

## PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 4 DECEMBER 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  
Joan Reid  
Alan Till  
Paul Upex  
James-J Walsh**

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

**Barry Quirk  
Chief Executive  
5<sup>th</sup> Floor Laurence House  
1 Catford Road  
London SE6 4RU  
Date: Tuesday, 25 November  
2014**

**For further information please contact:  
Patricia Simpson Committee Co-ordinator  
3<sup>rd</sup> Floor Laurence House  
Telephone No: 020 8314 6245  
Email: [planning@lewisham.gov.uk](mailto:planning@lewisham.gov.uk)**



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- 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.

<b>Order Of Business</b>			
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Committee	PLANNING COMMITTEE A	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 04 DECEMBER 2014

### MINUTES

To approve the minutes of the Planning Committee (A) meeting held on the 11 September 2014 and 23 October 2014.

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	PLANNING COMMITTEE A	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 04 DECEMBER 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).

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Committee	PLANNING COMMITTEE A	
Report Title	9 STAPLEHURST ROAD SE13 5ND	
Ward	Lee Green	
Contributors	Helen Milner	
Class	PART 1	04 DECEMBER 2014

Reg. Nos. DC/14/87501

Application dated 12.05.2014

Applicant CgMs

Proposal 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 the first floor level above Unit A to provide one, 2 bedroom self contained residential flat (Use Class C3).

Applicant's Plan Nos. 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, F9D13.061 A(00)30, F9D13.061 A(00)33, EL01, Lifetime Homes - received 28 July 2014.  
Technical Note - received 17 September 2014.

Background Papers

- (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

Designation [Core Strategy or Adopted UDP] – Vacant B1/A3 floorspace.

## **1.0 Background**

1.1 This application was considered by Members at the meeting of Planning Committee A held on 23 October 2014. Members resolved to defer determination of the application to the following meeting of Planning Committee A in order for further information to be provided on the marketing of the units and also in relation to the proposed servicing strategy for the proposed unit.

1.2 Members are referred to the report considered at that meeting which is included as an appendix to this report, and which contains a full description of the site and its planning history, the details of the application, an explanation of the planning policy background and an assessment of the main planning issues raised by the application.

## **2.0 Additional Information Submitted**

- 2.1 Following the committee meeting the agent has submitted a marketing report, which outlines the extent of marketing that has taken place for the units in their approved form and interest that has been shown in the units. The agent has also supplied a letter from their transport consultant providing further details regarding the possible servicing solution for the units.

## **3.0 Planning Considerations**

- 3.1 The main planning considerations raised by the application are assessed in the appendix.

### *Marketing*

- 3.2 The application was deferred by Committee A on 23 October on the basis that there should be further evidence provided of the marketing that has taken place of the existing Units A and B. A Marketing Report has been submitted providing further information in support of the application. The report has been prepared by CF Commercial, a London based commercial agency who were instructed to market Units A and B in July 2013. The submitted marketing report provides a summary of the marketing of both units. The content of the report includes details of the techniques employed to attract potential tenants, the interest received, details of viewings and feedback received as well as details of offers received.
- 3.3 Within the report the rental cost of the units is given, with Unit A (198sqm) £37,500 per annum and Unit B (281sqm) at £35,000 per annum. However the agent has confirmed that they were prepared to offer flexibility on the quoted rental. No sale price is provided within the report, although a figure of £700,000 was put forward by a potential buyer for use of the units for A1.
- 3.4 With regards to the different marketing methods employed the report details that as well as a 'To Let/For Sale' sign on the property the details of the unit were added to their website and sent out on CF's internal mailing list of registered office applicants. The details were also sent to 500 central London commercial agents and some local agents, however this only generated 5 enquiries.
- 3.5 The agent also states how they targeted office and restaurant tenants, however explains that the response was very poor given the size and location of the units. The A3 unit was considered by national restaurant chains to be too small scale, as they require a minimum of 2500sq foot. The agent then targeted other potential occupiers including gyms and artist studio clients without success.
- 3.6 Whilst the marketing agent received minimal negative feedback the main concerns of potential tenants was that the units were not considered to be suited for restaurant or office use. A range of other occupiers did view the property including Ladbrokes (bookmakers) and a childcare nursery, however neither thought the unit appropriate due to the unit size and in relation to the nursery lack of outside space.
- 3.7 Whilst the agent offered incentives such as rent free periods and short term leases no interest has been forthcoming. The report also provides a summary of why the proposed A1 use would benefit the units, stating that Unit A for retail would make unit B more attractive for a potential office lease.

In addition the report confirms that the site characteristics and unit layout make it more suited to A1 use stating that in Unit A the low ceiling height and lack of natural light would not restrict the retail use of the unit but is not appealing for a restaurant. The report also states that the size of the unit would provide a more workable space for a retail use, with the size of Unit A being one of the main restriction for potential restaurant rental,

- 3.8 The Council consider that the agent has demonstrated that adequate marketing of the existing units has been undertaken without success. Furthermore it should be noted that the consent applied for seeks to widen the use classes permitted on site. Therefore the units could still be occupied for A3 and B1 purpose should a tenant show interest, however by allowing the widening of the use classes available on site this could limit the time of continued vacancy on site.

#### *Highways - Servicing*

- 3.9 The application was also deferred as the committee had concerns regarding the impact of the proposal on the highway network, in particular the servicing strategy for the unit. The key concerns of the committee were;

- The servicing of the unit from Fernbrook Road, which has double yellow lines;
- The impact on the operation of the bus stops and;
- Any conflict with the servicing of the adjacent Costcutter.

- 3.10 The letter from the transport consultant responded to all three points. The response stated that with regard to servicing from double yellow lines, this is permitted, unless the double yellow lined area is also subject to a separate restriction on loading. Double yellow lines on their own simply mean 'no parking at any time'.

- 3.11 In relation to the impact on the bus stops the agent confirmed their view that these will not be affected by servicing activity and have submitted two plans illustrating how vehicles could park on the road without obstructing the bus stops. The additional information also confirmed that servicing of the unit could also occur without causing conflict with the servicing of the adjacent Costcutter.

- 3.12 Whilst the details submitted do not provide a full serving strategy the Council consider that servicing can be controlled and agreed via condition and it is not considered it would be reasonable to refuse the application for this reason. Once a tenant is secured for the unit a discharge of condition application should be submitted with a fully detailed strategy.

#### **4.0 Local Finance Considerations**

- 4.1 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).

- 4.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 4.3 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.

## **5.0 Equalities Considerations**

- 5.1 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.
- 5.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.3 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.
- 5.4 In this matter there is no impact on equality.

## **6.0 Conclusion**

- 6.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 6.2 It is considered that 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 one, 2 bedroom self contained residential flat (Use Class C3) is acceptable. The inclusion of A1 and loss of the B1 floorspace is considered acceptable and 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.

7.0 **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 Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

**INFORMATIVE**

- (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

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### **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

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

Reg. Nos. DC/14/87501

Application dated 12.05.2014

Applicant CgMs

Proposal 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).

Applicant's Plan Nos. 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

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

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Background Papers

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- (4) Adopted Core Strategy (2011)
- (5) Local Development Framework Documents
- (6) The London Plan

Designation [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 96.43m<sup>2</sup> at ground floor and 102.19m<sup>2</sup> at first floor. Unit B has a floor area of 281m<sup>2</sup>.

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 377.43m<sup>2</sup>. 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 50m<sup>2</sup> and that 2 bedroom, 4 person dwellings to measure a minimum of 70m<sup>2</sup>.

- 6.14 Initially the proposals sought to divide the first floor to create two, 1 bedroom flats measuring 43m<sup>2</sup>. This is below the 50m<sup>2</sup> minimum as set out in the London Plan and the application has been amended to propose the creation of one, 2 bedroom flat measuring 102m<sup>2</sup>. 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 7m<sup>2</sup> 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.

## 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

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### 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



## **MINUTES**

The Planning Officer outlined the details of the proposal for 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, 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). The Planning Officer mentioned that Councillor Hooks, ward councillor for Lee Green, had sent an email, which was circulated to members before the meeting, asking that committee members raise appropriate questions with the Committee's advisors, the applicant and local residents regarding the concerns that had been raised at the local meeting held on 10 September 2014.

The Committee received verbal representation from Mr M Roe, the applicant's agent, who said the site was within a local hub and that while there was concern that there may be an increase in competition amongst businesses in the hub, increase in competition was encouraged as stated in the NPPF. He said that a condition requesting servicing details which would have to be discharged before the site was occupied, could be imposed. He asked that planning permission be granted.

Councillor Mallory spoke under standing orders in opposition to the proposal. He said the change of use to retail would negatively impact on businesses in the hub and affect community cohesion. He also said servicing by delivery lorries would require constant enforcement which would be unmanageable. He felt that marketing of the current use had been inadequate, and asked members to thereby refuse the change of use.

Upon deliberation whereby members agreed that the information provided on marketing of the site within its current Use Class and the information provided on deliveries and servicing of the unit was insufficient, Councillor De Ryk moved a motion to defer determination of the proposal until such information was provided. The motion was seconded by Councillor Kennedy.

**FOR:** Councillors Amrani (Chair), Kennedy (Vice-Chair), Bourne, De Ryk, Raven, Upex, Till and Walsh.

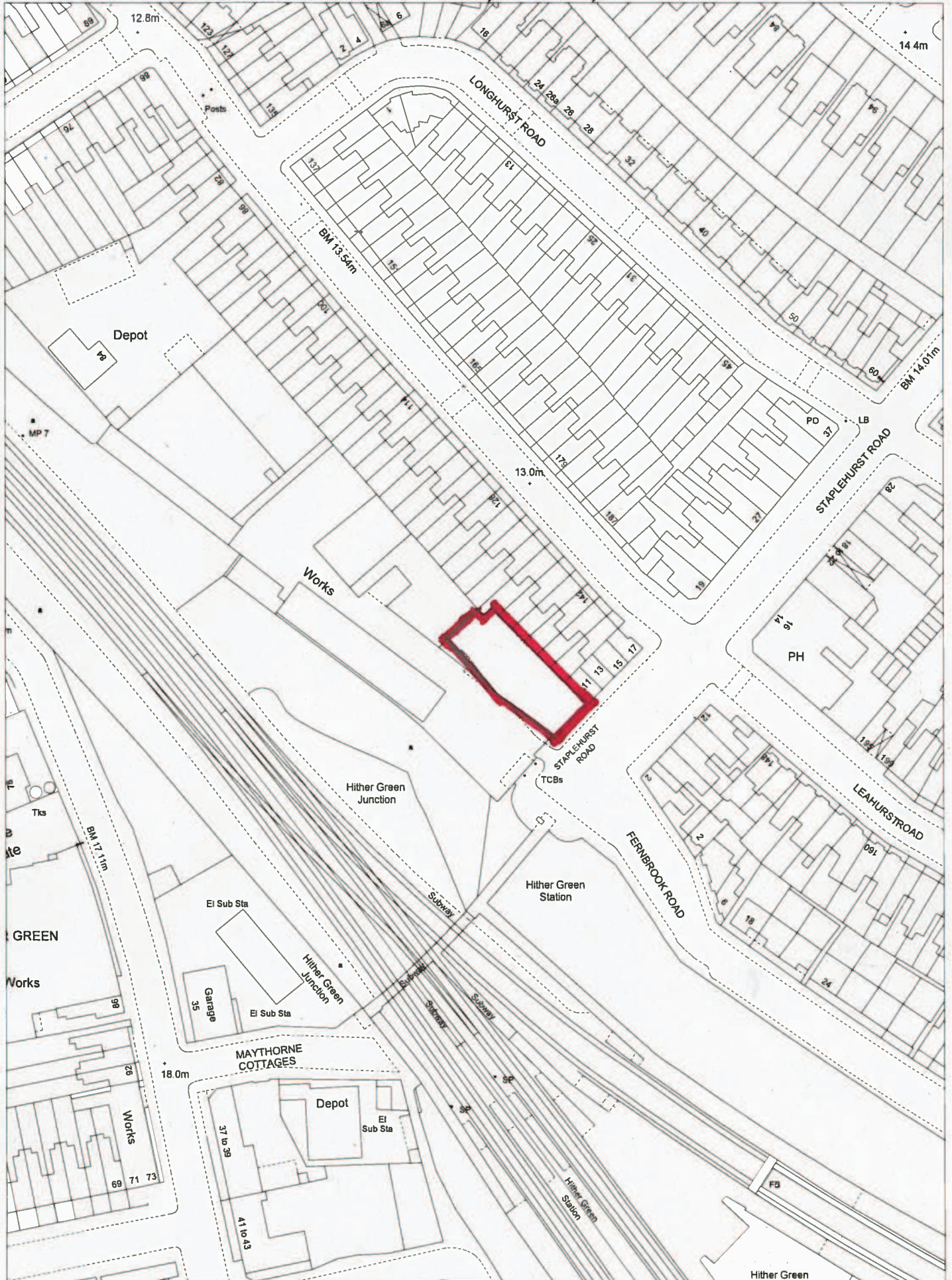
**RESOLVED:** that determination of planning application DC/14/87501 be deferred pending the provision of:

- i. Further information regarding the marketing of the site within its current Use Class and;
- ii. Further information in relation to servicing of the proposed unit.

*Note: Members were dissatisfied that neither the Council's Highway's Engineer nor the applicant's transport consultant were present to answer questions.*

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# 9 STAPLEHURST ROAD, LONDON, SE13 5ND



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Committee	PLANNING COMMITTEE A	
Report Title	FEATHERSTONE LODGE, ELIOT BANK SE23 3XE	
Ward	Forest Hill	
Contributors	S Isaacson	
Class	PART 1	Date: 4 DECEMBER 2014

Reg. Nos. DC/14/86666

Application dated 14.04.2014, revised

Applicant Savills on behalf of Hanover Housing Association

Proposal The demolition of the existing gatehouse, laundry and gymnasium at Featherstone Lodge, Eliot Bank SE23 and the change of use of the main building from a drug rehabilitation project (Use Class C2) to residential use (Use Class C3) as a Senior Cohousing Development to provide 1 one-bedroom self-contained flat and 7 two-bedroom self-contained flats, plus communal areas in Featherstone Lodge, the construction of 2 two-bedroom, two-storey duplex houses on the site of the gatehouse, the construction of 4, two-bedroom, two-storey houses on the site of the gymnasium, the construction of 19 units comprising 11 one-bedroom self-contained flats and 8 two-bedroom self contained flats in a part two/part three/part four storey new block in the rear garden, the construction of a new roadway from Eliot Bank along the northern edge of the site, to the rear of houses at 1-13 (consecutive) Knapdale Close, together with the provision of parking for a total of 20 cars, the construction of a scooter store for 4 mobility scooters, the provision of cycle storage for 33 cycles, the felling of protected TPO trees and the provision of additional landscaping, including alterations to the carriageway and footpath in Eliot Bank.

Applicant's Plan Nos. 10-397\_001 Rev E, 10-397\_PL\_002 Rev C, 10-397\_PL\_004 Rev B, 10-397\_PL\_005 Rev F, 10-397\_PL\_006 Rev L, 10-397\_PL\_007 Rev F, 10-397\_PL\_008 Rev F, 10-397\_PL\_009 Rev G, 10-397\_PL\_10 Rev D, 10-397\_PL\_011 Rev D, 10-397\_PL\_012 Rev D, 10-397\_PL\_013 Rev D, 10-397\_PL\_014 Rev C, 10-397\_PL\_015 Rev C, 10-397\_PL\_016 Rev C, DAT / 9.0, DAT / 9.1, DAT / 9.2, DAT / 9.3, DAT / 9.4 DAT / 9.5, DAT / 9.6, DAT / 9.7, DAT / 9.8, DAT / 9.9, DAT / 9.10, DAT / 9.11, DAT / 9.12, DAT / 9.13, DAT / 9.13, C100 Rev T2, C440 Rev T2, 245\_FL\_PL\_L09 & Drawing 397 SK 181 Revision A - Relative levels / daylight to Knapdale Close

Planning Statement, Design & Access Statement, Preliminary Construction Logistics Plan, Heritage Appraisal, Landscape Proposals, Flood Risk Assessment & Sustainable Drainage Strategy, Site Investigation Report, Code for Sustainable Homes and BREEAM Report,

Transport Statement, Bat Survey, Ecological Management Plan (Amended 7/4/14), Arboricultural Impact Assessment and Arboricultural Method Statement, Energy Statement, Wheelchair Housing Statement, Energy Statement Addendum (Peter Deer & Associates dated 3 July 2014), Letter from Paul Mew Associates dated 23 July 2014, & Assessment of Large Vehicle Traffic Movements During Construction (Conisbee - dated 16 Sep 2014)

Background Papers

- (1) Case File LE/840/A/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan
- (5) National Planning Policy Framework (NPPF)

Designation

Core Strategy or Adopted UDP - Existing Use

**1.0 Property / Site Description**

1.1 Featherstone Lodge is a substantial property on the east side of Eliot Bank and at the top of the Kirkdale Ridge, close to the roundabout junction of Kirkdale and Sydenham Hill / Sydenham Rise. It was used for many years by the Phoenix House Project, which ran a drugs rehabilitation programme, but it has been vacant since 2007, apart from a caretaker resident to maintain site security. It is a high-quality building in many respects, with substantial grounds that form its setting. The grounds contain many trees, which are covered by a Tree Preservation Order.

1.2 The existing building is of considerable character and was considered for listing by English Heritage in 2010. The EH advice to the Secretary of State included the following description:-

*"The house is broadly rectangular in plan, two-storeys plus attic, and built in stock brick with white painted stone dressings and a steeply-pitched tiled gable roof with projecting eaves and the insertion of some modern skylights. The later C20 extension to the north has a hipped roof. The principal (west) elevation features a large projecting gable to the south, a centrally placed entrance tower with an arched door and a pyramidal tiled roof, and a large triple-flue chimney to the north. The garden elevation has two large gables, the one to the north fronted by a two-storey canted bay. Running along the elevation to the south of the bay is the late- C20 single-storey outshut [sic]. Fenestration consists of mullion-and transom windows, mostly with uPVC double glazing but some retaining the original octagonal-paned metal windows on the ground floor."*

1.3 English Heritage observed that the building has been significantly altered, both internally and externally. It has been extensively sub-divided as a result of institutional use and most of the original windows have been replaced with uPVC. As a result, the main building was not included for listing. However, Featherstone Lodge is locally listed, i.e. a 'non-designated heritage asset' and this status must be taken account of under the terms of the National Planning Policy Framework (NPPF). The list description is as follows:-

*"Formerly the Lodge, built 1850s. Large house of multicoloured stock brick. Very high pitched, tiled roof with overhanging eaves. Two storeys, 8 irregular windows."*

*Tall, grouped diagonal chimney stacks. Gothic style. Central square tower with pyramidal swept roof. Stone mullioned casement windows of one to 5 lights, some with transoms, in chamfered reveals. Many windows have decorative glazing with lozenge or chamfered quarry pattern. Pointed doors under hood-moulds with head stops. Two storey, 2 window left extension in similar style. The front door has a simple concrete looking shelter. The side elevation (facing Sydenham Hill) has rendered canter bay. The roof is tiled and pitched. Most windows are casement, some have 6 panes."*

- 1.4 The top of the site forms part of the high land of the Forest Hill / Sydenham ridge, and both the application site and the surrounding land levels fall to the east. The lowest part of the Featherstone Lodge site is 9 metres lower than the Eliot Bank end.
- 1.5 The site is surrounded to the north and south by residential development. The rear gardens of the two-storey terraced houses in Knapdale Close lie immediately to the north, abutting the site boundary. To the north-east, as the land falls away, are the taller five/six-storey blocks of the Forest Estate, whilst to the south, across Julian Taylor Path are a terrace of two-storey houses that were built in the 1980's. Further down Julian Taylor Path, the roadway narrows to become School Lane and on its south side are the rear of blocks fronting Kirkdale, viz. Heath Edge, and Eliot Lodge - a Grade 2 listed building.
- 1.6 To the east, on lower ground, is Eliot Bank Primary School. A recently-constructed single-storey teaching block with roof terrace above lies closest to the eastern site boundary. The Julian Taylor Path / School Lane access along the southern side of the application site to the rear School entrance is narrow, particularly at its eastern end. This route is used by many school children both before and after school, as well as some school deliveries.
- 1.7 On the west side of Eliot Bank, slightly to the south-west of the Featherstone Lodge site entrance, lies Oak Cottage, an elegant two-storey mid-nineteenth century building that faces directly onto Eliot Bank.
- 1.8 On the west side of Eliot Bank, beyond the garden of Oak Cottage, the land level drops steeply and abruptly down to the garages of Frobisher Court, Sydenham Rise.
- 1.9 The site does not lie within a Environment Agency flood risk area or zone of archaeological priority.

## **2.0 Planning History**

- 2.1 In August 1967, planning permission was granted for the change of use of Featherstone Lodge from the nurses home to a psychiatric unit for children for King's College Hospital.
- 2.2 In September 1969, planning permission was granted for the use of Featherstone Lodge as a rehabilitation hostel for ex-drug addicts. This was a limited period permission until September 1971, and the number of residents excluding staff was restricted to 20 persons only.
- 2.3 In October 1971, this use was extended until September 1976, and the permission included the use of the two-storey annexe as a hostel for senior residents of the main hostel.

- 2.4 In May 1977, the limited period for the use of Featherstone Lodge as a rehabilitation hostel for ex-drug addicts was extended until April 1982.
- 2.5 In July 1979, permission was granted for the erection of a temporary single-storey building at the side of Featherstone Lodge for use as an ancillary office. This permission was limited until April 1981 and personal to Featherstone Lodge Project.
- 2.6 In September 1982, the limited period for the use of Featherstone Lodge as a rehabilitation hostel for ex-drug addicts was again extended, until August 1984, then again in June 1983 until May 1988.
- 2.7 In May 1984, permanent permission was given for the continued use of Featherstone Lodge as a rehabilitation hostel for ex-drug addicts (Reg. No. 22398).
- 2.8 In July 1985, permission was granted for the conversion of The Gatehouse into a nine person shared house, together with the erection of a single-storey extension at the rear and a two-storey extension at the front.
- 2.9 In January 1987, planning permission was granted for the erection of a single-storey building at the rear of Featherstone Lodge to provide classroom and workshop facilities.
- 2.10 In March 1997, planning permission was granted for various alterations to Featherstone Lodge, including internal alterations, re-roofing including the removal of three redundant chimney stacks, replacement of most windows with white aluminium windows, and construction of a single-storey extension to provide a disabled WC, alterations to the existing conservatory and formation of a covered walkway to the Gatehouse (Reg'd. No. 41068).
- 2.11 In June 2013, a similar application to that currently being considered was submitted to the Council. Following consultation with local residents, which resulted in the submission of some 10 letters of objection, and detailed negotiations with the applicant, this application was eventually withdrawn in October 2013.

### **3.0 Current Application**

#### The Proposals

- 3.1 The scheme proposes the change of use from Use Class C2 to Use Class C3 and the development of a residential scheme including cohousing. The development will comprise the demolition of the existing Gatehouse and the separate building located close to the southern boundary to Julian Taylor Path (called the Glasshouse by the applicant), along with the refurbishment and conversion of the main Lodge and the construction of new buildings to provide a total of 33 residential units.
- 3.2 The new build elements comprise:-
  - 2 new units on the site of the demolished Gatehouse;
  - 4 new houses fronting Julian Taylor Path on the site of the demolished Glasshouse;
  - 19 flats in a new part two, part three, part four-storey block in the rear garden.
- 3.3 Of the 33 units proposed, 23 units are private market sale, 7 units are social rent and 3 units are shared ownership. This equates to 30% provision of affordable housing.



- 3.4 The density of the development would be 147 habitable rooms per hectare, based on a total of 93 habitable rooms.
- 3.5 Hanover are a specialist provider of accommodation for people 55 or over. The original proposal was for one resident in each property to be aged 55 or over. However, during the course of the application, Hanover has amended the age limit as follows:
- Over 55s - for affordable housing; and
  - Over 50s - for private housing, particularly for cohousing.
- 3.6 The scheme comprises an element of cohousing. Cohousing is a sub-set of market housing. The applicant's Planning Statement explains cohousing as follows:-
- 3.7 *"Cohousing is a specific type of community composed of private homes supplemented by shared facilities. The modern theory of cohousing appears to have originated in Denmark in the 1960s among groups of families who were dissatisfied with existing housing and communities that they felt did not meet their needs. The community is planned, owned and managed by the residents, who also share activities which may include cooking, dining, childcare, gardening and governance of the community. Common facilities may include a kitchen, dining room, laundry, offices, guest rooms and recreational features."*
- 3.8 In this proposal communal facilities are provided within the main lodge building. These include an office, kitchen and large meeting room. The Planning Statement advises that this would be a *"comfortable social centre for the group, with meeting and cooking facilities and some storage for bulk food and/or tables and chairs that would allow different activities to be accommodated."*
- 3.9 The applicant has submitted the following documents in support of the application:-
- Arboricultural Impact Assessment
  - Construction Logistics Plan
  - Design and Access Statement
  - Ecology Statement
  - Energy Strategy & Code for Sustainable Homes Pre-Assessment
  - Flood Risk Assessment & Sustainable Drainage Strategy
  - Ground Investigation Report
  - Heritage Statement
  - Landscape Strategy
  - Sustainability Statement
  - Transport Statement
  - Viability Assessment by Savills
- 3.10 The applicant has submitted a Design and Access Statement in support of the proposal that sets out in detail the history of Featherstone Lodge and charts the evolution of the design. This document also confirms that the new houses would exceed Code Level 4 standard under the Code for Sustainable Homes.
- 3.11 Three flats on the ground floor of the Lodge (all two-bedroom, three person units) and three in the garden flats will be wheelchair adaptable. All homes comply with Lifetime Homes standards, with the exception of Plot 6 in the refurbished Lodge.

