

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 23 OCTOBER 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
Pat Raven
Alan Till
Paul Upex
James-J Walsh
Joan Reid**

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

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU**

Date: Tuesday, 14 October 2014

**For further information please contact:
Yinka Ojo
Committee Co-ordinator
3rd Floor Laurence House
Catford Road SE6 4RU**

Telephone No: 020 8314 9785

Email: yinka.ojo@lewisham.gov.uk



RECORDING AND USE OF SOCIAL MEDIA

You are welcome to record any part of any Council meeting that is open to the public.

The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must :

- tell the clerk to the meeting before the meeting starts
- only focus cameras / recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting.
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.

Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 6
3.	9 STAPLEHURST ROAD SE13 5ND	Lee Green	7 - 28
4.	3A ELIOT PARK SE13 7EG	Blackheath	29 - 48
5.	8 JERNINGHAM ROAD SE14 5NX	Telegraph Hill	49 - 60

This page is intentionally left blank

	PLANNING COMMITTEE A	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	23 October 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 no 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	23 October 2014

MINUTES

To approve the minutes of the meeting of Planning Committee A held on 11 September 2014

This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	9 STAPLEHURST ROAD SE13	
Ward	Lee Green	
Contributors	Michael Forrester	
Class	PART 1	23 October 2014

<u>Reg. Nos.</u>	DC/14/87501
<u>Application dated</u>	12.05.2014
<u>Applicant</u>	CgMs
<u>Proposal</u>	The additional use of Unit A (Use Class A3) and Unit B (Use Class B1) to also include retail use (Use Class A1) on the ground floor of 9 Staplehurst Road SE13, and change of use of B1 space at first floor level above Unit A to provide one, 2 bedroom self contained residential flat (Use Class C3).
<u>Applicant's Plan Nos.</u>	<p>Transport Statement, CIL form, Planning Statement, Report on BREEAM Domestic Refurbishment Pre-Assessment, Summary of Marketing Information (CF Commercial), F9D13.061 A(00)11 rev B, F9D13.061 A(00)12 rev B, F9D13.061 A(00)13 rev B, F9D13.061 A(00)14 rev B, F9D13.061 A(00)31 rev C</p> <p>F9D13.061 A(00)30, F9D13.061 A(00)33, EL01, Lifetime Homes - received 28 July 2014.</p> <p>Technical Note - received 17 September 2014.</p>
<u>Background Papers</u>	<ol style="list-style-type: none"> (1) Case File LE/766/9/TP (2) Adopted Unitary Development Plan (2004) (3) Development Management Local Plan (for adoption November 2014) (4) Adopted Core Strategy (2011) (5) Local Development Framework Documents (6) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] – Vacant B1/A3 floorspace.

1.0 Property/Site Description

- 1.1 The application site is situated on the north western side of Staplehurst Road and forms part of the 'Old Biscuit Factory' development which was completed in 2012. The application premises comprises part of the ground and first floor unit within a two storey building that has a frontage to Staplehurst Road and a return frontage to the access road within the development, Chiltonian Mews. The application premises is currently formed of two premises. Unit A is of two storeys (ground and first floor levels) and is an Edwardian building fronting Staplehurst Road. Unit B is

attached to the rear of Unit A and is the ground floor of a recently constructed three storey building. Unit A has a floor area of 96.43m² at ground floor and 102.19m² at first floor. Unit B has a floor area of 281m².

1.2 Staplehurst Road is characterised by commercial activity with a variety of uses at ground floor, this is designated as a local parade. Surrounding streets are predominantly residential in nature.

1.3 The site is not located in a conservation area.

2.0 Planning History

2.1 DC/03/55614 – The change of use, alteration and conversion of existing buildings at 9 Staplehurst Road SE13 incorporating a part second floor extension to the building on the Staplehurst Road frontage, to provide a restaurant/cafe or bar (falling within Use Classes A3 or A4), 13 live/work units, 6 one bedroom and 3 two bedroom self-contained flats, 2 one bedroom self-contained maisonettes and 4 two bedroom houses, together with the construction of a two storey building comprising 2 live/work units, a three storey building with roof terraces comprising 10 two bedroom houses incorporating integral garages and a 4 storey building comprising a kiosk (falling within Use Classes A1 or A2) and car parking on the ground floor with 12 two bedroom flats above and the provision of cycle parking and refuse storage.

2.2 DC/06/64094 – The change of use, alteration and conversion of existing buildings at 9 Staplehurst Road SE13, incorporating the construction of an additional storey at second floor level and three external staircases to the building on the Staplehurst Road frontage, to provide a restaurant/cafe-bar (falling within Use Class A3), 3 commercial units (Use Class B1) 16 one bedroom, self-contained flats, 4 two bedroom, self-contained maisonettes and a three bedroom house, together with the construction of a three storey building, incorporating balconies/terraces, comprising 4 one bedroom, 5 two bedroom and 4 studio self-contained flats, a three storey terrace, incorporating integral garages and roof terraces, comprising 11 two bedroom houses and a four storey building comprising a kiosk (falling within Use Classes A1 or A2) and car parking on the ground floor with 12 two bedroom, self-contained flats above and the provision of cycle parking and refuse storage.

2.3 DC/10/73783 – the change of use, alteration and conversion of part of the existing building at 9 Staplehurst Road SE13 (fronting Staplehurst Road) to provide a restaurant/ café-bar (falling within Use Class A3), demolition of the remaining buildings and the construction of a part two/ part three storey building to the rear and part three/ part four storey building to provide a retail kiosk (Use Class A1 and A2), commercial floorspace (Use Class B1) and 51 residential dwellings, comprising 7 one bedroom, 28 two bedroom and 5 studio self-contained flats and 11 three bedroom houses, together with associated amenity space, landscaping and access, provision of 23 car parking spaces and 54 bicycle spaces.

2.4 The development has been completed the residential elements are occupied. The commercial units providing the A3, B1 floorspace remain vacant and have never been occupied other than as a marketing suite for the development.

3.0 Current Planning Applications

The Proposals

- 3.1 The application is for the addition of Use Class A1 retail to the permitted uses for the ground floor of Units A and B. The current permitted use for Unit A is restaurant/café-bar (falling within Use Class A3) on the ground floor and B1 on the first floor. The current permitted use for Unit B is B1. The submitted drawings show internal alterations that would result in a single ground floor commercial unit with a floor area of 377.43m². This is accessed via Staplehurst Road on the front elevation, and also includes a further entrance within the return frontage on Chiltonian Mews. There are no details submitted with the application as to a potential occupier of the commercial unit.
- 3.2 The first floor of Unit A is proposed to be converted to create a single 2 bedroom flat, accessed via an entrance within the Staplehurst Road frontage.

