

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 31 JULY 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 (Vice-Chair)
Obajimi Adefiranye
Andre Bourne
Amanda De Ryk
Alan Hall
Pat Raven
Alan Till
Paul Upex
James-J 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
5th Floor Laurence House
1 Catford Road
London SE6 4RU
Date: Tuesday, 22 July 2014**

**For further information please contact:
Patricia Simpson Committee Co-ordinator
3rd Floor Laurence House**

**Telephone No: 020 314 6245
Email: planning@lewisham.gov.uk**



Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 6
3.	68 Heathlee Road SE3 9HP	Blackheath	7 - 18
4.	Sydenham School SE26 4RD	Forest Hill	19 - 32
5.	78-82 Nightingale Grove SE13 6DZ 3	Lewisham Central	33 - 64
6.	3a Eliot Park SE13 7EG	Blackheath	65 - 84
7.	183A Waller Road SE14 5LX	Telegraph Hill	85 - 96
8.	Hindsleys Place Former R H Adams Ltd Site SE23 2NQ	Perry Vale	97 - 114

Committee	PLANNING COMMITTEE A	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 31 JULY 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 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).

This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 31 JULY 29014

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 19 June 2014.

This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	68 HEATHLEE ROAD SE3 9HP	
Ward	Blackheath	
Contributors	David Jeffery	
Class	PART 1	Date: 31 JULY 2014

<u>Reg. Nos.</u>	DC/14/87253
<u>Application dated</u>	15.04.2014
<u>Applicant</u>	Neal Tuson Architects on behalf of Mr and Mrs Drane
<u>Proposal</u>	The construction of single storey extensions to the front, side and rear, together with an extension to the rear roof slope.
<u>Applicant's Plan Nos.</u>	284.S01 (A), S02 (A), S10 (A), P01 (B), P02 (B), P03 (B), SK10 (B) and Design & Access Statement.
<u>Background Papers</u>	(1) Case File LE/992/68/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Adopted UDP - Existing Use
<u>Screening</u>	Not applicable

1.0 Property/Site Description

- 1.1 68 Heathlee is an end of terrace property located on a bend in the road where the road curves to form a cul-de-sac. The building is an extended two storey house that is set back from the short terrace of four properties of which it forms a part.
- 1.2 The site is a triangular shaped corner plot in a prominent position within the estate, which is characterised by open front gardens without front garden walls or fences. The property is differently aligned from its neighbours so as to accommodate the bend in the road at this corner location.
- 1.3 The terrace to the south of the site is of three storey town houses with integral garages in a stepped form and is set forward of no.68.
- 1.4 The property is neither within a Conservation Area or within the setting of as Listed Building.

2.0 Planning History

2000 – (DC/00/48585) - Planning permission was granted for the construction of a conservatory at the rear and the construction of a single storey extension to the front of 68 Heathlee Road SE3, together with a garage to the side with provision of a new vehicular access onto Heathlee Road. This permission has been implemented.

2011 (DC/11/77011) – Permission granted for the construction of single storey extensions to the front, side and rear, together with an extension to the rear roof slope. This application was not implemented.

3.0 Current Planning Applications

The Proposals

- 3.1 This application is a resubmission of the previous scheme approved in 2011, with no alterations. The application consists of a scheme for the construction of single storey extensions to the front and rear of the property, together with the construction of a roof extension in the rear roof slope.
- 3.2 The extension to the front would be 2.5m in depth with a flat roof and would be aligned with the front elevation of number 64, the adjoining neighbour.
- 3.3 The extension to the rear would involve the removal of the existing conservatory and would extend 3.2m from the rear elevation, across the full width of the property to align with the existing porch extension, a total width of 7.5m. This extension would extend beyond the flank of the original house which fronts the road and would feature a gable element of similar design to the existing porch extension.
- 3.4 A roof extension 4.5m wide, 2m high and up to 3m deep is proposed in the rear roof slope. It should be noted that in isolation, planning permission would not be needed for the roof extension.
- 3.5 It is also noted that during the assessment of the original 2011 application an improved scheme was negotiated which reduced the scale of the extension. This application is for the same development as approved in 2011, with no alterations.

4.0 Consultation

Neighbours and Local Amenity Societies

- 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 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents

- 4.3 Six letters of objection have been received. The objections are based on the following grounds;
 - The proposed dormer will result in a loss of light to the neighbouring bedroom window and conservatory.

- The dormer will result in a reduction in privacy
- The proposed single storey rear extension will result in a loss of light to the neighbouring conservatory.
- The proposed front garden extension will result in a blind spot for cars navigating the corner.
- The front garden extension may cause structural damage to neighbouring property
- Overdevelopment of the site and inappropriate scale which will adversely affect the character of the area and set a precedent.
- Loss of privacy
- Question raised regarding the ownership of land to the front and the loss of public amenity/green space
- Potential disturbance resulting from building works
- Adverse impact on water run off through loss of permeable garden space
- The proposals would set an undesirable precedent

As this application is identical to a previously approved application, the objections contained in the five letters of objection received for the previous application are also outlined below;

- Estate will be visibly altered
- Owner has encompassed amenity ground which is part of the overall estate
- 68 would be in line with the rest of the terrace, ruining the original layout and significant sightlines.
- There would be construction disturbance
- A covenant on the estate restricts alterations to any property
- The character of the estate will be destroyed and a precedent will be set
- It will increase parking problems
- Privacy will be compromised as a result of the roof extension
- The roof extension will result in the loss of light at number 70
- Sweeping bend and overall character altered/lost
- Disproportionate to existing/original house
- The applicants have extended their garden already which has incorporated open land.
- Would it be possible to have obscure glazing in the dormer?

(Letters are available to Members)

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 shall 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 if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (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)

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)

5.5 The London Plan policies relevant to this application are:

Policy 7.4 Local Character

Policy 7.6 Architecture

Core Strategy

5.6 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)

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

URB 3 Urban Design

URB 6 Alterations and Extensions

HSG 4 Residential Amenity

HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

5.8 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

5.9 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The following emerging plans are relevant to this application;

Development Management Local Plan

- 5.10 The Development Management Local Plan (DMLP) – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. Adoption of the Local Plan expected to take place in Autumn 2014.
- 5.11 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 and therefore holds significant weight at this stage.
- 5.12 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.
- 5.13 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
- 5.14 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

6.0 Planning Considerations

- 6.1 The main planning considerations are design, the effect of the extensions on the property and the street scene and the impact on the amenities of neighbouring residents. Also, of particular relevance to the assessment of this application is whether there have been any significant changes in local circumstances or relevant policy which would alter the conclusion arrived at during the assessment of this proposal during the 2011 application.

Design

- 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 design of the proposed extensions were significantly altered as a result of officer negotiations during the 2011 application and the overall size of the proposed development footprint was reduced.
- 6.4 The proposed front extension would extend across the width of the front elevation of the original property and would project to align with the main front elevation of the neighbouring house, beyond which the porch of that property extends. The proposed extension to the front would have a flat roof and it is considered that it would maintain the character of the neighbouring front porches and would not appear out of place at the front of the house.

It would be constructed of yellow stock brick to match those of the original building and would also feature the existing front window treatment with infill panel below, so that it retains the same character as the neighbouring properties. It is felt that due to the size and layout of the application site, which due to the corner location, has a much larger front garden area than the adjacent terraces, that the open aspect to the front would still be maintained and that the extension would not be intrusive.

- 6.5 The fact that the house is the only property within the terrace that is set back and laid out in this way means that a precedent would not be set for similar front extensions within this estate.
- 6.6 The rear extension that is proposed will replace the existing conservatory and would extend to the side beyond the original flank wall of the property. The flank of the extension will protrude to the side to align with the existing entrance porch. It is proposed with a gable feature to the flank to match the porch in appearance.
- 6.7 The proportions of the proposed rear extension are very similar in terms of height and depth to the existing conservatory, however the fenestration details differ as it is proposed with a single window in the flank, rather than a door. The rear elevation would have both a double and a triple door to the rear garden. This would allow for maximum light into the property and will also allow for the garden room to have an outdoor aspect when the doors are open. The extension would have a steeply pitched roof to the rear and is considered to be acceptable. The flank of the rear extension was re-designed during the previous application so that its roof design reflects that of the existing main entrance to the property. This was viewed to be a significant improvement to the original scheme, and is considered to relate in an acceptable way to the original features of the property. Due to the corner location of this house, the rear extension will be visible from the public realm, over the fence that encloses the rear garden, however the detailing reflects that of the existing property.
- 6.8 There is also a rear roof extension proposed as part of the scheme. The plans show that the dormer is to be set in from the sides by 900mm – 1m and is shown to be set up from the eaves as well as below the main ridge of the house. As stated above, as a stand alone proposal it would be considered 'permitted development'. While it will be visible from the road, in view of the corner location, it is considered to be an acceptable addition as part of this application.

Highways and Parking

- 6.9 The existing parking arrangements for this property are not altered in any way and are not considered to be a problematic issue in relation to this application.

Impact on Adjoining Properties

- 6.10 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.
- 6.11 One of the main issues that has been raised by neighbouring properties during the consideration of this and the 2011 application is concern that the appearance of the front extension would not be in keeping with the design of the estate and will appear detrimental to the setting of this corner property.

It is considered that the alterations that were made to the front extension during negotiation of the previous application so that it is now proposed with a flat roof, would ensure that the appearance would be in keeping with the flat roofed front porches of the neighbouring houses and reflects this design feature of this part of the estate in a sympathetic manner. It is not considered that the single storey extensions would result in any significant additional overlooking or overshadowing of adjacent properties. Due to the fact that the single storey rear extension is to be the same depth as the existing conservatory it is considered that there will not be any detrimental impact on the immediate neighbours in terms of bulk or massing on the boundary.

- 6.12 A further concern raised relates to overlooking that may occur as a result of the rear roof extension. Due to the fact that there is already a degree of overlooking from the upper floor of the application property and its adjoining neighbour at no.70 it is considered that the addition of a further bedroom within the roof space will not significantly increase overlooking and would not result in a further loss of privacy. As stated above it should be noted that this element of the application could be constructed under permitted development rights (if not submitted as part of the current scheme) as it complies with the relevant criteria set out within the General Permitted Development Order (as amended). Accordingly it is not considered that it would be reasonable to withhold permission on grounds of loss of privacy.
- 6.13 Concerns have been raised in the letters of objection relating to the potential disturbance cause by building works. In response to this an informative has been added advising 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.

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 The proposed extensions to the front, rear and rear roof slope are considered to be acceptable in terms of their physical appearance on the original house and in this location in relation to the neighbouring properties and the street scene. The impact on neighbours is also considered to be acceptable and will not significantly affect the privacy or outlook of neighbouring residents.
- 8.2 There have been no changes in the policy context or other material considerations since the 2011 application was considered that would justify a different conclusion to that arrived at previously for this proposal.
- 8.3 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.4 The proposals are considered to be acceptable.

8.0 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:
284.S01(A), S02(A), S10(B), S11(A), P01(B), P02(B), P03(B), SK10(B)
- (3) No development shall commence on site until details of all facing materials (including their colour and texture) 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, unless the local planning authority agrees in writing to any variation.
- (4) No new brickwork, including works of making good, shall be carried out other than in materials, bonding and pointing to match the existing facing work, unless the local planning authority agrees in writing to any variation.
- (5) The use of the extensions shall be as set out in the application and no development or the formation of any door providing access to the roof of the extensions shall be carried out, nor shall the roof area of the extensions be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.

Reasons

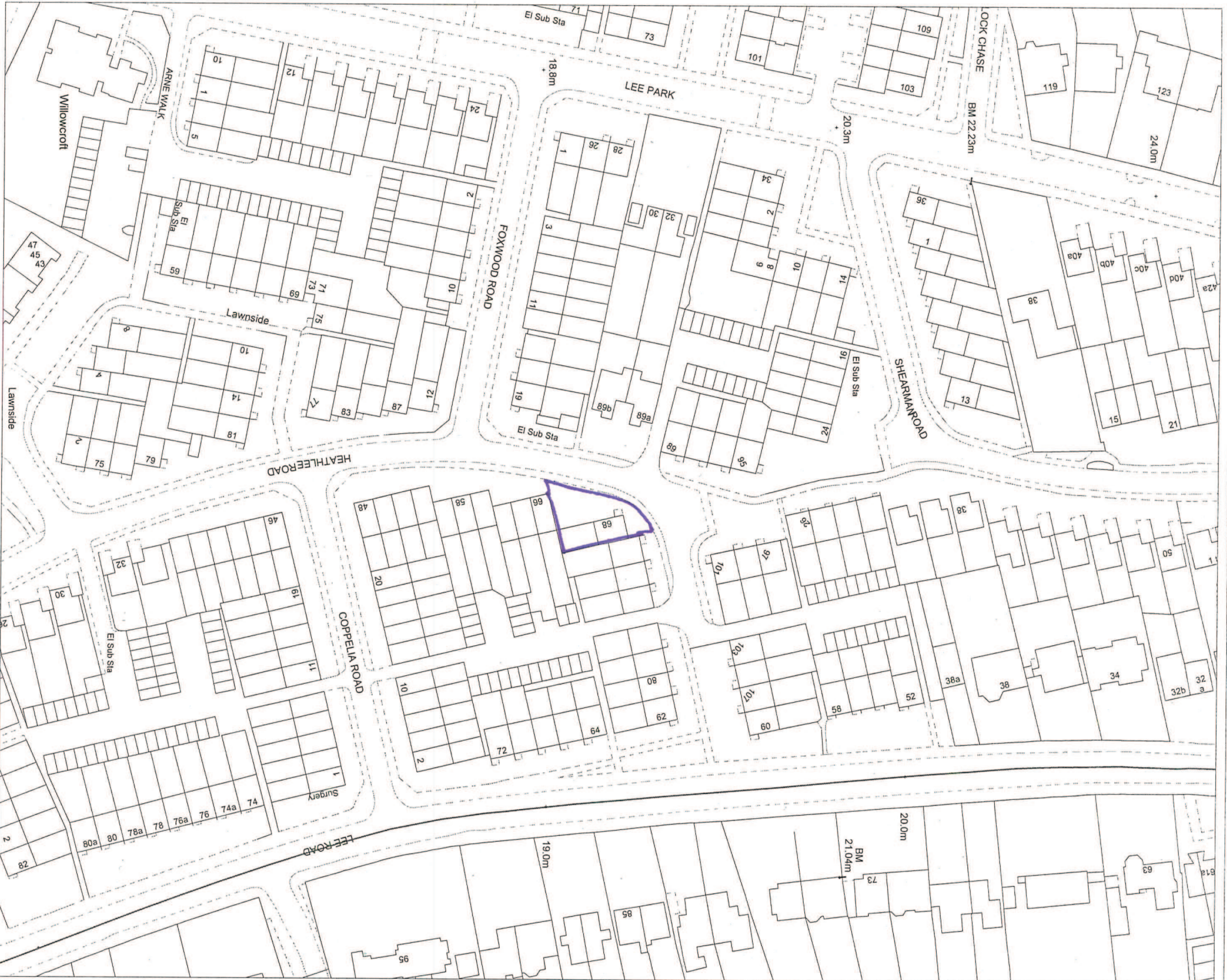
- (1) As required by Section 91 of the Town and Country Planning Act 1990
- (2) To ensure that the development is carried out in accordance with the approved documents
- (3) To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the buildings 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)

- (4) To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (5) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development and HSG 12 Residential Extensions in the adopted 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.
- (2) 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

108 HEATHLEE ROAD SE3



This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	SYDENHAM SCHOOL, DARTMOUTH ROAD SE26 4RD	
Ward	Forest Hill	
Contributors	Suzanne White	
Class	PART 1	31 JULY 2014

<u>Reg. Nos.</u>	DC/14/87189
<u>Application dated</u>	08.04.2014
<u>Applicant</u>	Savills on behalf of Lewisham Schools for the Future LEP/Costain
<u>Proposal</u>	Erection of 4 external lighting columns of 8 metres in height to provide additional lighting to the Multi Use Games Area.
<u>Applicant's Plan Nos.</u>	SG-BWL-E-S-E0-L-90004, KL3695, D22012, Light fitting 'Scorpius' and 'Sport 7' specification, Kingfisher lighting column specification, External Lighting Assessment and Planning Statement Covering Letter.
<u>Background Papers</u>	(1) Case File LE/458/A/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Undesignated. Existing school site, Use Class D1.
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.0 This application relates to part of Sydenham School, which is located on the north-western side of Dartmouth Road, at its junction with Cheseman Street. The main school building is a three-storey Edwardian building which fronts Dartmouth Road. There is also a five-storey building fronting Dartmouth Road and Cheseman Street. The site is presently the subject of extensive construction works, which will in time involve the demolition of the 5 storey building.
- 1.1 The part of the school site to which the application relates is to the rear of the main school building, in the western portion of the site. The site is located within the construction compound and is presently used for the storage of materials relating to the construction, though will become a Multi-use Games Area (MUGA) as part of the current works.