3.12 Following a Local Meeting, the proposal has been revised to take account of comments raised, in particular from residents of Knapdale Close and Eliot Bank. The main changes are as follows:-

- (1) The alignment of the access road along the northern boundary has been amended slightly to allow improved landscaping along this boundary, to the rear of houses in Knapdale Close.
- (2) Additional information regarding contamination and traffic generation.
- (3) An entrance gate would be provided to the northern access road.

#### **4.0 Consultation**

4.1 This section outlines the consultation carried out by the applicant prior to submission and 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 in the surrounding area and the relevant ward Councillors. A Local Meeting was held on 9th July 2014. Minutes of the Local Meeting are attached as an Appendix.

##### Pre-Application Consultation

4.3 The applicant has undertaken a collaborative design process involving members of the Featherstone Cohousing Group. A series of four workshops were held during the development of the design and details of these are set out in the Design and Access Statement. An Open Day was held early in the process in September 2011, following the purchase of the site by Hanover Housing Association, and an exhibition was held in November 2012. At these events, local residents were invited to discuss the emerging proposals and inspect the detailed drawings and model of the scheme. A separate presentation was arranged with the head teacher and deputy headteacher of Eliot Bank School, and the applicant has stated that their comments have been taken on board in developing the application strategy. Further details are contained in the Consultations section of the Planning Statement.

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

4.4 18 letters of objection were received to the original notification from residents of Eliot Bank, Frobisher Court (Sydenham Rise), Julian Taylor Path, Knapdale Close & Little Brownings, raising the following issues:-

- Overdevelopment of the site - the proposed density of development is too high. Because it is 'land-locked', the site is not suitable for the proposed development. There are too many flats, four stories is too high, and the materials are not appropriate.
- Substantial damage to amenities of residents, caused by noise and disturbance.
- Loss of daylight / sunlight to houses in Knapdale Close at different times of the day, caused by the size and height of the garden flats.
- Overlooking, overshadowing and loss of privacy, particularly in adjoining gardens, from close proximity of new residents / feelings of confinement.

The whole northern building should be reduced to two stories in height, moved further into the site, or at least angled away from the Knapdale Close boundary.

- Possible overlooking of houses in Julian Taylor Path.
- Good quality boundary treatments would be required.
- Impact on the locally listed building.
- Day-to-day noise - the gardens are very quiet at the moment, plus increased traffic noise.
- Disruption to the neighbourhood during the construction period. HGVs will be entering and exiting the site via very narrow and residential roads, in close proximity to a primary school. Eliot Bank climbs steeply from London Road and has several bends, which will compromise access for larger vehicles. Query regarding operation and position of a manned barrier at the bottom of Eliot Bank at the London Road junction.
- Safety is a major concern. The submitted traffic survey is highly misleading and the Construction Logistics Plan deeply flawed.
- Dreadful state of existing roads. The top section of Eliot Bank is so potholed that it is barely roadworthy, especially in winter.
- Damage to the existing private roads - on exiting the site, vehicles will be using the Sydenham Rise exit, which means they would use a stretch of road which is privately owned and not suitable to carry heavy HGV loads. This would cause significant noise and dust disruption to the occupiers of Oak Cottage as their main rooms face directly onto Eliot Bank, as well as possible damage to their property. The developers have refused to discuss this issue directly.
- Traffic exiting onto the Eliot Bank / Sydenham Hill / Kirkdale roundabout would be dangerous as larger vehicles could not negotiate the roundabout in one continuous movement and would have to reverse at least once because the turn is too tight. One resident of Knapdale Close requests that the developers access the site exclusively from the Kirkdale / Sydenham Hill roundabout and not via the London Road junction.
- Inadequate parking provision - the level of car parking provision is unlikely to be adequate for the numbers of units being built. This will result in parking spilling over into the already-congested Eliot Bank and adjoining estate roads, especially if some owners have more than one car. Again, this is a safety issue due to the schoolchildren using this route to and from Eliot Bank School.
- There is no footpath on the northern side of Eliot Bank between Featherstone Lodge and Sydenham Hill.
- The section of Eliot Bank outside the application site is not owned by Hanover Housing all the proposal also gave all the fresh this stretch with a view to discouraging the traffic is a deeper mature old, or substance, but inadequate or vague.
- The fact that there is official notification posted nearby to the effect that this part of Eliot Bank is unsuitable for motor vehicles but is not the responsibility of Lewisham Council, seems to invite indiscriminate dumping of rubbish and vandalism, and there has been recent fly tipping in the area.
- Loss of security / increased likelihood of opportunist burglary.
- Loss of protected trees, greenery and wildlife habitat, where foxes, mice and birds can dwell unmolested. The statement in the applicant's submission that "*the majority of trees will be retained across the site*" is not correct.

While there is some replanting and retention of a 'wild garden' space, and the removal of so many trees and shrubs will adversely effect the abundant wildlife in the area, in particular birds. Specific objections raised to the removal of tree T46a, which could presumably be pruned rather than felled.

- Subsidence issues, including changes to the local drainage system, plus need to check the strength of the roads.
- The submitted plans are misleading as they do not show the extension that has been constructed at the rear of 11 Knapdale Close.
- Loss of value to properties.

4.5 A Petition, signed by the occupiers of 1, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 Knapdale Close raises objections on the same grounds as set out above, with their main areas of concern being:-

- The removal of trees under Tree Protection Orders.
- Loss of privacy
- New access road - boundary security and noise concerns
- Parking
- Unadopted road.

#### Local Meeting

4.6 A local meeting was held on 9<sup>th</sup> July 2014. The minutes of this meeting are attached as an appendix to this report.

4.7 Following the Local Meeting, the applicant has submitted further information regarding the issue of potentially contaminated soil from the site and the impact that this would have on estimated construction traffic requirements. In the letter from Paul Mew Associates dated 23 July 2014, it was estimated that during early groundwork and demolition stages of the project, the analysis showed that a total of 68 lorries would be required. The Preliminary Construction Logistics Plan indicated that a total of 28 HGV deliveries would be required for the delivery of superstructure components over the 18 month construction period, giving a total of 216 HGV deliveries.

4.8 The letter estimated that, as most of these HGV movements would take place in the first three months of the contract (demolition groundworks and foundations), this would be likely to equate to approximately 3 HGV movements per working day.

4.9 These figures were queried by officers and further site investigations were carried out by the applicant. This resulted in the submission of a further Assessment of Large Vehicle Traffic Movements During Construction (Conisbee - dated 16 Sep 2014).

#### Additional Consultation

4.10 Adjoining residents have been re-notified of the recent revisions to the scheme and further letters have been received reiterating the comments above and making the following additional points:-

- Even with the minor revisions recently put forward, no reduction in height or relocation of the three / four-storey block along the northern boundary has been achieved; this building will be overbearing and will still overlook adjoining houses and gardens in Knapdale Close, and block winter sunshine.

- Request the adjustment to the route of the access road be extended, with the tree screen to include the section behind 10 Knapdale Close.
- Still concerned over direct overlooking from the upper floors of the new block behind the Knapdale Close houses.
- Height of fences / access / lighting / locations of bins. A 1.8 metre high fence would not provide adequate privacy or security to the Knapdale Close houses, regardless of the additional trellis. Residents request that the height of the 'solid' part of the boundary is raised to 2.3 metres, which is the approximate current height as measured behind 10 Knapdale Close, plus the trellis. Also suggest mature specimens of shrubs are planted to aid security from the outset along this boundary.
- Gated access road - residents request that this could be electronically operated for added security.
- Residents reiterate their concerns expressed previously over highways, traffic and parking issues, which they do not consider have been adequately addressed. These concerns include site workers parking in Knapdale Close and Eliot Bank during the building process and lack of parking facilities on site, on completion of the building.
- The 'well documented problems of Eliot Bank' still seem to be ignored in the technical guidance submitted.
- Continued concern over the projected volume of traffic movement associated with the project, and questions what conditions the Council could impose that would be effective.
- Concerns over site safety and security during the course of development.
- The site could be used as an allotment, or possibly a shared garden. It would be worth considering a joint purchase of the land by all the surrounding home owners to make this happen.

#### Letters of Support

- 4.11 Four letters of support have been submitted, as follows:-
- 4.12 The occupier of 30 Benson Road SE23 writes as both a housing researcher (at London School of Economics) and a local resident to express her strong support for the application to create a cohousing scheme at Featherstone Lodge in Forest Hill, as follows:- *"The project has been sensitively designed so as to create a genuine new community whilst respecting - and indeed enhancing - the existing building and local community. London is facing a housing crisis, and this scheme could well serve as a template for other local authorities and groups to follow. The housing will be ideally adapted to the needs and preferences of active over-50s - an important demographic in the housing market, but one for which there is at the moment little explicit provision - and the environmental and social ideals of the prospective residents suggest that they will make a huge contribution to Forest Hill."*
- 4.13 The occupiers of 27 Chudleigh Road SE4 consider the plans are sensitive to environmental concerns and will go some way to meeting the needs of an ageing population who wish to downsize. *"The target for the owners of the properties offer a supportive network of concerned neighbours to people living nearby, both because of their maturity and the intentional nature of the community, assurances which are absent from purely commercial developments."*

- 4.14 The occupier of 58 Wharncliffe Gardens SE25 supports the scheme and considers it has been sensitively developed to bring the building back into use for much-needed housing, whilst developing the rest of the site at a relatively low density. This less-institutional approach to senior housing has been developed with feedback from a cohousing group keen to develop a community on this site.
- 4.15 The occupiers of 32 Whittell Gardens SE26 state that the Featherstone Cohousing has been meeting monthly since 2011 to develop this scheme, which would utilise a beautiful house and garden, retain as many trees as possible and plant more, as well as growing food and flowers and creating a pond. Featherstone Lodge Cohousing comprises people from Lewisham and other parts of South London who wish to live in a mutually-supportive and self-managing community. About 50% of the Members of the Cohousing Group own cars, so the plans do provide adequate parking on site. A car-sharing scheme is already planned, as it is unnecessary for every member to own a car and much more economic for the cost of car use to be shared.

(Letters are available to Members)

#### Written Responses received from Statutory Agencies

##### Highways and Transportation

- 4.16 Unobjectionable in principle, but access to / egress from the site is problematic in a number of respects. The roads adjacent to the application site, Eliot Bank and Julian Taylor Path, are narrow and some sections are not wide enough to accommodate two-way traffic movements. Eliot Bank (the section between the application site and Sydenham Hill) is a privately-maintained highway that is in a very poor state of repair. It is not currently in a suitable condition to accommodate the vehicular, pedestrian and cycle trips associated with the proposed residential development.
- 4.17 Eliot Bank is not wide enough to allow two HGVs to pass each other and two HGVs approaching each other on Eliot Bank to access / egress the site would result in congestion, and would result in vehicles undertaking reversing movements either out onto Eliot Bank or into the site to relieve the congestion. Vehicles undertaking reversing movements would have highway safety implications. The Construction Management Plan should confirm that construction traffic will operate in a one-way southbound operation from London Road.
- 4.18 The access to the site via Eliot Bank is not an attractive or safe environment for pedestrians and cyclists, the road is poorly lit and has an irregular road surface that is hazardous for cyclists. In addition, the carriageway and footway on Eliot Bank that provides access to the site do not meet DDA requirements. The road is in a poor state of repair and does not provide level access to the site. When approaching the site from the south (via Sydenham Hill / Kirkdale), the pedestrian route has stepped access and so could not be used by wheelchairs.
- 4.19 The site has a Public Transport Accessibility Level (PTAL) of 3, which is considered moderate. The site is not located within a controlled parking zone (CPZ). The proposed level of off-street parking at the development is consistent with various planning policies that encourage and promote sustainable transport modes, and is consistent with the site's level of accessibility.

However, the inclines / gradients that have to be navigated to access the site do not form part of the accessibility assessment and may be a disincentive to sustainable modes of travel such as walking and cycling.

- 4.20 Eliot Bank and Julian Taylor Path are used by school children accessing the rear entrance of Eliot Bank School and, during a survey of Eliot Bank and Julian Taylor Path (at school arrival/departures times), school children were observed walking in the carriageways of both Eliot Bank and Julian Taylor Path. Construction traffic movements during school arrival / departures times could have highway safety implications, and to reduce the likelihood of conflict, a Construction Management Plan should be submitted prior to commencement on site. The Plan should include details of measures to reduce conflict between HGVs and school children.
- 4.21 The parking survey in the Transport Assessment indicates that there is parking capacity in the streets surrounding the site to accommodate any overspill parking generated by the development.
- 4.22 Therefore, in order to mitigate the impacts of the proposal, the following should be secured with the applicant:-
- The submission of a detailed Construction Management Plan that will include measures to control:-
    - (i) Traffic routes to and from the site.
    - (ii) Management of construction traffic, including controlled hours of access and numbers of vehicles, to ensure safe working for site workers, local residents and children / teachers attending Eliot Bank School.
    - (iii) Measures to deal with safe pedestrian movement.
    - (iv) Management of parking for construction workers, to ensure that overspill parking by workers does not cause congestion in surrounding streets.
    - (v) Installation of wheel-washing facilities to prevent mud on local road.
    - (vi) Security management.
    - (vii) Mitigation measures to control dust, noise and vibration emissions.
  - Works to improve the stepped access from Sydenham Hill to provide a ramped access.
  - Use of a Car Club or Car Sharing scheme to encourage the use of car-sharing and to reduce the level of car ownership at the development.

#### Housing, Health & Social Care Integration Project Team

- 4.23 The Council's Housing Strategy Team supports the principle of a cohousing scheme at Featherstone Lodge. The scheme will contribute towards the overarching aims which the Council has for housing for older people in the borough
- 4.24 The scheme will provide an alternative model of housing for over 55's which will enable them to live as part of a community which is mixed tenure and which seeks to encourage positive relationships which may increase health and wellbeing in older age.

## Environmental Health

- 4.25 In principle, I agree with the reports recommendation that all buildings should be assessed for the presence of Asbestos; and although the report did not refer to it would be my expectation that this material could have also been extensively used in the existing Lodge building especially in cellars/basements where a boiler and lagged heating pipes could be present. Therefore a thorough asbestos survey should be undertaken and its findings and recommendations for removal should be undertaken by HSE approved operator, before any demolition works can be undertaken.
- 4.26 The site walkover did not appear to identify areas of potential contamination associated with a laundry or workshops needed to maintain the main buildings, where contaminative laundry chemicals, fuels, oils etc could have been used and stored; and I would request clarification on this aspect.
- 4.27 Only one round of Gas Monitoring was undertaken which is insufficient given the size of the site and the presence of made ground. Therefore I would request further monitoring is undertaken and targeted to the locations of the new proposed residential properties. Similarly, the number of soil sampling locations appeared insufficient and sporadic, again given the size of the site. However, the existing data has already identified widespread exceedences of Arsenic, Lead and BaP which is probably sufficient to define a remedial strategy without further sampling providing no further sources of contamination are determined in relation to the above points. An exception to this would be soils in vicinity to TP2 which produced extremely high contaminant concentrations and therefore necessitates further delineation.
- 4.28 From the submitted documents it is unclear as to whether some properties will have private gardens which should be clarified. The report states that if they are intended a remedial capping layer of 1m depth chemically clean soil should be provided in such sensitive site areas. Whilst in principle I would agree with this depth I would also advocate the inclusion of a granular dewatering layer and geotextile membrane within the capping layer. Similarly whilst I am in agreement for the proposed 600mm capping layer in the communal landscaped areas, I would again also advocate the inclusion of geotextile membranes within these capping layers.
- 4.29 Although I am unable to determine it from the proposed landscape plans, it would not be unusual for some elderly residents to want an allotment area in order to grow their own produce, and I would therefore request confirmation/clarification that this not being proposed.

## Nature Conservation & Ecology Manager

- 4.30 No objection in principle. The Updated Bat Survey specifies a soft strip, as included in the consultant's recommendation below:-

*During the final bat survey on 4th September 2013, a common pipistrelle was observed on-site close to sunset. The bat was seen flying very close to the north eastern facade of the building. Although it is considered unlikely that the bat emerged from the building, due to difficulty viewing that section of the building, and as a precautionary measure, the features on this part of the building should be stripped by hand under the supervision of a licensed bat worker. It is understood that an extension is planned to be added to this area.*



*If bats are found at any point then all works must cease and a licensed bat ecologist contacted immediately.*

### Sustainability Manager

- 4.31 This proposal is compliant with the Council's Code and BREEAM pre-assessments, however they don't seem to be using the right target for the carbon reduction. Council policy is for a 40% reduction against the 2010 Building Regs or a 35% reduction against 2013 Building Regs, as per the London Plan. The new target for the 2013 Building Regs only came into operation for applications from April onwards, but the 40% reduction has been in place since 1 October 2013. The applicant should review their proposal accordingly. If they demonstrate they are unable to meet this standard on site, there is the Lewisham carbon offset fund.

### Thames Water

- 4.32 No objection in principle. Further comments attached as informatives.

## **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.

- 5.2 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).

- 5.3 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.4 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)'. .

- 5.5 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

- 5.6 The other relevant national guidance is:-

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

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

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

#### London Plan (July 2011)

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

Policy 3.17 Health and Social Care Facilities

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.21 Contaminated land

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.19 Biodiversity and access to nature

Policy 8.2 Planning obligations

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

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

Accessible London: Achieving an Inclusive Environment (2004)

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

## London Plan Best Practice Guidance

- 5.9 The London Plan Best Practice Guidance's relevant to this application are:  
Development Plan Policies for Biodiversity (2005)  
Control of dust and emissions from construction and demolition (2006)  
Wheelchair Accessible Housing (2007)

## Core Strategy

- 5.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan.

The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-

Spatial Policy 1 Lewisham Spatial Strategy  
Objective 10: Protect and Enhance Lewisham's Character  
Policy 7 Climate change and adapting to the effects  
Policy 8 Sustainable design and construction and energy efficiency  
Policy 14 Sustainable movement and transport  
Policy 15 High quality design for Lewisham

## Unitary Development Plan (2004)

- 5.11 The saved policies of the UDP relevant to this application are:-  
STR URB 1 The Built Environment  
URB 3 Urban Design  
URB 12 Landscape and Development  
URB 13 Trees  
ENV.PRO 10 Contaminated Land  
ENV.PRO 11 Noise Generating Development  
ENV.PRO 12 Light Generating Development

## Planning Obligations Supplementary Planning Document (January 2011)

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

## Emerging Plans

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

- 5.14 The following emerging plans are relevant to this application.

## Development Management Plan

- 5.15 The 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 23 July 2014, finding the Plan sound, subject to 16 main modifications. The 16 main modifications have previously been published by the Council for public consultation on 29 April 2014.
- 5.16 The Council expects to formally adopt the DMLP in autumn 2014 and the Plan is on the agenda for adoption at Full Council at the meeting of 26th November.
- 5.17 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP 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.
- 5.18 The following policies are considered to be relevant to this application:-
- |              |  |
|--------------|--|
| DM Policy 1  | Presumption in favour of sustainable development   |
| DM Policy 5  | Sheltered housing and care homes   |
| DM Policy 7  | Affordable rented housing  |
| DM Policy 22 | Sustainable design and construction  |
| DM Policy 23 | Air quality  |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches  |
| DM Policy 25 | Landscaping and trees  |
| DM Policy 26 | Noise and vibration  |
| DM Policy 27 | Lighting   |
| DM Policy 28 | Contaminated land  |
| 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   |
| DM Policy 33 | Development on infill sites, backland sites, back gardens and amenity areas  |
| DM Policy 35 | Public realm   |
| DM Policy 37 | Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest |
| DM Policy 38 | Demolition or substantial harm to designated and non-designated heritage assets  |
| DM Policy 41 | Innovative community facility provision  |

## **6.0 Planning Considerations**

- 6.1 The main issues relate to the following:-
- Principle of Residential Development
  - Demolition
  - Proposed New Buildings
  - Impact on Locally Listed Building
  - Highways
  - Trees
  - Landscaping and Boundary Planting
  - Ecology
  - Noise

- Sustainability and Energy
- Planning Obligations

### Principle of Residential Development

- 6.2 With regard to the loss of the existing use, the Phoenix House drugs rehabilitation project ceased in 2007 and there has been no institutional use of the building since that time, merely a caretaker presence to ensure security and prevent squatting / vandalism. In terms of the London Plan and Lewisham policies, the loss of the previously-existing C2 Residential Institutions use is considered acceptable, as it is regarded as surplus to current needs in the Borough.
- 6.3 The application site is located in an entirely residential area, and not subject to any specific restrictions in the development plan, so the principle of residential development is considered acceptable.
- 6.4 The Council's Housing Strategy Team supports the principle of a cohousing scheme at Featherstone Lodge, on the grounds that the scheme will contribute towards the overarching aims which the Council has for housing for older people in the borough.
- 6.5 The main Lodge building would be upgraded and adapted and used partly for communal facilities on the ground floor, with 8 residential units, being 7 x two-bedroom flats and 1 x one-bedroom flat.

### Demolition

- 6.6 *The Gatehouse* - This is a structure that was constructed following a grant of permission in 1985. The building is not that old, but does not have any heritage status in its own right and therefore its loss is considered acceptable in the context of the overall scheme, given that it holds the key to facilitating access to the rear of the site.
- 6.7 *The Glasshouse* - No objection is raised to the principle of the demolition of the modern single-storey building located close to the southern boundary, which was constructed in the 1980s as part of the Phoenix House Project. Again, it is a reasonable building in its own right, but its replacement with a new building of improved design could be acceptable depending on relationships to adjoining properties, particularly given the close proximity to the houses on the other side of Julian Taylor Path.
- 6.8 *The Laundry* - This is a single-storey structure located on the southern end of the main Lodge building. This a later addition and not part of the original structure. No objection is raised to its demolition.
- 6.9 None of the above buildings is included in the local listing, which applies only to the main Lodge building.

### Proposed New Buildings

#### *Duplex units*

- 6.10 The two duplex units will be located in a new building attached to the north end of the existing Lodge, replacing the demolished Gatehouse.

The front of the building would be set 3 m back from the adjoining section of the Lodge, and it would project 7.4 m back from the rear of the adjoining Lodge element. The building would have a steeply-pitched roof with front facing gable, which reflects the style of other elements within the Lodge building.

6.11 It will be constructed using a light buff brick and have slim profile metal polyester powder coated windows. The front setback ensures subordination to the main Lodge building and the rear section of the building and roof step down to a lower level, following the contour of the ground. The two halves of the building would be separated by glazed link at ground floor level.

6.12 The building would provide two duplex units, each being two-bedroom, four-person units. Each would be provided with an external balcony space.

6.13 The London Plan Standards require the following gross internal floorspace (GIA) for new residential units:-

•1b2p	50 m <sup>2</sup>
•2b3p	61 m <sup>2</sup>
•2b4p	70 m <sup>2</sup>
•3b4p	74 m <sup>2</sup>
•3b5p	86 m <sup>2</sup>

6.14 The two duplex units (Plots 13 and 14) are 2b4p units and would each have a floorspace of 88 m<sup>2</sup>, in excess of the London Plan standard.

6.15 The steeply pitched roof design, as well as the set back to the front elevation, plus the detailing of the building and fenestration will relate well to the locally listed Lodge. Although the rear part of the building projects beyond the rear building line of the Lodge, this is less than the existing Gatehouse building that will be demolished. In addition, the stepped design with a glazed link between the two duplexes means that the rear element of the building is set at a lower garden level and officers consider that the replacement building will enhance the locally listed Lodge building.

6.16 Therefore the design and location of the duplex units are considered acceptable.

#### *New houses*

6.17 Four new houses are proposed facing Julian Taylor Path, roughly on the site of the demolished workshop building. They would be two-storey, with asymmetrically-pitched roofs. Each house would be two-bedroom, four-person. The distance between the front elevation of the new houses and the front elevation of the houses to the south in Julian Taylor Path varies between 13 and 18 metres. The two blocks are set at an angle to each other, with the gap widening towards the eastern end. Each house in the terrace steps down slightly by approximately 300mm. The height to the front eaves would be 5.2 m, with the ridge at 6.8 m.

6.18 The four houses (Plots 9-12) are 2b4p units and would each have a floorspace of 88 m<sup>2</sup>, in excess of the London Plan standard.