Supporting Documents

- 3.3 BREEAM Domestic Refurbishment – this document states that a score of 70.78% (BREEAM Excellent) can be achieved for the residential unit.
- 3.4 Transport Statement – this document assesses the suitability of the site for retail and residential purposes from a transport perspective. This includes a review of servicing arrangements, parking provision and the accessibility of the site.
- 3.5 Technical Note – this note is appended to the Transport Statement and provides further information regarding potential staff levels, delivery times and areas for unloading in the vicinity of the site, together with swept path analysis to demonstrate that busses and passing cars would not be obstructed by a delivery vehicle.
- 3.6 Planning Statement – this document provides a planning policy overview.
- 3.7 Summary of Marketing Activity and Interest – This comprises a letter from CF Commercial who have been instructed to market the units since April 2013. The letter states that despite reductions in rent no expressions of interest have been received.
- 3.8 Lifetime Homes Document – this is provided in support of the proposal for a residential unit at first floor.

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 Notification letters were sent to surrounding properties and local ward councillors. 140 letters of objection and two petitions with 700 signatures and 367 signatures respectively have been received. Both petitions oppose the proposal. 14 letters of support have also been received. The representations received are summarised below:

Objections:

- this unit was promised as an restaurant and office space
- noise and disturbance from the retail unit for adjacent occupiers.
- area is in need of restaurants
- damaging visual impact
- would damage local retail opportunities for independent traders
- this is of no benefit the community
- there are no off street servicing opportunities
- Impact on local bus service via the parking of delivery vehicles
- use would generate excessive demand for parking
- negative impact upon property values
- do not need or want a Tesco in this location
- there are too many supermarkets in the area
- contradicts the original planning permission which promised a restaurant.
- Staplehurst Road/ Fernbrook Road cannot take additional traffic
- a Tesco here would result in vacant units along Staplehurst Road
- detrimental to community spirit
- contrary to Lewisham's planning policy
- loss of light
- would detract from the community atmosphere that FUSS (Friends and Users of Staplehurst Shops) has created, with their Christmas Fair for example.

Support:

- convenience store or similar store would be an excellent addition to the area.
- would provide additional competition to the Costcutter.
- current choices are limited in the area
- would attract more business to the area
- unit has been vacant too long
- amenity of residents would improve compared to the approved restaurant
- would have no damaging visual impact
- Retail is favourable compared to takeaways or other fast food outlets.
- would benefit the community.

4.4 An objection has been received from Heidi Alexander MP raising the following concerns:

- I always supported the proposal for a restaurant and believe a restaurant in this location could be a viable proposition.
- Concerned about traffic flows associated with a supermarket in this location (both in terms of delivery and customers).
- Not convinced that adequate attention has been paid to refuse arrangements and noise, which is a particular issue for residents who live adjacent to the building.

4.5 In response to the local interest in the application proposal, a local meeting was held in accordance with the requirements of the Council's Statement of Community Involvement. The meeting was held on the 10 September 2014 at 9 Staplehurst Road. A copy of the notes of the meeting is appended to this report.

All of the representations received are available to Members.

Highways and Transportation

4.6 No objections to the application proposal however, a Delivery and Servicing Plan needs to be secured by condition.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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 (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.

Other National Guidance

- 5.5 The other relevant national guidance is:

Design

Ensuring the vitality of town centres

Renewable and low carbon energy

Use of Planning Conditions

Viability

London Plan (July 2011)

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

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

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 6.3 Assessing effects of development on transport capacity

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 7.5 Public realm
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are: Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 6 Retail hierarchy and location of retail development
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
URB 3 Urban Design
URB 6 Alterations and Extensions
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
STC 8 Local Shopping Parades and Corner Shops
STC 9 Restaurants A3 Uses and Take Away Hot Food Shops

Residential Standards Supplementary Planning Document (August 2006)

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

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 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.

5.12 The following emerging plans are relevant to this application.

Development Management Local Plan

5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.

5.14 The Council expects to formally adopt the DMLP in autumn 2014.

5.15 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 4	Conversion of office space and other B Use Class space into flats
DM Policy 11	Other employment locations
DM Policy 16	Local shopping parades and corner shops
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards

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
- f) Impact on Adjoining Properties
- g) Sustainability and Energy

Principle of Development

- 6.2 The ground floor of 9 Staplehurst Road is currently divided into two units, Unit A with approved A3 use and B1 on the first floor and Unit B with approved B1 use. It is proposed to combine these two units at ground floor level for use as a single A1 retail premises and to convert the first floor for use as a self contained two bedroom flat. These two commercial spaces form part of the wider Old Biscuit Factory development. There are no conditions attached to the implemented planning permission DC/10/73783 which relate to the commercial units (other than a requirement for details of the kitchen extraction system and flue for the restaurant/café and to restrict opening hours). Neither does the associated s106 agreement include clauses which would prevent changes of use of the commercial space.
- 6.3 The site is not located within a designated employment location but does provide space for local employment. Core Strategy Policy 5 states that with regard to 'other employment locations' the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations'. However, other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use'.
- 6.4 DM Policy 11 of the Development Management Local Plan (for adoption November 2014) echoes Core Strategy Policy 5 by requiring high quality design, requiring contributions to training/ local employment schemes where there is a loss of employment as a result of the redevelopment and demonstration that the site has been shown to no longer be viable for commercial purposes through the submission of a marketing report.
- 6.5 The planning permission for Unit B and the first floor of Unit A is for B1 (offices) however there has been no occupation of the commercial premises (other than as a sales suite) since completion of the development. The applicant has submitted details of marketing information, for both units A and B. CF Commercial have been instructed to market Units A and B since April 2013 at a rental value of £26,275 p.a (£12.50 p.s.f) and £37,800 p.a. (£12.50 p.s.f) respectively.
- 6.6 These values were identified as comparable with office rents in the local area with comparisons shown with Clipper Way SE13, Mercia House SE13, Lewis Grove SE13 and Southbrook Mews which rent for between £9.46 and £12.72 p.s.f. CF Commercial have stated that no expressions of interest have been received at these rental values and that the rents of both units were reduced to £8.50 p.s.f, which is below all the other comparables despite being newly converted, but that again no interest has been expressed. It is therefore concluded by the commercial agent that the units are unlikely to be suited to office use. Core Strategy Policy 5 does not specify a period of time for which marketing has to take place. The agent

has stated that the units have been marketed for almost 18 months without interest being shown. A change of use from B1 is therefore considered acceptable in this instance.