- 1.2 Directly north of the application site is an existing sports court in use by the school. Beyond the school boundary to the northeast are the rear gardens of properties of residential properties in Radlet Avenue and Round Hill.
- 1.3 The site is not located in a conservation area and there are no listed buildings either on site or in the immediate vicinity.

2.0 Planning History

- 2.1 1992: p.p. for the erection of a single storey prefabricated building at Sydenham Girls School Dartmouth Road SE26 for use as a drama classroom.
- 2.2 1994: p.p. for the provision of 5 additional car parking spaces at Sydenham Girls School Street of a 1.8m high close boarded timber fence along part of the Dartmouth Road frontage link fence on top of the existing dwarf brick wall along the Cheseaman Street frontage and the formation of a new path.
- 2.3 2009: p.p. for the provision of a covered cycle stand for 40 cycles adjacent to the front entrance gates of Sydenham School, Dartmouth Road SE26.
- 2.4 Aug 2012: p.p. for the construction of a temporary two storey building to provide teaching and administration facilities, associated offices, storage accommodation and toilets.
- 2.5 Oct 2012: p.p. for demolition of existing buildings with the exception of the original c1917 main school building (Block G) which will undergo reconfiguration and refurbishment works, together with the construction of up to four storey plus lower ground floor buildings, comprising (9042 sq m) D1 floor space with internal linkages, new pedestrian entrance, alterations to the existing vehicle entrance and exit routes, new car park to provide 60 car parking spaces, cycle spaces, associated landscaping to include hard play area, ball courts and associated facilities including 2 external amphitheatres, installation of external lighting, solar panels and the construction of green and brown roofs.
- 2.6 May 2013: non-material amendment approved for changes to the elevations including panel detailing, movement and alterations to windows and doors and inclusion of a pond as approved under the p.p. dated Oct 2012.

3.0 Current Planning Application

The Proposals

- 3.1 The current application seeks full planning permission for the erection of 4 no. external lighting columns of 8metres in height to provide additional lighting of the Multi Use Games Area.
- 3.2 The Multi Use Games Area (MUGA) was approved as part of the planning permission (DC/12/80654/X) dated October 2012 and which is now under construction. The Officer's Report to Committee for that application stated that floodlighting was proposed to the MUGA, however this was subsequently amended by an Addendum Report which stated that no floodlighting was proposed to the MUGA. The installation of floodlighting to the MUGA has not therefore been considered previously.

- 3.3 The application scheme consists of the erection of 4 x 8m lighting columns, placed in each corner of the approved MUGA. There would be 2 light fittings at the top of each column.
- 3.4 It is understood that the floodlit MUGA will be available for use by the school and public during the evenings and at weekends.
- 3.5 No changes are proposed to the amenity and security lighting across the wider site, which are shown on the proposed plans and already have approval under the 2012 permission.

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.
- 4.3 The Council's Environmental Health and Highways Departments were also consulted.
- 4.4 Objections have been received from 4 local residents. The points raised can be summarised as follows:
- Concern over height of columns. Request shorter alternatives.
 - Concern over impact on amenity caused by lighting left on late at night, which is in addition to a car park and lighting nearby on the school site
 - Concern over strength of floodlights and possibility of light pollution to properties on Round Hill to the north which are elevated in relation to the MUGA, particularly during the winter when trees are bare.
 - Previous use of the site for netball and tennis courts did not include floodlighting and therefore was not used late in the evenings
 - Concern that floodlights will impact on amenity, privacy, possessions and quality of life
 - Object to inclusion of floodlighting in this area, which was not proposed in the original application. Concern that it is a 'Fait Accompli'
 - Misleading pre-application consultation by applicant
 - Lighting survey needs to be updated to include this area
 - Increased noise and air pollution arising from additional use of area and traffic accessing the site
 - Proposal would be contrary to Article 8 of the Human Rights Act in relation to peaceful enjoyment of the home
 - Should the application be approved, request a restriction on the operation of the floodlights to between 10am and 9pm only Monday- Saturday and not at all on Sunday.
 - Suggest additional landscaping to the boundary to screen the floodlighting from residential properties.

(Letters are available to Members)

4.5 The Council's Environmental Health Officer has advised that the proposed lighting meets the necessary guidance levels with regards the lighting effects on nearby residential premises and therefore has not raised any objections to the lighting.

4.6 The Council's Highways Department and Ecological Regeneration Manager have also been consulted and any response will be provided at Committee.

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 shall 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 Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

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.

Other National Guidance

- 5.5 The other relevant national guidance is:

Light pollution

Noise

Open space, sports and recreation facilities, public rights of way and local green space

Use of Planning Conditions

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 2.9 Inner London

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

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 5 Areas of Stability and Managed Change

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Unitary Development Plan (UDP) 2004

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

ENV.PRO 11 Noise Generating Development

ENV.PRO 12 Light Generating Development

HSG 4 Residential Amenity

LCE 1 Location of New and Improved Leisure, Community and Education Facilities

LCE 3 Educational Sites and Playing Fields

Emerging Plans

- 5.9 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).

5.10 The following emerging plans are relevant to this application.

Development Management

5.11 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.

5.12 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.

5.13 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.

5.14 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 26 | Noise and vibration |
| DM Policy 41 | Innovative community facility provision |

5.15 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 23 | Air quality |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches |
| DM Policy 27 | Lighting |
| DM Policy 30 | Urban design and local character |

6.0 Planning Considerations

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

- a) Principle of Development
- b) Education and Sports Provision

- c) Impact on Adjoining Properties
- d) Design
- e) Biodiversity
- f) Highways and Traffic Issues

Principle of Development

- 6.2 The site is not subject to any constraints that would preclude this form of development. It is an established school site, with existing sports facilities. The addition of lights associated with those sports facilities is considered acceptable in principle, subject to an assessment of their impact on residential amenity and biodiversity and the specification of appropriate mitigation if required.

Education and Sports Provision

- 6.3 The provision of new and enhanced sports facilities is supported at all levels of planning policy. London Plan Policy 3.18 Education supports the provision of new and enhanced education facilities and encourages development proposals which maximise the extended or multiple use of education facilities.
- 6.4 The corresponding Core Strategy Policy 20 supports the Local Education Authority's programmes to improve all schools within the Borough.
- 6.5 Policy 3.19 of the London Plan relates to sports facilities and aims to increase participation in, and tackle inequality of access to, sport and physical activity in London. The policy advises that development proposals that increase or enhance the provision of sports and recreation facilities should be supported. Moreover, multi-use public facilities should be encouraged. Specifically in relation to floodlighting of sports facilities, the Policy states that:

"The provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity".

- 6.6 Core Strategy Policy 19 states that the Council will work with its partners to ensure that a range of education, sports and leisure facilities are provided, protected and enhanced across the borough. The policy goes on to state that the preferred location for such facilities will be in areas that are easily accessible by public transport and close to town centres. Multi-use facilities will be encouraged.

Impact on Adjoining Properties

- i) Light spill
- 6.7 Development Management Plan Policy 27 deals specifically with lighting and requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation in line with the Institute of Lighting Professionals' Guidance Notes for the Reduction of Obstructive Light (2011) to control the level of illumination, glare, spillage of light, angle and hours of operation.

- 6.8 Furthermore, Local Plan Policy HSG4 seeks to improve and safeguard the character and amenities of residential areas throughout the Borough by, amongst other things, resisting the siting of incompatible development in or close to residential areas.
- 6.9 The distance from the nearest floodlight to the rear elevation of the closest residential property (No. 19 Radlet Avenue) would be 30metres.
- 6.10 The proposed floodlighting is supported by an External Lighting Assessment and a light spill diagram. The Assessment concludes that the lighting proposed has been designed to follow the Guidance notes for the reduction of obtrusive light (GN01) produced by The Institution of Lighting Engineers.
- 6.11 The Report identifies that the light fittings proposed have been specified to minimise the upward spread of light and to reduce light spill and glare to neighbouring properties.
- 6.12 The light spill diagram shows that a degree of light spill will extend into a small part of the rear gardens of No. 13-17 Radlet Avenue. The diagram shows that this could be up to 50LUX in the garden of No.15, however the diagram does not take account of the planting on this boundary. To put this in context, the LUX levels on the MUGA itself will range between 460-782LUX.
- 6.13 In respect of the floodlighting to the MUGA, the report concludes that the lighting specification complies with that guidance. It finds that the light emission from the floodlights would satisfy the levels deemed appropriate in urban locations and, in fact, would also meet the more stringent standards specified for rural/dark locations. The report further notes that this assessment has not taken into account the existing planting on the boundary and therefore constitutes a worst case scenario.
- 6.14 The Council's Environmental Health Officer has reviewed the report and specifications submitted for the lighting and confirmed that it meets the required standards.
- ii) Hours of operation
- 6.15 The amenity and security lighting will have an automatic shut off time of 11pm, which is the closing time of the school buildings. The applicant has sought the same time limit for the floodlights, however it is considered that an earlier time would be appropriate. This is on account of the height of these particular lights, their position close to residential boundaries and the appropriateness of managing activity levels in the interests of neighbouring amenity.
- 6.16 It is worth noting that the MUGA and other facilities at the school site can be used up to 11pm at night irrespective of whether this application is approved. This application will enable the MUGA to be used in the evenings outside of the summer months. Officers consider that a time limit of 10pm on operation of the floodlights would be appropriate in order to protect the amenity of neighbouring occupiers. This has been discussed with the applicant, who have agreed, though they have advised that any further reduction could jeopardise the viability of public use of the facilities.
- 6.17 The lighting will have an automated curfew override so it will not be able to remain lit beyond the agreed hours of operation.

iii) Noise

- 6.18 Concern has been raised with regard to noise generated by the operation of the facilities into the evening. The MUGA comprises a relatively small area of the school site. Although the sports hall and other buildings may be in use during the evening also, their operation up to 11pm has been set by a previous permission.
- 6.19 The car park adjoining the properties on Round Hill is the subject of a condition on the 2012 permission which restricts its hours of use so that no vehicles shall enter or leave between the hours of 23.00 hours and 06.00 hours on any day of the week.
- 6.20 The level of additional activity generated by the MUGA is considered low. Were noise levels to be unacceptable, the Council's Environmental Health Team has powers to serve notices on the school or operator to control this.
- 6.21 It is considered that the potential for noise of a level to cause a material loss of amenity to residential occupiers is low and therefore outweighed by the benefits of providing another community facility available to local residents which could benefit the local community as a whole.

Design

- 6.22 Concern has been raised regarding the number and height of the floodlighting columns. The application proposes 4 columns of 8metres in height.
- 6.23 The applicant has stated that this is the minimum number of columns that are required to adequately light the pitch and that their location has been carefully considered to provide adequate light levels to the pitch that are required to meet Sport England's standards. Similarly, they state that shorter columns would result in darker areas at the centre of the pitch which would render it unsuitable for use.
- 6.24 The columns are wider at the base (420mm) and taper (to 60.3mm) as they increase in height. They will each hold 2 No. light fittings.
- 6.25 It is accepted that 4 columns is the minimum required to light the MUGA. Although the columns would be 8metres in height, they will taper off as they increase in height, serving to minimise their bulk. In the context of the fencing to the MUGA, the boundary planting and scale of the adjacent sports hall, it is considered that the design of the columns will not appear out of character with the context.

Biodiversity

- 6.26 London Plan Policy 3.19 and DM Policy 27 seek to ensure that new lighting proposals will not give rise to adverse impacts on biodiversity. The application site is not located near any designated wildlife sites, though there are trees on the boundary and in Baxter Park which could provide habitat. A bat survey was submitted in support of the 2012 application for redevelopment of the school site. It concluded that there was negligible potential for bats on the site, though was focused on the existing buildings rather than planting.
- 6.27 The proposed design does however include various measures to control the level of illuminance and light spillage beyond the boundaries of the MUGA, as described above. It is also proposed to limit the use of the floodlights so that they cannot be used between the hours of 10pm-8am. Furthermore the floodlighting will be applied to a relatively small area, comprising the MUGA.

- 6.28 For these reasons, it is considered unlikely that the floodlighting would have a significant impact on local biodiversity. Any update to this position will be reported at Committee.

Highways and Traffic Issues

- 6.29 The application relates only to the MUGA floodlighting and therefore only traffic impacts associated with their use, which is likely to be greatest in the winter months, with some use in spring and autumn also. During the summer, the MUGA could be used up to 11pm under an existing permission. The highways and traffic impact was assessed at that time and deemed acceptable.
- 6.30 As the facilities are associated with evening and weekend use and the school's cycle and vehicular parking will be available to users, it is considered unlikely that the proposals would give rise to highways or traffic impacts.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 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.
- 8.4 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.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 Officers consider that the proposed scheme will deliver community benefits by virtue of increasing access to sporting facilities, in accordance with London Plan Policies 3.18 and 3.19 and Core Strategy Policies 19 & 20. The facilities proposed are of a high standard, meeting Sport England specifications. The proposed lighting has been designed to limit light spillage, thereby minimising potential harm to neighbouring occupiers and biodiversity. This will be further secured by limiting the hours of operation of the floodlights.