6.19 The design of these houses has been improved during the consideration of this application, by the provision of better detailing and more visual interest in the first floor elevation.

As these blocks are fairly close together, potential overlooking has been addressed by providing projecting oriel windows on the first floor south elevation that are designed to prevent direct overlooking between the new units and the Julian Taylor Path houses.

6.20 The materials would be the same buff brick as proposed for the new duplex units. The south-facing roof would be in zinc, with integrated solar tiles, whilst the rear roof slope would be fitted with photovoltaic panels fixed to a timber frame.

6.21 The design and location of the duplex units are considered acceptable.

#### *The Garden Flats*

6.22 The proposed garden flats would be provided in a new building located in the north-east corner of the site, and located to the south of Nos. 9-13 Knapdale Close. The building would be two-storey at its upper (west) end, to the rear of 9 Knapdale Close, then steps up to three stories behind the eastern part of the Knapdale Close terrace.

6.23 The building would be built into the slope of the hill so that whilst it increases to three and then four stories in height towards its eastern end, the parapet height of the taller elements remains consistent. The height of the two-storey element is 6.4 m to parapet, whilst the adjoining three-storey section measures 9.6 m to parapet from the higher ground level, which increases to 11.5 m as the ground level falls away to the east. The three units on the top floor are set back from the north edge of the building by 3.7 metres, to reduce its impact when viewed from the north.

6.24 The garden flats provide a total of 19 units, with four on the 'basement' floor, which is in fact at garden level as the land falls away, six flats on each of the ground and first floors, and three on the top floor. Eleven units will be one bedroom, two person (1b2p) units, which vary in size from 52 to 60 m<sup>2</sup>, exceeding the London Plan standard of 50 m<sup>2</sup>. Eight flats would be 2b3p. These vary between 66 and 69 m<sup>2</sup>, again exceeding the London Plan standard of 61 m<sup>2</sup>.

6.25 The garden flats building is simple in terms of its buff brickwork and fenestration, and its main feature is that the south-facing elevations will have a green oak frame to support the balconies that run along this side of the building.

6.26 The north elevation will be mainly buff brick, with a zinc-clad staircase tower towards its eastern end. Zinc cladding will also be used for the north and west-facing elevations of the top floor, whilst the east and west ends of the building will have a biodiverse green roof. The centre part of the roof will have photo-voltaic panels fixed to a timber frame. The central part of the north elevation will also have a green oak frame holding the access balconies. The refuse store will have a timber cladding screen.

6.27 Overall, it is considered that the design of the building, with its green oak frames and buff brickwork will relate well to the retained 'wild garden' and provide an interesting structure that will fit well into the landscaped setting.

6.28 It is the location and design of this building that has attracted the most opposition from nearby residents in Knapdale Close, who consider the position of the building is too close to the boundary and that it would cause overshadowing, overlooking and loss of privacy.

- 6.29 Following public consultation and the Local Meeting, the adjacent access road has been amended to be further away from the Knapdale Close boundary. This has allowed improved landscaping along the boundary to provide additional landscaped screening.
- 6.30 The distances between the western end of the garden flats building and the rear of 9 Knapdale Close is 21 metres, whilst that between the rear of 10 Knapdale Close and the three-storey element (which steps away from the boundary) is 23 metres. Towards the eastern end of the garden flats, the distance increases slightly to 24 metres. This is considered an acceptable distance.
- 6.31 The proposed building will have an impact on the eastern end of the Knapdale Close terrace, because the building will be visible within their field of view. There is currently an outlook into a completely green scene. However, in order to consider refusal of this application, the Council would have to demonstrate that there is an unacceptable impact upon amenity, for example by virtue of significant overlooking and loss of privacy, and/or that the proposal did not comply with the Council's normal standards.
- 6.32 In this case, the distances between the buildings comply with the Council's normal standard of a minimum of 21 metres between facing habitable rooms, such that a refusal based on direct overlooking could not be justified.
- 6.33 The applicant has agreed improvements to the proposed boundary treatment, by adjusting the access road alignment slightly further away from the northern site boundary, as well as confirming to residents that they are happy to discuss individual requests to adjust boundary treatment at detailed design stage.
- 6.34 With regard to safety and security, the Knapdale Close residents placed considerable weight on the need to maintain existing levels of security, given that there is no public access to the rear garden of Featherstone Lodge at present. The only access to the rear garden is either through the main building or via the locked gate onto School Lane.
- 6.35 At the Local Meeting, the applicant confirmed that they were agreeable to the installation of a gate at the top of the access road, so that there would not be unregulated public access into the site. Details of the exact construction of the gate can be reserved by condition.
- 6.36 Although the Council does not normally approve gated developments, in this case this is considered appropriate in order to ensure that the interior of the site remains as private as it is at present. The location of the proposed entrance gates, set well down the access road will also reduce the impact of their appearance in terms of the view from the public highway.
- 6.37 To the east, on lower ground, is Eliot Bank Primary School. The recently-constructed single-storey teaching block with roof terrace above lies closest to the eastern site boundary. This building will be fairly close to the east end of the garden flats, at about 9 metres apart, so there will be a certain amount of afternoon overshadowing of the school building, but not to an extent that would warrant a refusal of permission.
- 6.38 The east end of the garden flats building contains secondary windows to living rooms and also the second bedroom windows. In terms of potential overlooking, there are windows in all four elevations of the first floor of the new northern school



building, so there is a possibility of a view into the school rooms from east-facing windows in the garden flats block, but the alignment of the blocks is such that these windows will face east through the gap, to the south of the new block. On balance, it is considered that an obscured glazing condition is not required in this case.

- 6.39 With regard to materials, the design approach is to use materials that reflect the woodland setting. Green oak will be used for the main external balcony framework on the south elevation, utilising 200mm x 200mm green oak sections, with flitch plate connections. The brickwork would again be the light buff brick used elsewhere on the proposed new buildings.
- 6.40 The design and location of the garden flats are considered acceptable.

#### Impact on the Locally Listed Building

- 6.41 Featherstone Lodge is locally-listed as being of architectural or historic interest. This is not a statutory listing, but means that it is a 'non-designated heritage asset' and must be taken account of in determining this application, under the requirements of the NPPF.
- 6.42 With regard to the original submissions, officers had a number of concerns regarding the potential adverse impact of the proposals on the character of the top end of Eliot Bank and the locally listed status of Featherstone Lodge. These stemmed partly from the impact of the removal of the present greenery and trees, and partly from the scale and location of new additions / new buildings.
- 6.43 The Council accepts that many of the trees on the site have been allowed to grow too large, such that they now impinge significantly on the front elevation of the building, and would need to be either removed or substantially reduced.
- 6.44 The replacement of trees that have grown too large in close proximity to the building is accepted as necessary. Replacement trees will be provided as heavy standards to ensure that the site recovers its sylvan setting as early as possible. The existing car parking area at the front of Featherstone Lodge will be retained, but with additional planting introduced between the car bays.
- 6.45 It is important to ensure that the existing character of Featherstone Lodge is maintained. The proposed parking layout and landscaping proposals will ensure that the front elevation and its contribution to the character of Eliot Bank does not change to a significant degree.
- 6.46 Overall, the proposed extensions to the building, the new parking layout and landscaping plans will ensure not only the long term future of the building by the introduction of an economically beneficial use, but also preserve the locally distinctive character of this part of Eliot Bank.
- 6.47 The external alterations to the front elevation of the main Lodge building are limited, with the exception of the extension to the left (north-east) side to accommodate two duplexes. The front part of this extension has been set back to minimise its impact on the front elevation of the Lodge.
- 6.48 To the rear, the design of the rear duplex unit was originally problematic and, following detailed discussions with the architects, has been revised to create an extension that relates more sympathetically to the main house. This is now considered to have a high-quality contemporary design, as discussed above.

- 6.49 The location of the new units fronting Julian Taylor Path has been amended, following design discussions with the architects. These houses (Plots 11 - 15) would be set at a distance of 11 metres from the rear of the Lodge.
- 6.50 These spatial relationships are now considered satisfactory, and do not unduly 'cramp' the locally listed building.
- 6.51 The applicant has responded positively to concerns expressed by Council officers, both in the context of the previously-withdrawn application and the current submission, in order to reduce the cumulative impact of the proposed new buildings on Featherstone Lodge, and to ensure that the proposed development preserves and enhances the significance of this locally listed building and its setting, and the distinctive character of the western end of Eliot Bank, which also forms the setting of the locally listed Oak Cottage.
- 6.52 The submitted plans, plus new tree / shrub planting and ecology measures will enhance the garden's role as a spacious setting to this high status suburban house.

### Highways

- 6.53 The applicant has submitted a Transport Statement and a Construction Management Plan in support of the proposal. The scheme will retain the two existing access points onto Eliot Bank, but link them to provide 'In and Out' access through the front forecourt parking area.

### *Car and Cycle Parking*

- 6.54 The development will provide a total of 20 off-street parking spaces for the 33 units. Four of these would be disabled car parking spaces. Three of these will be located in the front forecourt and the other adjacent to the garden flats access road.
- 6.55 33 number of cycle parking spaces are proposed, i.e. one space per unit. The main group of these would be located on the north side of the garden flats, adjoining the access road and below the refuse store, in a timber-clad structure. Other covered cycle stores would be located in the front forecourt, adjoining the main entrance to the Lodge, and in two other locations close to Julian Taylor Path, one just to the rear of the Lodge and the other to the east of the four new houses.
- 6.56 The site has a Public Transport accessibility Level (PTAL) of 3, which is considered moderate. However, the inclines / gradients that have to be navigated to access the site are likely to act as a disincentive to sustainable modes of travel, such as cycling and walking.
- 6.57 Given the site's PTAL level, the proposed level of off-street parking at the development would normally be seen as consistent with the various planning policies that encourage and promote sustainable transport modes. But, given the additional factor of steep gradients, particularly towards Forest Hill town centre, the proposed level of off-street parking could potentially result in some over-spill parking on-street within the vicinity of the site.
- 6.58 The site is not located within a controlled parking zone. The sections of Eliot Bank adjacent to the site, and between the site and the Sydenham Hill / Kirkdale roundabout are privately-maintained highway. Therefore they are not within the control of the applicant or the Council. Parking controls and/or restrictions cannot be introduced on roads adjacent to the site to minimise the impact associated with any overspill parking on-street. This concern over possible future parking is a common objection raised by local residents.

- 6.59 The members of the Cohousing Group have confirmed the provision of car sharing arrangements and the applicant has provided further details of car club / car sharing arrangements in order to address such concerns.
- 6.60 The Highways & Transportation Officer is of the view that the level of on-site car parking should be adequate provided detailed car club / car sharing arrangements can be secured. The development is therefore regarded as acceptable, subject to a suitable condition requiring the submission of a Residential Travel Plan and car club / car sharing arrangements.

*New Roadway along Northern Boundary*

- 6.61 The proposal includes a new access road running through the site of the existing Gatehouse and routed along the northern boundary to the rear of houses in Knapdale Close. This would pass to the north of the root system of the main protected horse chestnut tree (T46). The Council's Arboricultural Officer has accepted that this is practicable, subject to detailed design and construction methodology.

*Proposed Highway Improvements to Eliot Bank*

- 6.62 The section of Eliot Bank along the frontage of Featherstone Lodge is an unadopted highway, not a private road, i.e. it is highway that has not been adopted and therefore is not maintainable at the public expense. The Julian Taylor Path / School Lane access along the southern side of the site to the school is narrow, particularly after the pinch point.
- 6.63 The Council and the applicant accept that the section of Eliot Bank in front of the site and down to the Sydenham Hill / Kirkdale roundabout is not currently in a suitable condition to accommodate heavy construction traffic. However, this unmade part of the road is not within the control of the applicant or the Council as highway authority.
- 6.64 Eliot Bank could act as a cut-through for rat running traffic between Sydenham Hill and London Road and the existing unmade section of Eliot Bank constitutes a significant series of bumps which restrict traffic speeds. As this is a non-maintained highway, local residents would be involved in any discussions to make up the road to an improved standard.
- 6.65 The Council understands that there is a right of way over this land. This is a civil matter between the applicant and parties with a legal interest in the land. This private matter cannot be taken into account in the determination of this planning application.
- 6.66 A condition requiring the submission of a Delivery and Servicing Plan, including a Waste Management Plan would ensure that suitable arrangements are proposed in line with the Council's guidelines.
- 6.67 The existing vehicle access onto Julian Taylor Path / School Lane would be retained to serve the 2 parking spaces proposed in this area.

*Construction Traffic*

- 6.68 There is considerable concern expressed by local residents over the impact of traffic during the construction phase, either from London Road (A.205 - South Circular Road), up Eliot Bank onto the site, or from the Kirkdale / Sydenham Hill roundabout. In addition, the possible impact on Eliot Bank School during the construction phase of the development and on completion needs to be addressed. The applicant has therefore submitted a Construction Management Plan to address the concerns expressed previously by the Head Teacher of the school

with regard to the safety of the school children who walk along Eliot Bank and Julian Taylor Path to access the rear entrance to the School. It is also understood that the school has some early morning deliveries via this route.

- 6.69 The Construction Management Plan estimates an 18 month construction period, with the outline sequence of work as follows:-
- Demolish existing buildings
  - Construct new access road down to rear of site and re-profile ground on site for rear block and houses block
  - Lay piling mats and place piles for both blocks
  - Carry out underpinning and foundation works to the Lodge
  - Construct substructures, below ground drainage and service trenches
  - Construct superstructures
  - Excavate and place foundations for duplex block
  - Complete external works at rear
  - Superstructure to duplex block
  - Complete external works to front
- 6.70 In order to avoid school travel times, construction work and deliveries will be controlled, with times modified to 9am to 3pm and 4pm to 6pm Mondays to Fridays, and 8am to 1pm on Saturdays. No work would take place on Sundays or Bank Holidays.
- 6.71 The Plan states that:
- "Additional measures will be put in place to ensure sub contractors vehicles and deliveries do not occur during school pick and drop-off times. This will take the form of a 'manned barrier' at the entrance to Eliot Bank from London Road. Should vehicles' arrivals coincide with restricted hours, they will be turned away and instructed to return within permitted hours."*
- 6.72 Local residents have queried the practicality of such a 'manned barrier' and suggested that this would mean lorries queuing on the South Circular Road and causing obstruction and congestion. Officers agree this scenario would certainly need to be avoided, and a robust Construction Management Plan is the method to control this satisfactorily, plus monitoring during the construction period.
- 6.73 Eliot Bank and Julian Taylor Path are both narrow roads, and the latter is not wide enough for two-way traffic movements. Some parts of Eliot Bank have double yellow line parking restrictions. Generally cars park on-street in the unrestricted parts with two wheels partly on the pavement.
- 6.74 The sections of Eliot Bank adjacent to the site are private, they cannot be controlled or managed by the Council. This same point applies to the fact that the section of Eliot Bank in front of the site is not in a suitable condition to accommodate construction traffic.
- 6.75 Eliot Bank carries two-way traffic throughout, although the roundabout junction at Sydenham Rise / Sydenham Hill / Kirkdale with Eliot Bank is "left turning, left turn out" only. It is not a "No Entry" into Eliot Bank from this roundabout - there is a No Entry sign close to the entrance, but this relates to the Sydenham Hill uphill spur of the roundabout, not Eliot Bank itself. In practice, the left turn in from

Sydenham Hill into Eliot Bank is tight, with a tight entry radius, such that it is only suitable for cars or small vans. HGVs could not make this turn.

- 6.76 Construction traffic would be routed one-way southbound from London Road, up Eliot Bank to the site, then leave southwards to the Kirkdale roundabout. The swept path analysis drawings included in the Construction Management Plan confirm that construction vehicles could travel up Eliot Bank with adequate allowance for parked cars, safely access and exit the site, and successfully negotiate the roundabout junction (left into Kirkdale, as well as straight on into Sydenham Hill or right into Sydenham Rise).
- 6.77 No construction vehicles will need to either load or unload in Eliot Bank. All construction vehicles will be able to enter and leave the site in forward gear. Banksmen will be used where necessary to ensure highway safety.
- 6.78 A wheel wash station will be installed at the site entrance and exit to prevent undue mud on local roads. The report also states the immediate section of Eliot Bank would be swept and washed down each day.
- 6.79 A further issue relates to the management of overspill parking generated by construction workers. The applicant has confirmed that this would all be accommodated on site, and this would form part of the detailed Construction Management Plan in due course.
- 6.80 In conclusion, subject to suitable conditions, the Highways & Transportation Officer is satisfied with the details of the scheme. In particular, it should be noted that whilst the current Construction Management Plan is satisfactory for the current phase of the proposals, the applicant accepts that this will need to be worked up in detail when a contractor is chosen, and resubmitted and agreed with the Council's Highways Team, before any works commence on site (including works of demolition).

### Trees

- 6.81 The application includes an Arboricultural Impact Assessment and Arboricultural Method Statement, which gives details of the 62 individual trees and 9 tree groups on the site. Loss of trees is a significant issue, and this proposal results in the removal of a considerable number of trees on the site. Some trees at the front need to be felled due to their close proximity to the main Lodge building, where they have been allowed too large in an inappropriate location. Other trees need to be felled to create a new access point into the front of the site.
- 6.82 At the rear, a substantial group of trees would need to be removed to allow the construction of the new northern building. The main conclusions of the Assessment are that the best trees would be retained and protected during development works, in particular the large horse chestnut (T46) that is the main dominating feature of the rear garden.
- 6.83 Important trees, such as the horse chestnut, monkey puzzle, holly and some sycamores will be retained. New trees will include a tulip tree, Mongolian lime and field maple. The front forecourt will include Mongolian lime, Eleagnus, Osmanthus and Christmas box.
- 6.84 The Council's Arboricultural Officer agrees with the overall assessment that many of the individual trees are in poor condition and that a radical approach is appropriate to secure a re-planting programme that will secure high-quality tree cover on the site for the future.

- 6.85 This replanting will also have the benefit of ensuring an appropriate sylvan setting in the future for this important locally listed building.
- 6.86 Japanese Knotweed has been a problem in recent years in the lower part of the site and has been the subject of an eradication programme, which is proving successful. Treatment will be continued if this invasive species re-emerges.

#### Landscaping and Boundary Planting

- 6.87 The landscape strategy proposed by the applicant divides the site into three elements: the forecourt and Eliot Bank, the upper garden, and the lower garden. It states that: *"the proposed chicane on Eliot Bank affords an opportunity to restore this neglected stretch of road, re-create a green and leafy walkway which will be quite separate from the traffic."*
- 6.88 The front forecourt will be improved by the planting of new trees and other planting around the parking bays and along the Julian Taylor Path boundary, which will achieve the dual aims of providing more appropriate planting to replace the trees that have become problematic due to large size and proximity to the Lodge, and enhancing the setting of the locally listed building.
- 6.89 The repair of the surfacing in Eliot Bank will allow the construction of a new raised and planted footpath along the site frontage, which will both enhance the appearance of the pathway and provide a safe route for pedestrians and school children. The new road surface is proposed as a tar and chip treatment, in order to improve its condition, whilst retaining an informal character.
- 6.90 The upper garden is described in the landscape strategy document as providing a 'village green' focus to the scheme, with the large horse chestnut tree as its focus. The ramped access along the southern side of the upper garden gives access to the four new houses. This will be planted as a 'landscaped walk', with buffer planting in front of each ground floor entrance.
- 6.91 This path then crosses the site to the garden flats and lower garden, also described as a 'forest garden' in the landscape strategy. The lower garden is set on the south side of the new garden flats and will be a 'wilder' space, planted with a mix of trees and shrubs close to the woodland edge. The landscape strategy also mentions planting with 'edibles and ornamentals' in the more open section. Any planting of an edible variety would need to be either grown in pots or, if in the ground, using imported soil and with geotextile layers included to ensure a contamination break with any made ground that may be retained below.
- 6.92 The issue of boundary planting along the northern edge of the site, to the rear of the Knapdale Close houses, was the subject of considerable discussion with local residents at the Local Meeting. The applicant has agreed to amendments to the alignment of the northern access road to allow such additional planting, to enhance screening and also aid security. Suitable plants can be used to act as a barrier hedge to the boundary, including spiny/prickly species such as holly and hawthorn, as well as heavy standard new trees to provide immediate cover. Details can be controlled via the normal soft landscaping condition.
- 6.93 Plans of the treatment of external areas have been submitted indicating proposed works. While the works proposed would appear acceptable and in keeping with the development there is not a high level of detail. A condition requiring details of hard and soft landscaping would ensure that a sufficient level of detail is received including plant and tree species and types of hard surfaces proposed.

## Ecology

- 6.94 An Ecology Management Plan was submitted to support the application, which proposes a series of biodiversity enhancement measures to benefit ecology on the site. The aims of the Ecology Management Plan are twofold:-
- the creation of new habitats to attract a range of species, specifically birds, bats and invertebrates;
  - to ensure that the development is an ecologically diverse and inspiring place to live and visit.
- 6.95 Given the unique nature of this project, where future residents have already been involved in the development of the proposals, the Ecology Management Plan envisages that they would be directly involved in the management and maintenance of the ecology proposals, with workshops arranged to provide residents with the detailed knowledge to bring this about. The following enhancements are proposed:-
- installation of four 1FQ Schwengler bat roost boxes on southerly-facing external walls of Featherstone Lodge;
  - installation of four 2FR or 1 1FR Schwengler bat tubes on a southerly facade of the buildings;
  - installation of six 1FD Schwengler bat boxes on trunks of retained mature trees;
  - installation of three pairs of house sparrow boxes or bricks externally on the new building;
  - provide nesting habitat for birds species such as song thrush, through the installation of four wooden open-fronted bird nesting boxes;
  - development of a planting and mulching regimes that favours wildlife-friendly species;
  - log piles and buried deadwood to back benefit invertebrates, including potentially stag beetle and hedgehogs; and
  - installation of biodiverse roofs across the scheme.
- 6.96 In relation to the wider ecological assessment and the garden's value for wildlife (including bats), it is clear from the reports and site visits that the site helps support local populations of species including bats, hedgehogs, a wide range of birds and more than likely stag beetles, plus other invertebrates. The bat assessment recommends that the ideal would be to retain the majority of the trees and hedgerows. The dense bramble, scrubby and wooded nature of the southern half of the site is the principal wildlife feature and it is this that is being impacted by the new development proposals. The applicant has attempted to minimise this impact in the provision of a protected 'wild garden' area, in design of the building and the subsequent landscaping and provision of brown living roofs.
- 6.97 With regard to bats, which are a protected species, bat surveys were carried out in July, August and September 2013, which indicated that this site is of low to moderate significance for foraging bats in the local area. Three bat species were recorded flying within the site boundaries.

- 6.98 The Council's Ecological Manager has looked at the bat survey and confirmed that on the whole this appears to be a comprehensive and thorough report. The recommended site enhancement in terms of 8 x Schwegler bat tubes and 6 x bat boxes is welcomed.
- 6.99 The Ecology Management Plan also includes a detailed list of suitable species to be used for the biodiverse roofs, and these are satisfactory.
- 6.100 The Ecology Management Plan includes an Enhancement Plan that specifies the location of the bad and bird nest boxes, the biodiverse roofs and log piles. The contents of the Ecology Management Plan are satisfactory and the Council's Ecology Manager has agreed to its general principles. A suitable condition is recommended to ensure compliance with this document.

#### Noise

- 6.101 Concerns have been raised by residents about construction noise. A condition requiring a Construction Management Plan, plus the Council's normal Code of Construction Practice will enable to Council to limit working hours to reasonable times in order to address these concerns, although it is inevitable that some disruption would occur during the demolition and construction phase.

#### Sustainability and Energy

- 6.102 The applicant had confirmed that the proposed houses would be constructed to meet Code for Sustainable Homes Level 4, and has submitted a pre-assessment report to confirm that this could be achieved. Solar pv panels would be provided on the roofs of buildings, but these would be set at a low angle and would not be visually obtrusive.
- 6.103 An Energy Assessment, plus a Energy Statement Addendum that deals with the comments raised by the Council's Sustainability Officer, have been submitted with this proposal. The Energy Statement Addendum confirms that the recent publication of the Carbon Offset Contribution of £104 per tonne (February 2014) was not considered as an option in the original energy statement.
- 6.104 It states that: *"On reflection, it may be beneficial to consider the option of the Carbon Offset and reduced level of heat distribution to the Lodge conversion."* The document suggests that the carbon offset option is left open until the end of the detailed design stage, and that the decision to utilise a carbon offset calculation could be confirmed before starting on site as a planning condition.
- 6.105 A suitably-worded condition is attached to the recommendation.
- 6.106 A condition to secure Code for Sustainable Homes Level 4 can be attached to the planning permission.

#### Planning Obligations

- 6.107 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.



