

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 17 JULY 2014 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Paul Bell (Chair)
Suzannah Clarke (Vice-Chair)
John Coughlin
Maja Hilton
Simon Hooks
Ami Ibitson
Helen Klier
Olurotimi Ogunbadewa
John Paschoud
Jonathan Slater**

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

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 8 July 2014**

For further information please contact:

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	17 JULY 2014

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

(1) Personal interests

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

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (1) Employment trade, profession or vocation of a relevant person* for profit or gain.
- (2) 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).
- (3) 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.
- (4) Beneficial interests in land in the borough.
- (5) Licence to occupy land in the borough for one month or more.
- (6) 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.
- (7) 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:-

- (1) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (2) 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;
- (3) 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 C	
Report Title	MINUTES	
Class	PART 1	17 July 2014

MINUTES

To approve the minutes of the meeting of Planning Committee C held on 11 June 2014.

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Class	PART 1	17 July 2014

MINUTES

To approve the minutes of the meeting of Planning Committee C held on 6 May 2014.

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Committee	PLANNING COMMITTEE C	
Report Title	51-53 Canonbie Road SE23 3AQ	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	17 July 2014

Reg. Nos.

DC/13/84386

Application dated

26.07.13, amended 14.04.14, 17.06.14 & 29.06.14.

Applicant

Mr Mehta of Project Nine Design Ltd

Proposal

The demolition of the existing dwelling house at 51-53 Canonbie Road SE23, and the construction of two part 2/ 3-storey with basement, 4 bedroom houses, including a single-storey 'summerhouse' at the end of the rear garden of 'House 1', associated landscaping and the provision of 1 car parking space to the front of each house with access onto Canonbie Road.

Applicant's Plan Nos.

Existing Block Plan, Existing Front Elevation, Existing Rear Elevation, Existing Side Elevations, Proposed Site Plan, Proposed Levels Plan, Proposed Block Plan, House 1 Plans (Scheme B), House 2 Plans, Proposed Elevations, House 1 Proposed Elevations (Scheme B), House 2 Proposed Elevations, Proposed Sections, 1:20 Section, Typical Recessed Balcony, Site Location Plan, Topographical Survey, Sectional Sketches, Sunlight/ Daylight (29.06.14) 1:20 Section, Proposed Section CC, Sustainability, CIL, Design & Access Statement and Lifetime Homes.

Background Papers

- (1) Case File LE/50/51/TP
- (2) Lewisham Development Framework: Core Strategy (2011)
- (3) Unitary Development Plan (July 2004)
- (4) The London Plan (February 2011)

Zoning

Adopted UDP - Existing Use
PTAL 2
Not in a Conservation Area
Not a Listed Building

1.0 Property/Site Description

- 1.1 The application site comprises a part single/ 2-storey plus roofspace unoccupied residential property located on the east side of Canonbie Road, close to its junction with Netherby Road. The property benefits from a large garden at the rear, which lies adjacent to a privately owned vehicular passageway that leads through to Sydmons Court to the east of the application site.
- 1.2 The surrounding area is predominantly residential in character, comprising a varying style of detached and semi-detached dwellings.
- 1.3 Canonbie Road is sited upon a steep hill, running downwards in a north-westerly and easterly direction.
- 1.4 The site does not lie within a conservation area, nor are there any listed buildings within the immediate vicinity.

2.0 Planning History

- 2.1 In 2011, an application was submitted for the demolition of the existing building at 51-53 Canonbie Road, and the construction of a part two/ part three-storey plus roofspace building incorporating balconies to provide 2, one bedroom, 6 two bedroom and 1, three bedroom self-contained flats, together with the provision of 4 car-parking spaces to the front, 8 bicycle spaces, refuse storage and associated landscaping.
- 2.2 When an appeal was lodged for non-determination of the application, the Council stated that planning permission would have been refused under delegated powers for the following reasons:-

The proposed building, by reason of density, scale, bulk and height is considered to represent an overbearing and excessive form of development, appearing out of context with the neighbouring dwelling-houses and the streetscene generally, whilst impacting adversely upon the visual amenities of neighbouring occupiers by way of reduced outlook, overlooking and an overwhelming sense of enclosure, contrary to Objective 10: Protect & Enhance Lewisham's Character, Spatial Policy 5: Areas of Stability and Managed Change & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004), and Table 3.2: Sustainable Residential Quality Density Matrix in The London Plan (2011).

- 2.3 The application was subsequently refused at Appeal.
- 2.4 In 2012, a second application was formally submitted, proposing the demolition of the existing property, and the construction of a part 2/ 3-storey plus roofspace building, measuring 15.8m wide and sited less than 1 metre away from the side boundaries. At its front, it would measure a maximum height of 8.6m, whilst at the rear, it would be 11.2m, attributed to the sloping nature of the site.
- 2.5 The building would have accommodated 8 self-contained flats, comprising 1, three bedroom, 2 one bedroom and 5, two bedroom units, with four car-parking bays to the front.

2.6 On 24 May 2012, permission was refused for the following reasons:

The proposed building, by reason of density, scale, bulk and height is considered to represent an overbearing and excessive form of development, appearing out of context with the neighbouring dwelling-houses and the streetscene generally, whilst impacting adversely upon the visual amenities of neighbouring occupiers by way of reduced outlook, overlooking and an overwhelming sense of enclosure, contrary to Objective 10: Protect & Enhance Lewisham's Character, Spatial Policy 5: Areas of Stability and Managed Change & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004), and Table 3.2: Sustainable Residential Quality Density Matrix in The London Plan (2011).

2.7 The application was subsequently refused at Appeal, where the Planning Inspector advised;

'...having seen the site from both near and distant viewpoints and having considered the amended proposals in detail, I share the Council's concerns about the physical and visual impact that this particular proposal would have on the character and appearance of this part of the Borough. Despite all of the changes to the earlier scheme (particularly the amendments made in relation to the previous Inspector's comments) and the amendments made to the application drawings, I still consider that the proposal would have a poor and visually harmful relationship with the immediate neighbouring buildings and that this would impact negatively on the character and appearance of this part of Canonbie Road and the immediate surroundings.'

2.8 In 2013, a third application proposed the demolition of the existing property, and the construction of a part 2/ 3-storey plus roofspace building, accommodating 6 self-contained flats, with four car-parking bays to the front.

2.9 Permission was again refused, for the following reasons:

1) *The proposed building, by reason of design, scale, bulk and height is considered to represent an overbearing and excessive form of development that would appear out of context with the neighbouring dwelling-houses and the streetscene generally, whilst impacting adversely upon the visual amenities of neighbouring occupiers by way of reduced outlook and an overwhelming sense of enclosure, contrary to Objective 10: Protect & Enhance Lewisham's Character, Spatial Policy 5: Areas of Stability and Managed Change & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004) and Policy 32: Housing Design, Layout and Space Standards of the emerging Development Management Local Plan (2013).*

2) *The provision of a north facing single-aspect family dwelling is considered to represent a poor standard of residential accommodation, contrary to The London Plan: Housing SPG (2012) and Policy 3.5: Quality and Design of Housing Developments, and saved policy HSG 5: Layout and Design of*

2.10 This refusal was not appealed.

3.0 Planning Application

3.1 The current application proposes the construction of two, part 2/ 3-storey with basement residential buildings to land at 51-53 Canonbie Road, currently occupied by a vacant dwelling. Both houses would be of a contemporary design, accommodating four bedrooms each.