9.3 For these reasons, the scheme is therefore considered acceptable and it is therefore recommended that planning permission be granted.

10.0 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.

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:

SG-BWL-E-S-E0-L-90004, KL3695, D22012, Light fitting 'Scorpius' and 'Sport 7' specification, Kingfisher lighting column specification, External Lighting Assessment and Planning Statement Covering Letter.

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) The floodlighting hereby approved shall not be operated between the hours of 10pm and 8am on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally 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) The Lux levels generated by the floodlighting hereby approved shall not exceed those shown on submitted plans D22012 and SG-BWL-E-S-E0-L-90004.

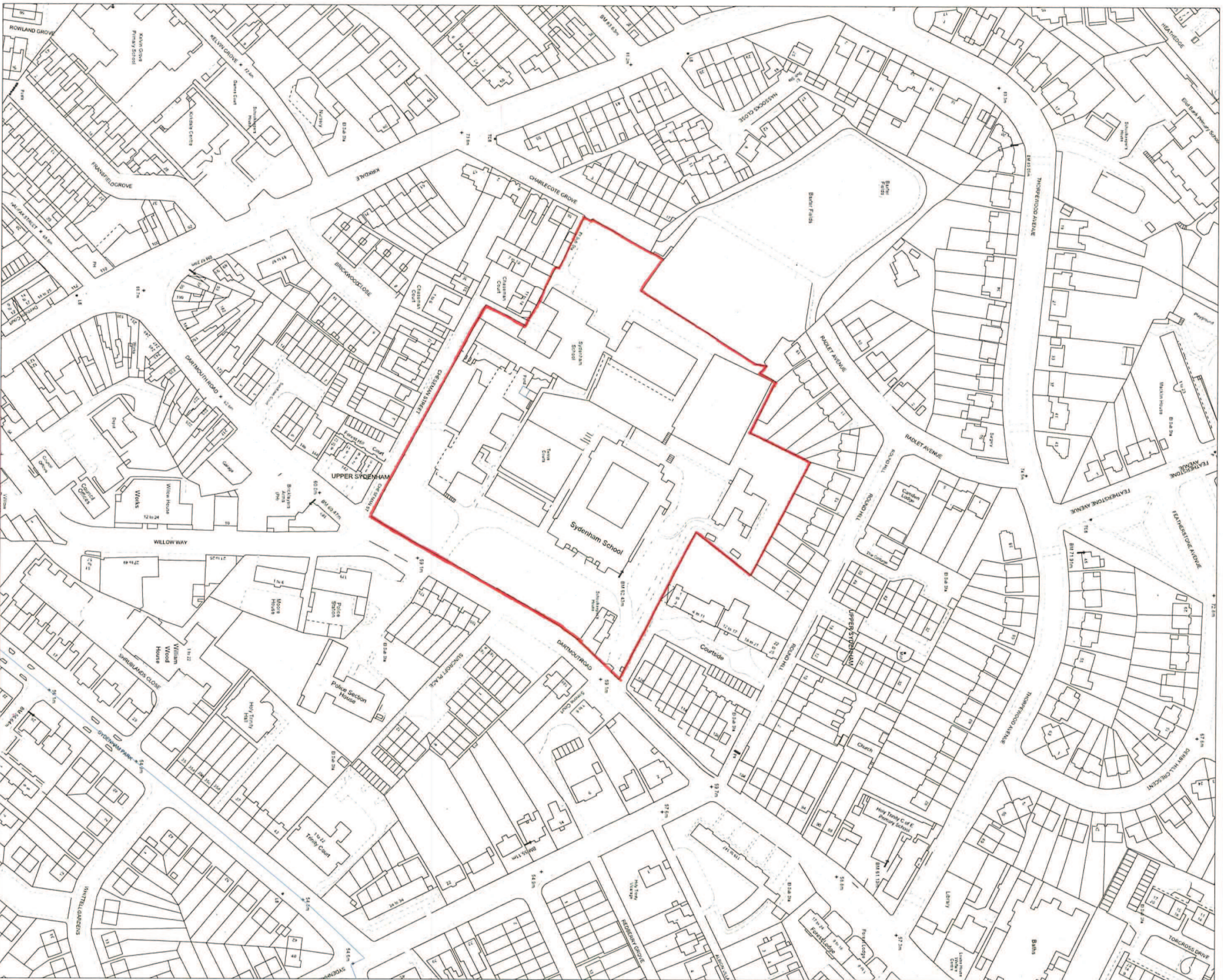
Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

INFORMATIVE

- (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 an amended form of development being agreed.

This page is intentionally left blank

Sydenham School



This page is intentionally left blank

Committee	PLANNING COMMITTEE (A)	
Report Title	78-82 NIGHTINGALE GROVE SE13 6DZ	
Ward	Lewisham Central	
Contributors	Geoff Whittington	
Class	PART 1	Date: 31 JULY 2014

<u>Reg. Nos.</u>	DC/13/85721
<u>Application dated</u>	26.11.2013, amended 13.06.14
<u>Applicant</u>	Savills on behalf of Nella Cutlery Services
<u>Proposal</u>	The demolition of the existing buildings on the site of and the construction of 2 part two/part four storey blocks, incorporating balconies and courtyards, to provide 11 one bedroom, 19 two bedroom and 13 three bedroom self-contained flats, together with the provision of 2 disabled car parking spaces, 80 bicycles spaces and refuse storage.
<u>Applicant's Plan Nos.</u>	PL_1100, 1101, 1102, 1103, 1105, 1500 rev A, 1501 Rev A, 1502 Rev A, 1503 Rev A, PL 2000 Rev C, 2001 Rev C, 2002 Rev B, 3001 Rev C, 3002 Rev C, 3003 Rev C, 3004 Rev A, 3005 Rev A, 4000, Site Location Plan, Lifetime Homes Criteria Schedule, Unit Sizes Schedule, Transport Statement, Sustainability Statement, Energy Statement, Ecology Consultancy Statement June 2014), Phase 1 Assessment-Desk Study, Daylight & Sunlight and Overshadowing Assessment, Statement Of Justification For Loss Of Commercial Units, Wheelchair Housing Statement, Planning Statement, Design and Access Statement, and Summary Of Consultation (January 2013.)
<u>Background Papers</u>	(1) Case File LE/792/78/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Existing Use

1.0 Property/Site Description

- 1.1 The Nightingale Mews Estate (0.25 Hectares) is located on the western side of Nightingale Grove, and has for many years been in established use for industrial/employment purposes. The site is occupied by a collection of buildings, which are currently in full operational use.

- 1.2 The surrounding area provides a contrasting mix between residential and employment uses. Directly to the north of the site is 72-76 Nightingale Grove, whereby the redevelopment of the site was completed in 2012 to accommodate employment units and 62 residential dwellings.
- 1.3 A row of 2-storey terraced dwellings lies adjacent to the site fronting Nightingale Grove, and to the south fronting Beacon Road. To the west is a road that leads to the Hither Green Driving Test Centre. On the opposite side of the Mews Estate lies a mechanic's garage and the storage of scrap metal.
- 1.4 Abutting the site to the south-west corner is a part single/ two-storey live/work building (47-53 Beacon Road.)
- 1.5 Approximately one hundred metres to the south-east of the site lies Hither Green Train Station, which provides a number of frequent services into central London and Kent. Local bus routes operate along nearby Hither Green Lane, and also serve the north side of Hither Green Train Station toward Fernbrook Road. Lewisham Town Centre is easily accessible by all forms of transportation.
- 1.6 The site is not a designated employment site, and does not accommodate, or lie adjacent to, any listed buildings. The site is not located within a conservation area.

2.0 Planning History

- 2.1 In 2013, permission was refused for the demolition of the existing buildings on the site of 78-82 Nightingale Grove SE13 and the construction of 2 part two/part five storey blocks, incorporating balconies and courtyards, to provide 364 sq m of commercial floor space and showroom (Use Class B1) on the ground floor block fronting Nightingale Grove, 10 one bedroom, 11 two bedroom and 22 three bedroom self-contained flats, together with the provision of 4 disabled car parking spaces, 78 bicycles spaces and refuse storage, for the following reasons:
 - (1) The proposed development, by reason of design, scale and massing, represents an over-development of the site that would result in an adverse impact upon the visual amenities of neighbouring occupiers, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004).
 - (2) The development would provide no private outside amenity space to 18 of the flats, poor quality amenity space to some of the ground floor units and wheelchair units which do not comply with South East London Housing Partnership standards. As such, the development would fail to provide a good standard of residential accommodation to the detriment of future residents, contrary to Core Strategy Policy 1 Housing Provision, mix and affordability, Core Strategy Policy 15 High quality design for Lewisham, London Plan Policy 3.5 Quality design of housing developments, the Mayor of London's Housing SPG, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens in the Council's Unitary Development Plan (July 2004) and the South East London Housing Partnership Wheelchair Homes Design Guidelines (2011).

- 2.2 In 2007, permission was granted at Committee (A) - subject to the outcome of a S106 Agreement - for the demolition of the existing buildings on the site at 72-78 Nightingale Grove, and the construction of a two storey, a three storey and 2 four storey blocks, incorporating balconies, comprising a total of 496 sq m of commercial floor space, 38 one bedroom, 20 two bedroom and 4 three bedroom self-contained flats, associated landscaping, provision of refuse stores, 72 cycle, 2 motorcycle and 12 car parking spaces.
- 2.3 The scheme has since been implemented, with all residential units in occupancy, however the commercial units remain vacant. In 2014, permission was granted for the change of use of four commercial units to four residential dwellings, in light of the long term vacancy.

3.0 Current Planning Application

The Proposals

- 3.1 It is proposed to demolish the existing buildings upon the site, and provide the following:
- Construction of a block fronting Nightingale Grove, with an underpass to allow vehicular and pedestrian movement, together with a block at the rear of the site, ranging in height between 3-4 stories;
 - The development would accommodate 43 residential dwellings (33 private and 10 affordable units), including a range of 1, 2 and 3 bedroom flats/ maisonettes;
 - Provision of 10 (23%) affordable residential units;
 - Four ground floor level wheelchair units;
 - On-site parking for 2 disabled users;
 - Sustainability provisions including use of solar panels;
 - 80 secure cycle spaces for residencies.

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.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Pre-Application Discussion

- 4.4 Discussions were held with officers subsequent to the refusal issued in May 2013. Officers advised of their concerns toward the 5-storey height of the rear building and the resulting visual impact upon the private gardens, in addition to a lack of amenity provision for upper floor occupiers and overlooking to existing neighbouring residents.

4.5 Written Responses received from Local Residents and Organisations

4.6 Four letters have been received from the occupiers of flat 8 Nightingale Grove, 22 Springbank Road, 52 Gunton Mews and Zoom – Maythorne Cottages, objecting on the following grounds:

- Lack of parking provision and resulting impact upon neighbouring streets;
- Existing building should be retained;
- Light concerns;
- Traffic concerns;
- The building should be redesigned to be smaller, thereby allowing for additional off-street parking provision;
- Loss of commercial units will prevent further local investment and jobs.

(Letters are available to Members)

Summary Of Applicant Consultation (January 2013)

4.7 The statement advises that a pre-application public exercise was undertaken in accordance with The Localism Act 2011 with neighbouring occupiers in September 2012, prior to the submission of the application that was ultimately refused permission in May 2013.

4.8 1200 leaflets were distributed to residents and businesses advising of the proposals, and 67 letters were delivered to households. Ward Councillors were also advised, together with 12 local community groups/ organisations.

4.9 An exhibition was arranged in August 2012, which displayed the proposals. In the event, 11 local residents attended. The plans were also presented to the hither Green Community Association in October 2012.

4.10 The statement concludes that the public consultation was successful in raising awareness within the community, whereby 'the majority of respondents are in favour of the proposals', and 'feedback received was generally positive.' 'There was some reservation about the potential for noise from an increased number of residents.....most people considered that the proposals would benefit the area and agreed that provision of a limited number of parking spaces was a good idea.'

Sustainability Manager

4.11 The proposals meet the Code and Energy standards. It is suggested conditions are included to ensure this is delivered in practice.

Highways and Transportation

4.12 No objections raised.

Network Rail

4.13 Raise no objections

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 shall 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 if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham (Unitary Development Plan (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 3.3 Increasing housing supply;
3.4 Optimising housing potential;
3.5 Quality and design of housing developments;
3.6 Children and young people's play and informal recreation facilities;
3.8 Housing choice;
3.16 Protection and enhancement of social infrastructure;
5.2 Minimising carbon dioxide emissions;
5.3 Sustainable design and construction;
5.7 Renewable energy;
5.11 Green roofs and development site environs;
5.12 Flood risk management;
5.13 Sustainable drainage;
6.9 Cycling;
6.13 Parking;
7.3 Designing out crime;
7.4 Local character;
7.5 Public realm;
7.6 Architecture;
7.19 Biodiversity and access to nature, in the London Plan.

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);
Industrial Capacity (2008);
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 (2012)

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 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:

Objective 1: Physical and socio-economic benefits;
Objective 2: Housing provision and distribution;
Objective 3: Local housing needs;
Objective 5: Climate change;
Objective 6: Flood risk reduction and water management;
Objective 7: Open spaces and environmental assets;
Objective 8: Waste management;
Objective 9: Transport and accessibility;
Objective 10: Protect and enhance Lewisham's character;
Objective 11: Community well-being;
Policy 1: Housing provision, mix and affordability;
Policy 7: Climate change and adapting to the effects;
Policy 8: Sustainable design and construction and energy efficiency;
Policy 10: Managing and reducing the risk of flooding;
Policy 12: Open space and environmental assets;
Policy 14: Sustainable movement and transport;
Policy 15: High quality design for Lewisham.

Site Allocations

- 5.11 The Site Allocations local plan was adopted by the Council at its meeting on 26 June 2013. The Site Allocations, together with the Core Strategy, the London Plan and the saved policies of the Unitary Development Plan, is the Borough's statutory development plan.

Unitary Development Plan (2004)

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

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.

Residential Standards Supplementary Planning Document

- 5.13 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)

- 5.14 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.

Emerging Plans

- 5.15 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).
- 5.16 The following emerging plans are relevant to this application.

Development Management Plan

- 5.17 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013.
- 5.18 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.
- 5.19 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.
- 5.20 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 15	Neighbourhood local centres;
DM Policy 26	Noise and vibration;
DM Policy 28	Contaminated land;
DM Policy 35	Public realm;
DM Policy 40	Public conveniences;
DM Policy 41	Innovative community facility provision;
DM Policy 42	Nurseries and childcare.