- 6.108 It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NFFP also sets out that planning obligations should only be secured when they meet the following three tests:-
- (a) Necessary to make the development acceptable;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development
- 6.109 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.110 The applicant has provided a planning obligations statement. the Council considers the following obligations are necessary to mitigate the impacts of the development:-
- |                               |                    |
|-------------------------------|--------------------|
| (1) Education:                | £25,174.21         |
| (2) Health:                   | £42,900.           |
| (3) Leisure:                  | £26,843.68         |
| (4) Employment Training       | £11,250.00         |
| (5) Libraries:                | £6,385.50          |
| (6) Community Centres / Halls | £ 3,978.80         |
| (7) Parks/Gardens/Open Space  | £29,716.07         |
| <u>Total</u>                  | <u>£146,248.26</u> |
- 6.111 In addition to the above, affordable housing and off-site highway works have been negotiated with the applicant.
- 6.112 The proposal is for a older person development where at least one person in each household is over 55 years of age in the affordable housing units, and over 50 for the private housing and cohousing.
- 6.113 The applicant requested the omission of an education-related payment, but officers consider that this definition does not preclude families. Indeed, this is supported by the definition of cohousing set out in the applicant's Planning Statement (Para 3.5).
- 6.114 It is accepted that given that the number of younger children in the scheme is likely to be limited and in the light of this, the applicant has suggested a 50% contribution in this regard. This would be a total contribution to education of £25,174.21. On balance, this is considered reasonable.
- 6.115 In light of the further discussions, officers consider the obligations outlined above to be satisfactory at this stage in order to make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **7.0 Community Infrastructure Levy**

7.1 The above development is CIL liable and the applicant has submitted 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:-

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- (iii) 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. The London Plan recognises the need for provision of housing for an ageing population is set out in (paragraph 3.50) and the proposed development is considered to comply with these stated policy aims.

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

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

## **9.0 Conclusion**

9.1 The proposed cohousing scheme at Featherstone Lodge will contribute towards the overarching aims which the Council has for housing for older people in the borough.

9.2 The Featherstone Lodge scheme will provide an alternative model of housing for over 50s which will enable them to live as part of a community which is mixed tenure and which seeks to encourage positive relationships which may increase health and wellbeing in older age, and this approach is supported in principle.

9.3 In terms of the planning and highways issues, it is considered that the design of the scheme has been amended substantially during the course of negotiations with the developer and that design concerns expressed by conservation and urban design officers have been satisfactorily addressed.

9.4 There will inevitably be some impact on adjoining residents in terms of loss of the existing tree cover and the fact that new buildings will be within their sight, but this in itself does not constitute a reason for refusal unless 'demonstrable harm' is likely to occur. It is not considered that this is the case.

9.5 The window-to-window distances between facing blocks are within Council standards and, again, the amendments made during the course of the application to amend the line of the northern access road to allow additional planting along the northern boundary is helpful in this regard.

9.6 With regard to highways and construction management issues, the Council accepts that any development will cause some disruption during construction, and the aim is to manage and limit that impact as far as possible, in the interests of the safety of pedestrians including schoolchildren, cyclists and other road users, as well as local residents. Construction traffic is an essential element of any new development scheme and the Council could not refuse permission on the grounds that there are some traffic and highway peculiarities with the Featherstone Lodge site; rather those issues need to be managed through the use of a robust Construction Management Plan.

9.7 The submitted Construction Management Plan is satisfactory for this stage of the development, but a more detailed Plan would need to be prepared in the future, if planning permission is granted, and once a contractor is chosen. It is considered that such a Plan can satisfactorily address residents' concerns of construction traffic management and highway safety.

9.8 The application has been considered in the light of policies set out in the development plan and other material considerations. The proposed development is considered to be satisfactory in principle and in detail and, subject to the imposition of suitable conditions and a Section 106 Agreement regarding the matters set out below, it is recommended that permission is granted.

9.9 **RECOMMENDATION (A):**

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

- affordable housing
- highway contributions
- details of car club / car sharing
- contributions of employment / training
- contributions to education
- contributions to health
- contributions to leisure
- contributions to libraries
- contributions to community centres / halls
- contributions to parks/gardens/open space
- obligations to secure age eligibility criteria
- legal and monitoring costs

**RECOMMENDATION (B):**

9.11 Upon the completion of a satisfactory Section 106 Agreement, by **30th January 2015**, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-

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

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

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

10-397\_001 Rev E, 10-397\_PL\_002 Rev C, 10-397\_PL\_004 Rev B, 10-397\_PL\_005 Rev F, 10-397\_PL\_006 Rev L, 10-397\_PL\_007 Rev F, 10-397\_PL\_008 Rev F, 10-397\_PL\_009 Rev G, 10-397\_PL\_10 Rev D, 10-397\_PL\_011 Rev D, 10-397\_PL\_012 Rev D, 10-397\_PL\_013 Rev D, 10-397\_PL\_014 Rev C, 10-397\_PL\_015 Rev C, 10-397\_PL\_016 Rev C, DAT / 9.0, DAT / 9.1, DAT / 9.2, DAT / 9.3, DAT / 9.4 DAT / 9.5, DAT / 9.6, DAT / 9.7, DAT / 9.8, DAT / 9.9, DAT / 9.10, DAT / 9.11, DAT / 9.12, DAT / 9.13, DAT / 9.13, C100 Rev T2, C440 Rev T2, 245\_FL\_PL\_L09 & Drawing 397 SK 181 Revision A - Relative levels / daylight to Knapdale Close

Planning Statement, Design & Access Statement, Preliminary Construction Logistics Plan, Heritage Appraisal, Landscape Proposals, Flood Risk Assessment & Sustainable Drainage Strategy, Site Investigation Report, Code for Sustainable Homes and BREEAM Report, Transport Statement, Bat Survey, Ecological Management Plan (Amended 7/4/14), Arboricultural Impact Assessment and Arboricultural Method Statement, Energy Statement, Wheelchair Housing Statement, plus Energy Statement Addendum (Peter Deer & Associates dated 3 July 2014), Letter from Paul Mew Associates dated 23 July 2014, & Assessment of Large Vehicle Traffic Movements During Construction (Conisbee - dated 16 Sep 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.

### **Pre Commencement Conditions**

#### **Local Labour**

- (3) (i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):-
- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
  - (b) A commitment to working with the local planning authority's local labour and business coordinator.
  - (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
  - (d) Early warnings within the local planning authority's area of contracts to be let at the development.
  - (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
  - (f) Recommended training routes to secure jobs.
  - (g) Proposals to encourage diversity in the workforce.
  - (h) Measures to encourage local businesses to apply for work in relation to the development.
  - (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.

- (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
  - (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
  - (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
  - (m) Provision of childcare and employee assistance to improve working environments.
  - (n) Interview arrangements for jobs.
  - (o) Arrangements for working with schools and colleges.
  - (p) Measures to encourage local people into end use jobs.
  - (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
    - The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
    - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
    - Number of days of work experience provided.
    - Number of apprenticeships provided.
- (ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.
- (iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

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

#### Construction Management Plan

- (4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Construction shall only take place in accordance with the approved Plan. The Plan shall include but not be limited to details of:-
  - i) condition survey of Eliot Bank, and assessment of potential remediation measures and reinstatement in the event of any damage during construction;

- ii) construction traffic movements and traffic management measures, in order to rationalise travel and traffic routes to and from the site, including full details of the number and time of construction vehicle trips to the site, with the intention of reducing the impact of construction-related activity;
- iii) details of pedestrian routes and measures to ensure safe pedestrian access to the site and other premises in Eliot Bank and Julian Taylor Path;
- iv) location of loading / unloading areas, and storage of plant and materials and site accommodation;
- v) details of on-site parking provision for construction workers;
- vi) hours of construction including times of deliveries (to be arranged to avoid opening hours for the rear gate into Eliot Bank School);
- vii) the location and operation of plant and wheel washing facilities;
- viii) measures to control the emission of dust and dirt during demolition and construction;
- ix) details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process;
- x) security management, including the erection and maintenance of security hoarding;
- xi) demolition including a method statement and provision for the attendance of a bat ecologist.
- xii) details of the training of site operatives to follow the Construction Management Plan requirements;

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and in order to ensure satisfactory vehicle and pedestrian management, to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

#### Contamination Remediation

- (5) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.

- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

#### Code for Sustainable Homes for Newbuild Residential Development

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

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

## BREEAM

- (7) (a) The converted Lodge building shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for The Lodge 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).

## Piling Operations

- (8) (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

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

## Materials / Design Quality

- (9) No development shall commence on site until a detailed schedule and specification / samples of all external materials and finishes / windows and external doors / roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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



### Refuse Storage

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

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

### Cycle Parking Provision

- (11) (a) A minimum of 33 secure and dry cycle parking spaces shall be provided within the development.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

### Hard Landscaping Details

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

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

## Protection of Trees During Construction

- (13) All recommendations contained in the Arboricultural Impact Assessment and Arboricultural Method Statement (D F Clark Bionomique Rev H - dated March 2014) shall be adopted and implemented in full during the course of the development. Before any works of demolition or construction take place, all tree protection measures shall be installed. All tree works shall be carried out in full compliance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations). The Council's Arboricultural Officer shall be immediately consulted if there are any changes to the above regime.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

## Prior to Above Ground Works Conditions

### Boundary Treatments

- (14) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. Such details should include access arrangements and control mechanisms for the gate to the new roadway along the northern boundary.
- (b) The approved boundary treatments and entrance gate details shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

### Soft Landscaping

- (15) (a) A scheme of soft landscaping (including details of proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or

plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

## **Prior to Occupation Conditions**

### **Ecology Management Plan**

- (16) All recommendations contained in the Ecology Management Plan shall be adopted and implemented in full during the course of the development and all bat and bird boxes shall be installed on site before any of the residential units are first occupied.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

### **Residential Travel Plan**

- (17) (a) No part of the development hereby approved shall be occupied until such time as a Residential Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Residential Travel Plan from first occupation.
- (b) The Residential Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

## Living Roofs

- (18) (a) Details of the construction and type of living roofs shall be submitted to the local planning authority in writing prior to the commencement of the above ground works and carried out in accordance with the details approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

## External Lighting

- (19) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage and prevent undue impact on wildlife, especially bats. Proposals should demonstrate that any external lighting around bat boxes or tubes would be minimal and 'bat sensitive', with light directed towards the ground using shields, hoods or cowls, and be motion-sensitive to reduce light pollution. Any other methods identified by the Council's Ecology Officer should be incorporated.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Policy 24 Biodiversity, living roofs and artificial playing pitches in the Development Management Local Plan (June 2014).

### Delivery and Servicing Plan

- (20) (a) The development shall not be occupied until a Delivery and Servicing Plan including a Waste Management 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).

### Parking Management Plan / Car Sharing

- (21) Prior to the occupation of any of the residential units hereby approved, a Parking Management Plan (PMP) shall be submitted to and approved in writing by the local planning authority. The Plan should provide details of measures to manage the parking areas within the site. The development shall be operated in all respects in accordance with the approved PMP. The PMP should include details of car club / car sharing arrangements.

**Reason:** To ensure that the local planning authority may be satisfied as to the adoption and operation of the Parking Management Plan (PMP) and to ensure that the use of the buildings does not increase on-street parking in the vicinity.

### Vehicular Access

- (22) The development hereby approved shall not be occupied until the vehicular access and front forecourt arrangement as shown on the submitted plan 10-397\_PL\_006 Rev L has been constructed in full accordance with the said plans.

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

### **Other Conditions**

#### Planting / Seeding

- (23) All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed

or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

### **Conditions which do not require details to be submitted**

#### **Lifetime Homes**

- (24) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 10-397\_PL\_005 Rev F, 10-397\_PL\_006 Rev L, 10-397\_PL\_007 Rev F, & 10-397\_PL\_008 Rev F hereby approved.

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

#### **Wheelchair Homes**

- (25) The three flats on the ground floor of the Lodge and three flats in the garden flats block (Plots 19, 23 and 24) designated as the 6 wheelchair dwellings hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no. PL\_006 Rev L prior to their first occupation. For the avoidance of doubt, a parking space should be provided for each wheelchair unit and where a communal access is to be the principal access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development, the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

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

### Satellite Dishes

- (26) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of any of the buildings on site.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord 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).

### Plumbing or Pipes

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

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

### Removal of PD Rights (Extensions)

- (28) No extensions or alterations to the dwelling houses hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

### Use and Retention of Amenity Space

- (29) The whole of the amenity space (including roof terraces and balconies) as shown on drawing nos. 10-397 PL\_005 Rev F, 10-397 PL\_006 Rev L, 10-397 PL\_007 Rev F, & 10-397 PL\_008 Rev F hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies HSG 7 Gardens and HSG 9 Conversion of Residential Property in the Unitary Development Plan (July 2004)

### Provision of Parking Spaces (Residential)

- (30) The whole of the car parking accommodation shown drawing no. 10-397 PL\_006 Rev L hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

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

### Retention of Trees (Full Planning Permission)

- (31) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

## **INFORMATIVES**

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) The applicant is advised that any works associated with the implementation of this permission (including the demolition of the existing garages or breaking out of vehicle hardstandings) will constitute commencement of development. Further, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the local planning authority, before any such works of demolition take place.
- (3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

### Thames Water Informatives

- (4) **Surface Water Drainage -** With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off



site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- (5) There may be public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
- (6) Legal changes under the Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes shared with neighbours or situated outside of the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should the proposed building work fall within 3 metres of these pipes, the applicant is recommended to contact Thames water to discuss their status in more detail and to determine if a building over/near to agreement is required. Contact Thames Water on 0845 850 2777 or for more information visit their website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

## APPENDIX

### NOTES FROM PUBLIC RESIDENTS MEETING - 9th JULY 2014

#### Site at FEATHERSTONE LODGE, ELIOT BANK SE23 - DC/14/86666

#### Attendees:

Steve Isaacson (SI) - Lewisham Planning

Catherine Paterson (CP) - Lewisham Highways & Transportation

Councillor Paul Upex (Cllr PU)

Patrick Devlin (PD) - PTE Architects

Bernard Fitzsimons - PTE Architects

Mick Booth - Hanover Housing Association

Nick Hodgskin - Hanover Housing Association

Scott Hudson (SD) - Savills - Planning Consultants

Nick Ferguson (NF) - Paul Mew Associates - Traffic Consultants

Nigel Collier – PRP (Employer's Agents)

Julia Farr - Cohousing Group

Helen McIntosh

**21 residents from properties bounding the site in Eliot Bank, Heathedge, Julian Taylor Path, Knapdale Close & Little Brownings SE23**

The Local Meeting commenced at 5.30pm

Following introductions, the Architect for the scheme (PD) explained how the proposed development had changed since the earlier planning application that was withdrawn. There have been amendments to the design and location of the various new buildings that would be located around the main Lodge, including reduction in the number of cottages on the Julian Taylor Path side from 5 to 4, increased spacing between the blocks to avoid undue encroachment on the locally-listed building (as requested by the Council's Conservation Officer), plus inclusion of carriageway improvements in Eliot Bank outside the site.

They have also carried out more work on ecology, construction management and highways issues. The northern block is more compact and the relationship to gardens along the Knapdale Close boundary has been improved.

#### Main Issues discussed

##### Height and Positioning of the Northern Block

Residents are unhappy with the relationship of the northern block to the houses and gardens in Knapdale Close, and requested that this block be moved from this position to

the lower part of the site where it would have much less impact. Improvements were also suggested to the relationship of the access road and landscaping along this northern boundary. As currently proposed, the building is too high, too close to the boundary, will cause significant overlooking and loss of privacy to the Knapdale Close residents, and devalue their houses. Some residents were concerned that they would not be able to allow their children to play in the gardens if they did not know who would be looking in from adjoining properties.

**PD:** Agreed to look at increasing the width of the landscaped strip by adjusting the route of this access road, thereby allowing the retention of additional trees and screening to reduce possible overlooking and maintain privacy. PTE to provide a drawing illustrating the position of kitchen windows facing Knapdale; amendments to the kitchen windows on this elevation could also be considered if necessary.

#### New Access Road / Knapdale Close Boundary Treatment

Residents are unhappy with the positioning of the new access road to the rear of the Knapdale Close houses and questioned whether the existing walls and fences would be retained.

**PD:** Confirmed that Hanover would be happy to discuss with individual residents their exact requirements for security and retention or replacement of existing walls and fences. The applicant has already held discussions with the Secure by Design Officer of the Metropolitan Police, who recommended a 1.8 metre high solid boundary, with a substantial trellis on top, perhaps up to a further 0.9 metre in height. Details could be finalised in discussions with individual residents.

**SI** confirmed that, if the Planning Committee is minded in due course to grant permission, then conditions could be attached to cover such issues as boundary treatments, and hard and soft landscaping.

#### Gated Access Road ?

Residents questioned whether there would be free access into the site, thereby increasing security risks. Concern expressed over recent burglaries in the area. Thieves will have access from the back as well as the front. Several houses have been burgled and there has been an increase in fly tipping, including fires when dumped rubbish has been set alight.

**PD:** The possibility of a gate at the top of the access road will be explored.

**SI:** Explained that, although historically Lewisham Council has not encouraged gated estate developments (of the Dulwich type formerly lived in by Mrs Thatcher), the provision of a gate at the side of the building would most likely be satisfactory, as this would not be serving a larger estate road, but a small private access serving only 4 car parking spaces.

#### Julian Taylor Path Cottages

Further to the above, the design of the 4 cottages fronting Julian Taylor Path has been revised to improve the street elevation, whilst at the same time ensuring that the first-floor windows are screened to look up and down the road, to avoid overlooking the houses opposite.

## Daylight & Sunlight / Visual Impact

The roof line of the new north building is too high.

**PD:** Explained that the roofline of this building had been remodelled to reduce its height and overall bulk, but accepted that part of the new roof would be higher than the Knapdale Close houses. The size and roofline of the proposed garden flat block conform to BRE guidance aimed at avoiding overshadowing and loss of daylight to neighbours.

## Urban Design

Residents stated that the design of the scheme had not changed significantly since the earlier application, and Hanover had made no attempt to address the issues raised previously by local residents and the School. One resident stated that the design was poor and that the proposed larger building looked like a 'carbuncle'.

**PD:** The design has evolved in the ways outlined above. The school has had significant input to the traffic management proposals.

## Highways & Traffic / Parking Issues

Residents considered the amount of parking on the site for future occupiers was inadequate and would lead to more on-street parking in surrounding roads, especially Knapdale Close and the other nearby estate roads, and increase possibility of parked cars blocking existing driveways. The Council itself has stated that Eliot Bank was unsuitable for vehicles. The proximity of Horniman Museum was mentioned, as this increased the demand for on-street parking in surrounding roads. The exact location of the traffic counter in Eliot Bank was questioned, as it would have missed most of the traffic coming up Eliot Bank into other parts of the estate.

**Cllr PU:** Questioned whether this site would have an in and out gate for vehicles.

**PD:** Confirmed that a new 'in' gate would be formed onto Eliot Bank, and that refuse collection would all be as existing, from Eliot Bank and Julian Taylor Path. Refuse vehicles would not access the lower part of the site and it would be the responsibility of the cohousing management group to ensure that all refuse was collected and brought up to the top of the site for collection day. There would be no need for increased visits by refuse collection vehicles.

Residents were concerned about the practicality of lorries accessing the site from London Road, given the steep and curving nature of Eliot Bank. Dangers to Schoolchildren were also mentioned by several speakers. Residents stated that at present, the refuse lorries do not drive all the way up Eliot Bank from London Road, but drive in from the Kirkdale / Sydenham Hill roundabout. Two cars cannot pass each other, but have to use 'passing places'. *[Entry from the Kirkdale / Sydenham Hill junction is not technically a 'No Entry' junction, but only a 'No Left Turn' from Sydenham Rise.]*

Residents were concerned to ensure that Eliot Bank would not become a 'rat-run' if it was provided with a better road surface.

**PD:** Explained that one of the aims of the cohousing scheme, which contained a mixture of one and two-bedroom apartments, would be to have fewer cars and to share use of them. The new scheme would have a total of 20 car spaces, including disabled vehicle parking spaces, for the 33 flats. Future residents would also be investigating car sharing opportunities.

Residents questioned whether a new access road could be squeezed in down to the bottom of the site to serve a new taller building closer to the school and away from the Knapdale Close boundary.

### Lorry Movements

The owner of Oak Cottage flagged up that the Contamination Report mentioned that the level of contamination (including lead and arsenic) was such that a large quantity of topsoil would need to be removed from the site, which must lead to a significant number of truck movements. He expressed significant concern over the possibility of 32 ton lorries travelling out over this gravel road, given the proximity of his living room to the roadway, and heavily criticised Hanover for their lack of engagement, despite his willingness to discuss the issue. Anyone that damaged the road would be legally bound to contribute to its repair, maintenance and upkeep.

**PD:** Agreed that the Contamination Report would be re-investigated. He confirmed that there was currently no proposal to remove a significant topsoil layer, and would clarify this as soon as possible. The Soil Report may need to be amended. [This has since been clarified: there is no requirement for the removal of topsoil outside previously developed areas. It was confirmed that Hanover would commit to repairing the roadway if any damage was caused, and would undertake a Condition Survey before any construction works commenced.

**Mr Booth of Hanover:** Confirmed that discussions and meetings on the issues had been held over a number of months with the owner of Oak Cottage.

**PD:** Confirmed that discussions had taken place with the Headteacher of Eliot Bank School, and that the Construction Management Plan could be used to ensure that delivery times were kept outside school opening times.

Residents were concerned that this restriction on delivery times would mean more noise and disturbance outside these times, as vehicle movements would have to be concentrated.

**SI:** Confirmed that the Council could impose a condition requiring adherence to a detailed Construction Management Plan.

**PD:** Confirmed that the broad parameters of this plan could be set down now, but that the detail would have to wait until a contractor was appointed. He considered it would be possible to both control traffic safely and provide high-quality and much-needed new housing for the older age group.

A technical study of vehicle movements called a "Swept Path Analysis" of Eliot Bank confirmed that larger vehicles would be able to access the Featherstone Lodge site, despite the well-documented problems of Eliot Bank. It was questioned whether this study was misleading because it took place during school holidays.

### Noise & Disturbance

Residents were concerned about noise and disturbance from building operations, including use of power drills, vehicle deliveries during construction and post-construction noise from new neighbours. Subsidence and noise from piling was also mentioned, plus the drop in ground level by the parking spaces in Julian Taylor Path.

**PD:** Confirmed that impact piling would not be used, rather bored piles, given the clay soil conditions in the vicinity.

*[This would be a matter for Lewisham's Building Control Officers, or other Approved Inspectors, acting under the London Building Acts. Foundation design for such a clay site would often include bored piling, partly to ensure that slow water movement through the clay soil was not significantly interrupted.]*

### Trees and Landscaping

Residents were concerned about loss of trees and wildlife, especially birds.

**PD:** Future residents in the cohousing group also valued the wildlife and were committed to improve the ecology of the site, as set out in landscape plans and Ecology Report.

### Other Issues

- One resident questioned the relationship of Hanover Housing Association to the Council and/or the Labour Party. **SI** confirmed that Lewisham Council did not and have not previously owned this site. **Cllr Upex** confirmed that there were no links between the applicant and the Labour Party.
- One resident stated that the planning process is 'extraordinarily unfair'.
- There is a desperate need for more housing in London, whilst Featherstone Lodge has stood almost empty for several years. It is important that this building is reused and re-occupied.
- The "Over 55's" designation means that one of the occupiers of each unit must be 55 or over. Properties can be sold on, but the same 'Over 55' occupancy condition would apply. The scheme includes 10 'affordable' homes.