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

3.3 The application also includes associated landscaping to the front and rear of the buildings, with both afforded private garden space. A single-storey summerhouse would be constructed to the rear garden of House 1, fronting Sydmons Court.

3.4 One off-street car-parking space would be afforded to the front of each dwelling.

3.5 The application has been ongoing for some time due to a number of revisions that have been undertaken. In June 2014, further plans were submitted to the Council, proposing a reduction in the depth of the first floor element at the rear of House 1, which officers consider to be an improvement upon the previous proposals. Neighbours were formally advised of the alterations undertaken.

4.0 Consultation

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

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

Written Responses received from Local Residents and Organisations

4.3 Letters of consultation were sent to 150 local residents on 13 September 2013, together with a notice displayed on site. Ward Councillors were also consulted.

4.4 Subsequently, 21 letters were received from the occupiers of 31, 49, 55, 59, 60, 62, 68, 70A & 74 Canonbie Road, 26, 31, 34, 35, 37, 38 & 42 Netherby Road, 7, 11 & 14 Sydmons Court, and the Tewkesbury Lodge Estate Residents' Association objecting to the proposed development on the following grounds:

- out of character and scale;
- reduced outlook;
- the existing building should be retained – a local landmark;
- visually imposing;
- impact upon visual amenities;
- poor quality design;

- subsidence concerns;
- proposal is twice the footprint of the existing;
- privacy/ overlooking concerns;
- Canonbie Road already has sufficient housing stock;
- it does not respect the front building line;
- gross over-development;
- poorly produced plans;
- the new application is very much the same as the original application;
- flat roof proposals are out of character with neighbouring pitched roof style;
- the proposal is of poor quality of design for Canonbie Road;
- inaccurate plans;
- possible use of the outbuilding as a separate dwelling;
- additional on-street parking;
- no attempt to harmonise the development with its immediate surroundings.

4.5 Due to the number of objections received, a local meeting was held on 13 November 2013 at the Civic Suite in Catford. Minutes taken during the meeting may be viewed in the appendices.

4.6 The main issues that were discussed included accuracy of the submission plans, loss of residential amenities, noise/ disturbance during construction, privacy concerns, parking and over-development.

4.7 Subsequently, the applicant agreed to address the concerns raised by neighbours, and advised amended plans would be formally submitted.

4.8 In light of the submission of amended plans, a further period of consultation was undertaken on 14 April 2014. 26 responses were received, objecting on grounds similar to the original submission.

(letters available to Members)

Highways and Transportation

4.9 No objections raised.

Environmental Health

4.10 No objections raised.

Design Officers

4.11 Officers are satisfied with the scale and appearance of the proposed dwellings, stating they welcome the proposal for two separate buildings and the intention to provide an exceptional contemporary design. The success of the proposal is greatly dependent on both the quality of the detailing and the materials.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Ministerial Statement: Planning for Growth (23 March 2011)

5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should

wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

5.6 The other relevant national guidance is:

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

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

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

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

London Plan (July 2011)

5.7 The London Plan policies relevant to this application are

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.14 Existing housing

Policy 3.15 Co-ordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.15 Water use and supplies

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

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

London Plan Best Practice Guidance

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

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

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Spatial Policy 3 District Hubs
Spatial Policy 4 Local Hubs
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

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

Residential Standards Supplementary Planning Document

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

Emerging Plans

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

Development Management Plan

- 5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013, the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
- 5.16 The following policies are considered to be relevant to this application:
- | | |
|--------------|---|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 23 | Air quality |
| DM Policy 25 | Landscaping and trees |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| | <ul style="list-style-type: none">• <i>General principles</i>• <i>Detailed design issues</i> |
| DM Policy 32 | Housing design, layout and space standards |
| | <ul style="list-style-type: none">• <i>Siting and layout of development</i>• <i>Internal standards</i> |
| DM Policy 33 | Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas |

- *General principles*
- *A: Infill sites*
- *B: Backland sites*
- *C: Back gardens*
- *D: Amenity areas*

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Standard of Accommodation
- d) Impact on Neighbouring Properties
- e) Highways and Traffic Issues
- f) Sustainability and Energy
- g) Landscaping
- h) Refuse/ Recycling
- i) Community Infrastructure Levy

Principle of Development

6.2 The application proposes the demolition of the existing derelict dwelling-house, and the construction of two single-dwellings with associated landscaping.

6.3 The existing property is a pleasant looking chalet style house, which is currently unoccupied. As a result, the property has fallen into a poor condition internally, however the structural soundness has not been questioned by the applicant. Whilst the property does lend itself well to this setting, officers raise no objections to the demolition of the existing dwelling, subject to the provision of a suitable replacement.

6.4 The Development Plan seeks to retain buildings that are termed as 'heritage assets', i.e. listed or locally listed buildings, therefore officers have applied this to the assessment of the existing dwelling. Buildings that are not heritage assets cannot be protected from demolition in their own right.

6.5 Some neighbours would prefer the retention of the existing dwelling, due in part to its unique appearance within the immediate area. The potential for locally listing the building and the issuing of an Article 4 Direction have been discussed amongst officers, however it was concluded that whilst it does have some design merit, it is not of sufficient quality to justify being acknowledged as a heritage asset, therefore Core Strategy Policy 15 (f), which seeks to ensure any development conserves and enhances the borough's heritage assets, is not applicable in this case.

6.6 The proposed redevelopment has the potential to reinvigorate this site and the immediate area generally, whilst providing good quality housing. The principle of demolishing the existing building is therefore considered acceptable.

6.7 Subsidence has been raised as concern by residents as Canonbie Road lies upon London Clay. This however is a structural matter that the applicants would be required to address with Building Control officers, or an equivalent private company, prior to the commencement of works.

- 6.8 The nature of the site and immediate area determines that a residential development comprising two dwelling-houses upon this site is appropriate, subject to design, scale and visual impact upon existing occupiers.

Design

- 6.9 Paragraph 15 of the National Planning Policy Framework (p15) states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.10 The London Plan Policy 3.3 seeks to increase the housing supply via sensitive renewal of existing residential areas. This housing should be of the highest quality internally, externally and in relation to their context. New housing should enhance the quality of local places.
- 6.11 Planning permission was refused at Appeal in 2012 for the demolition of the existing buildings, and the construction of a part 2/ 3-storey residential property providing 8 self-contained units. In that case, a traditional design approach was undertaken, which included a pitched roof with front and rear dormers, in an attempt to reflect the appearance of the neighbouring dwellinghouses. However, the development was considered to be excessive in scale and height, whilst impacting upon the amenities of neighbouring occupiers.
- 6.12 Subsequently, the applicants engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers were presented with a number of initial plans, but a scheme was not agreed upon prior to the formal resubmission in 2013. The proposal again raised a number of design related concerns amongst officers, resulting in further plans being submitted in April and June 2014, which were consulted upon and now forms the current proposal.
- 6.13 The proposed buildings would not seek to replicate the design and appearance of the existing or neighbouring buildings, preferring a modern approach that would attempt to respect the height, width and depth proportions of the neighbouring dwellings, albeit the footprint would extend beyond the front and rear building lines of the existing properties.
- 6.14 The proposal is considered to represent good, modern design, whilst being respectful of the character of the surrounding area. When viewed at the rear, House 1 would measure 8 metres in height, whilst House 2 would measure 8.2 metres, compared to the existing 7.6 metre height. Both would incorporate flat roofs rather than replicating the existing pitched style, thereby keeping the overall height to a minimum. In comparison with the height of the scheme refused on 8 November 2013, the proposed development would measure 3.6 metres less.
- 6.15 The external face of the building would be mostly of ‘self-cleaning’ white rendered brick, which would be used to all elevations, with use of timber cladding and large areas of glazing. All door and window frames would be black powder coated.
- 6.16 It is suggested a condition be included to request samples of the facing materials for further assessment, however in principle, the proposed materials are

considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with existing properties.