5.21 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 7	Affordable rented housing;
DM Policy 11	Other employment locations;
DM Policy 22	Sustainable design and construction;
DM Policy 23	Air quality;
DM Policy 24	Biodiversity, living roofs and artificial playing pitches;
DM Policy 25	Landscaping and trees;
DM Policy 27	Lighting;
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;
DM Policy 38	Demolition or substantial harm to designated and non-designated heritage assets.

6.0 **Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Planning Obligations

Principle of Development

6.2 National, regional and local planning policies seek to promote efficient use of land for housing delivery by developing Brownfield sites, bringing back into use vacant sites and providing higher density development.

6.3 The proposal is for the demolition of the existing employment buildings upon the site, and the provision of residential units. The applicant has advised that the existing business (Nellas) is relocating elsewhere within the Borough due to expansion plans, whilst the Butcher's unit is due to close, therefore this represents an opportunity to redevelop the site rather than to seek occupiers for the existing buildings.

6.4 The site is not within a Defined Employment Area on the Core Strategy Proposals Map, but the site has been used as employment land for a long period of time. The site falls within the 'Local Hub' of Hither Green, according to the adopted Core Strategy (2011).

- 6.5 Spatial Policy 4 states individual Local Hubs will be managed to enhance their identity and distinctiveness, whilst mixed use development is expected. In Hither Green, the Council's aims include upgrading the character and appearance of the approaches to Hither Green Station by redeveloping sites in industrial and business use and creating new mixed use developments that will retain and enhance the variety and varied nature of the local economy, whilst contributing to feelings of safety and security and to create a sense of place.
- 6.6 Having assessed the proposal, officers are satisfied that the principle of a new build development would provide a suitable replacement for the existing employment use subject to matters including design, scale, standard of accommodation and visual impact upon neighbouring occupiers.
- 6.7 The scheme will provide only residential units, as opposed to the previous application that included ground floor commercial units fronting Nightingale Grove.
- 6.8 During pre-application discussion, officers advised that taking into consideration the adjacent vacant ground floor use and other similar situations in Lewisham, there was a concern that the ground floor commercial units would not attract an end user, and would therefore lie dormant and boarded up. This is not desirable in urban design terms as it provides a blank unattractive edge to the front of the public realm, as demonstrated currently at 72-78 Nightingale Grove.
- 6.9 For this reason, officers raise no objections in principle to the development proposing only residential units, and are satisfied that the existing workforce will be relocated elsewhere.
- 6.10 In regard to the existing building itself, it is of a typical industrial appearance, incorporating brick elevations, large window openings and a 'sawtooth' style roof. Having assessed the character of the building and its impact upon the surrounding area, officers do not consider it to be a heritage asset that should be retained or locally listed, and therefore raise no objections to the demolition of the building.

Design

- 6.11 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.
- 6.12 The applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers provided advice on planning policies, the constraints of the site, design, layout and relationship with surrounding development.
- 6.13 The layout of the development clearly draws upon the example set of the adjoining development, with a 4-storey building fronting the highway, a building located to the rear of the site, and landscaped areas and parking in between.
- 6.14 The proposed buildings are considered to represent good, modern design, whilst respecting the character of the surrounding area. The front block would measure an approximate height of up to 13 metres, which is comparable with the development at 72-78, but significantly greater than the existing building. The building would initially be 3-storey at the southern end, similar in height to the dwelling at 86 Nightingale Grove, before stepping up to the highest element.

- 6.15 The height and massing of the rear building has been reduced in light of the previous planning refusal. The rear building would now reach a maximum of 4-stories, as opposed to the former 5, whilst the southern element would be reduced from 3 to 2-stories.
- 6.16 The front and rear buildings would effectively comprise 9 individual sections, varying in height and appearance. The building would be predominantly brick facing, with 'Buff', 'Blue' and 'Red' brick characterising each section. All window frames would be ppc aluminium/ timber composite, whilst balconies would be enclosed by glazed screens and metal handrails.
- 6.17 The proposed combination of materials is considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with the immediate area. The alternative use of dark and light brick colours, particularly to the front building, would serve to break up the massing and result in a less harsh appearance, whilst providing a sense of visual interest within the streetscene.
- 6.18 The provision of balconies contributes to the overall outdoor feel and modern design of the development.
- 6.19 Officers consider the proposed flat roof to be acceptable in appearance, resulting in the overall bulk of the building being kept to a minimum.
- 6.20 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 for further assessment and detailed plans that show the living roof, windows, entrances and brick detailing.

Density

- 6.21 In regard to density matters, 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.
- 6.22 The Council's assessment of the nature of this section of Nightingale Grove is that the site falls within an area that has industrial and residential characteristics, surrounded by typical suburban residential streets directly to the south and east of the application site. Nightingale Road is not a classified highway, yet it experiences high pedestrian and vehicular movement during peak hours, due in part to the nearby train station.
- 6.23 Whilst any development upon this site must respect the neighbouring suburban character, the position and size of the site allows for a greater density in the scale of the development, as identified when permission was granted for a high density development to the adjoining site at no.72-76.
- 6.24 The proposal would include 43 residential units on this site, comprised of 141 habitable rooms. This would equate to a density of 564 habitable rooms per hectare, which exceeds the maximum density range in Table 3.2 of the London Plan. Density, however, forms only part of the considerations toward developments such as this. 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.
- 6.25 Given that the scheme is of high quality design and substantially improves the appearance of the site, the higher density is considered acceptable and consistent with current Government guidance.

Housing

a) Size and Tenure of Residential Accommodation

- 6.26 It is acknowledged that the proposed residential units follow the guidelines outlined in the London Housing Design Guidance. A good proportion of 3 bedroom units are incorporated into the scheme, accounting for 13 of the proposed 43 units (30%). Lewisham suffers a shortage of larger housing units particularly 3+ bedrooms and therefore a development of 10 or more units must include family sized dwellings.
- 6.27 Core Strategy Policy 1: Housing Provision, Mix and Affordability officers states the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings.
- 6.28 In accordance with the London Plan and Core Strategy all units should be built to Lifetime Home standards and all should show 100% compliance with the 16 criteria. Officers are satisfied this has been achieved.
- 6.29 In addition a minimum of 10% of units should be built to SELHP Wheelchair standards. Drawings, which should include 1:20 plans of the key rooms within the units and 1:50 of the whole units, should be submitted as part of the formal planning application. In this case, 4 disabled units would be provided, and is thereby compliant. 1:20 plans have been submitted, which demonstrates each of the 4 units would comply with SELHP standards for minimum unit sizes.
- 6.30 In accordance with The London Plan and Core Strategy, affordable housing will be sought on developments of 10 units or more. The starting point for negotiation is 50%, and would be subject to a financial viability assessment. To ensure mixed tenure and promote mixed and balanced communities, the affordable housing component to be provided should achieve at least 70% social rented and 30% intermediate housing.
- 6.31 In this case, the scheme would provide 23% affordable housing by units, which is considerably lower than the initial strategic 50% London Plan requirement.
- 6.32 A financial viability statement has been submitted to the Council and reviewed by Lambert Smith Hampton (LSH). Having undertaken 'sensitivity testing', LSH advised that the development would be unable to provide 50% affordable housing, however an off-site payment of £157,000 would be a reasonable sum to offset the proposed provision of affordable units. The developer has since agreed to this additional payment.
- 6.33 While it is accepted that the provision of a larger proportion of affordable housing is not possible, given the shortfall in affordable housing provision relative to the levels set out in planning policies, it is appropriate that additional affordable housing be kept under review. To this end, two review mechanisms are to be incorporated into the Section 106 agreement to secure a financial contribution towards affordable housing off-site, should values increase to a level where this would be financially viable. The first review would take place if development does not commence within 24 months of the date of the decision. The second review would occur upon 75% completion of the development. Both review mechanisms have been discussed with the applicant.

Table 1: Residential Tenure and Size Mix

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	8	15	10	-	33
Social Rent					
Affordable Rent	1	2	3	-	6
Shared Ownership	1	3	-	-	4
Total	10	20	13	-	43

b) Standard of Residential Accommodation

- 6.34 The layout and circulation of the proposed units is considered to be acceptable, providing a good standard of accommodation for future occupiers, in accordance with the minimum standards set out within the London Plan (2011). Each habitable room would be assured of sufficient natural light intake and outlook.
- 6.35 Each ground floor flat and maisonette within the two buildings would have direct access to private gardens at the rear, in accordance with Council guidelines. The gardens would fail to achieve the 9 metres depth generally requested by policy, however, considering the occupiers would also have use of the proposed communal area, some leniency may be shown in this case.
- 6.36 All flats on the upper floors would have use of private balconies, which is a significant increase upon the previous application.
- 6.37 The site lies within an Area of Open Space Deficiency, which means there are limited opportunities for residents to go to local parks. The nearest parks are Mountsfield, Manor and Manor House Gardens, which provide children's playgrounds and playing pitches, but are approximately 1000 metres away from the site.
- 6.38 The proposed set-back of the building from the Nightingale Grove footpath by 1.8 metres, and boundary treatment would allow for a degree of privacy for the ground floor residents from passing pedestrians.
- 6.39 Officers subsequently raise no concerns to the proposed standard of accommodation within the development.

Highways and Traffic Issues

- 6.40 Two off-street disabled parking bays would be provided within the site, together with the provision of secure cycle parking for residential and commercial users.
- 6.41 The London Plan (2011) states that in locations with high public transport accessibility, car-free developments should be promoted, whilst still providing for disabled people.

- 6.42 Considering the PTAL for this area is 3, attributed to the close proximity of Hither Green Train Station, and nearby Hither Green Lane being well served by local bus routes, a reduction in car provision in this case is considered acceptable.
- 6.43 Neighbours have raised concern toward weekend parking as the CPZ only operates on weekdays. It is difficult to prove that the development would necessarily result in a high volume of on-street parking at weekends, considering public transport within the immediate area provides an alternative means of travel.
- 6.44 Future occupiers may wish to apply for a residents permit, however the number of existing permits that have been issued to local residents, together with availability of on-street parking would be a determining factor.
- 6.45 A car club does not form part of this application, however there are existing car club vehicles at nearby Charlcroft Road, Elthruda Road and Dermody Road.
- 6.46 Secure internal parking for 80 bicycles would be provided at various points across the site, the majority being located within the front building.
- 6.47 A Travel Plan has been submitted that sets out a number of objectives that will seek to encourage future occupiers to consider modes of transport other than private vehicles.
- 6.48 The Plan advises that a travel co-ordinator would be responsible for ensuring implementation of the objectives 'on a day to day basis', including:
- Residential Travel Information Pack provided to each household within 3 months of occupancy.
 - The Pack would include advice on bicycle and pedestrian routes; mainline rail timetables; local car clubs.
 - Travel Plan Noticeboard displayed with foyer areas.
 - Promotion of 'car share' and cycling.
- 6.49 The Travel Plan would be monitored and reviewed, and would ensure residents are fully engaged. The Council welcomes this approach, particularly as the development is effectively car free, however to ensure the Travel Plan is developed, it is appropriate that a condition be included requesting details are formally submitted to the Council within a suitable timescale.
- 6.50 Subsequently, Highways have raised no objections to the proposal.

Refuse

- 6.51 An internal refuse store area would be located within the front building, accessed from the undercroft route into the site.

Impact on Neighbouring Properties

- 6.52 Officers advised at pre-application that any future submission would need to address the amenities of neighbouring residential dwellings, demonstrating any potential impact in terms of overlooking, loss of privacy, overbearing impact, loss of outlook and overshadowing/ loss of light, has been suitably addressed.
- 6.53 Having visited the neighbouring Nightingale Grove dwellings during the course of the previous planning application, it was considered that the rear block, in particular the 3-storey element nearest the southern boundary would be likely to

result in significant visual impact upon the existing dwellings at nos.86-90 Nightingale Grove by way of overlooking, loss of privacy and sense of enclosure.

- 6.54 The current application has sought to address this by reducing the height to 2-stories, whilst the front facing windows and balconies would be set behind an extended flank wall. Officers are satisfied the visual impact has been sufficiently reduced to the nearest Nightingale Grove occupiers.
- 6.55 47-53 Beacon Road to the south-west of the site is a part single/ two-storey building that is in live/ work use, and it appears the residential element may be located at first floor. No objections have been received from the occupiers. Considering the proposed height reduction of the rear building, and no rear facing balconies, officers are satisfied there would be no significant impact upon the existing unit.
- 6.56 Overall, officers consider that the siting of the proposed development would not significantly harm the visual amenities of neighbouring occupiers. The highest part of the development would lie approximately 17 metres from the nearest dwellings to the south of the site, whilst the highest part of the rear building lies directly east of an unadopted road.
- 6.57 The Daylight/ Sunlight report concludes the proposed development satisfies the Building Research Establishment (BRE) minimum requirements in relation to daylight, sunlight and overshadowing, and would have no significant impact upon neighbouring properties.
- 6.58 Most balconies would be sited sufficiently within the site. For those close to the boundaries, it is suggested a condition be included requesting screening details to avoid overlooking.

Sustainability and Energy

a) Renewable Energy

- 6.59 Relevant policies within the London Plan, UDP and Core Strategy would need to be addressed in any submission.
- 6.60 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.61 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Major developments should demonstrate that the proposed heating and cooling systems have been selected to minimise carbon dioxide emissions. In terms of being 'green', a reduction in carbon emissions from onsite renewable energy is expected.
- 6.62 In accordance with the Core Strategy all new dwellings must be built to meet Code for Sustainable Homes Level 4.
- 6.63 Solar panels have been identified as the most suitable renewable technology, which would potentially reduce CO₂ emissions by 29.8%. The panels would be located upon the majority of the flat roofs.

- 6.64 The overall 40% reduction would be achieved by use of efficient lighting, insulation and high performance glazing.
- 6.65 It is considered the development would be in compliance with sustainability criteria.

Ecology and Landscaping

- 6.66 The original Ecology report advised that the existing buildings have been assessed to have 'features of low potential to support roosting bats', and that a full assessment be undertaken prior to demolition to establish whether there are actually any roosts.
- 6.67 In response, officers advised that the application was therefore deficient with regard to providing information relating to European Protected Species that may be present on site. The presence of bats and/or bat roosts are deemed a material planning.
- 6.68 Subsequently, a Bat Presence/ Likely Absence Survey report has been submitted that advises 'given the low level of bat activity recorded on and around the site, it is considered that sufficient survey effort has been undertaken to establish the likely absence of roosting bats on the site'.
- 6.69 The Ecology officer has advised they are satisfied with the content of the report, and request that the enhancements as detailed in the report are carried out in full.
- 6.70 A Living Roof has been proposed as part of the development, including the submission of a section plan detailing the construction of the roof. The Ecology officer, however has advised that whilst a living roof is welcomed, further plans would be required for further assessment as the proposal does not meet with guidance in the Council's Local Information List. A Condition will therefore be included requesting the submission of further plans.
- 6.71 In regard to hard and soft landscaping measures, two external communal garden areas would be located between the front and rear buildings. Plans indicate this to be landscaped, comprised of grass and trees/ planting, together with a paved pathway.
- 6.72 Surfaces would be laid with sustainable urban drainage systems, whilst planting areas 'will be linked with a passive irrigation system using rainwater collected and stored in a rainwater harvester'.
- 6.73 The ground floor units within the rear building would be afforded gardens comprising patio areas and grass.
- 6.74 Officers are generally satisfied with the principle of proposed landscaping works, subject to the submission of further details confirming the nature of planting and trees, maintenance and paving materials.