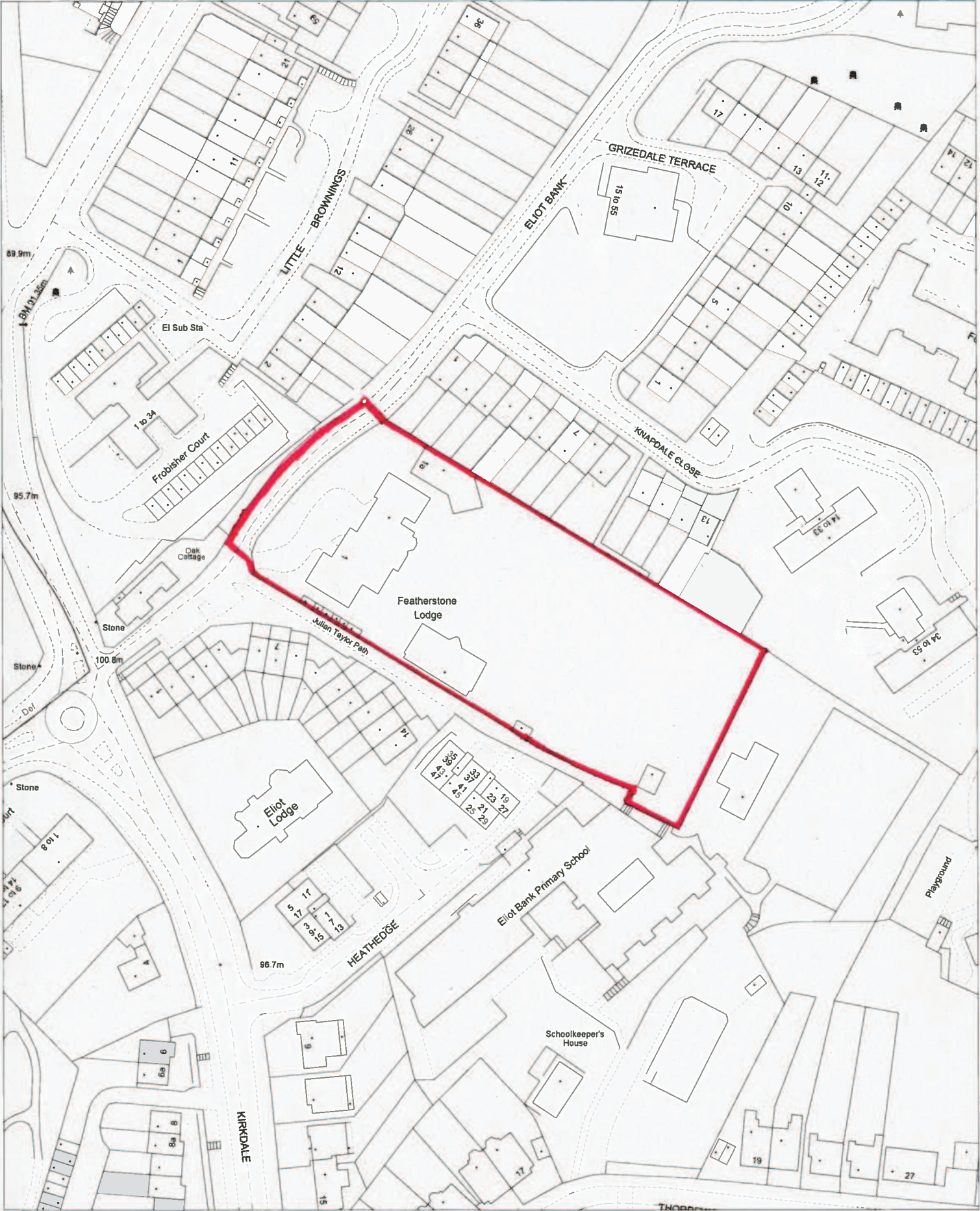
### Conclusion

Residents were keen to point out that they were not saying "No Development" and indeed supported the general principles of the cohousing scheme and the re-use of the Lodge building to provide new housing. The main unacceptable elements were the height and positioning of the northern block, the positioning of the new access road, plus issues of security, loss of privacy and overlooking, and loss of exceptional wildlife.

**SI:** Outlined the next stage of the planning process, whereby he would write up minutes of the Local Meeting and publish these on the Council website, alongside the plans for the application. The applicant would consider the issues raised by residents and possible design changes to the scheme, which may then result in the submission of further drawings. In due course, the case would be referred to the Planning Committee of the Council, who had the power to make a final decision, taking all the relevant planning issues into account, including representations received from local residents.

**The Meeting finished at 7.30 pm**

# Featherstone Lodge - Eliot Bank SE23



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Committee	PLANNING COMMITTEE A	
Report Title	3A ELIOT PARK SE13 7EG	
Ward	Blackheath	
Contributors	Helen Milner	
Class	PART 1	04 DECEMBER 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>	041-01, 041-02, 041-03, Design and Access Statement, Location Plan & 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 **Background**

- 1.1 The proposed development as outlined in this report for consideration has been put on the committee agenda on three previous occasions, under the current reference number and a previous reference number, DC/14/86350. However due to new information emerging prior to the committee meeting the applications were withdrawn for amendment.
- 1.2 The application was firstly to be heard under application reference DC/14/86350 on July 31<sup>st</sup>. However it came to the Council's attention that the incorrect certificate of ownership had been signed and submitted. The application was therefore void and a new application submitted with an identical proposal and documentation for consideration.
- 1.3 This new application, DC/14/88590 was set to be heard at committee on October 23<sup>rd</sup>. On this occasion the Council were presented with information to show that not all owners of the application site had been notified of the proposal, as required when signing ownership Certificate B. The application was therefore withdrawn from the Committee to allow for the correct procedure to be followed and all site owners to be given time to consider the proposal.

1.4 The application was then set to go to committee on November 18<sup>th</sup>, but was withdrawn from the committee agenda so that the report could more fully address and clarify the situation on the site regarding bats, this is discussed under paragraphs 7.41 – 7.45 under the heading 'other matters' of the report.

## **2.0 Property/Site Description**

2.1 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 140m<sup>2</sup>.

2.2 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.

2.3 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.

2.4 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.

2.5 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

2.6 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.

2.7 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.

## **3.0 Planning History**

3.1 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.

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

#### **4.0 Current Planning Application**

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

##### External Alterations

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 The previous application was revised to delete a window originally proposed at upper ground floor level in the flank of the extension.

##### Proposed accommodation

- 4.7 The lower ground floor is proposed as a three bedroom unit, with each bedroom providing between 11.5-19m<sup>2</sup> 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.

- 4.8 At upper ground floor level a two bedroom unit is proposed, with the bedrooms providing between 17.2-18.6m<sup>2</sup> 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 27.6m<sup>2</sup> of floorspace. There is no direct access from the upper ground floor unit to the rear garden.

#### Supporting Documents

- 4.9 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.

### **5.0 Consultation**

- 5.1 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.

- 5.2 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

- 5.3 The Amenity Societies Panel raised no objection to the scheme.

- 5.4 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.

5.5 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.

5.6 Cllr Bonavia has written in objection to the proposals, raising the following concerns:

- The large scale of the proposed development will look out of place in comparison with neighbouring buildings and encroach on space that has the character of a natural green enclosure for surrounding residents;
- Impact from loss of light and overshadowing on flats at 4 Eliot Park.

5.7 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)

## **6.0 Policy Context**

### Introduction

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

6.2 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

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

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

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

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

#### London Plan (July 2011)

- 6.5 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)

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

Housing (2012)  
Sustainable Design and Construction (2006)

#### Core Strategy

- 6.7 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)

- 6.8 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)

- 6.9 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

- 6.10 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).
- 6.11 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

- 6.12 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.
- 6.13 The Council expects to formally adopt the DMLP in November 2014.
- 6.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP 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.
- 6.15 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

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

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

6.17 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

- *General principles*
- *Detailed design issues*

DM Policy 32 Housing design, layout and space standards

- *Siting and layout of development*
- *Internal standards*

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

- *A. General principles*
- *B. Conservation areas*

#### Supplementary Planning Documents

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

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

### **7.0 Planning Considerations**

7.1 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

7.2 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 130m<sup>2</sup> 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.

- 7.3 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 130m<sup>2</sup>.
- 7.4 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).
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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 130m<sup>2</sup> 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 130m<sup>2</sup>. The existing maisonette alone has a gross internal floorspace of approximately 135m<sup>2</sup>.

- 7.9 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

- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 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.

- 7.16 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.
- 7.17 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

- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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

- 7.22 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.

- 7.23 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.
- 7.24 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.
- 7.25 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.
- 7.26 The lower ground floor flat will, once extended provide 112m<sup>2</sup> of internal floorspace for a three bedroom flat and the upper ground floor flat will provide 85m<sup>2</sup> for a two bedroom flat. The London Plan standard unit size required for a 3 bedroom 6 person flat is 95m<sup>2</sup> and for a 2 bedroom 4 person flat 70m<sup>2</sup>, therefore both units comfortably provide the standard required for the intended occupancy. In addition at lower ground floor level the proposed bedrooms are between 11.5-19m<sup>2</sup>, with the standard of 12m<sup>2</sup> 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 17m<sup>2</sup>. The kitchen/living/dining space for each unit also meets the London Plan standards with 36m<sup>2</sup> provided at lower ground floor and 27.6m<sup>2</sup> provided at upper ground floor level.

#### *Amenity Space*

- 7.27 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*

- 7.28 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

- 7.29 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).

- 7.30 Cycle parking is generally required to be 1:1 for residential development and provision for this will be required via condition.
- 7.31 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

- 7.32 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.
- 7.33 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.
- 7.34 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.
- 7.35 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.
- 7.36 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.
- 7.37 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.

- 7.38 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.
- 7.39 It is not considered that the alterations to the side of the property would have any significant impact on amenity of surrounding properties.
- 7.40 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

- 7.41 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.
- 7.42 Objectors have drawn attention to the fact that the Council is the freehold owner of a significant part of the rear garden. The Council owns the freehold of the rear part of this and also parts of adjacent gardens in Eliot Park and Walerand Road. It is understood that there is a covenant limiting the use of the land to use as garden. The affected land is to remain as garden land in the current application.
- 7.43 Objectors have raised concern regarding the effect of the loss of garden land on wildlife, including bats. The area of the garden affected is that closest to the house and the remainder of the garden would remain as garden land. The extent of garden area affected is not dissimilar to the situation that would occur with a substantial residential extension and it is not considered that the construction of the proposed extension would result in loss of wildlife habitat to the extent that permission should be withheld on grounds of loss of or damage to wildlife habitat.
- 7.44 The Council have given consideration to the characteristics of the development site in relation to the presence of bats and consider that the development does not require the submission of a bat survey. The application site is an urban residential garden, which is not known to the Council as a foraging/roosting site for bats or within a designated protected area for bats (Site of Nature Conservation Importance, Local Nature Reserve (LNR) or Green Corridor). Furthermore the proposed development will not modified or disturb the eaves or roof space of the existing property nor is within the proximity to woodland or a watercourse. It is also noted that the location of the extension is not along or adjacent to a linear path, such as a railway embankment or park which are the favoured routes for foraging bats. It is this information that has enabled the Council to confirm that a survey is not required.

7.45 Given the scale of the development and that it is located in the garden area closest to the existing property the impact on wildlife habitats is considered minimal. Although the development is likely to require the removal of one tree, for which a separate application is required should this be the case, the tree is not of a quality to support bats. The remainder of the existing garden will remain as garden land. It is concluded therefore that the location and scale of the development will not adversely impact or harm the bats and the natural environment of the site.

## **8.0 Local Finance Considerations**

8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

8.3 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.

## **9.0 Equalities Considerations**

9.1 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.

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

9.3 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.

9.4 In this matter there is considered to be no impact on equality.

## **10.0 Conclusion**

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

10.2 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.



10.3 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**

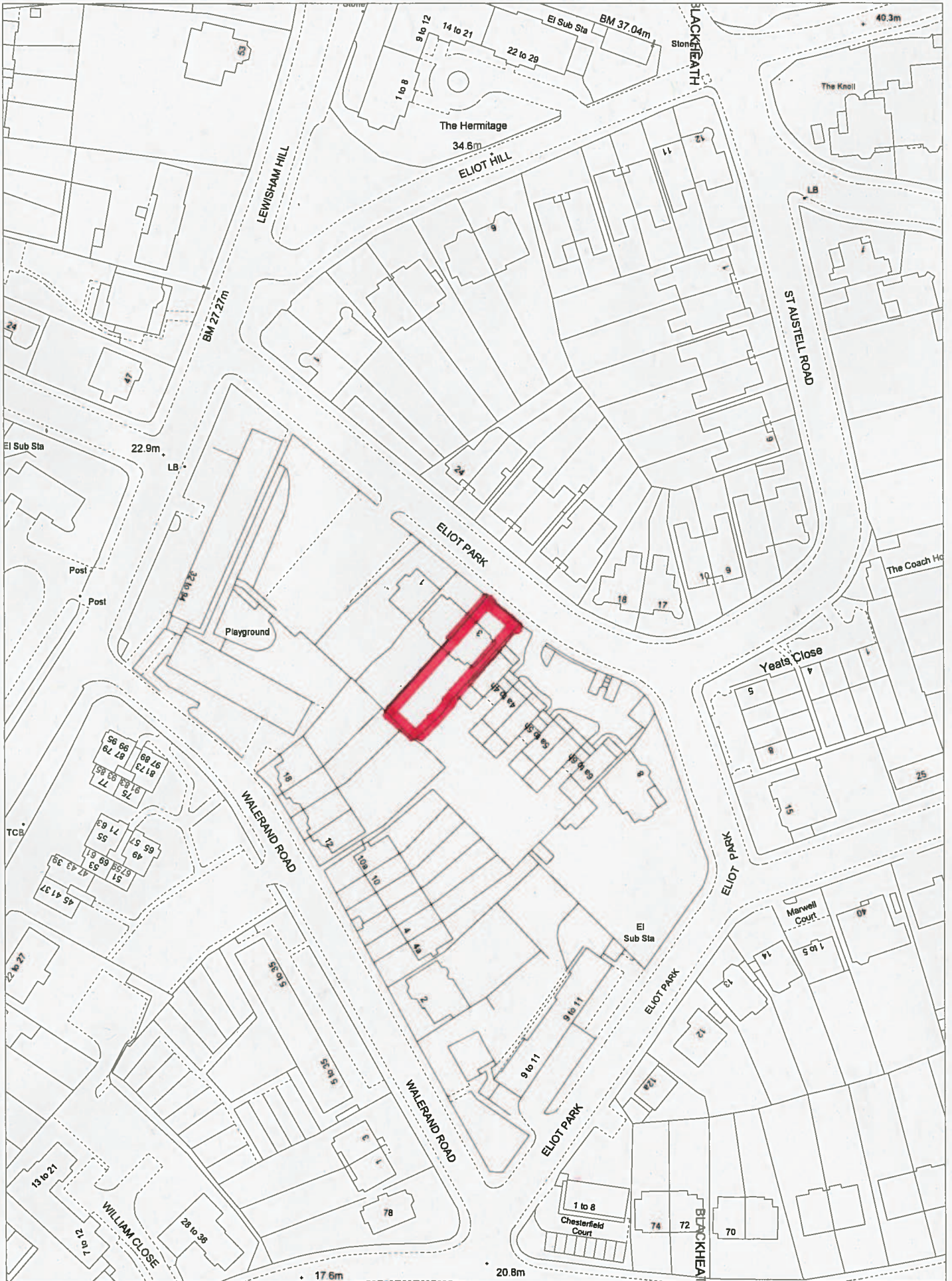
- (1) As required by Section 91 of the Town and Country Planning Act 1990.
- (2) To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.
- (3) To ensure that the local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

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Committee	PLANNING COMMITTEE A	
Report Title	16 VANCOUVER ROAD SE23 2AF	
Ward	Perry Vale	
Contributors	Luke Mannix	
Class		04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/87519
<u>Application dated</u>	12.05.2014
<u>Applicant</u>	CGB Partners Ltd on behalf of CareTech Community Services
<u>Proposal</u>	The change of use of the existing outbuilding at 16 Vancouver Road SE23 to 1 one-bedroom self-contained unit.
<u>Applicant's Plan Nos.</u>	2074/100A, 2074/101A, Site Location Plan, Design & Access Statement including Sustainability Statement.
<u>Background Papers</u>	(1) Case File LE/547/16/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	(1) PTAL 2 (2) Local Open Space Deficiency
<u>Screening</u>	N/A

## **1.0 Background**

- 1.1 This application was considered by Members at the meeting of Planning Committee A held on 11<sup>th</sup> September 2014. Members resolved to defer the determination of the application in order for further information to be provided by Officers. The information requested related to noise mitigation, waste disposal measures and the effect of the change of use on the existing management of the main building.
- 1.2 Members are referred to the report considered at that meeting which is included as an appendix to this report. This contains a full description of the site and its planning history, the details of the application, the relevant consultation made, an explanation of the planning policy background and an assessment of the main planning issues raised by the application.

## **2.0 Consultation**

- 2.1 Further consultation was made with the Environmental Health Department regarding noise. Advice was received stating that requiring further sound insulation over and above that required by Building Regulations would be unreasonable. Additionally it is not the most effective solution to mitigate noise.

2.2 It is also noted by the Environmental Health Department that there have been no complaints regarding noise on their database since the change of use to a residency for adults who have learning disabilities.

### **3.0 Policy Context**

3.1 No new policy context was used from that outlined in the original report.

### **4.0 Planning Considerations**

4.1 The main issues that were considered in respect of this application were:

- a) Principle of development
- b) Standard of accommodation
- c) Impact on adjoining properties

4.2 The original report discusses these issues in their entirety. This report focuses upon 'Impact of Noise', 'Waste Disposal' and 'Building Management' as required by the Planning Committee.

#### Impact of Noise

4.3 Saved Policy HSG 4 seeks to protect residential amenity. When seeking permission for alterations to existing buildings it must be demonstrated that significant harm will not arise in respect of amenities, including general noise and disturbance.

4.4 The current use of the outbuilding is a therapy/play room ancillary to the main building and hence is used recreationally by multiple residents. The application would change the use to support one person for residential accommodation, being less intensive than the existing studio/art room. Additionally, the change of use would reduce the number of residents using the outbuilding. In addition, the outbuilding would be self contained with a bedroom, lounge/kitchen and a bathroom with the intention to house an adult with learning disabilities that is more independent than other residents. Therefore the proposed change of use is unlikely to materially increase the amount of noise.

4.5 Notwithstanding this, the outbuilding would be required to have suitable sound insulation pursuant to the Building Regulations. If permission is granted, a condition should be added to the decision notice ensuring that all external walls shall have sound insulation against airborne noise to meet  $D'nT,w + C_{tr}$  dB of not less than 55.

#### Waste Disposal

4.6 The premises currently uses Council's weekly waste collection service for household waste with a private contractor collecting clinical waste on a monthly basis. The refuse is stored on site with the bins left on the kerb by staff members for collection, similar to the neighbouring households, and then collected again once emptied to be stored on site.

4.7 The addition of an extra resident is unlikely to materially increase the amount of household waste generated by the premises, nor would the addition disrupt the current management of waste.



## Building Management

- 4.8 There are currently eight members of permanent staff with further one-to-one education and special care offered by specialists on an “as needs” basis. This depends on the residents individual needs. The permanent members of staff are trained to Caretech Community Services standards with continual training provided.
- 4.9 Due to the self contained nature of the outbuilding, the additional resident is expected to be relatively independent and likely to require a similar or less one to one care than other residents. Therefore the proposed change of use would not substantially alter the current management system or resulting in a material increase in the care required.
- 4.10 Furthermore, as Council has no record of formal complaints made against the premises, the current management structure is considered to be capable of suitably managing any possible increase in care that may occur as a result of the extra resident.

## **5.0 Conclusion**

- 5.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 5.2 The proposed change to residential use, due to it being a less intensive use and occupied by a single resident, would result in a decrease in noise generated from the existing therapy/play room.
- 5.3 On balance, the increase in residents would not materially effect the level of noise, waste or impact on the management of the premises from what is established.
- 5.4 For the above reasons, it is recommended that the proposed development is granted planning permission.

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

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

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

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

Site Location Plan, 2074/100A, 2074/101A and Design and Access Statement including Sustainability Statement.

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

- (3) The outbuilding shall have sound insulation against airborne noise to meet  $D'nT,w + C_{tr}$  dB of not less than 55 for all external walls. This shall be installed prior to occupation and in perpetuity.

**Reason:** In the interests of residential amenity 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).

### **INFORMATIVE**

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

Committee	PLANNING COMMITTEE A	
Report Title	16 VANCOUVER ROAD SE23	
Ward	Perry Vale	
Contributors	Jonathan Doe	
Class		11 SEPTEMBER 2014

<u>Reg. Nos.</u>	DC/14/87519
<u>Application dated</u>	12.05.2014
<u>Applicant</u>	CGB Partners Ltd on behalf of applicant
<u>Proposal</u>	The change of use of the existing outbuilding at 16 Vancouver Road SE23 into 1 one-bedroom self-contained unit.
<u>Applicant's Plan Nos.</u>	Site Location Plan, 2074/101A, 2074/100A and Design & Access Statement including Sustainability Statement
<u>Background Papers</u>	(1) Case File LE/547/16/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application property is a former house on the northern side of Vancouver Road, a residential street to the west of Perry Hill/Catford Hill. The property is used to provide care and accommodation to adults with learning disabilities. There are currently six residents occupying the property.
- 1.2 A detached outbuilding is set to the rear of the house. The outbuilding was constructed to provide an art therapy room, playroom, staff office and manager's office.

## **2.0 Planning History**

- 2.1 In 1985 planning permission was granted for the change of use from a single family dwellinghouse to a tourist guest house offering bed and breakfast for a maximum of 6 people.
- 2.2 DC/89/30102 – The change of use of 16 Vancouver Road SE23 to a residential children's home for a maximum of 12 children together with the erection of an external staircase at the rear – Granted 07/08/1989 (for a limited three year period, until 30 June 1992).
- 2.3 DC/91/32580 – The change of use of the existing dwelling house to provide a class room on the ground floor, a therapy room, observation room and office on the first floor, and two bedrooms on the second floor to provide overnight

accommodation, all in connection with the residential children's home at 16 Vancouver Road – Granted 5 September 1991

- 2.4 DC/92/34006 - The erection of a conservatory at the rear of 16 Vancouver Road - Withdrawn
- 2.5 DC/92/35203 - The removal of condition (2) of the planning permission dated 7/8/89 (namely that the use be permitted until 30 June 1992) for the change of use of 16 Vancouver Road SE23 to a residential childrens home for a maximum of 12 children together with the erection of an external staircase. - Refused 09/08/1993
- 2.6 Planning permission was granted at appeal (T/APP/C5690/A/93/228659) for the continued use of 16 Vancouver Road as a residential children's home for a maximum of 12 children with effect from 30 June 1992. The decision to grant planning permission was made in 1994. The current use, involving adults with learning difficulties, and the use granted by the Inspector are both within the same Use Class and accordingly planning permission was not required for the alteration from a children's home to the current use.
- 2.7 DC/05/59679 - The construction of a single storey replacement building to the rear of 16 Vancouver Road SE23 to provide an art therapy room, play room and staff office and a manager's office. - Granted 12/08/2005
- 2.8 DC/14/87378 - The construction of a single storey replacement building to the rear of 16 Vancouver Road SE23 to provide an art therapy room, play room and staff office and a manager's office. - Withdrawn

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 The application seeks permission to use the outbuilding in the rear garden as a unit of accommodation for one of the residents receiving care at the property. The plans show the outbuilding would accommodate a single bedroom, an open plan kitchen and living room, shower-room and hall.
- 3.2 The occupation of the outbuilding would bring the number of residents at the property to seven.

#### Supporting Documents

- 3.3 A Design and Access Statement was submitted to accompany the application. This document included a sustainability assessment.

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

## **Pre-Application Consultation**

- 4.3 Informal officer advice was provided by email prior to submission of the application. No issue was identified to present a fundamental objection to the proposal.

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

- 4.4 Five objections have been received from neighbouring properties at 10, 14 18 and 20 Vancouver Road, and 62 Carholme Road. The issues raised are summarised below.

- an increase in noise
- light pollution
- would not provide suitable accommodation
- concern at intensification of use
- loss of existing facilities in the outbuilding would be detrimental to residents of the property

### **Other**

- 4.5 Social Care and Health: This is a residential care service for adults with learning disabilities where London Borough of Lewisham has three people placed currently. The additional self-contained unit of accommodation could have benefits for the Council in meeting the needs of a client for whom we may need a local placement.

## **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.

#### London Plan (July 2011)

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

Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities

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

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

#### 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:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

#### Unitary Development Plan (2004)

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

Development Management

- 5.9 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.
- 5.10 The Council expects to formally adopt the DMLP in autumn 2014.
- 5.11 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP 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.
- 5.12 The following policies are considered to be relevant to this application:
- |              |   |
|--------------|---|
| DM Policy 5  | Sheltered housing and care homes            |
| 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:
- Principle of Development
  - Standard of Accommodation
  - Impact on Adjoining Properties

Principle of Development

- 6.2 The application property is within a residential area. Core Strategy Spatial Policy 5 seeks to provide quality living environments while UDP Policy HSG 4 refers to resisting the siting of incompatible development in or close to residential areas and dealing with existing uses that create a nuisance.
- 6.3 UDP Policy HSG 18, Special Needs Housing states that the Council will seek, in co-operation with other local authorities and the voluntary sector, to provide a full and complementary range of short and long stay supported accommodation to ensure that proper provision is made for those who need accommodation with an element of social and/or health care in the Borough. The policy is relevant to this application in that the application is for the intensification of C2 accommodation. The supporting text to this policy confirms that supported accommodation for those with a learning disability constitutes special needs housing and that the general aim of the Council is to facilitate such provision. Therefore the proposal is supported, in principle, by policy.
- 6.4 DM Policy 5 is concerned with care homes and states that the Council will support proposals for care homes provided that the development will be suitable for the intended occupier in terms of the standard of facilities and the provision of support and care. The proposal would replace a therapy room; the number of people in need of care would increase while the standard of facilities would decrease. As

stated at paragraph 2.60 of the supporting text to DM Policy 5, a key criterion is the fit between the facilities and the needs of residents. However, the main property provides a sensory room, dining room, office/medical room, kitchen and a communal sitting room and two other sitting rooms available to residents and it is considered these are ample to provide facilities for residents' needs. Additionally, the rear garden of the property is substantial at 20m deep by 13.5m wide, it is considered a replacement facility could be provided if a need was identified and subject to planning permission. Accordingly, the comment raised during neighbour consultation regarding loss of facilities is not supported.