- 6.17 Officers consider the proposed flat roof approach to be acceptable in appearance, resulting in a significant reduction in overall bulk when compared to the refused developments. Officers therefore raise no objections on design grounds.
- 6.18 In regard to density, the Council's former density policy (HSG 16) was not among those saved by the Secretary of State, therefore the London Plan now contains the detailed density policies for Development Plan purposes.
- 6.19 The Council's assessment of the nature of the immediate area is that the site falls within a suburban setting, therefore any development upon this site must respect the existing character.
- 6.20 The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.21 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character. The Public Transport Accessibility Level (PTAL) for the area is 2. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.22 The density of the proposed scheme is 150 habitable rooms per hectare, which falls comfortably within the range given in the London Plan. Officers consider that the density would not result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers.
- 6.23 At the rear of House 1, a single-storey building is proposed, referred to on the proposed Site Plan as a 'garden room, home office, summerhouse/ studio and playroom'. The initial height would be 3 metres facing into the site, however due to the slope of the site, it would measure 4 metres at the rear. Whilst the principle of a building for the purposes stated is acceptable, the 4 metre height is a concern, therefore it is suggested further details of the building be submitted by condition that reflect the sloping nature of the site, particularly as it would front the accessway to the Sydmons Court dwellings.
- 6.24 Some neighbours are concerned the structure may be used as a self-contained residential unit. Such use would require planning permission, and a condition will seek to ensure the building is used only for the purposes stated.
- 6.25 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows, entrances and brick detailing.

Standard of Residential Accommodation

- 6.26 The layout and circulation of the proposed units is considered to be acceptable, and would provide a good standard of accommodation for future occupiers. Flat

sizes would accord with minimum guidance stated in The London Plan Housing Standards SPD.

- 6.27 The dwellings would be dual aspect, with all habitable rooms assured of sufficient natural light intake and outlook.
- 6.28 Both dwellings would have access to good-sized private rear gardens, in accordance with Policy HSG 7 of the adopted UDP (2004), which requires new dwellings to be afforded a minimum 9 metre deep private garden.
- 6.29 The Council requires all new residential development to be built to Lifetime Home Standards, in accordance with London Plan policies. The applicant has confirmed the development would be largely compliant with these standards.
- 6.30 Officers raise no concerns toward the proposed standard of accommodation within the development.

Impact Upon Neighbouring Occupiers

- 6.31 Policy HSG 5 Layout and Design of New Residential Development states the Council will seek to improve and safeguard the character and amenities of residential area by ensuring new dwellings are sited appropriately and seeking higher standards of design and landscaping in all new development.
- 6.32 The proposed development has resulted in a number of objections from neighbouring occupiers regarding residential amenity. The main officer concerns have been toward the visual impact upon nos 49 and 55 Canonbie Road, particularly as previous proposals have been refused on such grounds.
- 6.33 Considering no.49 is sited on a lower ground level than House 2, there is greater scope for a visual impact from any development upon the application site, particularly if higher than the existing redundant building. The proposal indicates the flank wall of House 2 would lie 0.5 metres from the side boundary, measuring a slightly greater height than no.49. The highest part of House 2 would lie 3.7 metres from that boundary, 0.6 metres higher than the ridgeline of no.49, however crucially, it would be 0.9 metres lower than the existing property that occupies the application site.
- 6.34 The applicant has provided a Sunlight/ Daylight study, and they have concluded that due to the proposed siting away from the side boundary, House 2 would result in no greater overshadowing impact than the existing dwelling.
- 6.35 No.49 has a south facing flank window serving the ground floor kitchen dining area, which would be most affected by the development. Outlook from the room, however is currently limited due to the height and siting of the existing boundary fence. Considering this, together with the flank wall of House 2 being sited away from the boundary, the new dwelling would not result in significant or unreasonable visual harm.
- 6.36 In regard to overlooking, the proposed rear facing upper floor windows are larger than conventional openings, however they would be positioned away from the side boundary, and considering they would serve bedrooms, it is assumed they would be provided with blinds to provide privacy for future occupiers.

- 6.37 Four flank windows are proposed at the first floor of House 2 - two serving Bedroom 4 and two en-suite. A condition would ensure all would be frosted and of top-hung opening only to safeguard the privacy of no.49. Bedroom 4 would rely upon its main outlook from an opening in the front elevation.
- 6.38 Overall, officers are satisfied the proposed development would not result in significant visual harm to the occupiers at no.49.
- 6.39 No.55, which lies on a higher ground level than where House 1 is proposed, has a single-storey rear conservatory, with external stairs leading down to the rear garden. The original proposal in this case showed the ground floor to be sited below the line of the side boundary fence, with a 5 metre projection beyond the rear wall of the conservatory at first floor, which despite being set away from the boundary, was considered by officers to be excessive and overbearing to the neighbouring resident.
- 6.40 The most recent plan shows a reduction that instead proposes a 2 metre projection, sited 3.58 metres from the boundary. Admittedly, the siting would affect the view currently enjoyed from the conservatory, however a loss of view cannot form a sound reason to refuse planning permission. As addressed in the Planning Inspector's statement;
- 'I accept that there is no right to retain the views from this property but again, any neighbour can have a reasonable and legitimate expectation that an adjoining development will not have an overbearing effect.'*
- 6.41 In line with the Inspector's comments, officers consider that due to the reduction in depth, together with the distance from the side boundary, the first floor element would not result in significant or unreasonable harm to the neighbouring occupier.
- 6.42 The conservatory and proposed first floor element would be at a similar level due to the slope of the gardens. Comparing this to a typical householder application for a ground floor residential extension that projects beyond the rear wall of the nearest neighbour, the Council would generally permit an extension of up to 3.5 metres deep. The extension may be clearly seen from the nearest property, however it would not be considered as overbearing or resulting in sense of enclosure due to the depth, whilst a loss of view would not be a consideration.
- 6.43 The same principle is applicable in this case - removing the existing impressive views of London from the equation, the proposed first floor element would be sited an appropriate distance away from no.55, and would not result in an unacceptable overbearing form of impact.
- 6.44 There are no flank windows at 55 that would be affected by the proposed development.
- 6.45 A condition will be included that prevents any access to the flat roof areas, or use for amenity purposes, thereby avoiding overlooking or disturbance to neighbours.
- 6.46 Whilst acknowledgement is given to the view issue, officers are satisfied the level of visual impact upon no.55 would not be so significant to merit a refusal, therefore the development would be in compliance with policies.

