCu casement windows.

### **3.0 Planning History**

No relevant planning history.

### **4.0 Current Planning Application**

#### **The Proposal**

- 4.1 The current application is for the installation of replacement PVCu, double-glazed windows in all elevations of Flats A & B Church Rise, SE23. The proposed windows are of similar dimensions to the existing, and would be double-glazed, top and side hung casements. The rear door would be PVCu also, while the front door would be composite GRP.
- 4.2 The adjoining properties to the south and north are of the same period and are also substantial detached dwellings. Both retain their original timber sash windows.
- 4.3 Elsewhere along Church Rise, several properties either have either installed, or been granted permission for, replacement PVCu replacement windows.

### **5.0 Consultation**

- 5.1 Pre-application advice was provided by the Planning and conservation teams regarding documentation requirements, window detail and design.
- 5.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.3 A site notice was displayed and letters were sent to residents in the surrounding area.

#### **Written Responses received from Local Residents and Organisations**

- 5.4 One objection was received from the occupant of 73 Sunderland Road raising concern over the cumulative impact arising from the replacement of existing timber sash windows on the front elevations of multiple properties on Sunderland Road and Church Rise with casement PVCu windows. The objector suggests two

preferred solutions: refurbishment of existing windows or replacement with sash style PVCu windows.

(Letter available to Members)

#### Written Responses received from Statutory Agencies

None

## **6.0 Policy Context**

### Introduction

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

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

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full

weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

6.5 The other relevant national guidance is:

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

#### London Plan (July 2011)

6.6 The London Plan policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

#### London Plan Supplementary Planning Guidance (SPG)

6.7 The London Plan SPG's relevant to this application are: Housing (2012)

#### Core Strategy

6.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, 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 1 Lewisham Spatial Strategy

Core Strategy Policy 15 High quality design for Lewisham

#### Unitary Development Plan (2004)

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

URB 3 Urban Design

URB 6 Alterations and Extensions

HSG 4 Residential Amenity

#### Residential Standards Supplementary Planning Document (August 2006)

6.10 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.

#### Emerging Plans

6.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:



- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

6.12 The following emerging plans are relevant to this application.

Development Management Plan

6.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public took place on 26 and 27 February 2014.

6.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

6.15 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

6.16 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

6.17 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 30 Urban design and local character

**7.0 Planning Considerations**

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

- a) Design
- b) Impact on Adjoining Properties

7.2 The relevant planning considerations are whether the proposal is of a high quality design and whether it preserves or enhances the character of the surrounding area.

Design

7.3 The proposed PVCu windows would replicate the dimensions of the existing window openings. The glazing bar pattern would be similar to the original pattern

although the frames would differ in thickness and the opening method would also differ being top hung casement in the front and rear elevations and top and side hung casements in the side elevation.

- 7.4 It is consequently felt that the proposed scheme to replace the windows with PVCu double glazed units and the front and rear doors with GRP composites would not harm or detract from the surroundings and therefore adhere to Policy URB 3.

#### Impact on Adjoining Properties

- 7.5 The loss of timber framed, sliding sash windows is always regrettable in a period property. In this instance, as the property is not listed and does not fall within a conservation area and the proposed replacement windows and doors would be similar in appearance to the existing, it is considered that the scheme would be in keeping with the original pattern of fenestration and therefore conforms to Policies URB 6 and DM31.

#### Equalities Considerations

- 7.6 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not.
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.7 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.8 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.9 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

#### Conclusion

- 7.10 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.11 The proposed replacement windows and doors are considered acceptable as they would not harm the character or appearance of the building or wider area. Furthermore there would be no adverse impact on neighbouring amenity.