- 6.7 The approved A3 floorspace in the front part of the building would be amalgamated with the new ground floor B1 space to form part of an enlarged commercial space to also include Use Class A1. There are no policies which protect A3 uses and changes of use from A3 to A1 could take place as permitted development. In this case the permitted use is A3 but as this use has never been implemented, permission is required for use as A1.
- 6.8 The proposal for a larger A1 retail unit is therefore considered to be acceptable in principle as this would continue to provide employment and would make effective use of a prominent vacant premises.
- 6.9 With regard to the residential conversion at first floor, DM Policy 4 states that the Council will support the conversion of office space into self contained flats where there is no conflict with other policies in relation to employment floorspace (Strategic Employment Locations, Local Employment Locations, Mixed Use Employment Locations), meet the standards for residential development and provide good quality living environment. DM Policy 11 requires sufficient marketing evidence to demonstrate that the site is no longer viable. The text to this policy states that a marketing time of between 2 and up to 5 years is generally required, however, in this instance the residential unit is located at first floor level, thereby not resulting in the loss of active street frontage, and the proposals include the provision of employment floorspace at ground floor. It is considered in principle that the provision of residential accommodation is acceptable in this instance. The provision of an additional residential unit also does not conflict with the original planning permission and s106 Agreement for the wider development in terms of affordable housing provision, as the legal agreement did not include a clause for a financial review or additional affordable housing provision where there is an uplift in land value.
- 6.10 Some of the objections received make a comparison between this application and a recently refused application for No. 2-6 Staplehurst Road. This application (DC/13/85684) was refused on grounds of the scale, appearance and materiality of the proposed building which was not in keeping with the terrace of which it is part. No objections were raised with regard to the replacement of the shop unit at ground floor, or the principle of the ground floor unit being extended.

Design

- 6.11 External changes to the building are limited to the creation of an entrance to serve the residential dwelling at first floor. This raises no objections where it is positioned at the edge of the building and would be of modest visual impact.
- 6.12 There are no other external alterations proposed. Areas of signage for the commercial unit are unknown at this stage and such alterations would form part of a separate application.

Housing Issues

- 6.13 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally

and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is also a material consideration, and contains further guidance on internal layout. The standards require 1 bedroom, 2 person units to be a minimum of 50m² and that 2 bedroom, 4 person dwellings to measure a minimum of 70m².

- 6.14 Initially the proposals sought to divide the first floor to create two, 1 bedroom flats measuring 43m². This is below the 50m² minimum as set out in the London Plan and the application has been amended to propose the creation of one, 2 bedroom flat measuring 102m². This would exceed the minimum standards required for a 2 bedroom dwelling and is therefore in accordance with the London Plan Housing SPG.
- 6.15 The flat would be dual aspect and is considered to benefit from good levels of natural light, ventilation and outlook. The internal layout is also considered to be acceptable. The dwelling would not have private amenity space, however, this is not uncommon in the conversion of upper floor premises. Given that this dwelling is proposed for open market sale or rent, potential occupiers would be aware of the layout and character of the flat and could make a choice on that basis.
- 6.16 Core Strategy Policy 1 requires all new dwellings to meet Lifetime Homes standards. A revised Lifetime Homes statement has been submitted following the revision to the internal layout to provide one, 2 bedroom flat rather than two 1 bedroom units which demonstrates that the dwelling would meet Lifetime Homes criteria with the exception of those which relate to car parking.
- 6.17 It is considered that the dwelling would provide an acceptable standard of accommodation for future occupiers.

Highways and Traffic Issues

a) Access

- 6.18 The residential unit is proposed to be accessed via its own entrance on Staplehurst Road, this is considered satisfactory.
- 6.19 The ground floor A1 commercial unit is accessed via a double set of doors facing Staplehurst Road which is again considered satisfactory.

b) Servicing

- 6.20 The applicant has submitted a Transport Statement, which states that servicing could take place from the marked loading areas on Staplehurst Road or on the double yellow lined area on the south east side of Fernbrook Road, south of the bus stop. The Transport Statement states that some highway works may be required for the latter option.
- 6.21 During the assessment of the application Officers requested that additional information is submitted to assess the highways impact. In response, the applicant has submitted a Technical Note (received 17/09/2014) to supplement the Transport Statement.

- 6.22 The end user of the retail unit is not yet known, however, the Technical Note states that the number of deliveries for a store of this size would be likely to be between 1 and 3 per day, but that this is dependent on the end user.
- 6.23 The width of delivery vehicles varies between 2m and 2.5m. The two loading areas, located approximately 30m from the store entrance measure approximately 3.7m by 4.3m and 3.7m by 5m. These would be of sufficient width for smaller delivery vehicles due to the length of the bay. Larger vehicles would need to load/offload on Fernbrook Road.
- 6.24 The duration of deliveries is estimated as typically between 5 and 45 minutes depending on the end use and size/ type of delivery. The Technical Note states that all deliveries will be taken through the front of the site. This can be secured through a Delivery and Servicing Plan.
- 6.25 An area of concern raised within the objections is the potential conflict between delivery vehicles and passing busses (route 273). The applicant has submitted a swept path analysis of a bus passing a delivery vehicle adjacent to the bus stop. The swept path analysis assumes for a larger bus than is used for the 273 route and is as such a worst case scenario.
- 6.26 A swept path analysis has also been undertaken of two vehicles passing the delivery vehicle when in situ. The cars assumed measure 4.7m in length, which is equivalent to a Ford Mondeo.
- 6.27 Both swept path analyses show that the parking of a delivery vehicle in Fernbrook Road would continue to allow busses and other vehicles to pass without obstruction. Officers consider that given deliveries would be for limited periods of time during the day, that there would be limited impacts upon the highway from a servicing perspective, where the swept path analyses is shown to demonstrate that vehicles can pass. However, it is considered appropriate to require a Delivery and Servicing Plan by way of condition which can secure a delivery/ servicing strategy for any end user, which at this point is unknown.

c) Cycle Parking

- 6.28 The residential unit has provision for bicycle storage at first floor within a 7m² cupboard accessed off the main entrance. Although located at first floor which would involve carrying a bicycle up the stairs, this is for a single residential unit and is secure and therefore likely to be used, compared to an external cycle rack. This is therefore considered to be acceptable in this instance.
- 6.29 There are cycle stands available in Staplehurst Road which could be used by those visiting the retail unit. The level of provision of cycle stands locally is considered acceptable.

d) Car Parking

- 6.30 The site has a PTAL of 3 but is within 30m of Hither Green Rail Station and is therefore considered to benefit from good links to public transport. A car free development for the residential unit is considered appropriate in this instance.
- 6.31 The site is located in a controlled parking zone. 21 parking bays including 3 disabled bays are available outside the shops in Staplehurst Road, these are all pay and display.