#### Standard of Accommodation

- 6.5 The London Plan Housing SPG 2012 sets out standards for residential accommodation. A one person flat is required to have a minimum floor area of 37sqm. The proposal would provide 41.5sqm. In addition, the occupier would have access to the facilities of the main dwelling.
- 6.6 DM Policy 32 states that the standards in the London Plan and London Plan SPG 2012 will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. However, the policy also states that studio flats (one person dwellings at gross internal area of 37sqm) will not be supported other than in exceptional circumstances. This proposal is considered to be such an exceptional circumstance as the accommodation is for a person receiving care and would have access to a number of communal facilities.
- 6.7 It is considered that, given the size of the accommodation and its access to shared facilities, the accommodation would provide suitable accommodation. Therefore a comment raised in the course of neighbour consultation is not supported.

#### Impact on Adjoining Properties

- 6.8 The proposal is for the intensification of use of a C2 use in an area of C3 use housing. A C2 use has a different character of use to that of a C3 use and hence the differentiation in the Use Classes Order. The intensification of use in an established residential area may lead to a loss of residential amenity to occupiers of neighbouring properties but it is considered that to the addition of one more resident would not have any material adverse impact to any neighbour.
- 6.9 The use is managed by staff and the concerns of neighbours regarding noise, light pollution and the intensification of use is not supported.

#### **7.0 Equalities Considerations**

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



- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 In this case the interest of the proposed resident of the outbuilding and the interest of the owner of the property is comparable with the interests of occupiers of neighbouring properties and accordingly there is minimal/no impact on equality.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance, Officers consider that the thrust of policies supporting provision of the use outweighs concerns of neighbours and the scheme is therefore considered acceptable. Additionally, the Council’s Social Care and Health department is supportive of the proposal, referring to current use of the property by the London Borough of Lewisham to accommodate three people and the additional unit may have benefits for the Council in meeting the need of a client needing a local placement.

## **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.

Site location plan, 2074/100A, 2074/101A and Design & Access Statement including Sustainability Statement.

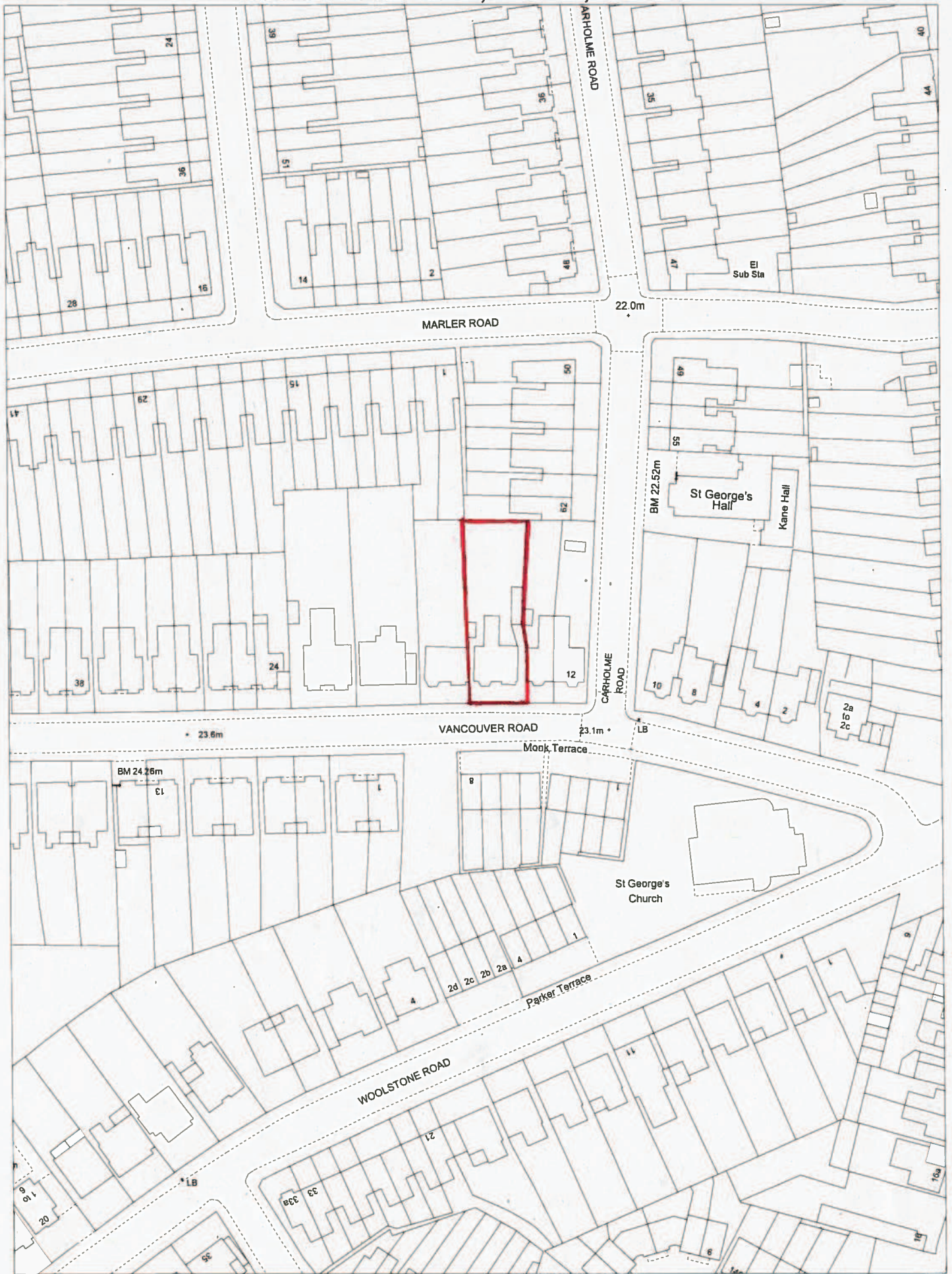
**Reason** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

## **INFORMATIVES**

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

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Committee	PLANNING COMMITTEE A	
Report Title	133 PEPYS ROAD SE14 5SE	
Ward	Telegraph Hill	
Contributors	Julia Robins	
Class	PART 1	04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/88449
<u>Application dated</u>	20.07.14 [as revised on 23.10.14, 30.10.14 and 14.11.14]
<u>Applicant</u>	Mr M Dyson Enclosure Architects Ltd on behalf of Mr Everard
<u>Proposal</u>	The retention of the front façade of 133 Pepys Road, SE14 and the construction of a three storey extension plus roof space to provide two 5 bedroom houses and 1 two bedroom and 2 three bedroom self-contained flats with 2 parking spaces and associated landscaping (revised description).
<u>Applicant's Plan Nos.</u>	Design & Access Statement, Significance Assessment, CIL form, CfSH Statement (received 14.11.14), roof light view angle (received 13.11.14), 105(P)00, 105(P)01, 105(P)02, 105(P)03, 105(P)04, 105(P)05, 105(P)06, 105(P)07, 105(P)10A (received 23.10.14) 105(P)11, 105(P)12A (received 23.10.14) 105(P)13A (received 23.10.14) 105(P)14A, 105(P)15, 105(P)16, 105(P)17, 105(P)18, 105(P)19A (received 23.10.14), 105(P)20 1a, 105(P)21A 1b, 105(P)22 2a, 105(P)23A 2b, 105(P)24 F1, 105(P)25A F2, 105(P)26A F3 (received 12.11.14), 105(P)27 F4 (received 12.11.14), 105(P)28 (received 12.11.14), 105(P)30, 105(P)31, 105(P)32, 105(P)33 CGI, 105(P)34 CGI, 105(P)35, 105(P)36 CGI, 105(P)L, 105(P)Be, 105(P)Bp, 105(P)R
<u>Background Papers</u>	<ol style="list-style-type: none"> <li>(1) Case File DE/48/133/TP</li> <li>(2) Adopted Unitary Development Plan (July 2004)</li> <li>(3) Local Development Framework Documents</li> <li>(4) The London Plan</li> </ol>
<u>Designation</u>	PTAL 3 Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area

## **1.0 Property/Site Description**

- 1.1 The subject property is a large detached, double-fronted two storey and semi-basement property located at the junction of Jerningham Road and Pepys Road. The property is located centrally on a large, roughly triangular site, the apex of which faces the junction. There is a relatively deep area of garden at the front which tapers towards the junction. There is a central stepped entrance up to ground floor level facing the junction. The land falls across the site from east to west and south to north.
- 1.2 The building has canted bay windows over three storeys on three elevations, two facing the junction, on either side of the entrance and one to each of the elevations facing Pepys and Jerningham Roads. There is a later single storey infill extension to the Pepys Road flank and an existing off-street parking space accessed from Pepys Road. The building is faced with London stock brick laid in Flemish bond, with some red brick banding and a slate roof. The original two storey rear extension is lower than the front part of the building and is more simple in its design, being faced in stock brick with simpler detailing to window openings.
- 1.3 The property is currently converted into 2 one-bedroom and 2 two-bedroom self contained flats and 1 self contained bedsit unit. One two bedroom flat is located at basement level, two 1-bedroomed flats are located at ground floor level and the bedsit and a two-bedroom flat are located at first floor level.
- 1.4 The site is located within the Telegraph Hill Conservation Area, although is not within the setting of a listed building. The Telegraph Hill Conservation Area is a well-preserved planned development of late 19th century terraces and pairs of houses built under the control of the Worshipful Company of Haberdashers. The buildings are good examples of late 19th century middle class houses and villas with many surviving design features. There is a strong sense of group identity to the houses in the Conservation Area due to a limited palette of materials and common design elements.

## **2.0 Planning History**

- 2.1 Planning permission was granted in January 1971 for the conversion of the two storey house and semi-basement at 133 Pepys Road, into 2 two-roomed, 1 three-roomed, 1 four-roomed self contained flats and 1 bedsitting room.
- 2.2 Planning permission was granted in 2004 for the alteration and conversion of the basement at 133 Pepys Road SE14, to provide 2 one-bedroom self-contained flats.

## **3.0 Current Planning Application**

### **4.0 The Proposals**

- 5.0 The application proposals involve the demolition of a significant part of the existing building, the retention of the existing double-fronted main façade, the construction of a substantial three storey plus roof space extension, and the remodelling of the building to provide two 5 bedroom houses and 1 two bedroom and 2 three bedroom self-contained flats with associated landscaping.

- 5.1 The façade of the original building facing the junction would be retained and the front element of the building would be 4.7m deep with the new 3 storey rear extended element splaying out towards the rear. The extended building would be 18.8m in depth and The width of the retained front part is 10.2m and at its widest part, the extended building would be 19m in width. The splayed facades would line up with the frontages of Pepys Road and Jerningham Road. Each side (street) elevation would become a prime elevation with one side fronting Pepys Road and the other Jerningham Road. Each of these elevations would have a centrally located staircase leading up to the ground floor entrances.
- 5.2 The building would have a pitched, hipped roof with 8 rooflights. A roof terrace is proposed (6.1m long and 9.2m wide) which is inset and accessible from the houses, both of which would have its own private terrace (4.7m wide x 6.1m long).
- 5.3 Both of the 5 bedroomed houses would be spread over 4 storeys with a family room (36.5 sq.m.) and study (15.5 sq.m.) on the ground floor, on the first floor would be a kitchen living diner (50 sq.m.), on the second floor would be 3 bedrooms with ensuites (16 sq.m., 17 sq.m. and 17 sq.m. in floor area) and on the third floor there would be 2 bedrooms both of 11 sq.m. and a bathroom of 7 sq.m.
- 5.4 The 2 bedroom flats on the first and second floors would have bedrooms of 13 sq.m. and 10 sq.m. and a kitchen living diner of 25 sq.m. The 1 bedroom flat would occupy the 3<sup>rd</sup> floor roof space and would have a bedroom of 12 sq.m. and a kitchen, living room, diner of 31 sq.m.
- 5.5 In terms of outdoor space, the external area would be divided into 4 sections, the 1st section of the site relates to the 5 bedroomed house on the Jerningham Road side which would have a car parking space within an area of gravel/pea shingle, a private garden to the rear of the building with bike storage for 5 bikes and to the front of the property would be areas of planting and bin storage. The 2<sup>nd</sup> section relates to the garden areas around the flatted accommodation and would consist of bins storage on the Pepys Road side and bicycle storage for 5 bikes on the Jerningham Road side, in front of both stores would be areas of pea shingle screed. The 3<sup>rd</sup> section relating to the garden around the 5 bedroomed house on the Pepys Road side is similar to that of section 1. The final section is the area to the front of the building which would be communal lawn separated by a central path running down to the front gate.

#### Supporting Documents

- 5.6 Design and Access Statement – which outlines the proposals, how the scheme has developed, layout, scale, landscaping, neighbour consultation and various other matters.
- 5.7 Significance Assessment by The Architectural History Practice Limited which covers the history of the area and the property, and analyses the significance of the building.
- 5.8 Code for Sustainable Homes Assessment by Isambard Environmental which assesses how the scheme meets Code 4.

## 6.0 Consultation

Pre Application:

- 6.1 The applicant has advised that they undertook the following consultation prior to the submission of the application:
- 6.2 Regular consultation with the Telegraph Hill Society (THS). The proposals were presented to the THS three times during design development and revised on each occasion to take on board concerns.
- 6.3 On Saturday 5th July, 2014, there was a public presentation of the proposals at Haberdasher's Aske's, Pepys Rd to local residents. The presentation was publicised by:
1. Posting 1000 leaflets through doors in Telegraph Hill.
  2. Placing plans/details of the proposal and the presentation in the Hill Station Café (27<sup>th</sup> June, 2014).
  3. Placing plans/details of the proposals and presentation in the window of the Telegraph Hill centre (27th June, 2014).
  4. Securing an announcement about the proposals and the presentation on the Brockley Central local newsblog (1st July, 2014).
- 6.4 Nine people attended the presentation, all of whom were in support.
- 6.5 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 6.6 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

### Amenities Societies Panel

- 6.7 OBJECTION. Although an ingenious solution to the problem of intensifying development of a prominent corner site in the Telegraph Conservation Area, the Panel felt that this was too great an intervention. Only the shell of the original building is retained while a massive amount of new development is provided, hidden behind replica facades adjoining the side roads. As the Haberdasher's company would never have contemplated 'back to back housing' for this prestigious estate, no amount of attention to detail will make the proposed building sit comfortably within the context of the Telegraph Hill Conservation Area.
- 6.8 The Panel also considered that the lack of private rear gardens, the proposed roof terrace and the use of rooflights on front roofslopes were undesirable aspects of the proposed development.

### Written Responses received from Local Residents and Organisations

Telegraph Hill Society:

- 6.9 Appreciates the applicant's efforts to build properties which replicate the existing frontage and that considerable care and attention has been paid to the design. Also that there has been pre consultation meetings with local residents and the society and amendments have been made to the design to incorporate objections.
- 6.10 There are remaining concerns:



- 6.11 Fundamental principle – proposal is not retention of the façade but demolition of all of the original building except the façade. The side facades are visible from the public realm and therefore retention of the front façade is not sufficient. In order to ensure that the appearance from the public realm remains unchanged. This is façadism.
- 6.12 Would set a precedent for the demolition of any original building in the Conservation Area on the grounds that what took its place was an enhancement.
- 6.13 Concern over the number of applications in the Conservation Area for extensions which remove original fabric but they are small and not visible from the public realm. Will be extremely difficult to sustain objections if this application is allowed. May lead to the loss of other buildings within the Conservation Area.
- 6.14 New building cannot be justified because it is a facsimile of the original building or that the new design may look better than the original. Heritage of the area will be destroyed when the majority of the building is destroyed and will radically alter the streetscape. The proposal would be contrary to URB6 as it harms the architectural integrity of the existing building and adversely affects the integrity of a group of buildings as a whole. Fundamentally object to the demolition of the existing property and precedent it will set for the erosion of the remainder of the Conservation Area.
- 6.15 A large building will totally dominate the site. The mass is too large and will read as a single property. The property will have a mass 3 times larger than the existing and from both roads will be considerably squarer and blockier. It will dominate the streetscape especially when seen from Church Park.
- 6.16 There will be two back to back houses – not appropriate Victorian design. Development will obviously be new infill no matter how much it resembles its neighbours in its front facades.
- 6.17 Properties would have little garden space. On balance it is not felt that the development is compliant with policies HSG7, HSG8 and URB6.
- 6.18 Object strongly to rooflights in elevations which are visible from the public realm whether in existing or new properties. The Telegraph Hill Character Appraisal states that roof lights are one of the factors slowly destroying the Conservation Area. These rooflights would set a precedent and they are not compatible with the design of the original properties contrary to policy URB6.
- 6.19 The roof terrace is not a design element found elsewhere within the Conservation Area. Although it is set back it will be obvious from surrounding streets and would cause a loss of privacy contrary to HSG4 (e).
- 6.20 11 letters were received in regard to the application. 8 in support and 3 in opposition.
- 6.21 Points covered by letters of support from 117 Brookdale Road, 39, 39c and 59 Waller Road, 24a, 65 (2) and 155 Pepys Road.
- Design is complementary to its surroundings and will be a notable addition to the conservation area.
  - Current building has always appeared as an isolated block, which has never had any positive connection to the continuity of the streetscape of either Pepys Road

or Jerningham Road. The 'double-frontage' faces the roundabout is in an appalling state of repair and unsightly.

- Does not understand why the existing building's elevation overlooking the park, with excellent views of London, was so poorly designed.
- Can be difficult to persuade local conservation groups of the benefits of development.
- A great deal of consultation was undertaken (both with the planners; residents and Telegraph Hill Society) and that the design is a product of those conversations.
- They have gone to great lengths to ensure that the proposed development respects and continues the form and style of residence in Telegraph Hill. For instance, the proposed building would not only retain the existing front façade; it would create two new ones (on Pepys Road and Jerningham Road) which would replicate the form of façade that exists in the area.
- Rear of the property is very utilitarian in design and certainly not in keeping with the remainder of the property or of similar dwellings in the area. Looks unsightly when driving up Pepys or Jerningham Roads.
- Existing property detracts from the special character of the Telegraph Hill conservation area.
- Potential for the property to be fully realised in a very sympathetic and sustainable manner.
- Proposed development would enhance the Telegraph Hill Conservation Area.
- Development would address the existing design flaws of the building, especially if viewed from Pepys and Jerningham Roads.
- Developer has been transparent and has engaged with the community in getting feedback
- Proposed development would increase the housing stock in the area, this would be beneficial given property prices in London have risen due to limited supply
- During the community meeting held by the architect and owner on 5 July 2014, we heard the presentation of the proposal. Left the meeting with the impression that all attendees were supportive of the project, including the Chairman of the Telegraph Hill Society and an owner of the neighbouring property to 133 Pepys Road.
- Lewisham Council may be minded to reject this planning application – it is surprising and worrying that they would proceed directly against the wishes of the community.
- Suggest that the viewpoints submitted by THCS are not representative of the wider Telegraph Hill community and therefore should not have any impact on the planning decision. If the wider community is to be consulted, I suggest this is done via a survey– concern is that the THCS is providing a view point that is being positioned as representative of the local community when in fact they have not consulted with us.

Points covered by the letters of objection from 169d x 2 and 92 Jerningham Road:

- Extension would not preserve or enhance Telegraph Hill Conservation Area and would have a negative effect on it.. There is no defect in the design of 133 Pepys Road.
- Application claims that the comments in the Conservation Area Appraisal about the property could be taken as an implied criticism. The appraisal states that no such inference shall be made as such appraisals are not comprehensive studies and omissions do not imply that they do not contribute to the character.

- Would lead to a loss of light, privacy and outlook which would substantially damage the amenities of residents in the vicinity;
- Scale is disproportionate;
- A more natural reading is that the design is consistent with the design of the surrounding buildings and should not be altered. The applicant builds their whole cases on this implied criticism.
- Does not follow that the Appraisal recommends a substantial development of the site as a solution.
- Significant Assessment states that the house does not 'really take advantage of the possibilities offered by the prominent corner and the applicant sees this as justification for doubling the number of bedrooms and building in the space behind.
- Gap behind building is presented as a defect although it provides green space and sunlight and contributes to the character of the Conservation Area.
- Appraisal refers to panoramic views and green spaces as integral characteristics of the conservation area. The gap is therefore characteristic. The extension would substantially diminish the conservation area by permanently altering the areas characteristics.
- In doubling the number of occupants it would double the number of cars parking at the top of Jerningham and Pepys Roads.
- Will fundamentally alter the façade of the property and architecture of 133 Pepys Road. It will have a negative visual impact.
- Extension is very large and the scale inappropriate.

## **7.0 Policy Context**

### Introduction

7.1 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
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7.2 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

- 7.3 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)'.
- 7.4 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)

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

## Other National Guidance

- 7.6 The other relevant national guidance is:
- Climate change
  - Conserving and enhancing the historic environment
  - Design

## London Plan (July 2011)

- 7.7 The London Plan policies relevant to this application are:
- Policy 3.3 Increasing housing supply
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.8 Housing choice
  - Policy 3.9 Mixed and balanced communities
  - Policy 5.3 Sustainable design and construction
  - Policy 5.7 Renewable energy
  - Policy 5.13 Sustainable drainage
  - Policy 5.16 Waste self-sufficiency
  - Policy 6.9 Cycling
  - Policy 6.13 Parking
  - Policy 7.2 An inclusive environment
  - Policy 7.3 Designing out crime
  - Policy 7.4 Local character
  - Policy 7.5 Public realm
  - Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology  
Policy 7.9 Heritage-led regeneration  
Policy 7.14 Improving air quality

London Plan Supplementary Planning Guidance (SPG)

- 7.8 The London Plan SPG's relevant to this application are:  
Housing (2012)  
Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 7.9 The London Plan Best Practice Guidance's relevant to this application are:  
Wheelchair Accessible Housing (2007)  
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

- 7.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 7.11 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 12 Landscape and Development  
URB 13 Trees  
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 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

- 7.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities

and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

### Emerging Plans

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.

7.13 The following emerging plans are relevant to this application.

### Development Management

7.14 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<sup>rd</sup> 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<sup>th</sup> of April 2014.

7.15 The Council expects to formally adopt the DMLP in November 2014.

7.16 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.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
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
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
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

## **8.0 Planning Considerations**

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

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

### Principle of Development

8.2 The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.3 Policy 3.4 'Optimising housing potential' of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

8.4 The principle of extending this building is considered to be acceptable although the scale and form would have to be appropriate to the building, street scene and conservation area whilst taking into consideration the impact on neighbouring buildings.

### Design and Conservation

8.5 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.

8.6 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. Development Management Plan 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.

8.7 DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets states that heritage assets are an irreplaceable resource and the greater the importance of the heritage asset, the greater the weight will be given to its conservation. As set out in the NPPF, proposals for the demolition or substantial harm to a heritage asset will require clear and convincing justification.

8.8 The National Guidance 'Conserving and enhancing the historic environment' states that an unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building

although if the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area. It goes on to explain that the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.

- 8.9 133 Pepys Road was built around 1896 on a prominent plot where Jerningham Road and Pepys Road meet. It is identified as “positive” in the Telegraph Hill Conservation Area Appraisal, which states that 133 Pepys Road has a “prominent location overlooking a road junction but this is not reflected in any departure from the approved house design.”
- 8.10 The applicant believes that the original architects did not take the opportunity to create a larger building with greater landmark value and this view partly forms the basis for the justification for this proposal. However, it is not possible to be certain what the original architects would have done had they not used one of the six copy book styles that were available to them. The applicant considers that a standard copy book style is not appropriate here but that the site requires detailed examination and ‘a carefully crafted, individual architectural solution to ensure the continuity of the architectural language’. Officers consider that the existing building is an appropriate response although it is accepted that the rear element is the weaker part of the existing building. Given this Officers would not resist its removal or an extension of some kind.
- 8.11 Façade retention is no longer regarded as a valid conservation approach and is not generally supported. The applicant relies on the findings of the Architectural Heritage Statement from AHP to justify the demolition of most of the building although it does not suggest retention of the façade, it suggests retention of the front part of the building (page 16). Officers consider that had they meant façade that it is what the report would have said.
- 8.12 The Architectural Heritage Statement considers that the elements of the building which are proposed to be demolished and replaced do not make a positive contribution to the character and appearance of the conservation area. However, that opinion is not shared by Officers who consider the extent of loss of the original built fabric to be excessive and there is insufficient justification for it. It therefore would be contrary to DM Policy 38. In terms of the NPPF it can be argued that the extent of demolition that it is substantial which triggers the tests in paragraph 133 as the Guidance ‘Conserving and enhancing the historic environment directs you to it. Paragraph 133 states that where a proposed development will lead to significant harm to or total loss of significance of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all the following apply and it then lists the four tests. The tests being: whether the asset prevents the use of the site, no viable use of the asset can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant funding or some form of charitable or public ownership is demonstrably possible; and the harm or loss is outweighed by the benefit of bringing back the site into use. It is considered that the 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> tests do not apply and the 3<sup>rd</sup> is not known. There are considered to be no substantial public benefits which outweigh the harm caused to the asset and not all of the tests apply so therefore as directed by paragraph 133 of the NPPF consent should be refused.