Highways and Parking

- 6.47 The development proposes one off-street parking space for each dwelling. Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.48 The PTAL rating for this area is 2, with bus routes operating on nearby Wood Vale and Forest Hill Road, whilst the nearest train station is in Honor Oak Park. On-street parking within the immediate area is unrestricted - although it is acknowledged there are parking pressures, particularly during the evening hours, there are parking opportunities available. It is therefore considered the provision of one space per dwelling is acceptable.
- 6.49 Officers subsequently raise no objections to the development on Highways grounds.

Sustainability

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

Landscaping

- 6.53 The areas to the front and rear of the development would comprise a mix of soft and hard landscaping, including lawned gardens at the rear.
- 6.54 Generally, officers are satisfied with the principle of proposed landscaping works, however further details are required for a formal assessment, whilst ensuring any hard landscaping materials are permeable to avoid potential drainage concerns, considering the slope of the site.

Refuse

- 6.55 It is assumed refuse and recycling stores would be located to the front of the building - details of their actual siting, scale and appearance are yet to be confirmed, therefore such information will be requested by way of a condition.

Community Infrastructure Levy

- 6.56 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.57 This development is considered to be CIL liable. The chargeable development is £35 per m², which must be paid to the Council prior to the commencement of building works.

Equalities Considerations

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

7.0 Consultations

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

8.0 Conclusion

- 8.1 Officers consider the design and massing of the proposed development to be acceptable, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future habitants. The standard of proposed accommodation and on-site parking provision is in compliance with guidelines.
- 8.2 There have been many recent applications for this site, which have been considered unacceptable due to scale and visual impact. The provision of two houses rather than a block of flats is preferred, which has allows for greater consideration for the amenities of neighbouring occupiers and the character of the streetscene generally.
- 8.3 The applicant will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows to ensure the development would impact positively upon the streetscene.
- 8.4 For these reasons, it is therefore recommended that planning permission be granted.

9.0 **RECOMMENDATION**

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

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

Reason:

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

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

Existing Block Plan, Existing Front Elevation, Existing Rear Elevation, Existing Side Elevations, Proposed Site Plan, Proposed Levels Plan, Proposed Block Plan, House 1 Plans (Scheme B), House 2 Plans, Proposed Elevations, House 1 Proposed Elevations (Scheme B), House 2 Proposed Elevations, Proposed Sections, 1:20 Section, Typical Recessed Balcony, Site Location Plan, Topographical Survey, Sectional Sketches, Sunlight/ Daylight (29.06.14) 1:20 Section, Proposed Section CC, Sustainability, CIL, Design & Access Statement and Lifetime Homes.

Reason:

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

- 3) (a) The 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).

- 4) (a) No development above ground works shall commence on site until siting, elevation and construction details of the refuse and recycling

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 7) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason:

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

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

Reason:

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

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

Reason:

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

- 10) The whole of the car parking accommodation shown on the plans hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason:

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

- 11) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities

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

Reason:

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

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

Reason:

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

- 13) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof areas at the rear of the buildings hereby approved shall be as set out in the application and no development or the formation of any doors providing access to the roofs shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity space.

Reason:

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

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

Reason:

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

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

Reason:

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

- 16) Should any solar panels be proposed, details shall be formally submitted to and approved in writing by the local planning authority prior to their installation.

Reason:

To ensure that the local planning authority may be satisfied as to the external appearance of the panels 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).

- 17) No development above ground level shall commence on site until 1:10 plans have been formally submitted to and approved in writing by the LPA detailing through the front and rear elevations to show the depth of reveals, detailing of the window frames and glazing bars

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).

- 18) Further elevation details relating to the height of the proposed summerhouse at the rear of House 1 shall be formally submitted to and approved in writing by the LPA prior to first construction.

Reason:

To ensure the LPA is satisfied the building would not appear as an excessive form of development within Sydmons Court 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).

- 19) The flank wall windows of House 2 serving Bedroom 4 and en-suites shall be entirely frosted and of top hung opening only.

Reason:

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

APENDIX A – Local Meeting Minutes

13 November 2013

PROPOSED REDEVELOPMENT AT 51-53 CANONBIE ROAD SE23 3AQ

At 7:30pm on 13th November 2013, a local meeting was held at the Town Hall in Catford, regarding the submission of a planning application proposing the demolition of the existing dwellinghouse at 51-53 Canonbie Road SE23, and the construction of a 1, part single/part two storey, 6 bedroom house (House 1) and 1, part two/part three storey with basement, 7 bedroom house (House 2) including a single - storey outbuilding at the end of the rear garden with covered side passageway, together with roof terraces and balconies, associated landscaping and the provision of 1 car parking space to the front of each house with access onto Canonbie Road.

21 individual letters have been received objecting to the proposal on the following grounds:

- Overdevelopment of the plot;
- Long rear addition being part of the proposal and height of side boundary wall;
- “Purpose” of covered walkway to the rear garden;
- Proposed houses not “traditional” in appearance nor “sympathetic” to the streetscene and “out of keeping” with the area;
- Existing house of historical interest and should be renovated and not be demolished;
- Replacement of the existing house with 2 dwellings is not “appropriate” for the site;
- The “majority” of houses in Canonbie and Netherby Roads are 1930s and not Post War;
- 6 and 7 bedroom dwellings not appropriate for Canonbie Road;
- Loss of outlook, sunlight and daylight to neighbouring properties;
- Loss of “views” from the rear of no.55;
- Overlooking from proposed balconies;
- The 2 storey “blank” wall visible from Canonbie Road;
- Disruption, mess and inconvenience caused to neighbouring properties;
- Increased road traffic activity and under-provision of car parking space;
- Increased noise and disturbance;
- Canonbie Road has sufficient housing provision;
- “Softer” coloured materials would be preferable;
- Use of Symons Court as access to the site;
- Proposed rear outbuilding could be a “precedent” for the area;
- Accuracy of drawings including depiction of building lines;
- Front elevation of no.49 does not show a flat roof;
- Cross section drawings needed to include site boundaries and proposed houses;
- Drawings should show internal conformity to London Housing Design Guide;
- Potential multi-occupancy of proposed dwellings;
- “Depth” of the building on the side of the hill and excavation causing instability to neighbouring properties;
- Impact on water an sewerage supplies;
- Not responsive to the “needs of the local borough”;

- “Harm” and “upheaval” caused by building work;
- Resident consultation took place after submission of plans.

The Tewkesbury Lodge Estate Residents’ Association objected to the proposal on the following grounds:

- “Potentially” misleading drawings and plans;
- Overdevelopment of the plot;
- Negative impact on the streetscape;
- Loss of amenity to 55 Canonbie Road.

The panel was comprised of :

Cllr Feakes (Chair) **(Cllr)**

Miheer Mehta (Planning Consultant) **(PC)**

Sean O’Sullivan (Planning officer) **(SO)**

22 local residents and representatives from the Tewkesbury Lodge Estate Residents’ Association were in attendance. **(R)**

Minutes of the Meeting

Cllr Feakes opens the meeting by introducing the panel and proposal to the audience, and explains the procedures of a local meeting. He invites Mr Mehta to give an overview of the application.

Mr Mehta suggested that local residents referred to specially prepared ”story boards”, which he had brought with him. Mr Mehta explained his role in the proceedings, and then gave a brief presentation of the proposal.

(R) The accuracy of the drawings is of concern. Without complete and adequately detailed plans and cross sections, an accurate assessment of the proposal cannot be made.

(D) Drawings will be revised where necessary and further detailed plans and cross sections will be submitted shortly.