- 6.32 Parking in Fernbrook Road is also controlled via pay and display. The retail unit would not have any allocated parking. Customers arriving by car would be able to use the pay and display bays. The Transport Statement states that due to the sites location, it is likely that a majority of trips would be pass-by traffic on foot. Officers concur with the findings of the Transport Statement as it is likely that the size of store would predominantly attract those passing by or living in close proximity, rather than a larger store, which would have a larger catchment which generates significant car borne custom, such as Lee Green Sainsbury's or Lewisham Tesco.

d) Refuse Storage and Collection

- 6.33 The residential unit has a first floor cupboard for refuse storage. Occupiers of this dwelling would need to bring refuse out for collection on the appropriate day.
- 6.34 The commercial unit would be serviced via the front entrance on Staplehurst Road, and would have a secondary door on Chiltonian Mews. Details of refuse storage for the unit are proposed to be required by condition. The strategy for refuse collection showing the use of the front door would form part of a Delivery and Servicing Plan. A retail store is not considered to have significant levels of waste that would result in odour nuisance, and would be comparable to a restaurant in that respect.

Impact on Adjoining Properties

- 6.35 The planning permission for the redevelopment of the site under DC/10/73783 restricts the A3 floorspace (Unit A) to opening hours of between 8am-11pm.
- 6.36 The applicant has not proposed opening hours of the commercial unit as the end user is unknown, however has stated that taking into account the planning history and proximity of residential units, opening hours of between 8am and 11pm are considered to be acceptable. Convenience stores in residential areas commonly operate in the evenings and opening until 11pm is considered reasonable. Furthermore, it is considered that an A1 retail unit would not generate more noise than an A3 restaurant unit. It is recommended that these hours are secured by planning condition.
- 6.37 It is considered that the provision of a residential unit at first floor above an A1 retail space is acceptable and would not be subject to excessive noise levels or general disturbance.
- 6.38 A number of the objections received make reference to a loss of light from the proposals. This application proposes internal alterations and seeks additional uses to those permitted; no extensions are proposed, with the external alterations indicated limited to the creation of entrances. The proposals would therefore not result in a loss of light.

Sustainability and Energy

a) Renewable Energy

- 6.39 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

- 6.40 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
 - 2 Be clean: supply energy efficiently
 - 3 Be green: use renewable energy
- 6.41 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'.
- 6.42 The Council adopts a pragmatic approach when dealing with the conversion of existing buildings where minimal changes to the building fabric are proposed, as it is recognised that it may be onerous for existing buildings to be retrofitted in order to meet Level 4 or BREEAM 'Excellent' standards. However, all practical measures to reduce energy and water consumption should be adopted.
- 6.43 In terms of sustainable development the first approach should be to re-use existing buildings as far as possible. In principle a conversion of the premises would represent a sustainable use of the building but it must be demonstrated that efficient use can be made of natural resources.
- 6.44 The applicant has submitted a BREEAM Domestic Refurbishment pre-assessment, this indicates that a score of 70.78% can be achieved, which equates to BREEAM Excellent.

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 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 It is considered that the conversion of units A and B to provide a single commercial unit is acceptable. The acceptability of the loss of B1 space has been demonstrated through marketing information and there are no policies which seek to protect A3 uses. Given the period of time for which these units have been vacant it is considered that their re-use would be beneficial to the local area.

9.3 The impact of delivery vehicles upon local bus services and passing vehicles has been demonstrated as being acceptable by a series of swept path analysis. These show that servicing of the unit could take place without obstruction to the highway.

9.4 Officers acknowledge the concerns of objectors regarding a larger A1 retail unit in this location, and regarding the impact that a national chain would have upon the area, however, there are no policy objections to retail use in principle and the impacts of servicing and deliveries and opening hours can be mitigated by way of conditions.

9.5 The provision of a single two bedroom flat at first floor level is considered acceptable and would provide a good standard of accommodation. A car free approach for the residential unit raises no objections in this location.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

1. Time Limit

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

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

2. Accordance with Plans

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

Transport Statement CIL, Planning Statement, Report on BREEAM Domestic Refurbishment Pre-Assessment, Summary of Marketing Information (CF Commercial), F9D13.061 A(00)11 rev B, F9D13.061 A(00)12 rev B, F9D13.061 A(00)13 rev B, F9D13.061 A(00)14 rev B, F9D13.061 A(00)31 rev C

F9D13.061 A(00)30, F9D13.061 A(00)33, EL01, Lifetime Homes - received 28 July 2014.

Technical Note - received 17 September 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. BREEAM

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

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

4. Delivery and Servicing Plan

- (a) The development shall not be occupied for Use Class A1 until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

5. Construction Hours and Deliveries.

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

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

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

6. Operational Delivery Hours

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

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

7. Opening Hours

The premises shall only be open for customer business between the hours of 8:00 and 23:00 on any day of the week.

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

8. Refuse Storage

(a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential/commercial 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.

(c) In respect of the commercial unit, no storage of refuse shall take place outside the building.

(d) In respect of the residential unit, no storage of refuse shall take place outside the building, other than on refuse collection day.

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

INFORMATIVES

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted including a Technical Note to support the Transport Statement and an amendment to the residential layout to reconfigure the first floor to provide 1 larger two bedroom flat.

Appendix 1

Local Meeting in Connection DC/14/87501 – 9 Staplehurst Road

10 September 2014

Application for: The additional use of Unit A (Use Class A3) and Unit B (Use Class B1) to also include retail use (Use class A1) to the ground floor of 9 Staplehurst Road SE13, and change of use at first floor level above Unit A to provide 2 one bedroom self contained residential flats (Use Class C3). (Amended Description)