**8.0**    **RECOMMENDATION**    **GRANT PERMISSION** subject to the following conditions:

- (1)    Time limit
- (2)    Development in accordance with approved plans

**Reason**

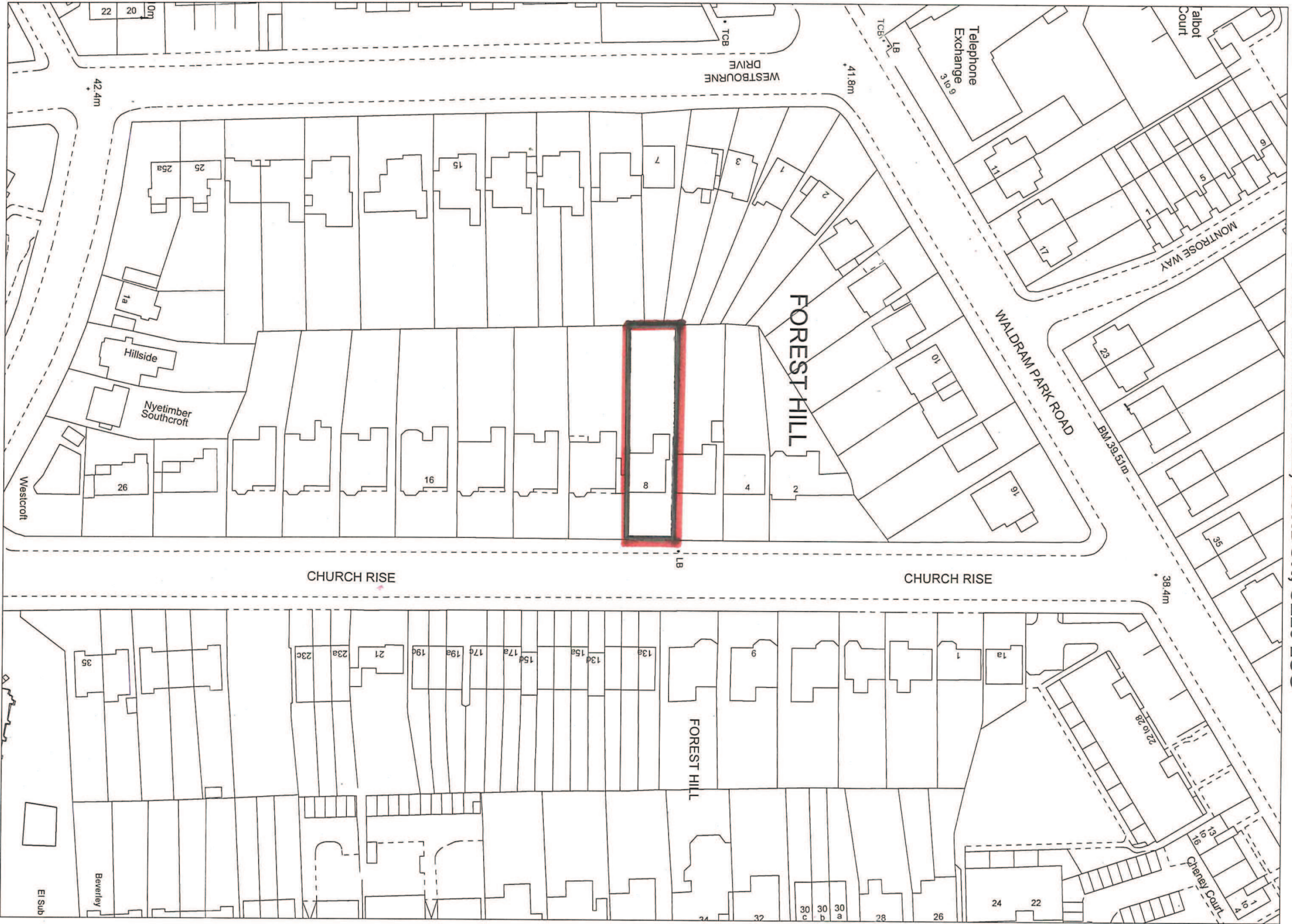
- (1)    As required by Section 91 of the Town and Country Planning Act 1990
- (2)    To ensure that the development is carried out in accordance with the approved documents

**INFORMATIVES**

Positive and Proactive Statement

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**8A & 8B CHURCH RISE, LONDON, SE23 2UG**



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Committee	PLANNING COMMITTEE A	
Report Title	63A SUNDERLAND ROAD SE23 2PS	
Ward	Perry Vale	
Contributors	Suzanne White	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86782
<u>Application dated</u>	06.03.2014
<u>Applicant</u>	Faithorn Farrell Timms on behalf of London & Quadrant Housing Trust
<u>Proposal</u>	The installation of replacement double glazed uPVC windows in front and rear elevations of first floor flat, known as 63A Sunderland Road, SE23.
<u>Applicant's Plan Nos.</u>	Rehau S706 70mm Window Section Details 1 & 2; T1-1325-1, 2, 3, WS.
<u>Background Papers</u>	(1) Case File LE/420/63/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

## **1.0 Introduction**

- 1.1 Councillor John Paschoud requested that this matter be considered by committee. The head of planning agreed and referred the matter to committee for consideration.

## **2.0 Property/Site Description**

- 2.1 The application site consists of a two-storey, double-fronted, semi-detached, Victorian property converted into two flats. The application is concerned with the first floor flat only. The property is situated on the eastern side of Sunderland Road. The property is not within a Conservation Area, nor subject to an Article 4 Direction and is not in the vicinity of a Listed Building. The road is unclassified.
- 2.2 The existing windows in the front elevation are timber framed, single glazed, sliding sash types. The existing windows in the rear elevation are a mixture of timber framed, single glazed, sliding sash and casement types.
- 2.3 Sunderland Road is mostly residential with many of the properties being purpose built maisonettes and flats or period properties that have been converted into flats, there are also a number of single family dwelling houses. There is an eclectic mix of building styles within the road, including modern flats and houses, Victorian

maisonettes and early 20<sup>th</sup> Century terrace houses. No particular style has dominance giving no strong overall character to this road.