(Cllr) Expressed concern regarding the accuracy and level of detail of the drawings submitted. Would re-consultation be necessary?

(SO) Possibly re-consultation would be necessary and the Council have a statutory duty to consult local residents. I shall pass concerns regarding the accuracy and level of detail of the drawings to the Case Officer.

(R) We are concerned about the loss of amenities to the neighbouring side facing kitchen window at 49 Canonbie Road, caused by the proposed development.

(D) There would be no significant loss of daylight/sunlight caused to the kitchen window or side of 49 Canonbie Road.

(SO) I shall ask the Case Officer to investigate any loss of amenities to this neighbouring property.

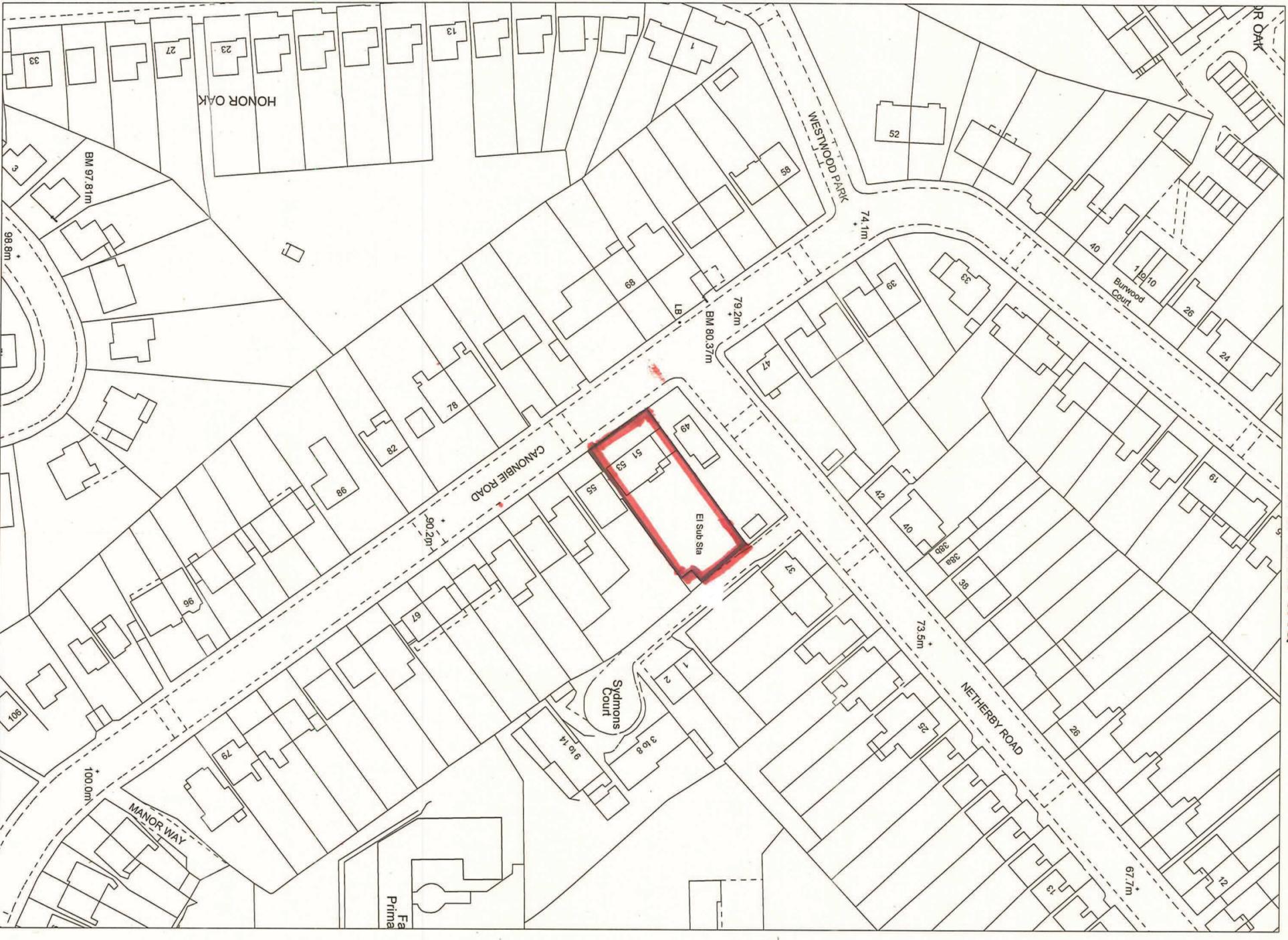
- (R) We are also concerned about the loss of amenities to the neighbouring property at 55 Canonbie Road, caused by the proposed development. In addition we are concerned about noise and disturbance during construction.
- (D) There would be no significant loss of amenities caused to 55 Canonbie Road, as a result of this development.
- (SO) I shall ask the Case Officer to investigate any loss of amenities to no.55. Construction noise is usually dealt with by other legislation for a development of this size.
- (R) We are concerned about the long rear addition being part of the proposal and the height of side boundary wall. What is the purpose of this and the covered walkway to the rear garden and can it be removed from the scheme? In addition, we are concerned about overlooking from the outbuilding into neighbouring properties down the hill. Could this outbuilding become a separate house?
- (D) The covered walkway would provide sheltered access to the proposed outbuilding to the rear. The height of the boundary wall would provide protection against subsidence from the neighbouring property. The outbuilding has similar dimensions to one that would be allowed in any back garden under permitted development rights.
- (SO) I shall ask the Case Officer to investigate any loss of privacy to neighbouring properties. For the outbuilding to be used as a separate dwelling to the main house, a planning application would be required.
- (R) The provision of parking spaces would be inadequate, and would be to the detriment of neighbouring occupiers.
- (SO) It is not possible to provide more parking spaces than the maximum policy requirement for parking provision. I shall ask the Case Officer to investigate with Highways.
- (R) The existing dwelling should be retained. Is demolition and replacement totally necessary and could it start an unhelpful precedent in the street?
- (D) The proposed development would enable the efficient use of the site and provide two good sized family dwellings.
- (SO) Stated that if the development were approved, then it would create some form of precedent. However, any proposed schemes in the future, would require individual planning applications. Therefore, each future scheme would be considered on a case by case basis and against Lewisham planning policies.

8.30pm

Cllr brings meeting to a close.

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51-53 CANONBIE ROAD SE23 3AQ



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This plan forms no part of a planning application Page 35

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Committee	PLANNING COMMITTEE C	
Report Title	Grove Park Railway Station, Baring Road SE12	
Ward	Blackheath	
Contributors	Kirstin McCartney	
Class	PART 1	17 July 2014

Reg. Nos. DC/14/86845

Application dated 10 March 2014

Applicant Network Rail

Proposal Prior Approval under Part 11 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the part demolition and replacement of the connecting walkway providing access to Platforms 4 & 5 with a new enclosed level walkway incorporating a access lift to platform level, the demolition and replacement of an existing non compliant platform footbridge that links platforms 1, 2 & 3, and 4 & 5 with a new compliant footbridge with lift access to both platforms 1 and 4 & 5 and future passive provision to platforms 2 & 3 at Grove Park Railway Station Baring Road SE12, together with enabling works associated with the scheme will include the installation of shallow and piled foundations and the part removal of the platform canopy of platform 1.