Matthew Roe (MR) - Planning Consultant CGMS

Bethan Hawkins (BH) - Planning Consultant CGMS

Unnamed man (UM) - Transport Consultant

Helen Milner (HM) - LBL Planning case officer

R - Residents

Cllr Simon Hooks (CSH) - Ward Cllr and meeting Chairperson

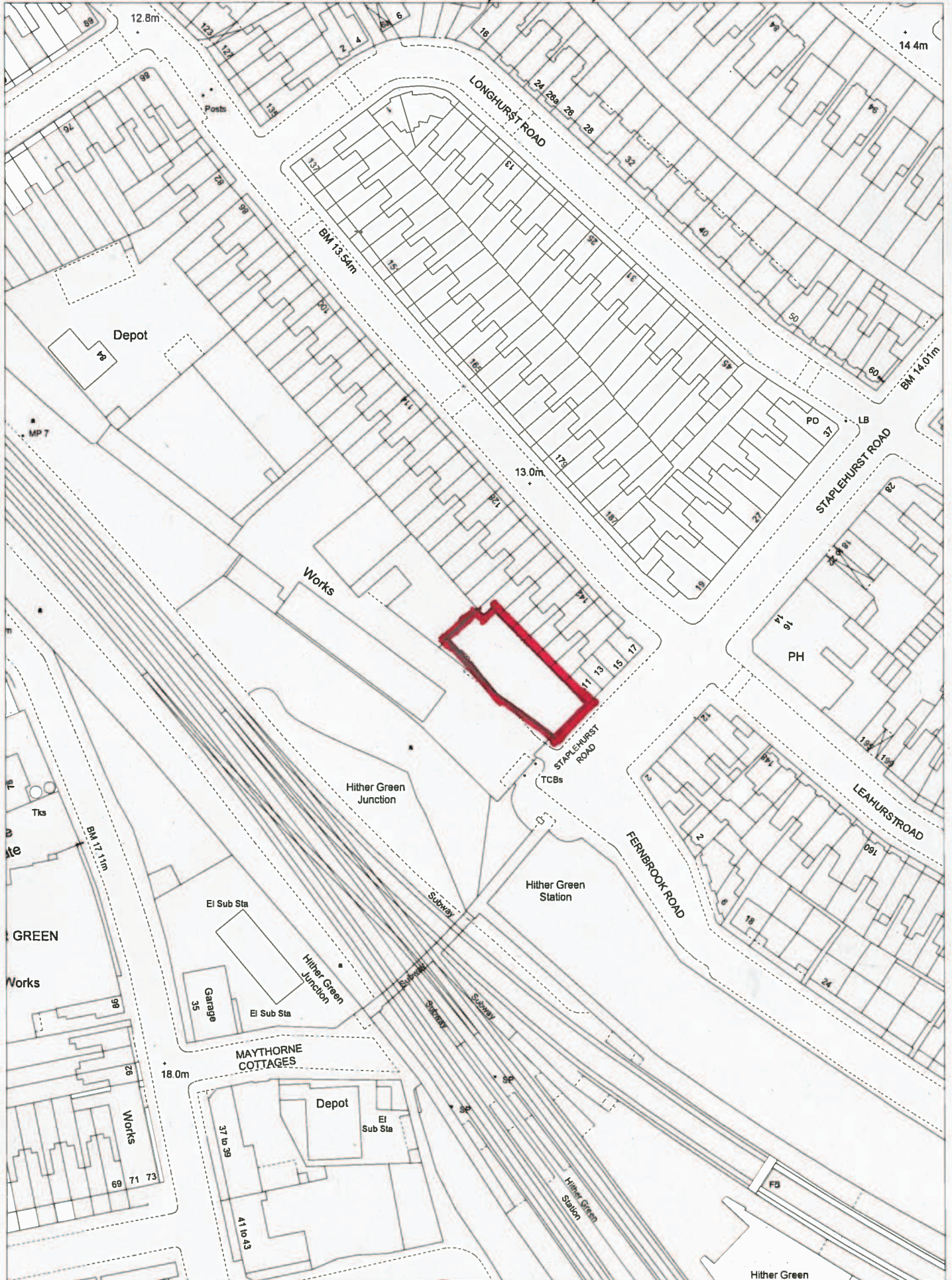
Minutes

- + Introduction by Cllr Hooks and HM
- + Introduction of scheme by MR, outlining the proposal is to widen the consent from A3/B1 to also include A1
- + Ann Lewis from Friends and Users of Staplehurst Shops (F.U.S.S) commented that FUSS have been working for over a decade to improve the area to develop the independent character which with the one application will be lost and asked about end user.
- + MR commented this was not known.
- + R stated that CGMS often work for Tesco.
- + MR commented that CGMS worked for a lot of national retailers but on this application they were working with the property owner and as yet no brand had been secured.
- + R told when they bought flat in development that the premises would be a restaurant which they wanted and not a large shop
- + UM stated that the location was sustainable and meet government transport policy for location of shops given proximity of rail station
- + R stated that a shop of this size would cause parking problems and impact on local bus routes
- + R concerned that Tesco would buy unit and keep vacant to stop competitors buying it
- + Cllr Mallory did not understand the reason for the meeting as we had no details of the proposal and until we knew the end user how could this be fully understood
- + HM stated that the proposal was the widening of the use classes on the building and that the brand was not for consideration
- + R asked HM how to object and what the Council considers in determining the application
- + HM stated that the Council looked at planning policy and other material considerations, including highways, amenity, refuse management etc HM continued that they needed to say why they didn't agree with the scheme

- + Cost Cutter planning consultant Peter Stanway commented that the Council could not consider the viability of the restaurant verses a shop but said that people should comment on the scale of the proposal and how this will impact on local character and impact on grain of area as well as highways, refuse etc
- + Cost cutter told residents about council guidance on website outlining reasons for objection and told them to look on that.
- + R asked who can comment on application and how
- + HM told residents objections or support must be in writing and gave council email address
- + R asked about planning committee
- + HM said available on website and if email would sent links
- + HM explained delegated/committee process and that residents would only get 5 minutes at committee so needed to be coordinated
- + Cllr Mallory said he was not on committee so would give his voice to the objectors
- + Cllr Hook also said that although he was on Committee C if that was the committee for the application he would stand back so he could represent the residents
- + R voiced concerns about impact of scheme on light spill, noise, pollution and highways
- + HM confirmed they were valid concerns but must be in writing to be formally considered
- + R asked about impacts on highways and if no end user how could this be assessed
- + UM stated that they were producing a standard servicing management plan which includes highways restrictions
- + R reiterated concerns of others about impact on parking and that in the residential development behind the site parking was a big problem with many people parking without consent
- + R commented that another A1 unit was not needed and that a childcare facility was required and could it be used for that instead and who decides what the unit can be used for
- + HM commented that the Council only consider the proposal that is submitted and that the owner has the right to apply for whatever consent they wish, but this does not mean that they will gain consent. The Council determines applications on the basis of each proposal and its acceptance with planning policy.
- + R asked if unit could still be used for A3 and B1
- + MR confirmed that application was to widen use classes and that A3 and B1 could still be used
- + R asked if the building was still on market, several residents commented that owner was not taking viewing and was not trying to let as restaurant
- + R asked if community could buy it
- + MR said they must ask the sales agent
- + R stated that 'Tesco' was involved from the start and used the first application as a way in to the site
- + R stated that this was a disaster and that if this was approved it would be a PR nightmare and would be boycotted
- + R stated LBL had been deceitful and hidden details of application and not carried out sufficient consultation
- + Cost cutter commented that they had had an application refused so why was this one acceptable
- + R reiterated strong objection to national retailer and impact on local character
- + Many other comments as the same as above, all in strong objection to the proposal.