- 2.4 The surrounding properties are residential and have a mixture of original timber framed sliding sash and replacement PVCu casement windows.

### **3.0 Planning History**

- 3.1 No relevant planning history.

### **4.0 Current Planning Application**

#### The Proposal

- 4.1 The current application is for the installation of replacement PVCu, double-glazed windows in the front and rear elevations of Flat A 63 Sunderland Road, SE23. The proposed windows are of similar dimensions to the original, and would be double-glazed, top and side hung casements.
- 4.2 Planning permission was granted in January 2014 for the installation of replacement, PVCu, double-glazed casement windows in the front, side and rear elevations of the ground floor flat of the property, 63B. A new rear door was also approved at that time.
- 4.3 The adjoining properties to the south and north are of the same style, double-fronted semi-detached period dwellings. Both are subject to planning applications for the installation of replacement PVCu windows.
- 4.4 Elsewhere along Sunderland there are properties with PVCu replacement windows and with timber sash windows.

### **5.0 Consultation**

- 5.1 Pre-application advice was received from the Planning and conservation teams regarding documentation requirements, window detail and design.
- 5.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.3 A site notice was displayed and letters were sent to residents in the surrounding area.

#### Written Responses received from Local Residents and Organisations

- 5.4 Objections were received from the occupants of 32 and 73 Sunderland Road. The concerns raised related to the cumulative impact arising from the replacement of existing timber sash windows on the front elevations of multiple properties on Sunderland Road with casement PVCu windows which were deemed out of keeping with other properties. One of the objectors suggested two potential solutions: refurbishment of existing windows or replacement with sash style PVCu windows.

#### Written Responses received from Statutory Agencies

- 5.5 None.



## **6.0 Policy Context**

### Introduction

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

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

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211 and 215 of the NPPF.

### Ministerial Statement: Planning for Growth (23 March 2011)

6.5 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.

- 6.6 The statement further sets out that local authorities should reconsider at developers' request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

Other National Guidance

- 6.7 The other relevant national guidance is:

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

London Plan (July 2011)

The London Plan policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 6.8 The London Plan SPG's relevant to this application are: Housing (2012)

Core Strategy

- 6.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, 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 1 Lewisham Spatial Strategy  
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

URB 3 Urban Design  
URB 6 Alterations and Extensions  
HSG 4 Residential Amenity

Residential Standards Supplementary Planning Document (August 2006)

- 6.11 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.

### Emerging Plans

6.12 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

6.13 The following emerging plans are relevant to this application.

### Development Management Plan

6.14 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public took place on 26 and 27 February 2014.

6.15 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

6.16 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

6.17 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31      Alterations/extensions to existing buildings

6.18 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1      Presumption in favour of sustainable development

DM Policy 30      Urban design and local character

## **7.0 Planning Considerations**

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

- a) Design
- b) Impact on Adjoining Properties

## Principle of Development

- 7.2 The relevant planning considerations are whether the proposal is of a high quality design and whether it preserves or enhances the character of the surrounding area.

## Design

- 7.3 Most of the existing windows in the front and rear elevations at first floor level are top hung casement windows. There is one side hung casement window on the rear elevation. The proposed PVCu windows would replicate the dimensions of the existing window openings.
- 7.4 The glazing bar pattern would be more akin to the existing pattern of the windows on the front elevations of neighbouring properties as well as to the replacement windows which have been approved for the ground floor flat of the application property.
- 7.5 It is consequently felt that the proposed scheme to replace the windows with PVCu double glazed units would not harm or detract from the surroundings and therefore adhere to Policies URB 3 and DM31.

## Impact on Adjoining Properties

- 7.6 The original sash windows of this property have already been replaced with casement windows and in addition, replacement PVCu windows have already been approved for the ground floor flat. Also, the property is not listed and does not fall within a conservation area, therefore the building and surrounding area are not deemed sensitive in this regard. For these reasons, it is considered that the proposal is sufficiently in keeping with the existing window pattern and therefore conforms to Policies URB 3, URB 6 and DM31.

## Equalities Considerations

- 7.7 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.8 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.9 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.10 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## Conclusion

- 7.11 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.12 On balance, Officers consider that the scheme is therefore considered acceptable.

## **8.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:

- (1) Time limit
- (2) Development in accordance with approved plans

### **Reason**

- (1) As required by Section 91 of the Town and Country Planning Act 1990
- (2) To ensure that the development is carried out in accordance with the approved documents

## **INFORMATIVES**

Positive and Proactive Statement

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