Applicant's Plan Nos. AFA RED LINE PLAN; DS03122-212 REV P2; DS03122-213 REV P1; DS03122-217 REV P3; DS03122-218 REV P1; DS03122-219 REV P2; DS03122-220 REV P6; DS03122-222 REV P2; DS03122-230 REV P2; DS03122-231 REV P2; DS03122-232 REV P1; DS03122-240 REV P2; DS03122-250 REV P2; DS03122-251 REV P1; DS03122-270 REV P2; DS03122-370 REV P1; DS03122-371 REV P1; DS03122-500 REV P1; DS03122-501 REV P1; UN12398/GRP/P/800 A; UN12398/GRP/P/801 A; UN12398/GRP/P/802 A; UN12398/GRP/P/803 A; UN12398/GRP/P/804 A; UN12398/GRP/P/806 A; UN12398/GRP/P/807 A; UN12398/GRP/P/805 A; GROVE PARK RAILWAY STATION - AERIAL VIEW

Background Papers

- (1) Case File LE/302/K/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation

PTAL3
PTAL4
Green Corridor
Local Open Space Deficiency
Flood Risk Zone 2

Screening

18 December 2013

1.0 Property/Site Description

- 1.1 The subject site is Grove Park Railway Station which is situated to the east side of Baring Road. It is bounded by Amblecote Meadows to the north east and Pullman Mews to the south east. At present, the station can be accessed via Baring Road. The station has five operational island platforms that sit beneath the main station booking hall within a railway cutting. Access to the platforms is via ramps and stairs, which are connected to the ticket office.
- 1.2 Platform 1 is 225 metres in length and is accessed via both a walkway and staircase. It serves the Bromley North branch line that provides a direct connection between Grove Park and Bromley North Station.
- 1.3 Platforms 4 & 5 are 266 metres in length and are accessed via a ramp. They are on the South Eastern Main Line which runs from Charing Cross to Hastings.
- 1.4 Platforms 2 & 3 are 266 metres in length and are accessed via a ramp. They are also on the South Eastern Main Line which runs from Charing Cross to Hastings. These platforms are not currently utilised on a daily basis and have no regular services scheduled. They are used when regular maintenance work is carried out along the operational railway.
- 1.5 The site is not located in a conservation area, there is no Article 4 Direction and the buildings are not listed.
- 1.6 The station is immediately surrounded to the north and south by a predominately residential suburban environment. Amblecote Meadows to the north of the station runs the entire length of the station immediately parallel to platform 5 and consists of 68 terraced houses that sit between five to seven metres from the operational railway. Pullman Mews to the south of the station also runs the entire length of the station immediately parallel to platform 1 and consists of 20 semi detached houses that sit between nine and fifteen metres from the operational railway.

2.0 Planning History

- 2.1 DC/13/82353: Prior Approval for the siting and design of works to install lifts at Grove Park Station. The works would include the part demolition of the existing walkway and staircase leading to platform 4 and the installation of a new level walkway and enclosure with incorporated lift to platform level. Works would also include the demolition of the existing footbridge that links platform 1, 2 & 3, and 4 & 5 and the installation of a new footbridge with lift access to platforms 1 and 4 & 5.
- 2.2 Prior approval was granted under delegated powers. This was subsequently challenged by Judicial Review and the Council consented to judgement on the

basis that the decision was issued without lawful authority. The application was subsequently withdrawn on 15 October 2013.

2.3 DC/13/85736: A Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the part demolition and replacement of the connecting walkway providing access to Platforms 4 & 5 with a new enclosed level walkway incorporating a access lift to platform level, the demolition and replacement of an existing non compliant platform footbridge that links platforms 1, 2 & 3, and 4 & 5 with a new compliant footbridge with lift access to both platforms 1, 2 & 3 and 4 & 5 and future passive provision to platforms 2 & 3 at Grove Park Railway Station Baring Road SE12, together with enabling works associated with the scheme will include the installation of shallow and piled foundations and the part removal of the platform canopy of platform 1.

2.4 The screening opinion concludes that the Council considers that the works proposed by Network Rail in relation to Grove Park Train are not EIA development.

3.0 Current Planning Applications

The Proposals

3.1 The present application is for prior approval for the siting and design of works to install lifts, stairs and a replacement bridge at Grove Park Station.

3.2 The works include:

- Part demolition of the existing ramped walkway to platforms 4 & 5 and replacement with a level walkway and lift down to platform level.
- Demolition of the existing footbridge that links platforms 1, 2 & 3 and 4 & 5 and the installation of a new footbridge with lift access to platforms 1 and 4 & 5

3.3 No works are proposed to the walkway and stair access to Platform 1 or to the current ramp access to Platforms 2 & 3.

3.4 These works will provide an Equality Act compliant lift to platform 4 & 5 and a Equality Act compliant footbridge with lift access to both platforms 1 and 4 & 5 and future passive provision to platforms 2 & 3.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received.

4.2 There is no obligation on the part of the Council to undertake any consultation on "Part 11" applications and it is not normal practice to do so. However for the application at Grove Park Station the Council have recognised the local interest and have undertaken to consult those residents directly affected by the application by letter and posting site notices.

4.3 A total of 114 consultation letters were sent out to local residents on 13 March and the 31 March. These were sent second class mail. The Council also consulted

English Heritage, the Environment Agency, Grove Park Residents Association and Grove Park Community Group.

4.4 Four A3 size site notices were also put up on the 10 April 2014. These were placed in the following locations:

- Directly outside the station entrance
- On the corner of Chinbrook and Baring Roads
- On the corner of Chinbrook and Amblecote Roads
- On the corner of Baring Road and Pullman Mews

4.5 The initial consultation period ran to 21 April 2014 but due to issues with viewing the application drawings on the Council's website this consultation period was extended to 30 May 2014.

4.6 New site notices were put up the 28 April and a further set of letters were sent out the 29 April 2014 to advise of this extended date.

4.7 15 objections have been from Local Residents and Organisations. A summary of the key points is provided below:

- Taking out ramps and putting in stairs and a lift will hinder access for the majority of station users who travel with a pushchair. At the moment the ramps are easy to use. Steps and a lift will be much more inconvenient.
- The station is only partially manned and any failure of the lifts after hours could result in difficult entering or leaving the station.
- The design of the footbridge linking the platforms will adversely impact my home. It will restrict light, increase noise and reduce privacy.
- The old footbridge should be left as it is. There is precious little heritage in Grove Park.
- The slopes currently available to access the main platforms are perfectly adequate.
- Grove Park functions perfectly well although would be enhanced with a better/cleaner waiting room and a little action in the flowerbeds.
- Ticket barriers in place to avoid the inevitable holdups caused by ticket inspectors.
- The design of the footbridge linking platforms 4 & 5 with platform 1 will adversely impact 31 Amblecote Meadows. The tallest part of the lift shaft will be directly behind this property and, as it looks to be taller than this property it will restrict light, increase noise levels and reduce privacy.
- The project will involve overnight work for over 12 months resulting in significant disruption to residents.
- Despite assurances from Network Rail, I do not believe that they will be able to undertake such a major development overnight without causing significant disruption from floodlights, dozens of workers on site and the use of heavy machinery.
- As outlined in the application, platforms 2 & 3 are not regularly used; Network Rail should be able to use these platforms during the works facilitating day-time development.