Meeting closed at 8.15pm

9 STAPLEHURST ROAD, LONDON, SE13 5ND



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	23 OCTOBER 2014

<u>Reg. Nos.</u>	DC/14/88590
<u>Application dated</u>	7.08.2014
<u>Applicant</u>	Titman Design on behalf of Mr P Simms
<u>Proposal</u>	The construction of a part one, part two storey extension to the rear, alterations and the conversion of the ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flats.
<u>Applicant's Plan Nos.</u>	Design and Access Statement, Location Plan 041-01, 041-02, 041-03 & 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, which is divided into three flats. 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 140m².
- 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 at first and second floor levels, 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 at 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. All three properties are 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/14/86359 – Application for the construction of a part one, part two storey rear extension, alterations and the conversion of the ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. The application was withdrawn by the applicant when it became apparent that the incorrect certificate of ownership had been submitted in error.
- 2.2 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 Application

The application proposal is identical to that previously submitted and withdrawn (Ref. DC/14/86359).

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 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 windows.
- 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 would result in 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 be narrower, projecting only on the east side of the rear elevation, adjacent to the boundary with the flatted block at 4 Eliot Park. 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 be 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 previous application was 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 11.5-19m² 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 17.2-18.6m² 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 27.6m² 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 Objections to the scheme were received from residents at 1c, 2, 2b, 4, Flat F 4 Eliot Park, 8 and 13 Eliot Park and 32 Granville Park making the following comments:

- Loss of good sized family dwelling, sufficient flats are being provided within the area.
- 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 outlook and increased shading adversely affecting residents at No.2 adjoining.
- A large part of the rear garden of No.3 is owned by Lewisham Council.
- Loss of trees and landscaping and greenery.
- The area of garden that would be lost is unacceptable, harmful effect on wildlife, particularly bats.
- Over development and concerns that another flat would cause parking problems in the area.
- Permission for such large extension would set an undesirable precedent.
- 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.
- Design is out of keeping and out of proportion with the original Victorian 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.

4.5 The Blackheath Society objected to the previous application (Ref. DC/14/86350) 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.

4.6 Two letters of support were received in relation to the previous application (Ref. DC/14/86350) 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)

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 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.

In summary, this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan.

As the NPPF is now more than 12 months old paragraph, 215 comes into effect. This states in part that '.....due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'

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

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 Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.
- 5.13 The Council expects to formally adopt the DMLP in November 2014.
- 5.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.15 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 |
- 5.16 The following policy relevant to this application has additional modifications:
- | | |
|-------------|--|
| DM Policy 3 | Conversion of a single dwelling to two or more dwellings |
|-------------|--|
- 5.17 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

- 5.18 Residential Standards Supplementary Planning Document (*adopted August 2006 amended May 2012.*)
- 5.19 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 130m² 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 130m².
- 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.
- 6.7 The development would result in one additional unit within an area with a PTAL of 6a. Accordingly, it is not considered there will be any significant negative parking implications arising from the proposal.
- 6.8 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 130m². The existing maisonette alone has a gross internal floorspace of approximately 135m².
- 6.9 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

- 6.10 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.
- 6.11 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.
- 6.12 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.

- 6.13 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.
- 6.14 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.
- 6.15 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.
- 6.16 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.
- 6.17 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

- 6.18 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.

- 6.19 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.
- 6.20 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.
- 6.21 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

- 6.22 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.
- 6.23 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.
- 6.24 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.
- 6.25 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.
- 6.26 The lower ground floor flat will, once extended provide 112m² of internal floorspace for a three bedroom flat and the upper ground floor flat will provide 85m² for a two bedroom flat. The London Plan standard unit size required for a 3 bedroom 6 person flat is 95m² and for a 2 bedroom 4 person flat 70m², therefore both units comfortably provide the standard required for the intended occupancy. In addition at lower ground floor level the proposed bedrooms are between 11.5-19m², with the standard of 12m² 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 17m². The

kitchen/living/dining space for each unit also meets the London Plan standards with 36m² provided at lower ground floor and 27.6m² provided at upper ground floor level.

Amenity Space

- 6.27 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

- 6.28 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

- 6.29 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).
- 6.30 Cycle parking is generally required to be 1:1 for residential development and provision for this will be required via condition.
- 6.31 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

- 6.32 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.
- 6.33 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.
- 6.34 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.

- 6.35 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.
- 6.36 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.
- 6.37 To the west side the extension would be single storey and would be constructed up 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.
- 6.38 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.
- 6.39 It is not considered that the alterations to the side of the property would have any significant impact on amenity of surrounding properties.
- 6.40 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

- 6.41 Following the comments received during the neighbour consultation that an underground stream runs under the garden to the rear of 3a Eliot Park, officers contacted the Environment Agency, who confirmed that they have no record of an underground stream or culvert in this location, but advised that if during excavation or construction works the presence of a water course is detected, they should be contacted for further flood risk analysis. 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 26 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. No 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