- 8.13 Officers also consider that the front part of the building should be retained although the smaller, rear element could be replaced. Certainly the double height bays on both side elevations should be retained.
- 8.14 The proposed development would create side elevations which would align with the building lines of Pepys Road and Jerningham Road which results in the building splaying out from a point 4.7m behind the facade. Whilst the rationale for this approach is understood, the splayed footprint means that all of the existing building would be demolished apart from the front elevation.
- 8.15 The proposed extension to the building is of a scale that does not respect the building to which it relates. The plan form of the proposed building consists of a square block attached to a larger flanged block. The resulting building looks overly large. This is particularly evident when viewed from Jerningham Road and Pepys Roads. This is not a plan form used by the Victorians and sits at odds with the careful Victorian detailing of the proposed side elevations. The only place where the extensions look acceptable is when the property is viewed from directly in front. This is because the extension is viewed in the oblique rather than in elevation.
- 8.16 The existing property is a notable building on a prominent plot and it has in effect three main street façades. The addition of the additional mass onto the retained façade would be highly visible within two street scenes and the conservation area and is considered to result in a bulky building that would detract from this part of the conservation area.
- 8.17 The proposal involves the replication of the existing façade along both side elevations. The applicant has provided assurances that the existing details would be replicated exactly by moulding them and that the materials would be carefully chosen.
- 8.18 The roof slopes of neighbouring properties are shallower than that of the proposed building. Given the size of the building and angle of the roof this results in a large roof. In turn there is a large amount of roofspace (which would contain a flat and bedrooms of the two houses), which would be lit by rooflights. The applicant considers that it is not a sustainable approach to restrict the use of the roofspace by opposing the provision of rooflights. It is considered that the policy objective of sustainability in making best use of land does not override the need to protect the Conservation Area.
- 8.19 Rooflights are resisted on visible elevations in Conservation Areas, because they are uncharacteristic of this house type. The proposed rooflights would introduce a visually obtrusive element, presenting a shiny surface during the day and a lit element within a dark roofslope at night, which would detract from the attempted traditional roofscape, characterised by the unbroken slate covered roof slopes of a matt finish. The fact that this building would effectively have three street frontages means that the impact of the proposed rooflights would be obvious on all three sides.
- 8.20 It is considered that the proposed development would harm the Conservation Area. Although the provision of additional housing is a benefit, the harm caused would not be outweighed by this benefit.

## *b) Standard of Residential Accommodation*

- 8.21 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to be attractive and to meet the functional requirements of its future inhabitants. 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.
- 8.22 Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 8.23 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.
- 8.24 The units themselves meet the minimum requirements as set out in the London Housing SPG and in many cases exceed them (required minimum in brackets). Flat 1 - 2b4p flat of 70 sq.m. (70 sq.m.), Flat 2 - 2b3p flat of 62.5 sq.m. (61 sq.m.), Flat 3 – 2b3p flat of 63.5 sq.m. (61 sq.m.), Flat 4 – 1b2p flat of 50 sq.m. (50 sq.m.), Houses 5b8p houses of 226 sq.m. each (123 sq.m.) The room sizes within each flat all meet the required standards also.
- 8.25 The proposal uses the space within the roof and the guidance seeks that there should be a headroom of over 2.5m. Flat 4 is wholly within the roof space whilst the roof is sloped there needs to be sufficient headroom over 2.5m. Within the kitchen living dining room the amount of floorspace with a headroom of over 2.5m would be 19sqm out of 29sqm (65%), Bedroom - 100% and Bathroom - 100%.
- 8.26 The top floor of the townhouses would also be within the roof space and whilst 2 of the 3 bedrooms would exceed the 60% in terms of how much of the floor area would have sufficient headroom - bedroom 4 - 8sqm of 11sqm (72%), bedroom 5 - 5.5sqm of 11sqm (50%) and bathroom - 4sqm of 7sqm (60%). Therefore the 60% figure is not met by bedroom 5 but the guidance indicates the figure is a best practice guide for upper storey bedrooms rather than a requirement.

### *Amenity Space*

- 8.27 The proposal provides private amenity space for the two houses to the side and the rear of the extended building. The gardens meet the required space standards and spacious roof terraces are also proposed. The flats would not have private external space and whilst such provision would be desirable, in this instance, where there is a significant area of garden to the front of the building, providing separate gardens for each flat is likely to result in occupants seeking to enclose their individual garden plot, put up washing lines, children's play equipment etc

which would detract from the appearance of the building. The allocation of individual garden plots would be likely to result in excessive sub-division of the external space and the construction of fencing.

#### *Lifetime homes*

- 8.28 Core Strategy Policy 1 requires all new dwellings to be built to meet Lifetime Homes standards. The applicant has provided plans which highlight that most Lifetime Homes criteria would be met and if the proposals were otherwise acceptable, compliance would have been secured by planning condition.

#### Highways and Traffic Issues

##### *Car Parking*

- 8.29 The site has a PTAL rating of 3, which is good and demonstrates that the site is reasonably well served by public transport. One off street parking space has been provided for each of the two houses. There would be no off-street parking provision for the three flats proposed. The surrounding streets have no parking restrictions and the impact is considered to be acceptable. Given the reasonable accessibility levels of the site coupled with the fact that the site is located within an area which is not subject to any parking restrictions it is considered that there would be unlikely to be a significant impact on parking demand in the vicinity given that the property is currently converted into 5 flats of varying sizes. Therefore the proposal is generally be in accordance with CS Policy 14 and Policy 6.13 of the London Plan (2011).

##### *Cycle Parking*

- 8.30 Cycle parking is generally required to be 1:1 for residential development and the levels for this development are much higher than that, with the 5 bedroom houses having 1 cycle space per bedroom. As such the cycle storage provided exceeds the requirements are set out in London Plan policy 6.3.

##### *Refuse*

- 8.31 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The proposed development provides sufficient refuse and recycling facilities.

#### Impact on Adjoining Properties

- 8.32 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.
- 8.33 Given the distance between the proposed building and the neighbouring buildings, it is considered unlikely that the proposal would have a significant impact on daylight and sunlight for neighbouring properties. The application contains, within the Design and Access Statement, a daylight and sunlight analysis. It explains that by extending 4m rearwards there is the potential to reduce daylight & sunlight to 171 Jerningham Rd. & 131 Pepys Rd. There are no windows to habitable rooms in the side elevations of either building. Loss of sunlight should be checked for the main living rooms of dwellings as well as conservatories if they have a window facing within 90° of due south (as recommended the BRE Report which is the guidance used for measuring daylight and sunlight).

The living room windows of both 171 Jerningham Rd. & 131 Pepys Rd are located at the front and are therefore not affected by the proposals. Rear reception windows are relevant, although the northerly aspect of these windows (100 degrees off south for Pepys and 125 degrees off south for Jerningham) deems them to be not relevant to direct sunlight loss.

- 8.34 In terms of overlooking and loss of privacy, there are a number of windows facing the gardens of 131 Pepys Road and 171 Jerningham Road on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building. Whilst there are windows facing rearwards in the existing building, the new rear elevation would be 4m closer to the rear garden boundary wall. In urban areas there is always a degree of overlooking to neighbouring gardens and there is already a level of overlooking from the windows in the existing rear facing windows. The proposal introduces windows on two levels facing the rear gardens which would be 4m closer than the existing and which could give rise to overlooking. However the applicant has confirmed that the lower sash of each sash window would not be sliding but inward opening from bottom hinges to ensure it cannot be slid up but to allow it to be cleaned. The lower sash would be fully obscured. The upper sash would be half obscured across the lower half. The glass above 1.7m above floor level would be clear to allow views of the roofscapes. It is considered that this would prevent overlooking to the gardens behind and therefore the impact would not be significant.
- 8.35 With regard to the roof lights, they would have a cill height of 1.4m. With the glass of the rooflight sloping inwards at 40° it would not be possible to obtain a view down into the neighbouring gardens.
- 8.36 Given the above it is considered that the possible overlooking and loss of privacy would be mitigated by the partial obscure glazing of the windows on the rear elevation. This could be secured by condition if the proposed development were otherwise acceptable.

### Sustainability and Energy

- 8.37 In terms of sustainability, the applicant has confirmed that it is intended that the proposal would meet Code Level 4 of the Code for Sustainable Homes in accordance with Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011). A Code for Sustainable Homes Assessment has been submitted showing that the properties would comply with Code 4.

## **9.0 Local Finance Considerations**

- 9.1 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).
- 9.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 9.3 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.

## **10.0 Community Infrastructure Levy**

10.1 The above development is CIL liable.

## **11.0 Equalities Considerations**

11.1 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.

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

11.3 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. In this case it is considered there is minimal/no impact on equality

## **12.0 Conclusion**

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

12.2 Officers consider that the scheme has clearly sought to respond to the constraints of the site but owing to its scale results in a building which is overly large detracts from the appearance of the conservation area. The removal of all of the building except for the façade is considered to be unacceptable especially given the notable nature of the building, its position and that the side of the front part of the building clearly contribute positively to the conservation area.

12.3 The proposal would involve a number of rooflights in the roof which would be highly visible and would detract from the appearance of the conservation area.

**13 RECOMMENDATION REFUSE PERMISSION subject to the following conditions:-**

- (1) The proposed extension by reason of its design and scale is considered to represent an oversized and visually obtrusive development which would harm the character of the existing building, streetscene and conservation area, contrary to saved policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and HSG 8 Backland and In-fill Development of the Unitary Development Plan (2004) and DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas, DM Policy 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, DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets of the Development Management Local Plan (for adoption November 2014).

- (2) The demolition of the building leaving only part of the façade would result in the loss of a significant portion of a heritage asset within the conservation area, to its detriment and contrary to 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, and DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets of the Development Management Local Plan (for adoption November 2014).
- (3) The proposed rooflights are considered uncharacteristic of this house type and would be visually obtrusive elements within the roofscape, contrary to URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the Unitary Development Plan (2004) and 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.

### **INFORMATIVES**

- (1) The Council engages with all applicants in a positive and proactive way through detailed advice available on the Council's website. On this particular application, pre-application advice was sought. The planning application submitted was considered not to meet plan policies and as such the agent was contacted and advised that the application would be refused.

# 133 Pepys Road SE14



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Committee	PLANNING COMMITTEE A	
Report Title	LAND SOUTH OF UPPER BROCKLEY ROAD & REAR OF 163 UPPER BROCKLEY ROAD SE4 1TG	
Ward	Brockley	
Contributors	Michael Forrester	
Class	PART 1	04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/88637
<u>Application dated</u>	31.07.2014
<u>Applicant</u>	Space Craft Architects on behalf of Natural Developments Limited.
<u>Proposal</u>	The construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bin and bicycle stores on land to the south side of Upper Brockley Road and to the rear of 163 Upper Brockley Road.
<u>Applicant's Plan Nos.</u>	Heritage Statement, Sustainability Statement, Design & Access Statement, Massing Views, 21_603 D, 21_602 D, 21_601D, Fig 1 aerial photograph of the site, Fig 2 site location plan, 703, 704, 706, 707, 708 & 709
<u>Background Papers</u>	(1) Case File DC/104/161/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] – Brownfield Site

## 1.0 Property/Site Description

- 1.1 The application site is an area of open land on the south side of Upper Brockley Road approximately 120m<sup>2</sup> in area and approximately 7.5m in depth. The land has previously been used for the parking of second hand cars, possibly since approximately 1970. The site forms part of the 'island' bounded by Upper Brockley Road and Geoffrey Road that contains both dwellings and commercial premises. Historically, the site formed part of the rear garden to 163 Upper Brockley Road (as shown on historic maps of the area). The site has a frontage of approximately 16m to Upper Brockley Road; on the opposite side of Upper Brockley Road is a single storey building and two storey terraced houses. To the east is the remaining rear garden of 163 Upper Brockley Road. To the south is the rear garden of 161 Upper Brockley Road and to the west is 1 Geoffrey Road which is a two storey detached house.
- 1.2 The site is currently vacant and is hard surfaced with a vehicular access gates on to Upper Brockley Road, though there is no pavement crossover. The street frontage to the site comprises a stock brick wall and recessed metal gates.

## **2.0 Planning History**

- 2.1 2012: DC/12/81710 - Planning permission was refused for the construction of a two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).

The reasons for refusal are as follows:

1. The proposed development, as a result of its height, bulk, massing, siting and layout would fail to establish an acceptable relationship with the surrounding context and would result in harm to the character and appearance of the conservation area, contrary to Objective 10 Protect and enhance Lewisham's character and Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 6 Extensions and Alterations and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the adopted UDP (July 2004).
2. The proposed development, as a result of inadequate daylighting, outlook and lack of amenity space, would fail to provide a suitable standard of accommodation for future occupiers, contrary to policies HSG 5 Layout and Design of New Residential Development, HSG 7 Gardens of the adopted UDP (July 2004) and the Residential Standards SPD (August 2006).
3. The proposed development, as a result of its height, bulk and siting would result in an un-neighbourly development and an unacceptable sense of enclosure when viewed from the neighbouring properties and their gardens, contrary to Policies HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development of the adopted UDP (July 2004).

- 2.2 An appeal against this refusal was dismissed on the basis that the design of the building would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. The scale of the dwelling was also considered to be oppressive and that it would result in an excessive sense of enclosure for surrounding occupiers.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 Permission is sought for the construction of a part single, part two storey house. The proposed house would fill the depth of the site and would be up to 5.6m high, a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11m wide. The first floor would be 6.5m wide and is set back from no 163 Upper Brockley Road by a maximum of 15m (a minimum of 14.5m due to the angle of the dwelling in relation to the site).
- 3.2 The ground floor is set behind a boundary wall fronting the street and the dwelling would be accessed directly from the street. The ground floor comprises a kitchen/living room and a bedroom. The first floor with two bedrooms is designed as a 'pop up' box, clad in copper finished cladding designed to fit over the brick base.

- 3.3 The garden area measures 34 sqm and would be directly adjacent to the rear gardens of No. 1 Geoffrey Road and 161 Upper Brockley Road. A proposed refuse store is located within the garden with an access door opening onto the footway. There is a further opening in the boundary wall which provides a secondary access to the garden. No off-street parking is proposed.

#### Supporting Documents

- 3.4 Design and Access Statement – this provides a design response to the revised scheme and seeks to address how the proposals address the refused application and appeal dismissal.
- 3.5 Heritage Statement – this document provides a policy overview and statement of significance of the heritage asset and states that the revised proposals have no adverse impact upon heritage assets.
- 3.6 Sustainability Statement – this document confirms that the dwelling is being designed to meet Code Level 4.
- 3.7 Massing Views – this document provides a series of views of the dwelling from surrounding view points and is accompanied by a series of detailed drawings showing key building junctions.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out 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 neighbouring properties and to local ward councillors. 3 representations were received, 1 in support and 2 in objection. These are summarised below:

#### **4.4 Objections:**

- The property does not enhance the character or appearance of the Brockley Conservation Area.
- No mitigating trees to soften the proposals.
- Materials are out of character and the property does not meet legal distances between houses.
- This is not a high quality piece of architecture, but a cheap build to maximise profit.
- Property include use of boundary walls which are subject to separate ownerships.
- Entrance on the pavement is dangerous.

#### 4.5 Support

- This would make use of an unoccupied site
- The plans are attractive and would make a welcome addition to the area.

#### Brockley Society

#### 4.6 The Brockley Society have objected on the basis that the plans are inadequate and of poor design for this prominent site.

(Letters are available to Members).

#### Highways and Transportation

#### 4.7 No objection to single dwelling in this location with no off street car parking.

#### Sustainability

#### 4.8 The proposals meet Code Level 4 which is policy compliant. This needs to be secured by planning 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:

Climate change

Conserving and enhancing the historic environment

Design

Renewable and low carbon energy

Tree Preservation Orders and trees in conservation areas

Use of Planning Conditions

#### 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 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

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)

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

Housing (2012)

Sustainable Design and Construction (2006)

## 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 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Core Strategy Policy 17 The protected vistas, the London panorama and local views, landmarks and panoramas

## 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 12 Landscape and Development

URB 13 Trees

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 8 Backland and In-fill Development

## Residential Standards Supplementary Planning Document (August 2006)

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

## Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.11 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

## Emerging Plans

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

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

5.13 The following emerging plans are relevant to this application.

### Development Management

5.14 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<sup>rd</sup> 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<sup>th</sup> of April 2014.

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

5.16 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.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 27	Lighting
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
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
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) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

### Principle of Development

6.2 This application seeks to address the reasons for refusal of the 2012 refused scheme (DC/12/81710) and the subsequent appeal dismissal.

6.3 In relation to the 2012 refused scheme, the principle of a dwelling on this site, which would make use of under-utilised land, was considered acceptable. The Inspector noted in the appeal decision that the site has no obvious building line which would be spoilt, and that the proposal would retain a sense of spaciousness and views across the site. The provision of a dwelling in this location would also add natural surveillance to the street.

6.4 This application seeks to address the shortcomings of the previous scheme with regard to architectural style and design quality and the visual impact upon the occupiers of no. 163 Upper Brockley Road.

6.5 The Core Strategy allows for the provision of small scale infill development in the Areas of Stability and Managed Change provided that it is designed to complement the character of surrounding developments (including the character and appearance of conservation areas), the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

6.6 The proposal would not result in any changes to the size of the gardens to any of the neighbouring properties as the site has already been separated from the garden at 163 Upper Brockley Road for a considerable number of years.

6.7 Matters of design and the effect on the character of the area are dealt with in the report below. The impact of the proposal on the amenity of neighbouring occupiers is also dealt with later in this report.

### Design and Conservation

6.8 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'.

6.9 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. Policy HSG 5 of the UDP states that the Council expects all new residential development to be attractive and high quality.

6.10 Core Strategy Policy 15 states that 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. Policy DM 30 of the Development Management Local Plan – proposed submission version states that the Council will require all developments to attain a high standard of design.

- 6.11 Saved UDP policy URB 16 (New Development, Changes of Use and Alterations to Buildings in Conservation Areas) sets out the Council's commitment to preserve and enhance the borough's conservation areas. 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 states that the Council, having paid special attention to the special interest of its conservation areas, and the desirability of preserving their character and appearance, 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.
- 6.12 Planning permission has previously been refused for a two storey building on this site. However, at appeal, the principle of a two storey building was not ruled out in principle by the Inspector, rather the effect of the massing of the building was considered unacceptable and the design was considered to be of poor quality and would fail to integrate successfully into the historic environment.
- 6.13 The applicant has sought to reduce the massing of the building by reducing the width at first floor level. Although this remains the full depth of the plot, the width has been reduced from 7.5m to 6.7m and the massing relocated within the plot. The first floor element would now be situated closer to no. 1 Geoffrey Road. Views through the plot across to Geoffrey Road would therefore be maintained.
- 6.14 The proposed building is contemporary in design, to which there is no over-riding objection in principle within the conservation area, subject to any design being a specific design response to the site and of the highest quality. Although surrounding buildings are predominantly Victorian, it is considered that a pastiche architectural copy is not likely to be an appropriate response to this site and that a bespoke designed building of high architectural quality would have the potential to address the constraints of the site and to be satisfactorily integrated within the street scene of this part of the conservation area. The site sits within an island surrounded by the highways of Upper Brockley Road and Geoffrey Road and the urban grain of this piece of land is weak. The nearby urban grain at 161-163 Upper Brockley Road and elsewhere in Geoffrey Road features semi-detached houses with small front and larger rear gardens. Within the confines of a small plot, the proposals seek to echo this grain and the plot coverage, plan form and massing of the proposed development are modest in scale.
- 6.15 The building proposed is arranged over two storeys with a flat roof. In terms of design approach, the black timber cladding of the first floor previously proposed has been replaced by a series of copper coloured metal panels with recessed windows. This 'box' is designed to sit above the ground floor, which remains built into the boundary walls so as to blend more effectively into the street scene. There is no objection in principle to the use of a copper or metal cladding. This is seen locally on the Tea Factory in Endwell Road for example, however the green pre-patinated copper finish used in that scheme would not be appropriate for this building or location, where a more muted finish is desirable. Subject to the approval of samples of facing materials, the design is considered to be acceptable

and distinctive. In order to illustrate the detailed design proposed, the applicant has submitted detailed drawings of key junctions on the building, including the parapet roof, window reveals and where the first floor 'box' meets the brick boundary wall. The details show how the metal cladding would sit on the building and is considered to be acceptable.

- 6.16 The previous scheme was contemporary in nature, but was criticised for lacking local distinctiveness. The proposals are now considered to be of higher quality, more distinctive and of a reduced mass, and is now considered acceptable.
- 6.17 No objections have been received from the Council's Conservation Officer with regard to the principle of development or to the contemporary approach to the design in this location but recommends that materials samples are submitted for further consideration. The reduced massing of the first floor is considered acceptable and subject to further consideration of the facing materials, the proposals are considered to have the potential to enhance this part of the Brockley Conservation Area on a site which is unoccupied and prominent from surrounding view points.

### Housing

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

- 6.18 This application is for a single private dwelling which is acceptable in this location.

#### *b) Standard of Residential Accommodation*

- 6.19 The London Plan sets out minimum floor spaces standards for dwellings of different sizes (Policy 3.5). These are based on the minimum gross internal floor space required for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and circulation, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to be carefully considered in relation to the Council's LDF and the London Plan. The London Housing SPG is also a material consideration, and contains further guidance on internal layout. A three bedroom, 6 person dwelling should have a GIA of 105 sqm when provided across two storeys.
- 6.20 The dwelling provides a GIA of 120 sqm, which exceeds the minimum standards set out in the London Plan. Furthermore, it is considered that the internal layout is practical, with all rooms being of an acceptable size which therefore raises no objections.
- 6.21 UDP Policy HSG7 and The Residential Standards SPD state that private gardens should be approximately 9m deep, the dwelling would have a garden depth of approximately 5.7m in depth, covering an area of 34 sqm. This represents a reduction from the 62 sqm on the previous proposals, however, the Inspector raised no objection to a smaller garden given the urban location. Officers consider that although reduced in size the garden remains of a practical shape and would have adequate privacy for future occupants.

### Highways and Traffic Issues

#### *a) Access and car parking*

- 6.22 In terms of access, the property has a frontage onto Upper Brockley Road so access will be directly from the street. The property will be serviced from the

street like many of the other properties in the area. This arrangement is considered to be acceptable. In terms of parking, the proposal does not include any off street parking, but given that the site is situated in an area with good access to public transport (PTAL 4), a car-free development is considered to be acceptable.

- 6.23 The proposed access to the site is considered to be acceptable and the principle of a car free development is considered to be acceptable in this sustainable location.

*b) Cycle Parking*

- 6.24 The proposal will provide secure, covered cycle parking in accordance with Table 6.3 of the London Plan. These are located in a store within the garden, accessible via a gate from the street.

*c) Refuse*

- 6.25 The proposal provides storage for two wheelie bins that will be accessed from the street. This arrangement will provide for recyclable and non-recyclable waste and is considered to be acceptable. However the access door should not open over the adjacent footway.

Impact on Adjoining Properties

- 6.26 Policy HSG 5 (Layout and Design of New Residential Development) of the UDP requires all new residential development to be neighbourly. The policy justification states that new development should not adversely affect the amenity enjoyed by existing residential properties by unacceptably reducing the level of natural light received or creating an unsightly outlook. In addition, the Councils Residential Standards SPD states that applicants will need to demonstrate how privacy will be provided both for the neighbours and the occupiers of the proposed development.
- 6.27 The refused scheme proposed a building built up hard to the boundary with the rear garden of no. 163 Upper Brockley Road at a height of two storeys. This was considered to be visually overbearing and therefore detrimental to residential amenity. The revised proposal continues to position the ground floor against the boundary with no. 163 Upper Brockley Road but the first floor element would be positioned at the west side of the building, closer to no. 1 Geoffrey Road (which has a blank flank elevation). This would increase the first floor separation distance from the rear elevation of no. 163 to 15m. There is no concern regarding the ground floor being positioned on the boundary with No.163 given the height of the existing fence at approximately 2.5m as this would be largely concealed from view. The applicant has provided a section through the site that confirms that there would not be any significant loss of daylight to the windows at 163 Upper Brockley Road due to the relocation of the first floor and higher ground level of no. 163.
- 6.28 The proposals are considered to achieve a reasonable 'back to back' distance to No.163 which no longer results in an unacceptable degree of enclosure. The proposals are not considered to have a significant detrimental impact on No. 161 which has a larger rear garden. Although the first floor element would be visible from no. 161 this is not considered to be materially harmful or to warrant refusal on grounds of excessive enclosure.