Planning Obligations

- 6.75 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 NFFP 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

6.76 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.

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

- 6.78
- (1) Education contribution: £45,000;
 - (2) Health contribution: £25,120;
 - (3) Sustainable transport contribution: £5,000;
 - (4) Hither Green Public Realm: £3,000;
 - (5) 10 affordable housing units;
 - (6) £157,000 off-site payment towards affordable housing;
 - (7) 100% of the units to meet the Lifetime Homes Standard;
 - (8) Development to meet Code for Sustainable Homes Level 4;
 - (9) 10% of the units to meet the South East London Housing Partnership (SELHP) Wheelchair Homes Design Guidelines (August 2009);
 - (10) A review mechanism to be undertaken within 24 months of the date of the Deed should development have not commenced during that period. A further review shall be undertaken at 75% completion of the development;
 - (11) Meeting the Council's legal, professional, and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

6.79 Aside from the affordable off-site sum, the financial obligation offered by the applicant is less than usually expected for a scheme on this scale. The applicant states that a larger payment would compromise the viability of the scheme, with the £78,120 payment being the 'maximum the scheme can provide, as demonstrated by the viability assessment'.

6.80 The viability has been assessed by Lambert Smith Hampton, and they concluded that 'any amendments to the S106 costs or CIL will impact upon the viability of this scheme and affect its ability to contribute towards Affordable Housing.'

6.81 With the applicant having agreed to incur a further cost of £157,000 towards an off-site affordable housing payment, they have advised that an increase in the S106 sum is not possible.

6.82 Officers have assessed the comments from LSH and, whilst considered to be generally reasonable, have challenged their conclusions. LSH have since advised that the capital values given were based upon comparable evidence drawn from the local area, and reflect the increase in land values that have occurred in the Hither Green area. The implication of the Mayoral CIL in 2012 would serve to depress land values (albeit Mayoral is calculated on net additional floor area) and given the evidence available at the time of their report, LSH were unaware of any further comparables.

6.83 In light of the further discussions, officers consider that the obligations outlined above to be acceptable at this stage in order to 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 Local Finance Considerations

7.1 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).

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

8.1 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.

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

8.3 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.

8.4 In this particular case, it is not considered that the nature of the proposed development would result in a harmful impact upon equality.

9.0 Conclusion

9.1 This application has been considered in the light of policies set out in the development plan and other material considerations. Officers consider that the scheme is acceptable for the reasons addressed, and therefore recommend the application be approved.

10.0 RECOMMENDATION (A)

To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

- (1) Education contribution: £45,000;
- (2) Health contribution: £25,120;
- (3) Sustainable transport contribution: £5,000;
- (4) Hither Green Public Realm: £3,000;
- (5) 10 affordable housing units;
- (6) £157,000 off-site payment towards affordable housing;
- (7) 100% of the units to meet the Lifetime Homes Standard;
- (8) Development to meet Code for Sustainable Homes Level 4;
- (9) 10% of the units to meet the South East London Housing Partnership (SELHP) Wheelchair Homes Design Guidelines (August 2009);
- (10) A review mechanism to be undertaken within 24 months of the date of the Deed should development have not commenced during that period. A further review shall be undertaken at 75% completion of the development;
- (11) Meeting the Council's legal, professional, and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

10.1 RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106 by the 13 week time frame, in relation to the matters set out above, authorise the Head of Planning to **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.

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:

PL_1100, 1101, 1102, 1103, 1105, 1500 rev A, 1501 Rev A, 1502 Rev A, 1503 Rev A, PL 2000 Rev C, 2001 Rev C, 2002 Rev B, 3001 Rev C, 3002

Rev C, 3003 Rev C, 3004 Rev A, 3005 Rev A, 4000, Site Location Plan, Lifetime Homes Criteria Schedule, Unit Sizes Schedule, Transport Statement, Sustainability Statement, Energy Statement, Ecology Report (June 2014) Consultancy Statement, Phase 1 Assessment-Desk Study, Daylight & Sunlight and Overshadowing Assessment, Statement Of Justification For Loss Of Commercial Units, Wheelchair Housing Statement, Planning Statement, Design and Access Statement, and Summary Of Consultation (January 2013.)

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) (i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
 - (b) A commitment to working with the local planning authority's local labour and business coordinator.
 - (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
 - (d) Early warnings within the local planning authority's area of contracts to be let at the development.
 - (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
 - (f) Recommended training routes to secure jobs.
 - (g) Proposals to encourage diversity in the workforce.
 - (h) Measures to encourage local businesses to apply for work in relation to the development.
 - (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
 - (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
 - (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
 - (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
 - (m) Provision of childcare and employee assistance to improve working environments.
 - (n) Interview arrangements for jobs.

- (o) Arrangements for working with schools and colleges.
- (p) Measures to encourage local people into end use jobs.
- (r) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
 - The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
 - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
 - Number of days of work experience provided.
 - Number of apprenticeships provided.
- (ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.
- (iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

Reason: In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to supports sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

- (4) No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

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).

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

- (a) Dust mitigation measures.

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

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).

- (6) (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 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).

- (7) (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
- (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally 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).

- (8) (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).

- (9) (a) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:5 showing windows/ doors/ balconies/ terraces/ entrances have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

- (10) (a) The development shall be constructed in those materials as submitted namely: Buff Brick, Blue Brick, Red Brick, 'Fibre C' Cladding, aluminium/ timber composite windows, timber doors, and in full accordance with state relevant plans PL_3001C, 3002C, 3003C, 3004A, 3005A and Design and Access Statement (P22 - Appearance-Materials.)
- (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).

- (11) (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior to commencement of the development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

- (12) (a) A minimum of 80 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved
- (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).

- (13) (a) No development 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).

- (14) (a) A scheme of soft landscaping (including details of 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 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).

- (15) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

- (16) (a) Further section plans of the proposed living roof shall be submitted to and approved in writing by the local planning authority.
- (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, and shall thereafter be retained in perpetuity.

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.

- (17) (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.
- (d) All proposed measures and strategies of mitigating the level of lighting impact detailed in paragraph 4.12 of the Ecology Report (June 2014) shall be implemented in full prior to first occupation, and thereafter retained.

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).

- (18) The development hereby approved shall not be occupied until the vehicular access as shown on plan PL_1100E has been constructed in full accordance with the said plan.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- (19) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on the plans 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).

- (20) The four 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 the plans hereby approved prior to their first occupation. For the avoidance of doubt 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).

- (21) The whole of the amenity space (including roof terraces and balconies) as shown on the plans 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).

- (22) 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 flat roofed areas on 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 roof areas 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).

- (23) The whole of the car parking accommodation shown on drawing no.PL_1100E hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the spaces for parking purposes, 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).

- (24) Details of the number and location of the bee/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 12 Open space and environmental assets.

- (25) The proposed Solar Panels shall be installed and fully operational prior to first occupation of the residential units hereby granted.

Reason: To ensure the development is in compliance with Policy 8 'Sustainable design and construction and energy efficiency' of the adopted Core Strategy (June 2011).

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>

- (3) The applicant is advised to view the Council's Local Information List which details Living Roof requirements and guidance.

<https://www.lewisham.gov.uk/myserVICES/planning/applications/Documents/LocalInformationRequirements.pdf>

This page is intentionally left blank

This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	3A ELIOT PARK, LONDON SE13 7EG	
Ward	Blackheath	
Contributors	Helen Milner	
Class	PART 1	Date: 31 JULY 2014

<u>Reg. Nos.</u>	DC/14/86350
<u>Application dated</u>	31.01.2014 [revised 27.05.2014]
<u>Applicant</u>	Titman Design on behalf of Mr P Simms
<u>Proposal</u>	The alteration and conversion, together with the construction of a part one, part two storey extension to the rear to provide 1 two bedroom and 1 three bedroom self-contained flats.
<u>Applicant's Plan Nos.</u>	041-02, 041-03 (received 27 May 2014), Design and Access Statement, Location Plan 041-01 & Photographs.
<u>Background Papers</u>	(1) Case File LE/135/3/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Blackheath Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is occupied by a four storey (including semi-basement) semi-detached property on the south west side of Eliot Park. This application relates to the ground and lower ground floor levels, which are currently in use as a single maisonette dwelling with a Gross Internal Floor area of 140sqm.
- 1.2 The property has an original part two, part three storey projection to the side, which at ground floor level includes the common entrance to the property. Within the hallway there is a doorway into the existing maisonette and a staircase to the upstairs flats, Nos. 3b and 3c. Adjacent to the side projection are external steps leading to a path along the side of the building at lower ground floor level which leads to the rear garden area, which is at a lower level.
- 1.3 On the main front elevation of each of the semi-detached pair there are two windows on each level, with a varying window design to each level. The front garden, which is densely planted, slopes down towards the semi-basement area, allowing light to the lower ground floor windows.
- 1.4 There is a change in levels between the front and rear of the property, with the upper ground floor level to the front at pavement level, however to the rear garden access is at lower ground floor level.

- 1.5 To the rear of the property the rear elevation has a stepped alignment, with an original two storey projection with a hipped roof that is set forward of the main elevation by 1m, adjoining which is a further projection, with a lean to roof against the main projection and this in turn steps forward of the main elevation by 0.5m. The side projection is set back from the main rear elevation by 0.5m
- 1.6 The rear garden is approximately 20m in length and to the rear the property boundary adjoins the rear gardens of numbers 14-16 Walerand Road. To the west side is the adjoining semi-detached property and beyond that a detached property. Neither of these properties are in single occupation, with all three properties divided into flats. To the east of the site is a block of four storey flats dating from the 1980s. To the rear the flats project forward of the rear building line of the semi-detached pair by 3m.
- 1.7 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.

2.0 Planning History

- 2.1 DC/99/45274 – The alteration of windows in the side and rear elevations and rear doors at 3A Eliot Park SE13. Granted December 1999.

3.0 Current Planning Applications

The Proposals

External Alterations

- 3.1 The proposal is for the alteration and conversion of the lower ground and ground floor maisonette property, together with the construction of a part one, part two storey rear extension to provide 1 two bedroom flat and 1 three bedroom self-contained flat.
- 3.2 Externally there are no alterations to the front elevation, except for repairs and redecoration. The front entrance is retained for the main entrance to the ground and upper floor flats. A new entrance is proposed in the side elevation at semi-basement level, to provide access to the lower ground floor property, with no further alterations to the side elevation at lower ground floor level. At upper ground floor level there are currently three windows in the side elevation; it is proposed to remove the stair landing window and brick it up, and to retain the other two.
- 3.3 To the rear it is proposed to build a part single, part two storey extension, which will project out from the elevation of the existing two storey projection (which adjoins number 2 Eliot Park) by 3.7m in depth. The projection from the existing side projection, which is currently stepped back from the rear building line, is 5.2m. This provides a rear elevation at lower ground floor which has the same alignment to a full width of 9m. In the rear elevation at lower ground floor it is proposed to have two sets of double opening white aluminium doors.
- 3.4 In the rear elevation at upper ground floor level the proposed extension would project only on the east side, adjacent to the boundary with the flatted block. The two storey element would be set away from the property boundary with the adjoining semi-detached property at number 2 Eliot Park by 4.3m.

The single storey element will have a flat roof with a stone coping and a centrally located roof light measuring 1.6m in width and depth. The flat roof will have a maximum height, including the stone coping of 3.2m, with the roof light adding an additional 0.15m in height.

- 3.5 The two storey element will measure 4.7m wide and have a timber sash window in the rear elevation at upper ground floor level to match the existing window at this level which is retained. The extension will be set back from the east side boundary to the flats by 0.8m and would be 1.5m from the flank elevation of the flats, which are set away from the boundary at this point by 0.7m. The side of the extension would be aligned with the original side addition and would project beyond the rear building line of the flats by 1.25m.
- 3.6 The application has been revised to delete a window originally proposed at upper ground floor level in the flank of the extension.

Proposed accommodation

- 3.7 The lower ground floor is proposed as a three bedroom unit, with each bedroom providing between 11.5-19sqm floorspace. The largest bedroom also has an ensuite bathroom and there is also an additional bathroom within the flat. There will be an open plan kitchen, dining and living area to the rear of the property, with proposed doors to the garden leading off both the master bedroom and living area.
- 3.8 At upper ground floor level a two bedroom unit is proposed, with the bedrooms providing between 17.2-18.6sqm of floorspace. The largest room again has an ensuite and there is also a separate bathroom within the unit. The open plan kitchen, dining and living area is to the front of the property and provides 27.6sqm of floorspace. There is no direct access from the upper ground floor unit to the rear garden.

Supporting Documents

- 3.9 The application is accompanied by a Design and Access Statement which provides a brief overview of the scheme along with details of the proposed extension, and explains the design approach and proposed materials.

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 The Amenity Societies Panel raised no objection to the scheme.
- 4.4 The Blackheath Society object to the application on the following grounds;

- While recognising the good intentions expressed in the application , we support the objections to this development already clearly articulated by the neighbours, in particular:
- The application seems to be characterised by poor/inadequate/erroneous information and consultation of the residents
- The massing and height of the rear extension are out of keeping with the rest of the building
- The development would potentially result in the serious loss of amenity for the neighbours
- Concerns about the impact of building work on the foundations should have been addressed
- We object to any removal of mature trees to make way for the extension and note that it is claimed that the applicant has already started to remove trees, This should be investigated urgently.

4.5 Objections to the scheme were received from four properties at 1, 2 and 4 Eliot Park making the following comments;

- Insufficient consultation with the date on the site notice and letter differing
- Loss of privacy due to side window in proposed two storey extension.
- Loss of trees and landscaping and greenery.
- Over development and concerns that another flat would cause parking problems in the area.
- The building work for the extension would cause noise, dust and increased parking demand.
- Concern that the building will disturb the foundations and impact on surrounding properties with no plan on how to repair any damage caused.
- No details on long term maintenance plan for the property.
- There is an underground stream under the property and the impact of the development on drainage and possible flood risk has not been addressed.
- The scale of the extension is out of character and detrimental to outlook of adjoining properties.
- The extension will cause overshadowing and loss of light to adjoining properties and make an 'enclosed' feel to neighbouring properties
- Development would occupy a significant area of garden being out of scale and overly dominant, ruining vistas at the rear.
- The extension will make the view of the rear of the semi-detached property unsymmetrical, especially with the single storey element, which is not a feature on the other properties.
- The proposal will impact on property values and issues of land ownership
- Inconsistencies within application information

4.6 Two letters of support were received from other flats at No.3 making the following comments;

- The proposed alterations will be a positive change to the building and general area with the design in keeping with the style and area and is more sympathetic than other developments in the area.
- The proposal provides more needed extra accommodation, which will meet the high standard already exhibited in the street.