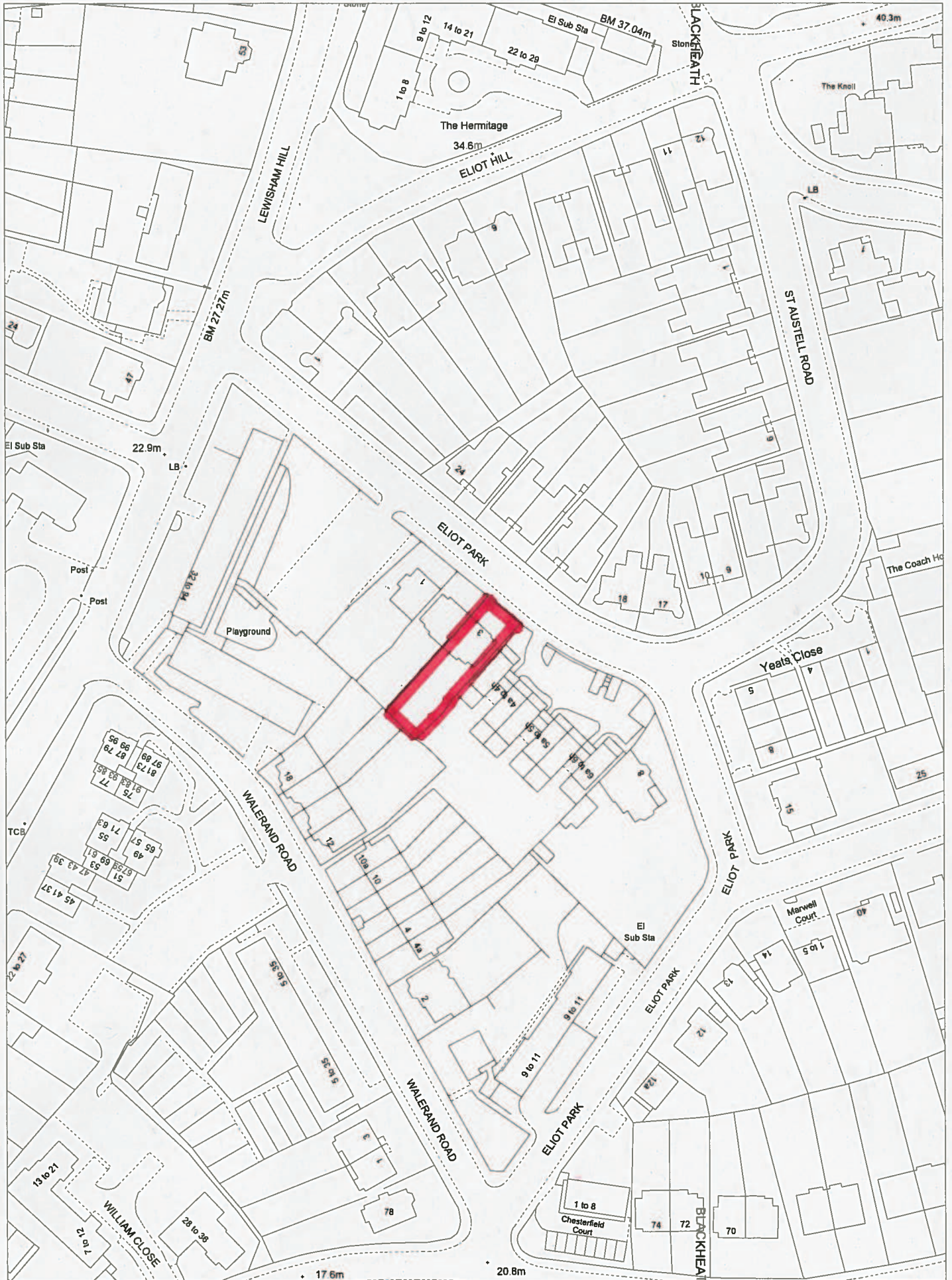
- (1) As required by Section 91 of the Town and Country Planning Act 1990.
- (2) To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.
- (3) To ensure that the local 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) 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, LONDON, SE13 7EG



This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	8 JERNINGHAM ROAD SE14 5NX	
Ward	Telegraph Hill	
Contributors	Louise Holland	
Class	PART 1	23 October 2014

<u>Reg. Nos.</u>	DC/14/88150
<u>Application dated</u>	25.06.14 [revised 29.08.14]
<u>Applicant</u>	Armstrong Simmonds Architecture on behalf of Ms R Rubio
<u>Proposal</u>	The construction of a single-storey rear extension, an extension to the rear roof slope, together with the installation of replacement double glazed, timber sliding sash windows at ground floor level to the front, uPVC replacement windows to the rear, the formation of two new window openings in the flank elevation of the rear addition, roof lights in the front, side and rear and roof slopes and alterations to the front entrance steps.
<u>Applicant's Plan Nos.</u>	213_8JR_X000 (recd 29/8/14), X001 (recd 29/8/14), X002 (recd 29/8/14), X003 (recd 29/8/14), X004 Rev A (recd 29/8/14), P200 Rev A (recd 29/8/14), P201 (recd 29/8/14), P202 (recd 29/8/14), P203 (recd 29/8/14), P204 (recd 29/8/14), P205 Rev A (recd 29/8/14), P206 Rev A (recd 29/8/14), P207 Rev A (recd 29/8/14), P208 Rev A (recd 29/8/14), P209 Rev A (recd 29/8/14), Planning Design & Access Statement and Heritage Statement
<u>Background Papers</u>	(1) Case File DE/57/8/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area

1.0 Property/Site Description

- 1.1 The application site is a two storey and semi-basement level, semi detached Victorian house on the west side of Jerningham Road. The property has an original three storey rear addition.
- 1.2 The property is within the Telegraph Hill Conservation Area which is covered by an Article 4 Direction, but it is not a listed building.

2.0 Planning History

- 2.1 DC/14/86458 – 28/05/2014. Planning permission was refused for the construction of a single-storey rear extension and an extension to the rear roof slope together with the installation of replacement double glazed, timber, sliding sash windows at ground floor level to the front, uPVC replacement windows to the rear, the formation of two new window openings in the flank elevation of the rear addition and roof lights in the front, side and rear roof slopes. The reason for refusal is as follows:
- 2.2 The proposed roof lights, by reason of their number, size, design and prominent positioning in the front roof slope, are considered to be overly obtrusive, would be harmful to the appearance of the property and would fail to preserve or enhance the character and appearance of the Telegraph Hill Conservation Area, contrary to Policies 15 and 16 of the Core Strategy (June 2011), Policies URB 3, URB 6 and URB 16 in the adopted Unitary Development Plan (July 2004), Policy DM 36 of the Development Management Local Plan and Policies 7.6 and 7.8 in The London Plan (July 2011).

3.0 Current Planning Application

- 3.1 The current application is an amended scheme and is identical to that previously refused with the exception that it now proposes a single, smaller rooflight in the front roof slope.
- 3.2 The scheme proposes the following extensions and alterations:
- a) A rear infill extension, 6m in depth, to be located to the side of the existing three storey rear projection;
 - b) A rear dormer extension with cheeks clad in lead/zinc;
 - c) Two new window openings in the flank of the rear outrigger, at first and ground floor levels are proposed;
 - d) Three rooflights, one to the rear, one to the side and one to the front roof slope;
 - e) The windows in the front bay at ground floor level would be replaced with timber sash windows;
 - f) It is proposed to install replacement uPVC windows in the rear elevation.
 - g) It is proposed to re-form the front steps in York or Portland Stone.