- Request Network Rail to consider a subway in place of a bridge linking platforms 4 & 5 with platform 1.
- Place a restriction on noise levels overnight so the use of heavy machinery (e.g. used to drill foundations) is limited to day times.
- Provide residents a mechanism to object if noise levels become unacceptable that would result in Network Rail ceasing work at unsociable times.
- Despite assurance to the contrary from Network Rail, there still has not been a consultation with the residents impacted by the plans.
- The project is billed as an “Access for All” project; however this multi-million pound project will at best only result in a 20% improvement in accessibility. The proposed lift-shafts will be situated metres from the rear of the properties in Amblecote Meadows.
- The structure itself will be taller than the houses, the walkway and steps will be on a level with bedrooms and bathrooms adversely affecting light, privacy and noise levels.
- This is a very high price to pay for a project with little actual benefit.
- This proposal does not give access for all, it destroys local heritage assets and it ruins the historic appearance of the station.
- There has still been no consultation with the residents impacted by the plans, in fact it appears that Lewisham Council is intent on acting in an entirely undemocratic manner. Furthermore the consultation groups mentioned on the planning application do not necessarily represent the views of the residents that will be adversely impacted by this development.
- The primary reason for ruling out the most viable alternative of a subway tunnel as opposed to a footbridge is disruption to the residents and the railway service but given last year’s petition along with this year’s concerns raised by residents only recently, I can confirm that the local residents take a long-term view on this situation. We would much prefer a prolonged construction period in the present day in order to build a subway tunnel which gives more long-term benefit to all concerned rather than the proposed bridge which will give less benefit for commuters, is more environmentally unfriendly and has considerable opposition from the community.
- The question now appears to be why Lewisham Council does not want to act in the interests of its residents and I am confident that in an election year the voters are entitled to know what is going on here. I for one do not expect my council taxes to be spent supporting any attempt to undemocratically push forward an unbeneficial project which threatens our heritage.
- Travelling with suitcases will become more difficult.
- The bridge being higher in height than our own homes and only eight meters away it will over shadow the adjacent houses. In addition there will be a loss of light to the rooms in our homes, a loss of privacy with the walkway being on level with our bedrooms and bathrooms and there will be considerable additional noise pollution. Given these points this does constitute an injury to our amenity and if Lewisham Council ignores this and fails to refuse the prior approval application then the council is once again acting unlawfully.
- Hinder access for the majority of station uses who travel with young children in pushchairs.

- The station is only partially manned. Any failure of the lifts afterhours could result in difficulty in entering or leaving the station.
- Understand maintenance and upgrading the station to incorporate modernisation and safety measures.
- There is the risk of damage to the structure of our properties and there will certainly be adverse affects to light, noise and privacy in the long-term.
- Concerned about potential damage to properties from piling foundations.
- Pullman Mews will be used for heavy machinery which it is not designed for and could cause damage and restrict access for emergency vehicles.
- There is a nice, structurally sound footbridge already. The proposal is ulgy with huge concrete towers. Hold on to what we have.
- It would appear from your plans that actual step free access to platform 1 will only be possible by using three lifts, a bridge and walking round the entire station literally in a circle which is completely unreasonable.
- A simple solution would be to add one lift to the platform 1 walkway, keep the ramps to the remaining platforms and to efficiently link the platforms create an underpass whilst retaining the existing bridge for heritage.
- The heritage of Grove Park Station, home of the railway children, appears to have been completely ignored. Grove Park Station forms the gateway of a heritage driven neighbourhood plan supported by the princes foundation and the National Railway Museum York and the station sits opposite the locally listed Baring Hall Hotel and lies within the area of the heritage driven neighbourhood plan. The Edward VII heritage bridge, the ramps and other station features retain the architectural integrity of the station and town centre and local resident Edith Nesbit based her book The Railway Children on this station, the Network Rail one size fits all plan is therefore totally unsuitable for this area and any plans should reflect our heritage.
- The Princes Trust worked with the local community to development plans for the area. This proposal is not in line with the Princes Trust work.
- Access For All should be about reducing/removing steps not actually installing more. Access to this station is already good and it would be best served by retaining the ramps to all platforms and then linking the platforms by means of an underpass.
- The proposed bridge and lift-shafts linking platforms 4 and 5 with platform 1 will come at a significant cost to residents as it will be situated just 8 metres from the rear of the properties and the structure itself will be taller than the houses. Furthermore the walkway and steps will be on a level with bedrooms and bathrooms causing significant and permanent impact on light, privacy and noise levels. The rear side of almost all of our houses being no more than a few metres from the edge of platform 4 and 5 and being small 1/2 bedroom houses means that residents will have no option to relocate within their house to escape the impact of this development either during the work itself or after completion.

4.8 Conservation

- 4.8.1 Grove Park station was built in 1871. It consists of a simple but attractive brick station building containing the ticket office fronting Baring Road and two island

platforms with platform buildings and canopies. The platforms and station building are linked by long ramps and lattice-girder footbridges and walkways.

- 4.8.2 The station is a good and - with five platforms - a substantial example of its period. Its contribution as a catalyst for the development of Grove Park and its architecture, notably the characteristic lattice-girder footbridge and walkways, make it a heritage asset to the local area. The NPPF defines heritage assets as 'a building (...) identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.
- 4.8.3 The proposals involves a significant degree of intervention into the existing fabric notably loss of the ramp to platform 4/5 and its replacement with a walkway, stairs and lift to serve these platforms. The proposal involves further the replacement of the lattice-girder footbridge at the south-eastern end of the platforms that links all the five of them. The latter is an attractive feature that greatly adds to the character of the station.
- 4.8.4 The previous conservation officer dealing with the case was involved in pre-application discussions for this proposal and had requested the applicant to consider alternative options to the new footbridge i.e. the creation of an underpass to enable the retention of the historic structure. The 'Grove Park Station Footbridge Briefing Note' explains why the creation of an under-pass is neither practicable nor feasible.
- 4.8.5 Design wise the new footbridge appears to be of a standard design used elsewhere although the brick plinth detailing appears to respond to the local context. Due to its location to the south-east of the canopies, the impact of the new footbridge on the town centre of the neighbourhood as defined by the Grove Park Station building at Baring Road and the Baring Hall Hotel is somewhat mitigated by the distance and change in level. It is however very visible from the properties lining the railway tracks to the north-east and south-west.
- 4.8.6 The new footbridge would be in scale and mass significantly larger than the existing footbridge, notably due to the nature and height of the three solid lift shafts. I am not convinced that there are no other solutions to the external treatment of the lift towers available that would give a more aesthetically pleasing and light-weight appearance as opposed to the proposed Kingspan cladding. I would question the statement that 'glassed lift shafts are also considered to be unsuitable for external use given how it is affected by weather and exposure to the elements' in view of these being a common choice in other European capitals. In this respect I feel that the design of the lift shafts is reasonably capable of modification and you can consider attaching a condition to granting prior approval that would require improved design solutions for the lift shafts.

4.9 Highways and Transportation

- 4.9.1 Currently Grove Park Station is inaccessible to disabled people and those with reduced mobility, and the existing ramps are not compliant with DDA standards. The proposed Access for All works to Grove Park Station will improve access for disabled people and will provide disabled people the same opportunities to travel as other people. The proposed footbridge and lifts will provide disabled people with an accessible route to all operational platforms at the station. In addition, throughout the proposed works the station will remain open to customers and the

railway will remain fully operational. As the proposed works will improve accessibility to the station, the proposal is unobjectionable.