- The proposals will improve the front of the house and tidy up the property which currently blights the street and reinstate the use of the flat which is currently vacant.
- The semi-detached properties are already not symmetrical to the rear and so there is no objection to rear extension.
- The design makes concession to neighbours in terms of light and space

(Letters are available to Members)

- 4.7 Following the comments received during the neighbour consultation that an underground stream runs under the garden to the rear of 3a Eliot Park the Environment Agency were contacted. They had no records of any water course located underground at this address, but advised that if during development any water course is confirmed to contact them for further flood risk analysis. An informative will be attached to the consent, if it is found acceptable in other respects.

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 shall 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 if regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (UDP) (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework (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.

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.11 Green roofs and development site environs
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)

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:

Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

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 5 Layout and Design of New Residential Development
 - HSG 7 Gardens
 - HSG 9 Conversion of Residential Property
 - HSG 12 Residential Extensions
 - TRN 24 Off-Street Parking for Residential Conversions

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.

Emerging Plans

- 5.10 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).
- 5.11 The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Development Management Plan

- 5.12 The Development Management Local Plan (DMLP) – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. The Examination in Public is expected to conclude in summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.
- 5.13 Following this examination policies were either unchanged, had additional modifications or main modifications. The unchanged and additional modification policies will not be reconsulted on or revised prior to adoption but the proposed main modification policies may alter following reconsultation.

Therefore, in accordance with the NPPF, the weight decision makers should accord the Submission Version should reflect the advice in the NPPF paragraph 216.

5.14 The following policies are considered to be relevant to this application and are unchanged:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 31.	Alterations and extensions to existing buildings including residential extensions

5.15 The following policy relevant to this application has additional modifications:

DM Policy 3	Conversion of a single dwelling to two or more dwellings
-------------	--

5.16 With the remaining DMLP policies relevant to this application having main modifications;

DM Policy 29	Car parking
DM Policy 30	Urban design and local character <ul style="list-style-type: none">• <i>General principles</i>• <i>Detailed design issues</i>
DM Policy 32	Housing design, layout and space standards <ul style="list-style-type: none">• <i>Siting and layout of development</i>• <i>Internal standards</i>
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 gardens <ul style="list-style-type: none">• <i>A. General principles</i>• <i>B. Conservation areas</i>

Supplementary Planning Documents

5.17 Residential Standards Supplementary Planning Document (*adopted August 2006 amended May 2012.*)

5.18 Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

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) Conservation
- d) Standard of accommodation
- e) Highways and Traffic Issues
- f) Impact on Adjoining Properties
- g) Sustainability
- h) Planning Obligations

Principle of Development

- 6.2 Adopted and Saved UDP Policy HSG 9 states that the permanent conversion of larger dwelling houses into two or more self-contained units will be permitted provided that the scheme results in the provision of an increase in suitable accommodation. However, not all dwellings will be suitable for conversion. The conversion of dwellings will not be permitted where the net floor space is less than 130sqm. as originally constructed, and the dwelling is still suitable for family accommodation; the character of the buildings or neighbourhood or the amenities of neighbouring properties would be adversely affected; the safe movement of emergency and refuse vehicles or other essential traffic, and pedestrians, is likely to be adversely affected by additional on-street parking; the dwelling is multi-occupied and provides a satisfactory standard of accommodation for those who need short term relatively low cost accommodation; it is not possible to retain sufficient area of the original garden to provide an adequate setting for the converted building and enough private open space for the use of the intended occupant.
- 6.3 Policy 3 of the Development Management Local Plan Submission Version states that the Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the house is not suitable for family accommodation due to being adjacent to noise generating or other environmentally unfriendly uses or where there is a lack of external amenity space suitable for family use. Any house considered suitable for conversion according to these points of the policy will need to have a net internal floorspace greater than 130 sqm.
- 6.4 Furthermore, Policy 3 states all conversions must meet the general design requirements and housing standards in DM Policy 25 (Landscaping and trees), DM Policy 29 (Car parking), DM Policy 30 (Urban design and local character), DM Policy 31 (Alterations and extensions to existing buildings including residential extensions) and DM Policy 32 (Housing design, layout and space standards).
- 6.5 Following the submission of the Development Management Local Plan to the Inspector modifications to the wording of DM 3 were implemented. It was clarified to state that a 'house' rather than 'dwelling' would be protected from being converted into two or more flats. This change in wording provides the policy with a stronger weight and emphasis to protect against the loss of single houses. However, in relation to already converted properties the further subdivision of units must not be considered unacceptable in principle but considered against the further policy requirements as set out in DM 3 and also the Adopted UDP policy HSG 9. This report therefore assesses the scheme within the latest policy constraints.
- 6.6 Saved policy HSG 9 seeks, among other things, to protect the amenity of the surrounding area from the cumulative impacts of property conversions. The policy questions the impact of a development on the character of the property and also the neighbourhood. It also considers the impact on the accessibility of emergency vehicles, refuse vehicles and other traffic as well as parking implications. As the property is already converted into three flats and this proposal would result in only one additional unit, with no alterations to the front of the property, it is not considered that the development would have any significant impact on the character of the neighbourhood.

Furthermore as the development only seeks one additional unit within an area with a PTAL of 6a it is not considered there will be any significant negative parking implications arising from this proposal.

- 6.7 When assessing the suitability of the property for conversion both HSG 9 and DM 3 state that the conversion of a property with less than 130m² floor space and suitable for family accommodation would not be granted permission for subdivision. The original property, which is already converted to flats, has an original gross internal floorspace that significantly exceeds 130sqm. The existing maisonette alone has a gross internal floorspace of approximately 135m².
- 6.8 The evidence for Lewisham shows that the main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms. Policies HSG 9 and DM 3 seek to protect housing suitable for family occupation from being lost by conversion to flats. Whilst this is already a subdivided property, the maisonette does currently provide a three/four bedroom unit. The proposal therefore seeks to retain one three bedroom unit and to provide an additional two bedroom unit. Therefore it is considered that the three bedroom, lower ground floor unit with direct garden access could provide suitable family accommodation and meet the needs of the future occupiers. This accords with planning policy and it is considered that the principle of the further conversion of this building is acceptable.

Design

- 6.9 Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.10 The Council's adopted UDP policies URB 3 Urban Design and URB 6 Alterations and Extensions requires extensions to be of a high quality design which should complement the scale and character of the existing development and setting, and which should respect the architectural characteristics of the original building. Emerging Development Management policy DM 31 also states that extensions and alterations will be required to be of a high, site specific, and sensitive design quality. New rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 6.11 The proposed external alterations are confined to the side and rear of the property, neither of which will be visible to the front of the property on Eliot Park. The alterations to the side elevation to insert a new entrance door and remove a window are not considered to be detrimental to the character of the property. The area of wall where the window is to be removed will be bricked up with bricks to match the existing wall and the doorway is of a scale and design appropriate for the property.
- 6.12 To the rear it is proposed to construct a part single, part two storey extension, the single storey element of which would extend across the full width of the property. This is a sizable extension, however when considered in relation to the existing property it is judged to be of an appropriate scale. The extension is to be constructed out of brickwork to match the existing property and at upper ground floor level the large rear window will replicate the design of the remaining existing window in the upper ground floor rear elevation.

- 6.13 The single storey element will have a flat roof with a skylight, presenting a more contemporary design, however at upper ground floor level, which is at a higher level to the rear and visible from a wider area, the extension will have a more traditional design suitable for the property. The two storey element is proposed with a pitched roof with a slate finish to match that of the existing roof on the main house and side and rear projections.
- 6.14 The height of the extension relates well to the existing proportions of the property at lower ground and upper ground floor levels. The single storey part has a height of 3.2m and the two storey element is 6.3m high to the eaves and 7.2m to the ridge of the pitched roof. In terms of the depth and width of the extension, the proposal follows the existing flank building line and does not extend any closer to the boundary than the existing side addition. To the rear the extension projects out by 3.7m from the rear projection to the west and 5.2m from the east side set back projection. Given the size of the existing property and depth of the garden, the scale of the proposed extension is considered appropriate, with the height and massing relating well to the proportions of the existing building and site.
- 6.15 Comments have been received regarding the impact on the view of 1-3 Eliot Park from the rear and how the extension will make the properties, particularly the semi-detached pair, appear unsymmetrical. Whilst the extension will alter the appearance from the rear, these properties are not Listed and alterations and extensions are not precluded, subject to their scale and design and provided they are considered to be of a high quality. The proposal is considered to be of a high quality and whilst altering the existing arrangement, is not considered to be unacceptable in terms of visual amenity as viewed from surrounding neighbouring properties.
- 6.16 The features of the rear extension and side alterations seek to complement the style of the existing property, which is further confirmed by the use of materials that also match those seen on the existing property. It is therefore considered that the proposal has been sensitively designed to relate to the existing property and is consistent with planning policy.

Conservation

- 6.17 Saved UDP policy URB 16 (New Development, Changes of Use and Alterations to Buildings in Conservation Areas) states that the Council will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.18 As mentioned above the external alterations are not visible from the public realm in Eliot Park and therefore have a minor impact on the conservation area. Whilst the extension is substantial it is considered that the proportions, design features and materials all complement the character of the property.
- 6.19 Sub-divisions and conversions do have the potential to impact on the character of an area, due to impact on parking and intensity of use. However, given this proposal seeks to provide one additional dwelling in an existing and well established residential area it is not considered that this proposal will, by its use or intensification, alter the character of the area or put undue pressures on the area.

- 6.20 Externally the changes are limited to the side and rear of the property with no alterations to the front, only repairs and redecoration. Therefore, given the scale and design features of the external changes, including the rear extension, these are considered to be compatible with the character of the property and wider conservation area and are considered to be acceptable.

Standard of Residential Accommodation

- 6.21 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to be attractive. Likewise, Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.
- 6.22 Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.23 Retained Policy HSG 5 Layout and Design of New Residential Development in the Adopted UDP states that the Council expects all new residential development to meet the functional requirements of its future inhabitants.
- 6.24 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.
- 6.25 The lower ground floor flat will, once extended provide 112sqm of internal floorspace for a three bedroom flat and the upper ground floor flat will provide 85sqm for a two bedroom flat. The London Plan standard unit size required for a 3 bedroom 6 person flat is 95sqm and for a 2 bedroom 4 person flat 70sqm, therefore both units comfortably provide the standard required for the intended occupancy. In addition at lower ground floor level the proposed bedrooms are between 11.5-19 sqm, with the standard of 12sqm in the London Plan only one room is just below standard (for a double bedroom), which is considered acceptable; both bedrooms to the upper ground floor flat are above the minimum standard at over 17sqm. The kitchen/living/dining space for each unit also meets the London Plan standards with 36sqm provided at lower ground floor and 27.6sqm provided at upper ground floor level.

Amenity Space

- 6.26 The proposal will provide direct access to the rear garden for the lower ground unit, from the master bedroom and living area. Whilst the upper ground floor unit will have no direct access into the garden area, there is a side access providing access to the rear garden for the upper flats.

Lifetime homes

- 6.27 The applicant has not provided a Lifetime Homes statement, however this will be required via condition to ensure that the properties meet the Lifetime Homes standards where practicable.

Transport and Servicing Issues

- 6.28 The site has an PTAL rating of 6a, which is excellent and demonstrates that the site is well served by public transport. Given the high accessibility of the site coupled with the fact that the proposal seeks to provide one additional unit, it is considered that there will be no significant impact on parking demand in the vicinity. Therefore the proposal is generally be in accordance with CS Policy 14 and Policy 6.13 of the London Plan (2011).
- 6.29 Cycle parking is generally required to be 1:1 for residential development and provision for this will be required via condition.
- 6.30 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage for each flat and these will therefore be required by condition.

Impact on Adjoining Properties

- 6.31 HSG 4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough by ensuring that new roof additions and extensions respect the character of the surrounding area.
- 6.32 DM Policy 32 states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. New rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 6.33 The objections raised make reference to concerns about loss of light, outlook, overshadowing and overbearing impact of the proposal on surrounding properties. Objections also raised concerns in regard to loss of views, land ownership and property prices, which are not relevant planning considerations.
- 6.34 The extension to the rear of the property faces to the south west, with the single storey element on the western side and the two storey element on the east side, adjacent to the flats at 4 Eliot Park. On the east side the extension will project beyond the rear building line of the adjacent flats by 1.25m. It is therefore considered that the impact on the rear windows of the flats would be marginal and would not result in significant harm to the amenity of the occupiers of that block in terms of loss of outlook, overlooking or overshadowing. There are a number of windows in the side elevation of the flatted block and it is acknowledged that there will be a level of impact to these windows.

However these windows are located behind the existing rear building line of No. 3 Eliot Park and as such already have limited light. Furthermore as these windows serve non-habitable rooms (kitchens and bathrooms) it is considered that whilst there will be a degree of impact, this is not so significant as to warrant the refusal of planning permission.

- 6.35 To the west side the extension would be single storey and would be constructed to the boundary with No. 2. The height adjacent to that property is 3.2m, which is not considered excessive in relation to the depth of the extension, the proportions of the property or considered overbearing in relation to the wider site. In view of the site orientation, the proposed extension would not result in a significant impact in terms of overshadowing, loss of light or outlook. The extension is considered acceptable in terms of its impact upon the adjoining property at No. 2 Eliot Park.
- 6.36 With regard to overlooking it is noted that the objections make reference to a side window in the two storey extension. This has now been removed from the application proposal on the advice of officers, thus removing the potential for unacceptable overlooking. It is not considered that the development will cause any other overlooking not already present on the site and is therefore acceptable in this regard. A condition is proposed to prevent the flat roof of the extension from being used as a balcony or roof terrace.
- 6.37 It is not considered that the alterations to the side of the property would have any significant impact on amenity of surrounding properties.
- 6.38 Whilst the proposal will result in a change to the current site arrangements, there is still a large area of garden retained for the host property. Furthermore the development is not considered to have a detrimental impact on adjoining gardens or properties. As such the development is considered to have an acceptable impact on neighbouring occupiers.

Other Matters

- 6.39 One of the objectors makes reference to an underground stream which they understand is beneath the gardens of Nos.1-3 Eliot Park. This has been queried with the relevant department of the Environment Agency, who confirm they have no record of a stream or culvert in this location. An informative has been added to the recommendation in this regard.