- 6.29 At first floor level, habitable room windows are proposed facing east towards the flank of No. 1 Geoffrey Road. A single window serving the staircase faces west towards the rear garden of no. 163. This does not serve a habitable room, and it is considered appropriate that a condition to require this window to be obscure glazed and fixed shut be imposed. The west elevation would be set back 5.7m from the boundary with No. 1 Geoffrey Road.
- 6.30 The proposal is not considered to have an unacceptable impact on the property at No. 1 Geoffrey Road as there are no windows in the flank wall of that property which would be overlooked. The cycle parking/bin store enclosure is single storey and would not cause any overshadowing of the amenity space over and above the existing boundary treatment.
- 6.31 It is considered that the proposals satisfactorily address the shortcomings of the previous scheme and would not result in an unacceptable impact to amenity for neighbouring occupiers. It is noted that no objections have been received from No. 163 Upper Brockley Road or from No.1 Geoffrey Road. Given the planned relationship to adjacent dwellings, and garden size it is considered appropriate to remove permitted development rights from the property.
- 6.32 Concern has been raised regarding the ownership of boundary walls, however, land ownership is not a planning issues and where necessary, the developer would need to enter into party wall agreements with the owners of neighbouring properties.

#### Sustainability and Energy

- 6.33 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.
- 6.34 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
- 6.35 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.
- 6.36 The applicant has stated that the proposals would meet Code Level 4 which is compliant with Core Strategy Policy 8. The Code Level rating is to be secured by condition.

## **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.

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. In this matter there is minimal/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 reduction in massing and amendments to the design have resulted in a high quality contemporary dwelling which successfully address the previous appeal decision.
- 9.3 There is no objection to a car free development for a single dwelling and the internal layout is considered to provide a high standard of accommodation. It is recommended that planning permission is granted.

**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:

Heritage Statement, Sustainability Statement, Design & Access Statement, Massing Views, 21\_603 D, 21\_602 D, 21\_601D, Fig 1 aerial photograph of the site, Fig 2 site location plan, 703, 704, 706, 707, 708 & 709

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

3. Construction Logistics Plan:

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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

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

#### 4. Code for Sustainable Homes

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

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

#### 5. Materials

Notwithstanding the information submitted, no development shall commence on site until a detailed schedule and samples of all external materials and finishes, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

#### 6. Refuse

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

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

7. Boundary Treatments

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

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

8. Closure of vehicular access

The development hereby approved shall not be occupied until the existing vehicular access has been closed and the highway reinstated.

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

9. Lifetime Homes

The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document).

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

10. Plumbing and Pipes

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

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



11. Removal of permitted development rights

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

12. Removal of permitted development rights

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

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

13. Obscure glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the window to be installed in the rear (eastern) elevation at first floor level serving the staircase of the building hereby approved shall be fitted as obscure glazed and fixed shut and retained as such in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Saved Policy HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

14. Use of Flat Roofs

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 roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof areas shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity area.

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

## 15. Construction Hours

No deliveries in connection with construction works shall be taken at or dispatched 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.

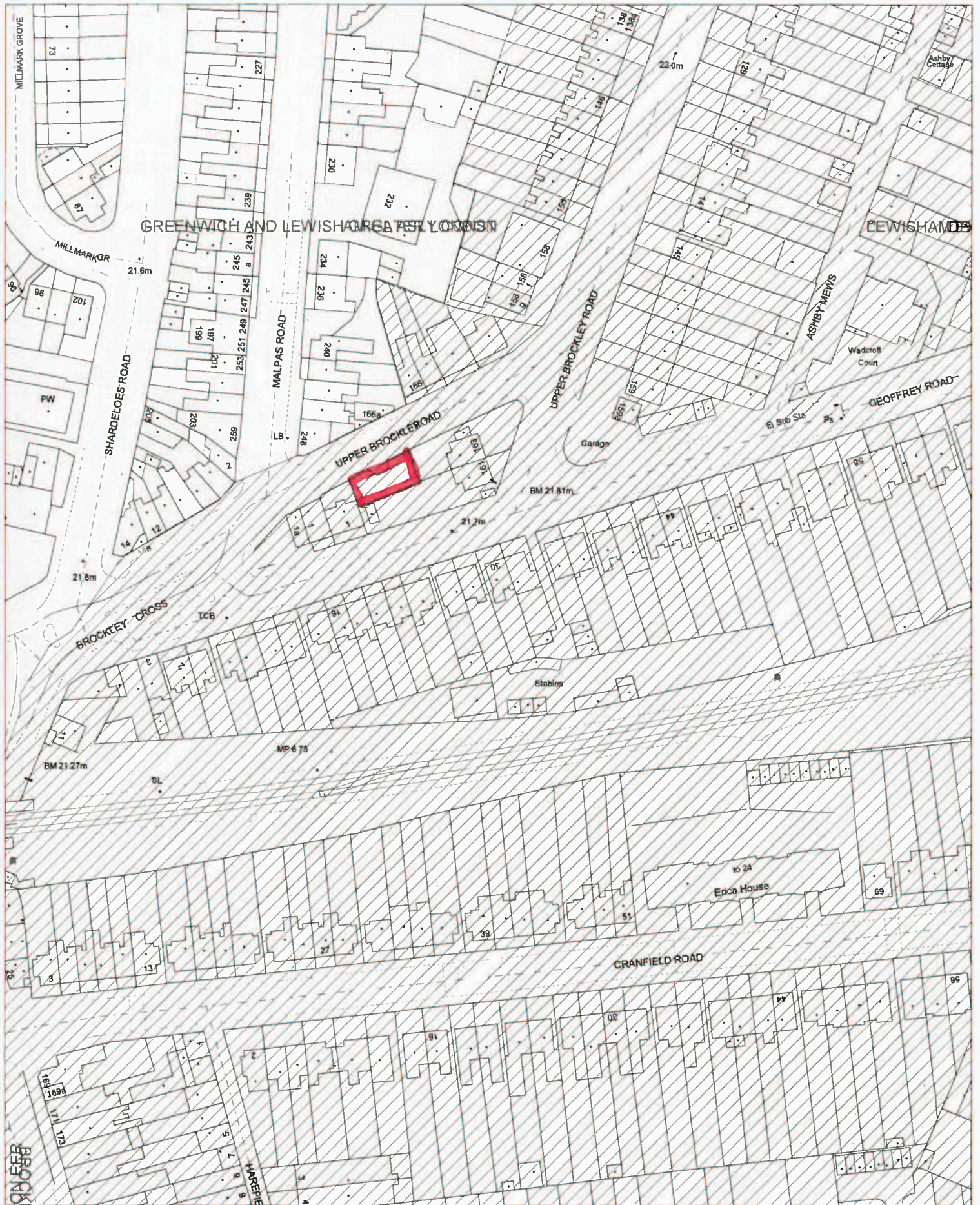
No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**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).

## **INFORMATIVE**

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

# UPPER BROCKLEY ROAD



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Committee	PLANNING COMMITTEE A	
Report Title	78 HONOR OAK ROAD SE23 3RR	
Ward	Forest Hill	
Contributors	Stephanie Gardiner	
Class	PART 1	04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/88629
<u>Application dated</u>	04.08.14 [as revised on 29.10.14]
<u>Applicant</u>	pH+ on behalf of Mr W Beckett
<u>Proposal</u>	Refurbishment and alterations of the existing semi-detached house and two storey side coach house, together with the construction of a single storey ground floor extension to the rear of the existing coach house and construction of an extension in the rear roof slope.
<u>Applicant's Plan Nos.</u>	2(01)00; 2(02)00; 2(03)00; 2(03)-01; 2(03)01; 2(03)02; 2(03)03; 2(03)RF; 2(04)00; 2(04)01; 2(04)02; 2(05)01; 2(05)02; 2(05)03; 2(11)00 Rev A; 2(12)00; 2(12)-01 Rev A; 2(12)02; 2(12)03; 2(12)RF; 2(13)00; 2(13)01 Rev A; 2(13)02; 2(13)04; 2(14)01 Rev A; 2(14)02 Rev B; 2(14)03 Rev B; 2(21)00 Rev A; 2(41)00; 2(42)00; 2(42)01; 2(42)02; 2(42)03; 2(42)04; Supplementary Massing Drawings; Solar Tube Specification Details; Solar Tube Indicative Photo; Design and Access Statement and Structural Survey Report.
<u>Background Papers</u>	(1) Case File LE/53/78/TP (2) Saved Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Area of Stability and Managed Change

## 1.0 Property/Site Description

- 1.1 The application property is a three-storey plus lower ground floor semi-detached villa, which is located on the north west side of Honor Oak Road, close to the junction with Dartmouth Road. The property benefits from a two-storey coach house attached to the north flank wall and is set back from the principle elevation.
- 1.2 No 78 forms one half of a pair of villas which are locally listed and are described as a '*Pair of villas, c1840. Stock brick, slate and stucco dressings, built to three storeys with basement and of one bay each plus flanking entrance wings with projecting stucco porticos. Ground and basement levels of stucco.*'
- 1.3 The property itself is set back from the road with a large front drive with off-street parking located to the front. To the rear there is an extensive garden, which measures approximately 52m in depth.

- 1.4 There is a change in ground level from north east to north west, with the front of the property being at a lower ground level than the rear of the property. This ground level then increases in height towards the rear of the garden. There have been historical excavations to the rear of the property, with the rear entrance to the coach house being below the ground level of the existing garden.
- 1.5 At the time of the site visit the property was vacant.
- 1.6 The property is located within the Forest Hill Conservation Area which has an Article 4 Direction.

## **2.0 Planning History**

- 2.1 DC/07/66328 – Application for works to a tree in a Conservation Area in order to fell an Apple and Sycamore Tree to the rear of No 78. No objections raised.
- 2.2 DC/07/67731 – Lawful Development Certificate for the construction of a single-storey extension to the rear of No 78. Granted.
- 2.3 DC/14/86311 – Application for works to a tree in a Conservation Area to reduce on Ash and one Birth tree by 30%. No objections raised.
- 2.4 DC/14/86409 - Demolition of the existing two storey coach house and the construction of a new extension to the side and rear at 78 Honor Oak Road SE23, together with the construction of an extension in the rear roof slope and installation of a window in the side elevation, internal alterations to create an improved series of integrated spaces at ground and first floor levels, with associated landscaping to the rear garden area. Withdrawn.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 The current application seeks consent for the construction of single-storey rear extension which would be positioned primarily to the rear of existing coach house. This extension would be partially set below the existing ground level and would have a maximum width of 7m and a depth of 4.8m. It would incorporate a flat roof and would abut the common boundary with No 76 Honor Oak Road The proposed facing materials would include Highcliffe Weathered Buff from All About Bricks and Crittall black metal windows and doors.
- 3.2 The coach house would be primarily retained and refurbished. Alterations would include the removal of the existing wooden doors located to the front of the property and the installation of replacement white timber painted windows, with shutters to the ground floor level. Further alterations to the front would include the installation of white timber sash windows in place of the existing upvc casement windows at the upper floor level. The rear upper wall of the coach house would be reconstructed with Highcliffe Weathered Buff brick and a smooth Portland Bases reconstituted stone for the window surrounds.
- 3.3 An extension would also be made to the existing basement level accommodation to the rear of the main property. This would include a sunken terrace. The basement and sunken terrace would extended 9.1m in depth from the rear wall of the dwelling. Only the sunken terrace portion of the proposal would be visible from the rear garden.

- 3.4 Alterations to the roof include the construction of a small dormer within the rear roof slope. The dormer would measure 1.8m in width and 2m in depth. The proposed facing materials would include Zinc cladding.
- 3.5 A sun tunnel is proposed within the rear roof slope, between two chimney stacks to provide light internally. This would not be visible from ground level.
- 3.6 The application has been revised since submission with the removal of a proposed window within the north east facing elevation of the property. Additional details have been supplied in the form of material samples and window elevations and sections. Massing drawings and ground level details have also been supplied for clarification purposes.

#### Supporting Documents

- 3.7 Drawings: 2(01)00; 2(02)00; 2(11)00 Rev A; 2(12)00; 2(12)-01 Rev A; 2(12)02; 2(12)03; 2(12)RF; 2(13)00; 2(13)01 Rev A; 2(13)02; 2(13)04; 2(14)01; 2(14)02 Rev A; 2(14)03 Rev A; 2(21)00 Rev A; 2(41)00; 2(42)00; 2(42)01; 2(42)02; 2(42)03; 2(42)04; 2(03)00; 2(03)-01; 2(03)01; 2(03)02; 2(03)03; 2(03)RF; 2(04)00; 2(04)01; 2(04)02; 2(05)01; 2(05)02; 2(05)03; Supplementary Massing Drawings; Solar Tube Specification Details and Solar Tube Indicative Photo.
- 3.8 Reports: Design and Access Statement and Survey and Demolition Report.

#### **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 thirty neighbouring residents. Ward Councillors were also consulted.
- 4.3 Three letters of objection have been received from No's 76, 76C and 80 Honor Oak Road. The following objections were raised:
- Concerns about the size and extent of the coach house extension and basement extension. The size of the building work is similar to the size original building
  - The works would harm one of the oldest houses in the Conservation Area
  - The dormer would cause overlooking
  - The dormer would change the architectural character of the property. Neither 78 or 80 have dormers at present.
  - Concerns about trees and mature plants close to the boundary with No 76 and the building works may damage them
  - The proposed bricks are lighter than the existing bricks and this would spoil the look of the property.
  - Noise during construction.
  - The architects have not set out the ground level accurately between the application property and No 76.

- The relationship between the existing coach house and the lower ground floor flat and garden is extremely imposing. The proposed side extension, will sit much higher than the existing fence line, and this will only exasperate the unsatisfactory relationship and further compromise the amenity of the occupants of the garden flat.
- If the Council is minded to approve the application a condition should be imposed preventing the use of the extension as a terrace.
- The basement would be in close proximity to No 80 and there is a risk to an existing garden wall.

4.4 **Conservation Officer:** The relevant test is whether the proposed development preserves or enhances the Locally Listed building and the Conservation Area. In general terms, large extensions to Locally Listed buildings, and in Conservation Areas, are resisted, even where they are not visible, on the grounds of the impact to historic patterns of plot coverage and plan form and the distortion which can occur to the hierarchy of spaces within the building. In this case, the following considerations are influential:

- The proposed development is not visible from the public realm.
- The proposed development is barely visible from neighbouring properties because of its low profile and the nature of local site lines.
- The basement part of the proposed development (to the south) is subterranean. The lower ground floor and upper ground floor elements in the extension are confined to the rear and north side of the plot. This is the site currently occupied by a Coach House extension which appears to date from the mid-1950s and is certainly post war in date. The majority of the above ground proposed development therefore occurs in a non-historic part of the property and consists of a lower ground floor extension of that part and an upper ground floor remodelling of the rear of the Coach House. The proposed lower ground floor extension is significant in size but its impact on the historic property is limited by its low profile, which is partly a result of the differing floor levels to the Coach House. The proposed extension is subsidiary in character to the historic building.
- The proposed development has been amended to reflect the tripartite division of the property, which currently reads as Coach House, rear porch and main volume with bay window and will continue to do so.
- The steep slope of the plot, rising sharply to the west from the street to the back of the garden impacts on the currently existing rear lower ground floor of the existing Coach House and the basement floor of the main building: both make use of light wells and tend to be dark and have limited outlook. It is reasonable for the applicant to seek an enhancement of the amenity of these areas of the property.
- The property has a very large garden. The area of garden impacted by the proposed development is small as a proportion of the garden.

(Letters are available to Members)



4.5 The location, form and massing of the proposed development are therefore considered acceptable in this case.

4.6 Amenities Societies' Panel: No comments

#### Thames Water

4.7 WASTE COMMENTS: Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

4.8 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

4.9 WATER COMMENTS: On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

#### Pre-Application Consultation

4.10 Proposals for a significantly larger extension with demolition of the existing coach house were the subject of a pre-application (PRE/13/01741). A subsequent application was then submitted but later withdrawn in response to officer comments. The current revised scheme has been the subject of extensive discussions with officers prior to submission.

### **5.0 Policy Context**

#### Introduction

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

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

A local finance consideration means:

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

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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:  
Conserving and enhancing the historic environment  
Design

#### London Plan (July 2011)

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

Spatial Policy 1 Lewisham Spatial Strategy

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
  - URB 20 Locally Listed Buildings
  - 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

- 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 merging plan to the policies in the NPPF the closer the policies in the emerging plan to the policies in the Framework the greater the weight that may be given. The following emerging plans are relevant to this application.

Development Management

- 5.11 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<sup>rd</sup> 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<sup>th</sup> of April 2014.
- 5.12 The Council expects to formally adopt the DMLP in autumn 2014.

- 5.13 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP 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.
- 5.14 The following policies are considered to be relevant to this application:
- |              |  |
|--------------|--|
| DM Policy 1  | Presumption in favour of sustainable development   |
| DM Policy 22 | Sustainable design and construction  |
| DM Policy 25 | Landscaping and trees  |
| 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 |
| DM Policy 37 | Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest   |
| DM Policy 38 | Demolition or substantial harm to designated and non-designated heritage assets  |

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of the current application are the scale and appearance of the proposed works in relation to the house, streetscene and the context of the wider Forest Hill Conservation Area. Consideration also needs to be given to the impact on neighbouring amenity.

### Design

- 6.2 With regards to design, this application has been considered in relation to policies URB 6 and URB 3 of the UDP, DM Policy 31 and 30, Core Strategy Policy 15 and the Council's Residential standards SPD.
- 6.3 Saved Policy URB 3 relates to urban design and maintains that proposed developments should be in scale and character with the existing surrounding development and the host dwelling. It also maintains that development should be compatible with its setting. DM Policy 30 also seeks to ensure that the proposed development relates to the urban typology of the area whilst creating a positive relationship with the existing streetscene.
- 6.4 The proposed ground floor extension and sunken terraces are located to the rear of the property and would not be visible from the public realm, when viewed from Honor Oak Road. To this extent the proposal would not have a detrimental impact on the wider streetscene.
- 6.5 To the rear, most properties, including the application site, have large rear gardens. Unlike the street frontages, which have an established building line, there is less consistency to the rear and side of the properties as a number have later extensions and alterations. This lends itself to a more informal rear elevation.

The later additions to the rear, including the Coach House and porch, create a massing of three distinct bays. These three bays have an incremental change in subservience, decreasing in height from the main body of the house.

- 6.6 In relation to the impact of the extension and alterations on the character and appearance of the host dwelling and wider Conservation Area, the Council's Conservation officer has not objected to the proposal and provided the following assessment *'The lower ground floor and upper ground floor elements in the extension are confined to the rear and north side of the plot. This is the site currently occupied by a Coach House extension which appears to date from the mid-1950s and is certainly post war in date. The majority of the above ground proposed development therefore occurs in a non-historic part of the property and consists of a lower ground floor extension of that part and an upper ground floor remodelling of the rear of the Coach House. The proposed lower ground floor extension is significant in size but its impact on the historic property is limited by its low profile, which is partly a result of the differing floor levels to the Coach House. The proposed extension is subsidiary in character to the historic building.'*
- 6.7 The applicant has provided detail material samples to demonstrate the finish of the proposed extension, these include the use of brick, Portland Stone and Crittall windows. Officers have reviewed the samples and consider them to be of high quality which would enhance the rear elevation of the 1950s Couch House. Therefore, in this instance, the nature and scale of the existing building, location to the rear of the Coach House, low profile of the proposal, use of high quality materials and size of the rear garden would together all minimise the visual impact of the proposal. It is therefore considered to be an acceptable alteration that would not significantly harm the character or appearance of the host dwelling or wider Conservation Area.
- 6.8 Minor alterations would be made to the front of the coach house, including the removal of the existing wooden doors and the installation of replacement white timber windows. The installation of replacement sliding sash windows to the upper floor windows would enhance the appearance of the coach house. Timber cladding would be added at ground floor level to partially replicate the existing design of the coach doors. The coach house itself is set back from the front building line of the main dwelling and is further set back from the road by a large drive-way. There is also a considerable amount of screening from trees and shrubs to the front of the property. The alterations to the front are confined to the coach house and are considered to be sympathetic in their design and would generally enhance the appearance of existing coach house. They are therefore considered to be acceptable alterations that would not harm the character or appearance of the building, streetscene or wider conservation area.
- 6.9 An extension would also be made to the existing basement level accommodation to the rear of the main property and this would include a sunken terrace. The basement extension would primarily be subterranean and would therefore have no impact on the character or appearance of the application property. The only visible element would be the sunken terrace, which would provide access to the basement. This terrace would be located below the current established ground level and would therefore have a minimal impact on the appearance of the property. The size of the rear garden, at approximately 52m in depth, can comfortably accommodate such an alteration.

- 6.10 The dormer and sun tunnel would be located to the rear of the property. The dormer is considered to be of a proportion and size that is subservient to the existing dwelling. There are two existing roof lights that would be removed under the current scheme which would help to symplify the design of the roof. The design and location of the dormer is considered to be sympathetic to the existing property as takes into account the linear proportions of the bay windows below. The proposed sun tunnel would be located between two chimney stacks and would not be visible from Honor Oak Road. The Council's conservation officer has not objected to the proposed roof alterations and given the limited visibility of the dormer from the public realm, officers consider that the design, size and proportions are sympathetic to the character and appearance of the host dwelling and would be acceptable alterations.

#### Impact on Adjoining Properties

- 6.11 Saved policies HSG4 and HSG12of the UDP and DM Policy 31 of the Local Plan seeks to protect residential amenity; safeguarding the character and amenities of residential areas. When seeking permission for extensions/alterations to existing buildings it must be demonstrated that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss or privacy or general noise and disturbance.
- 6.12 The proposed ground floor extension would be located to the rear of the coach house and abut the common boundary with No 76 Honor Oak Road. Concerns have been raised by neighbouring residents about the size in the extension and the differences in ground level between the sites. The applicant has provided additional information in form of drawings to clarify and demonstrate the profile of the extention and its relationship with the neighbouring property. The extension itself has has been designed to have a low profile and it would sit significantly lower than the neighbouring property and existing fence line. In this respect its visual impact, in terms of it being overbearing or visually intrusive would be negligible. No 76 is located north east of the site, however due to the height and low prfile of the extension there would be no loss of light or overshadowing onto the neighbouring property.
- 6.13 The main bulk of the ground floor extension would be set away from the neighbouring property at No 80 Honor Oak Road, which has a similar ground level to the application property and has not been extended at the rear. This property is also located to the south west of the application site. The distance of the proposed extension from the common boundary, low profile and orientation of the site would render the visual impact on No 80 acceptable.
- 6.14 The proposed extensions and terraces are sunken and generally below the establish ground level of the application site. There would therefore be minimal overlooking or loss of privacy for neighbouring properties beyond the current situation.
- 6.15 The additional changes to the coach house would also include the refurbishment of the rear elevation and the installation of new black steel windows at first floor level. No changes would be made to the overall height of the existing coach. The proposed windows would be located close to the common boundary, however there are already a number of windows located within the exsting elevation. As there is already an established precedent officers consider that the additional windows would not result in a significantly greater level of overlooking beyond what is already established.

- 6.16 The amendments to the front elevation of the coach house are considered to be minor and would utilise existing openings. No loss of privacy or overlooking is anticipated as a result of these changes.
- 6.17 The size and location of the rear dormer would not give rise to any significant impact on neighbouring amenity. There are two existing roof lights which would be removed under the current scheme and the addition of one small dormer window would not result in significant overlooking or loss of privacy. The dormer is therefore considered to be acceptable alteration .

#### Other matters

- 6.18 Concerns have been raised about the impact of the proposed basement extension and its structural implications for neighbouring properties. The applicant has provided a structural report for the existing house in support of the application, which concluded that there *'were no signs of structural distress in the lower ground floor'*. The structural implications of the proposal are however a building control matter that fall beyond the scope of planning considerations. They are therefore not considered as part of this application. However, officers have checked with the Council's building control department who have seen the plans and initially raised no objections to the principle of a basement extension but have advised that a building control application would need to be submitted for review.
- 6.19 Substantial landscaping works would also be made to the rear garden. There is one large existing tree located within the middle of the garden, however this would be retained. The original plans did also indicate the construction of a tree house, but this element has been removed from the plans under the advice of officers. The landscaping works appear acceptable.

#### Community Infrastructure Levy

- 6.20 The above development is not CIL liable.

### **7.0 Conclusion**

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 Officers consider that the proposed extensions and alterations are acceptable in terms of their form and design and would not harm the character or appearance of the property, streetscene or wider Forest Hill conservation area. The scheme is therefore considered acceptable and officers make the following recommendations:

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

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

**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:

2(01)00; 2(02)00; 2(03)00; 2(03)-01; 2(03)01; 2(03)02; 2(03)03; 2(03)RF; 2(04)00; 2(04)01; 2(04)02; 2(05)01; 2(05)02; 2(05)03; 2(11)00 Rev A; 2(12)00; 2(12)-01 Rev A; 2(12)02; 2(12)03; 2(12)RF; 2(13)00; 2(13)01 Rev A; 2(13)02; 2(13)04; 2(14)01 Rev A; 2(14)02 Rev B; 2(14)03 Rev B; 2(21)00 Rev A; 2(41)00; 2(42)00; 2(42)01; 2(42)02; 2(42)03; 2(42)04; Supplementary Massing Drawings; Solar Tube Specification Details; Solar Tube Indicative Photo; Design and Access Statement and Structural Survey Report.

**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) 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 extensions 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**

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



# 78 Honor Oak Road, SE23



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