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 Telegraph Hill Society

- 4.3 A letter of objection has been received from the Telegraph Hill Society. The letter objects on the following grounds:

- Front rooflight is unsightly and is excessively large, sits close to the roofline and fails to align with the windows below. The rooflights destroy symmetry with the property next door and adds an incongruous element to the appearance of the front of the building. The rooflights are not compatible with the design of the original property or in materials which would have been used when the property was built. It is contrary to policy URB 6.
- Objection to the design of the rear extension in terms of the flat roof and rear door which does not reflect the character of the existing building and the rear door should be redesigned.
- The response also queries the use of stretcher bonding as indicated on the drawings when Flemish bonding should be used.
- Insufficient information provided in relation to alterations to front steps.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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 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 3.4 Optimising housing potential
Policy 3.9 Mixed and balanced communities
Policy 5.3 Sustainable design and construction
Policy 7.4 Local character
Policy 7.5 Public realm
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 Lewisham Town Centre Local Plan, 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 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:

STR URB 1 The Built Environment
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.

Emerging Plans

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 Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23rd of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29th of April 2014.
- 5.11 The Council expects to formally adopt the DMLP in November 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 as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.13 The following policies are considered to be relevant to this application:
- | | |
|--------------|--|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 30 | Urban design and local character |
| DM Policy 31 | Alterations/extensions to existing buildings |
| 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 |

6.0 Planning Considerations

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

- a) Design and Conservation
- b) Impact on Adjoining Properties

Design and Conservation

6.2 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions and alterations 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. There is a statutory duty placed on the Council to only approve development which preserves or enhances the character and appearance of the Borough's Conservation Areas.

6.3 The subject property is a semi-detached single family dwellinghouse located in a run of eight similar properties between Haberdashers' Aske's Girls' School and Musgrove Road.

6.4 The road slopes upwards from north to south so that the adjacent properties at Nos. 10 to 16 are located at a progressively higher level. Although there are views over the backs of these properties from a section of Musgrove Road, given the change in levels, the back of the subject property can barely be glimpsed from Musgrove Road and as such the proposed works to the rear are not considered to have a significant impact on the character and appearance of the Telegraph Hill Conservation Area.

6.5 The proposed rear extension is of a contemporary design, with a flat roof, constructed using stock brick to match the existing brickwork and with a large glazed door to the rear. The extension would be 6m deep and would align with the rear elevation of the original rear outrigger, maintaining a courtyard area between the main rear elevation of the property and the inward elevation of the proposed extension. It would be constructed of stock brickwork and its scale and design is considered to be adequately subordinate to the subject property.

6.6 The rear dormer would be clad in lead/zinc and although dormer windows are not a traditional feature of these properties, permission has been granted for several dormer extensions in rear roof slopes in the area. The dormer extension would be 1.5m wide and up to 3m deep. Given its modest scale and lack of visibility from the public realm it is not considered to have a significant impact on the character and appearance of the Telegraph Hill Conservation Area. A condition is recommended to require that no new external finishes, including works of making good, are carried out other than in materials to match the existing and that the brick bonding is carried out to match the application property also.

6.7 Two new window openings are proposed in the flank of the rear outrigger, one at ground level and one at first floor level. These would have limited visibility and are considered acceptable.

6.8 The windows at ground floor level within the front bay are proposed to be replaced with double glazed timber sliding sash windows. The submitted window details are considered to be acceptable. The applicants also propose to replace existing windows to the flank of the rear projection with double glazed uPVC windows. As

the property is a single dwelling, this alteration would not require planning permission as these windows are at the rear and are not visible from a public vantage point.

- 6.9 The application proposes three rooflights, one to the rear, one in the side roofslope and one to the front. The previously refused application (DC/14/86458) proposed two, larger rooflights in the front roofslope, which were considered to be unacceptable. The current proposal is now for one, smaller rooflight within the front roof slope, which is positioned more sympathetically in the roofslope, in addition to one in the side roof slope. The proposed front and side roof lights have been reduced in size and are now not considered to be out of character with the property.
- 6.10 There is one other example nearby (at 16 Jerningham Road) of a rooflight to the front roof slope in this run of properties; this may have been installed before the introduction of the Telegraph Hill Conservation Area Article 4 Direction.
- 6.11 The application property sits within a run of semi-detached properties which are built tightly together with large chimney stacks to the side and mature trees on the street. As a result it is considered the proposed roof lights to the side and front would not be obtrusive or highly visible, particularly that to the side and as such the proposed rooflights are considered acceptable.
- 6.12 The proposed rooflights are now considered to be acceptable in terms of prominence, size and position and would have an acceptable impact on the character and appearance of this part of the Telegraph Hill Conservation Area.
- 6.13 The front entrance steps are currently paved in red tiles; the provision of new steps in York or Portland Stone is considered satisfactory.

Impact on Adjoining Properties

- 6.14 Policy HSG 4 seeks to protect residential amenity. When seeking permission for extensions/alterations to existing buildings it must be demonstrated that significant harm will not arise in respect of overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss or privacy or general noise and disturbance.
- 6.15 The rear extension would project 2m from the side of the rear projection and would be 6.1m in depth and have a total height under 3m. Given that the extension would be located 1m away from the boundary with the adjacent neighbour (10 Jerningham Road) which is set at a higher level than the subject property, it is not considered to have a significant impact upon the amenities of this neighbour in terms of outlook, daylight, sunlight and privacy.
- 6.16 The impact of the roof extension is also not considered to have any significant implications for the amenities of neighbouring properties and the window within the dormer would serve a stair well.
- 6.17 The proposed extensions are therefore considered to be in accordance with the provisions of HSG 4 Residential Amenity and HSG 12 Residential Extensions of the UDP and DM Policy 31 of the Development Management Local Plan (for adoption November 2014) in terms of its impacts on neighbouring properties.

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.

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. It is not considered that there are specific issues arising in relation to 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 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.
- 9.3 **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:

213_8JR_X000 (recd 29/8/14), X001 (recd 29/8/14), X002 (recd 29/8/14), X003 (recd 29/8/14), X004 Rev A (recd 29/8/14), P200 Rev A (recd 29/8/14), P201 (recd 29/8/14), P202 (recd 29/8/14), P203 (recd 29/8/14), P204 (recd 29/8/14), P205 Rev A (recd 29/8/14), P206 Rev A (recd 29/8/14), P207 Rev A (recd 29/8/14), P208 Rev A (recd 29/8/14), P209 Rev A (recd 29/8/14), Planning Design & Access Statement and Heritage Statement

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

- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing facing work. The rear extension hereby approved shall be constructed in brickwork, bonding and pointing to match the existing property.

Reason: 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).

- (4) 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 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.

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).

INFORMATIVE

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

This page is intentionally left blank

8 JERNINGHAM ROAD, LONDON, SE14 5NX



This page is intentionally left blank