7.0 Local Finance Considerations

- 7.1 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).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 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.
- 8.4 In this matter there is considered to be no impact on equality.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 The sub-division of the lower maisonette is considered to be acceptable in principle. It is acknowledged by the Council that the extension to the rear is sizeable, however it is considered to be of an appropriate and proportionate scale in relation to the host property and wider site area.
- 9.3 The development is not considered to impact on the character of the conservation area being largely confined to the rear of the property away from the public realm. The potential impacts on residential amenity have been given full consideration and alterations made to address these in part. Whilst there will be an impact on the windows in the side elevation of the flats this is not considered to be so significant as to cause significant harm and to warrant the refusal of consent. The impacts on surrounding properties in terms of loss of light, overshadowing, overlooking and overbearing are not considered to be significant or harmful the scheme is therefore considered acceptable.

10.0 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:

041-01, 041-02, 041-03 (received 26th June 2014)

- (3) Notwithstanding the information submitted and hereby approved, no development shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors and roof coverings to be used on the extension have been submitted to and approved in writing by the local planning authority. Any making good or alterations to the existing elevations of the house shall be carried out other than in materials to match the existing. The development shall be carried out in accordance with the approved details.
- (4) Notwithstanding the information submitted and hereby approved, no development shall commence until detailed plans at a scale of 1:20 showing the window elevations and sections 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.
- (5)
 - (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
 - (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained
- (6)
 - (a) A minimum of two secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
 - (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.
- (7) Prior to the commencement of development a plan at scale 1:20 shall be submitted to the Council showing demonstrating compliance of the units hereby approved with Lifetime Home Standard.
- (8) 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 single storey flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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, plans and drawings submitted with the application and is acceptable to the local planning authority.

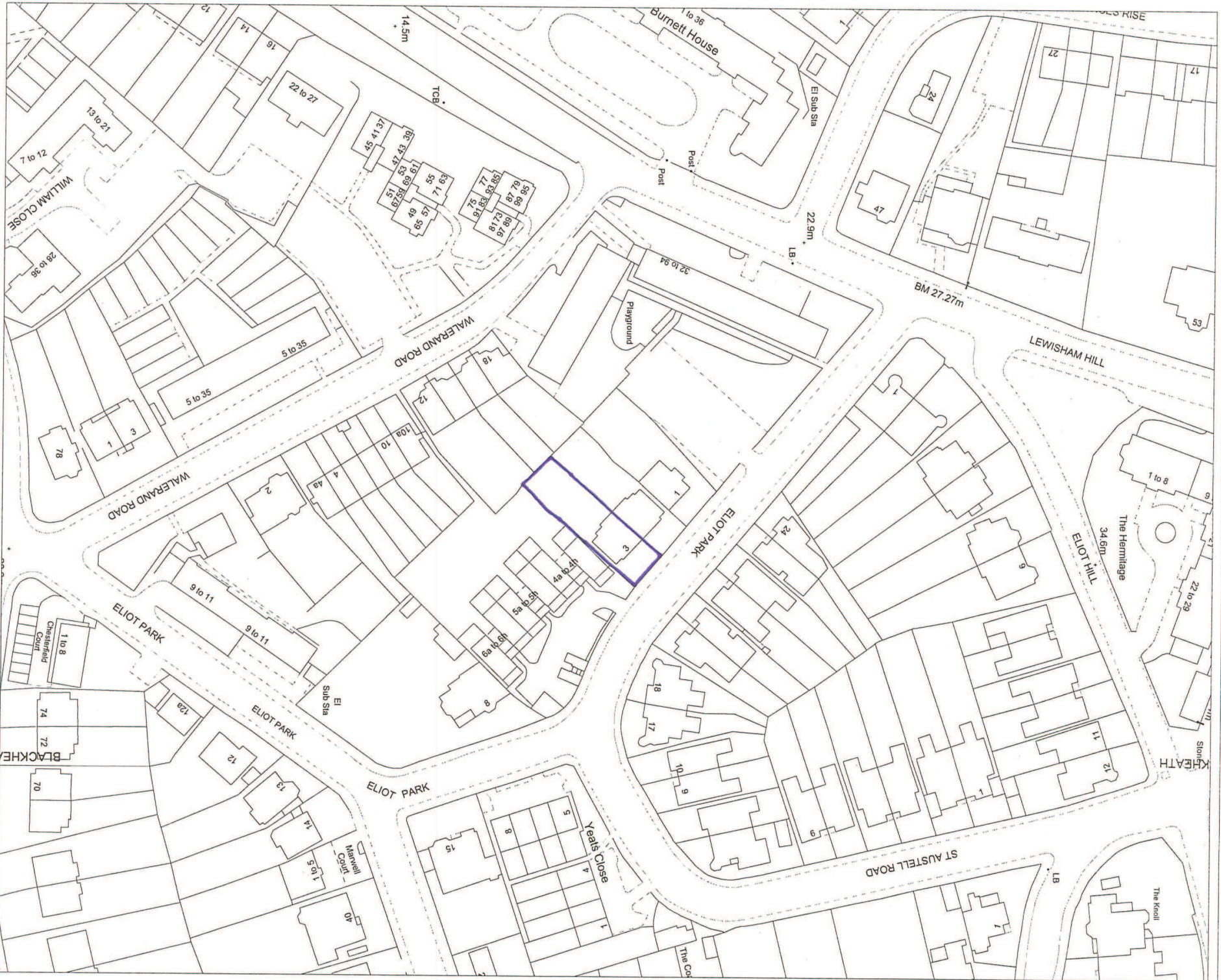
- (3) To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).
- (4) In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).
- (5) 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).
- (6) In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).
- (7) 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).
- (8) 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).

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) **Flood Risk:** You are advised that if during construction works, any evidence of a water course is located within the site, contact must be made with Environment Agency to discuss the potential impacts on the water contamination and flood risk.

This page is intentionally left blank

3A ELIOT PARK SE13



This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	183A WALLER ROAD SE14 5LX	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	31 JULY 2014

<u>Reg. Nos.</u>	DC/14/86950
<u>Application dated</u>	20.03.2014
<u>Applicant</u>	Miss A Hales
<u>Proposal</u>	The construction of a single storey extension to the rear, together with the reinstatement of a full bay window and the addition of fixed lights window to the rear ground floor.
<u>Applicant's Plan Nos.</u>	37.01 & 37. k k 02_DGN_P_001, 02_DGN-00_201, Heritage Statement; Planning, Design and Assess Statement.
<u>Background Papers</u>	(1) Case File DE/49/183/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 183A Waller Road is a two storey plus basement mid-terrace house on the east side of the road. The property is converted into flats and the application relates to the lower flat. The property forms part of an architecturally cohesive street of two storey terraces of almost identical design.
- 1.2 The property features an original three storey rear projection with a bay window to the side which has been altered within the existing opening to accommodate kitchen units behind.
- 1.3 The property is located within Telegraph Hill Conservation Area. It is not within the setting of a listed building/Heritage Asset.

2.0 Planning History

- 2.1 There is no relevant history associated with the subject property.

3.0 Current Planning Applications

The Proposal

- 3.1 The applicant proposes to construct a single storey extension to the rear along with other alterations including the reinstatement of sliding sash windows to the ground floor flank bay window and the addition of a new window opening in the flank elevation, all to the rear of the subject property.
- 3.2 The proposed extension would extend 3.5m from the back wall of the rear outrigger and would have the same width as the original rear projection. It would have a mono pitch roof with a height of 2.5m to the eaves rising to 3.5m adjoining the rear projection. The extension would adjoin the boundary with 181 Waller Road and would replace a small outside toilet/store. The extension would be constructed from London stock bricks to match the existing house and would have two rooflights.
- 3.3 This application also seeks permission to reinstate timber, sliding sash windows into an existing bay window in the flank of the rear projection. This had previously been altered to have casement windows with infill panels below, in order to accommodate kitchen units behind. It is also proposed to make an additional window opening in the side of the rear projection; this would have a fixed light with opaque glass.

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, a site notice was displayed, the Telegraph Hill Society and Ward Councillors were notified.
- 4.3 One letter of objection has been received from the occupant of the first floor flat who objects on the following grounds
- The roof of the extension will come too close to my back window and look unsightly
 - This could also have security implications as people could climb into my back window

(Letters are available to Members)

Telegraph Hill Society

- 4.4 The Telegraph Hill Society have objected to the application on the following grounds:
- Objection to the design of the extension particularly the sliding doors and rooflights. The sliding doors should be timber French doors with glazing bars and stall risers.
 - The rooflights may result in light pollution for the neighbouring property.

Amenities Societies Panel

- 4.5 Objection. The Panel welcomed the retention and restoration of the side bay window to the back addition. However, the new window opening in the side elevation of the back addition should be in a matching style to the rest of the property. The Panel objected to the design of the proposed rear extension which was not in keeping with the style of the host building and also featured large roof lights likely to lead to nuisance to nearby occupiers from glare and light pollution. In this case the rooflights were also difficult to justify as the opportunity exists for windows in the side elevation of both the extension and the existing back addition.

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 shall 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 Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (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 closer the policies in the emerging plan to the policies in the Framework the greater the weight that may be given.

The following emerging plans are relevant to this application.

Development Management Local Plan

5.12 The Development Management Local Plan (DMLP) – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. Adoption of the Local Plan expected to take place in Autumn 2014.

5.13 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.

5.14 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.

5.15 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

5.16 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 Telegraph Hill Society's objections relating to the rooflights and sliding doors to the rear and their preference for timber French doors have been noted. Although it is acknowledged that sliding doors and rooflights are not a traditional characteristic of these properties, given that they will not be visible from any public vantage point and would have very limited visibility to other properties at the rear, the visual impact of the alterations is considered to be minimal.

6.5 Furthermore, as the proposed extension is modest in scale having a depth, width and eaves height of 3.5m and would be constructed from reclaimed stock brick to match the existing house, Officers do not consider that the proposed extension would result in any significant harm to the subject property or the Telegraph Hill Conservation Area.

6.6 It is welcomed that the application proposes to reinstate timber framed traditional sliding sash windows to the existing bay which have been unsympathetically replaced with ill fitting casement windows. Regarding the addition of a fixed light window to the side of the rear projection this is considered to be a minor alteration which being at ground floor level to the rear of the property, will not be visible from any public vantage point and is therefore not considered to be objectionable.

6.7 The proposed single storey extension is considered to be suitably subservient to the existing building and will be constructed from acceptable materials and will therefore safeguard the character and appearance of the Telegraph Hill Conservation Area and the subject property, subject to a condition that the facing materials should match the existing.

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 proposed extension is relatively modest in scale and would project 3.5m from the back of the existing rear projection and would be 3.5m in width. The proposed extension features a mono pitched roof containing two rooflights falling from a maximum height of 3.5m adjoining the rear elevation to an eaves height of 2.5m. It is also noted that the height is well within the relevant permitted development allowance, had the property been a single dwellinghouse. The proposed extension would adjoin the boundary with number 181 and would result in the demolition of an existing small outside store, that would originally have been a WC. As the proposed extension only projects 3.5m, has an eaves height of 2.5m and is located next to an existing matching rear toilet/store at door, the proposed extension is not considered to have any significant implications for the adjoining property at number 181 in terms of impact on their amenities. With regard to the neighbour on the other side (number 185), that property is located at a higher site level and has a rear conservatory. As the extension would be located 1.7m from the property boundary the impact on the amenities of No.185 is considered to be marginal.
- 6.10 Whilst the objectors comments have been noted, the proximity of the roof of the proposed extension to the first floor rear window is a common relationship in converted properties and is not objectionable in planning terms and as there is already a small single storey outbuilding close to the underside of this window the position of the proposed extension is not considered to introduce any unreasonable additional security risk to residents of the first floor flat.
- 6.11 The introduction of an additional obscure glazed window at ground floor level to the side of the rear projection and the reinstatement of sash windows to the side bay window are not considered to have any significant implications for the amenities of adjacent properties.
- 6.12 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.
- 6.13 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. k k 02_DGN_P_001, 02_DGN_00_201, Heritage Statement; Planning, Design and Assess Statement.
- (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).

INFORMATIVE

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.

This page is intentionally left blank

183A WALLER ROAD SE14



This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	FORMER R.H. ADAMS LTD SITE, HINDSLEY'S PLACE SE23 2NQ	
Ward	Perry Vale	
Contributors	Tabitha Lythe	
Class	PART 1	Date: 31 JULY 2014

<u>Reg. Nos.</u>	DC/13/85802
<u>Application dated</u>	28.11.2013
<u>Applicant</u>	bptw Partnership on behalf of Frame Property Ltd
<u>Proposal</u>	Demolition of the existing building at Former R. H. Adams Ltd Site, Hindsley's Place SE23 and the construction of a part two, part three and part four storey building with solar panels on the roof to provide 8 residential units, together with associated cycle and refuse provision.
<u>Applicant's Plan Nos.</u>	113 01.01; 113 02.01; 113 02.02; 113 02.03; 113 02.04; 113 03.01; 113.03.02; 113 03.03; 113.03.04; 113 03.05; 113 03.06; 113 03.07; 113 03.08; 113 03.09; 113 04.01; 113 05.01; 113 05.02; 113 05.03; 113 05.04; 113 05.05 Code for Sustainable Homes Pre-Assessment Estimate; Planning Design & Access Statement; Environmental Report; Planning Statement; Revised Design II: Daylight, Sunlight & Overshadowing Report; Supplementary Information for Planning, January 2014.
<u>Background Papers</u>	(1) Case File LE/623/C/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	None

1.0 Property/Site Description

- 1.1 The application site which has also been named Imperial Works, is roughly L-shaped and lies at the east end of Hindsley's Place, with a narrow element running through to Westbourne Drive and is a single family dwellinghouse (Class C3). The buildings on site are mainly two-storey, with a single-storey workshop element. Although the building was previously in commercial use, this is not strongly evident from Hindsley's Place, with only a relatively modest signboard for R H Adams located at first floor level to indicate this.

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

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

2.0 Planning History

- 2.1 2004: p.p. refused for the demolition of part the existing workshop and alterations to the existing buildings at R H Adams (Forest Hill) Ltd, Hindsley's Place SE23, and their conversion to residential use to provide 2, studio flats, 5, one bedroom and 1, two bedroom self-contained flats, together with the erection of a two storey extension on part of the Hindsley's Place frontage, provision of car parking and bicycles spaces and associated landscaping. (The proposal would involve the loss of an employment site contrary to Policy EMP 3 Employment Sites Outside Defined Employment Areas) – Appeal Dismissed.
- 2.2 2009: application withdrawn for demolition of existing unit fronting onto Hindsley's Place and construction of two-storey unit, incorporating 1 no. Live/Work Unit and large separate artist's studio on footprint of existing building.
- 2.3 2010: application withdrawn for demolition of existing unit (former R. H Adams Premises, now renamed Imperial Club) Hindsley's Place SE23 and the construction of a 2-storey unit fronting Hindsley's Place and a 6 storey unit fronting Westbourne Drive, to provide one artist studio with associated office and gallery, one live/work unit and 1, two bedroom self-contained flat.
- 2.4 2012: p.p. refused for demolition of the former R. H. Adams Premises, now renamed Imperial Works, Hindsley's Place SE23 and the construction of a part two, part three, part four-storey building to provide seven live/work units. (The proposal by reason of its height, design and relationship with Number 12 Westbourne Drive would be overdominant and would therefore harm the residential amenities of adjoining occupiers. The proposal would therefore be contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policies HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004)) – Appeal Dismissed.
- 2.5 2012: p.p. approved for demolition of the former R. H. Adams Premises, now renamed Imperial Works, Hindsley's Place SE23 and the construction of a part two/part three-storey building to provide six live/work units.
- 2.6 2013: Prior approval allowed to convert offices at 29A Hindsley's Place SE23 to provide a three bedroom dwelling house from offices (Use Class B1) to residential (Use Class C3) pursuant to Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3.0 Current Planning Applications

The Proposals

- 3.1 Demolition of the existing part-single part two-story building which covers the majority of the site and is currently in use as a single-family dwelling house.
- 3.2 The erection of a part two (7m high), part three (10m), part four-storey building to provide 8 residential units on the footprint of the existing building. One unit would have 1 bedroom, four of the units would have two bedrooms and three of the units would have three bedrooms. All of the units would have access to private external amenity space with four ground floor level gardens facing Westbourne Drive; a walled courtyard at first floor level facing the rear of 12 Westbourne Drive; two roof terraces and a winter garden at second floor level facing Hindsley's Place and a roof terrace facing Hindsley's Place at third floor level.
- 3.3 36 Photovoltaic panels are proposed on the roof above the second, third and fourth storeys. A living roof of 12sq.m. is proposed above part of the third storey in the south-western corner. The building is proposed to be built to meet Code Level 4 of the Code for Sustainable Homes.
- 3.4 Refuse is proposed to be stored in the ground floor facing Hindsley's Place and another store fronting Westbourne Drive. Cycle Storage for 5 bicycles is proposed fronting Westbourne Drive and one space within each of units 1-3 on the ground floor.
- 3.5 The building would be proposed to be erected in brickwork in two different bricks, one which would be a light grey-brown brick and the other brick is a white glazed brick. Glass blocks are proposed at ground floor level with timber doors. A black rubber is proposed to clad the third floor level. The windows are proposed to be double-glazed crittall framed windows.
- 3.6 The main differences between this application and the previously approved scheme are the inclusion of the fourth storey within the same heights as previously approved to the northern part of the development; the building is proposed to be set back from the car park at 12 Westbourne Drive when previously the building abutted the boundary; the removal of two potential internal car parking spaces; reduction in the amount glazing facing Hindsley's Place and the change from six live-work units to eight residential units.

Supporting Documents

- 3.7 Code for Sustainable Homes Pre-Assessment; Environmental Report; Planning Statement; Planning Design & Access Statement; Revised Design II; Daylight, Sunlight & Overshadowing Report; Supplementary Information for Planning, January 2014.

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 5 objections were received from 14 Hindsley's Place; 10C; 12C, 12E and 16 Westbourne Drive raising the following points:

- Unclear what building will look like when finished
- Loss of privacy to all residents in Hindsley's Place as building is even larger than that originally approved
- Loss of privacy to residents in Westbourne Drive
- Loss of light to residents in Westbourne Drive
- View would be obscured to Westbourne Drive by increase from two to three-storeys with solar panels on the roof
- No car parking would mean increased pressure on parking in the local area particularly as these are family sized units
- Increase in traffic would be caused
- Daylight, sunlight and overshadowing report is inconclusive and contains errors
- Construction phase would cause significant damage and disruption.

(Letters are available to Members)

Sustainability Manager

- 4.4 It is acceptable as it meets Code Level 4. This should be conditioned.

Highways and Transportation

- 4.5 None received.

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 shall 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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (UDP) (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework (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.
- 5.6 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

- 5.7 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)
Guidance on Tall Buildings (English Heritage/CABE, July 2007)

London Plan (July 2011)

5.8 The London Plan policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 4.12 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 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)
Sustainable Design and Construction (2006)
Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

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

Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
Health Issues in Planning (2007)

Core Strategy

5.11 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 3 District Hubs

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

Unitary Development Plan (2004)

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

URB 3 Urban Design

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

ENV.PRO 12 Light Generating Development

ENV PRO 17 Management of the Water Supply

HSG 1 Prevention of Loss of Housing

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 (August 2006)

5.13 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

5.14 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 closer the policies in the emerging plan to the policies in the Framework 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 arranged for the 26th and 27th February 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 2	Prevention of loss of existing housing
DM Policy 26	Noise and vibration
DM Policy 28	Contaminated land

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 25	Landscaping and trees
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

6.0 Planning Considerations

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

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

Principle of Development

- 6.2 The site is currently in use as a single residential dwellinghouse. The proposal would not change the use of the land which would remain in Class C3 use but would increase the number of residential units from one to eight. Therefore as the site would not change use the principle of development is considered to be acceptable.

Design

- 6.3 A scheme with a similar scale and massing apart from the southern element being three-storey and this proposal is for four-storeys was granted planning permission in 2012. The scheme was for live/work units rather than residential units and there are differences in the external appearance although overall the design is similar. There was a similar scheme with four-storeys at the southern part of the site which was refused planning permission. The Planning Inspector in his report did not raise any concerns with this element of the development so the four-storey element was considered acceptable. Furthermore the four-storey element does not increase the height or massing when compared with the previously approved scheme as the floors have been reduced in height to incorporate the fourth storey within the previously approved height. The Planning Inspector's report did raise concerns about the impact on 12 Westbourne Drive at the northern end of the site but this has been set back in comparison to the refused scheme and the approved scheme.
- 6.4 Clarification was sought with regards to the details of the design and a CGI has been provided and further information about materials proposed. These have supported the case that the design would be acceptable and would have a positive impact on the character and appearance of the streetscene.

Housing

- 6.5 The residential units would have an acceptable floor size and room sizes inside would also be considered to be acceptable as they would be in accordance with the Mayor's Housing Supplementary Planning Guidance (2012). All of the rooms would have acceptable level of sunlight/ daylight and outlook and each unit would have access to private external amenity space.

Highways and Traffic Issues

a) Access

- 6.6 The site would be accessed from both Hindsley's Place and Westbourne Drive as per the existing site, however there would be no vehicular access from Westbourne Drive which currently exists and no vehicular access as the proposal would be 'car free' from Hindsley's place which does not currently have vehicular access.

b) Cycle Parking

- 6.7 Insufficient cycle parking is proposed for the eight units as three of the units would have three bedrooms they would require a minimum of two cycle parking spaces each. As there are areas indicating cycle parking these could be redesigned to incorporate the additional three cycle parking spaces required. The cycle parking fronting Westbourne Drive is indicated as being enclosed but there is insufficient information about the design of the unit and whether it would be secure.

Therefore details of the cycle parking could be added as a condition to ensure that acceptable numbers of spaces are provided and an acceptable design.

c) Car Parking

- 6.8 The site is proposed to be car free. Due to its location within walking distance of Forest Hill Overground Station and many buses it would be acceptable in this instance.

d) Refuse

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

e) Other

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

Noise

- 6.11 Noise from the site both during construction and the use of it once complete have been raised as concerns by neighbouring properties. A Construction and Logistics Plan should ensure that this is minimised during construction and should overcome the concerns raised.

Impact on Adjoining Properties

- 6.12 As both the existing and proposed buildings stretch to the boundaries of the site and the site has residential properties located within close proximity there would be an impact on the amenities of neighbouring properties from the proposed development.
- 6.13 The Daylight/sunlight/overshadowing document submitted by the applicant indicates how the daylight would be reduced to neighbouring properties in particular 12 Westbourne Drive along with sunlight and overshadowing to neighbouring gardens. However the level of reduction would be within what is considered acceptable by the BRE. Therefore levels of daylight/sunlight/overshadowing would be considered to be acceptable.
- 6.14 The existing building currently has windows that overlook neighbouring properties. No windows are proposed in the northern elevation of the building which would be an improvement on the current situation for the residents at 12 Westbourne Drive. While more windows, doors and roof terraces are proposed in the eastern and western elevations these would not have any direct window-to-window overlooking and would mainly overlook the existing car park at 12 Westbourne Drive and the road in Hindsley's Place. The first floor walled courtyard to unit 1 would not overlook properties as it would have high walls. No windows are proposed in the southern elevation and as windows were previously approved in this elevation this is therefore an improvement on the previously approved scheme.

- 6.15 The building at the four-storey section in particular would be higher than the existing building. While large, in comparison to the existing building the proposal would open up both frontages more and create more connection with neighbouring properties and the proposal would therefore not be considered to be unneighbourly.

Sustainability and Energy

a) Renewable Energy

- 6.16 The proposal would meet the requirements for level 4 of the Code for Sustainable Homes which complies with the Council's Core Strategy
- 6.17 Photovoltaic panels have been proposed as provision of renewable energy for the units. This along with the pre-assessment report showing level 4 of the Code for Sustainable Homes would be reached shows a commitment to renewable energy as well as improving carbon emissions.

b) Living Roofs

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

7.0 Local Finance Considerations

- 7.1 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).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Community Infrastructure Levy

- 8.1 The above development is CIL liable.

9.0 Conclusion

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

- 9.2 The demolition of the existing building and erection of a new building to be used as flats would provide a sustainable development which would be in compliance with the Code for Sustainable Homes.
- 9.3 While the proposed building would be larger than the existing it would not be out of context with the area and the use for the development.
- 9.4 Officers consider that the scheme is therefore considered acceptable.

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.

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:

113 01.01; 113 02.01; 113 02.02; 113 02.03; 113 02.04; 113 03.01; 113.03.02; 113 03.03; 113.03.04; 113 03.05; 113 03.06; 113 03.07; 113 03.08; 113 03.09; 113 04.01; 113 05.01; 113 05.02; 113 05.03; 113 05.04; 113 05.05 Code for Sustainable Homes Pre-Assessment Estimate; Planning Design & Access Statement; Environmental Report; Planning Statement; Revised Design II: Daylight, Sunlight & Overshadowing Report; Supplementary Information for Planning, January 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) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) 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 vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

- (4) (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).

- (5) No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/windows and external doors/roof coverings 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(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).

- (6) (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

- (7) (a) A minimum of 11 secure and dry cycle parking spaces shall be provided within the development.
- (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).

- (8)
 - (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
 - (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

- (9)
 - (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. 113 03.04 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

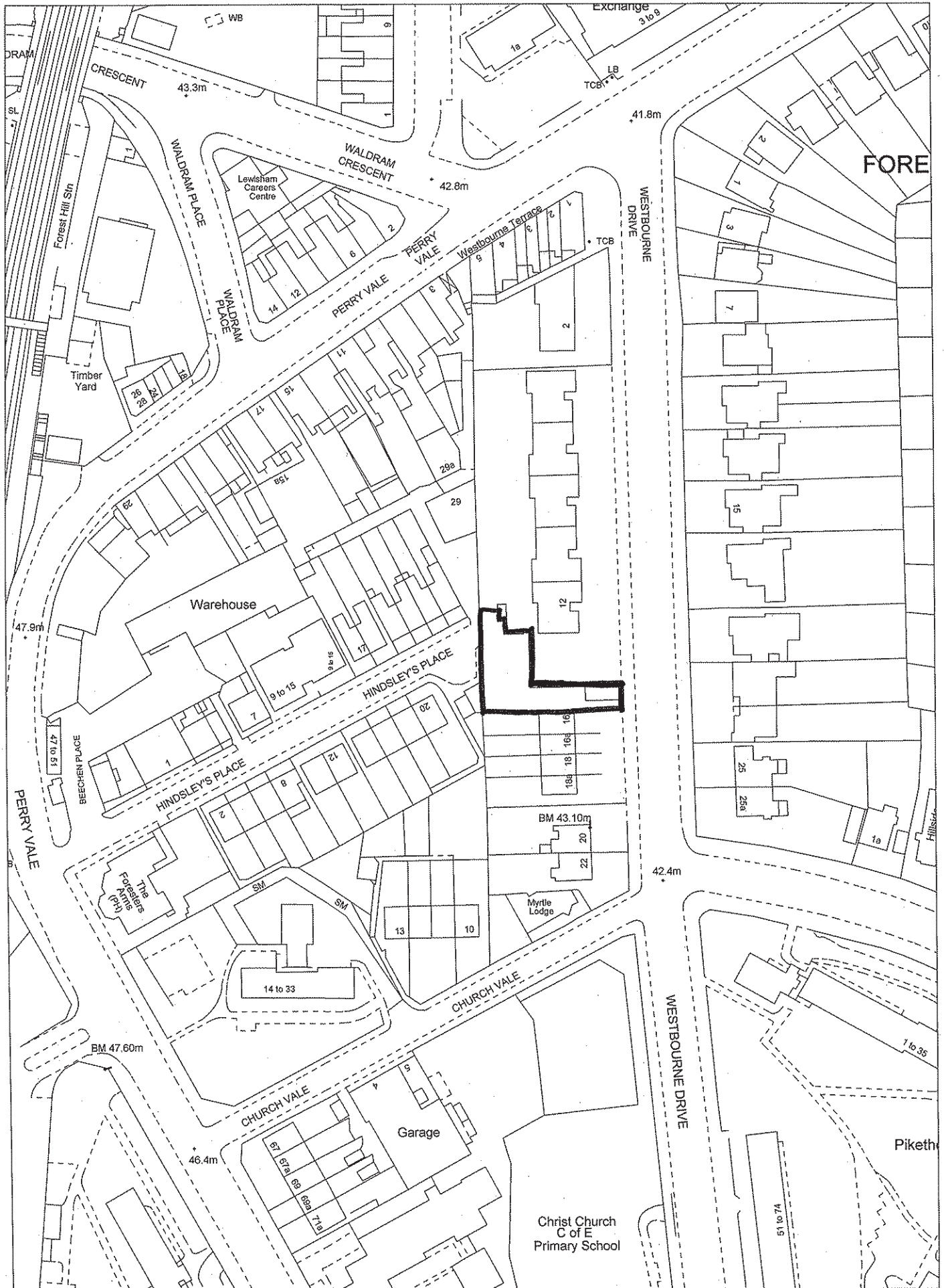
- (10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area except for those areas indicated on drawing no's: 113 03.02; 113 03.03; 113 03.04.

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).

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
- (2) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (4) 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.

This page is intentionally left blank



This page is intentionally left blank