4.10 English Heritage

4.10.1 We do not consider that it is necessary for this application to be notified to English Heritage

4.11 Environment Agency

4.11.1 We have no objections in principle to the proposal but we would recommend you ask the developer to submit further information with respect to groundwater protection and contaminated land prior to determination.

4.11.2 The site is located in Source Protection Zone 3 for a public water supply borehole that abstracts groundwater from the deep chalk aquifer. This aquifer lies beneath a layer of clay rock which protects it from direct contamination by any pollution present in soils near to the surface. We therefore consider there is no need to investigate for the presence of historic contamination for groundwater protection reasons beyond that required to create a suitable piling risk assessment, or to investigate any unsuspected contamination encountered during site work.

4.11.3 Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. We would therefore like to see evidence to demonstrate that the proposed piling will not result in contamination of groundwater.

4.11.4 Please ask the developer to provide a piling risk assessment to determine if this work will create any pathways that could allow contamination to migrate between any existing pollution sources and vulnerable receptors such as the groundwater in the deep chalk aquifer. With respect to any proposals for piling through made ground, we would refer you to the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the Environment Agency when the guidance has been utilised to design appropriate piling regimes at the site.

4.11.5 Piling or any other foundation designs using penetrative methods should not be used except in those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

4.11.6 We would further advise that if, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with.

5.0 Policy Context

The application is for prior approval not planning permission. It is not considered against the Development Plan but the relevant legislation. This is provided below.

The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

PART 11, DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDERS
Class A,

Permitted development

A. Development authorised by—

- (a) a local or private Act of Parliament,
- (b) an order approved by both Houses of Parliament, or
- (c) an order under section 14 or 16 of the Harbours Act 1968 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours) which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Condition

A.1. Development is not permitted by Class A if it consists of or includes—

The erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, or the formation, laying out or alteration of a means of access to any highway used by vehicular traffic, unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

Prior approvals

A.2. The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) The design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A. 3. In Class A, “appropriate authority” means—

- (a) in Greater London or a metropolitan county, the local planning authority,
- (b) in a National Park in England, outside a metropolitan county, the county planning authority,
- (c) in any other case in England, the district planning authority⁴⁹,
- (d) In Wales, the local planning authority.

Railways Clauses Consolidation Act 1845 (“the RCCA 1845”) SECTION 16
Works to be executed

Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of

constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,).

They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tram roads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper;

They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway;

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

6.0 Planning Considerations

6.1 The Development that is the subject of the present application is authorised under RCC ACT 1845 subject to the prior approval of the detailed plans and specifications by the LPA. However the as set out in paragraph 5 of this report the LPA can in the current circumstances only refuse such prior approval or impose conditions where they are satisfied that :

- (a) the development **ought to be and could reasonably be** carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Development ought to be and could reasonably be carried out elsewhere on the land

6.2 The proposal consists of two separate elements. These are independent of each other and are considered separately.

1. Part demolition of the existing ramped walkway to platforms 4 & 5 and replacement with a level walkway and lift down to platform level.
2. Demolition of the existing footbridge that links platforms 1, 2 & 3 and 4 & 5 and the installation of a new footbridge with lift access to platforms 1 and 4 & 5. There is provision to install lift access to platforms 2 & 3 at a future date if required.

6.3 In designing this scheme Network Rail have advised they need to comply with the certain standards and constraints. These include:

- Department for Transport design codes and standards,

- Relevant British Standards
- Relevant European standards

6.4 Network Rail has to consider the impact the length of construction for the different options in order to minimise disruption to the operational railway and rail passengers. Additionally, long-term maintenance costs have to be considered.

6.5 The evaluation of the options followed the Governance for Railway Investment Projects (GRIP) process which is accepted as the standard method of project delivery within the railway industry.

6.6 A summary of the different options considered by Network Rail are provided below.

New Walkway and Lifts to Platform 4 and 5

6.7 The test under part A.2.(A) is that prior approval is not to be refused by the appropriate authority nor are conditions to be imposed unless the development ought to be and could reasonably be carried out elsewhere on the land.

6.8 The proposed walkway and lift cannot be located elsewhere on the land as it connects the station hall to the platform. Therefore there are no grounds to refuse prior approval for the walkway and lifts to platforms 4 & 5 under part A.2. (A).

Retaining the footbridge and modifying to be Equality Act compliant

6.9 The proposed scheme is for the demolition of the existing footbridge that links platforms 1, 2 & 3 and 4 & 5 and replacement with a new bridge. The new bridge will be a fully compliant Access for All footbridge with lift access between platforms 1 and 4 & 5. Given that platforms 2 & 3 are not in regular use, the proposal allows for future provision of a lift to these platforms if required at some future point.

6.10 A number of objections have been received regarding the proposed demolition. Local residents and interested stakeholders would like the existing bridge to be retained on historic grounds, particularly in regards to links with The Railway Children.

6.11 The Conservation Officer has provided comments in relation to the proposal and the heritage implications. The full text of the comments are provided above. In summary the officer has concluded that while the proposals involves a significant degree of intervention into the existing fabric of the station the 'Grove Park Station Footbridge Briefing Note' explains why the creation of an under-pass is neither practicable nor feasible.

6.12 Network Rail advises that, due to the design and construction of the existing bridge it is not possible to modify it to incorporate Access for All requirements.

6.13 The existing bridge is constructed in such a way that there is no room within the existing structure to install a lift on platform 1 or platforms 4 & 5.

6.14 The bridge walkway does not extend to platform 1. Instead, the stairs have been placed at a right angle to the platform and reach over the railway line to join the bridge walkway. This leaves no place for a lift to be installed.

- 6.15 On platforms 4 & 5 the stairwell has two flights of stairs and a landing. The stairs turn the corner at the landing before reaching the bridge walkway. This configuration results in no room for a lift to be installed.
- 6.16 In order to modify the existing bridge to accommodate lifts, new walkway would need to be constructed to platform 1 and extended over platform 4 & 5 while the stairs on both platform 1 and platforms 4 & 5 would need to be moved or reconfigured. This would result in new/reconfigured stairs in different locations to existing, new lifts and new bridge walkway with the only original bridge span left in the middle over platforms 2 & 3.
- 6.17 Network Rail has advised that this would result in an awkward design and significant difficulties in construction. Additionally, there would be significant new structure required.
- 6.18 The existing footbridge is neither nationally nor locally listed as a heritage asset by English Heritage, nor is it located within the curtilage of a listed heritage asset or within a Conservation Area as defined within the National Planning Policy Framework.
- 6.19 Officers agree with this analysis regarding the difficulties of incorporating lifts into the existing bridge and consider it is not a reasonable alternative to the current proposal.

Retaining the footbridge and providing the new bridge as well

- 6.20 An option to locate a new footbridge south of the existing footbridge (further away from the ticket hall) was assessed. However, this is restricted due to platform 1 being at an angle from the other platforms. A bridge in this location would result in people having to travel further to reach the footbridge whilst the stairs would also be required to point away from the prominent direction of travel due to platform constraints.
- 6.21 A new footbridge to the south would also be required to increase in height (based on the currently proposed design) to ensure it did not interfere with or block an existing signal. Additional works would be required to alter the position of key railway infrastructure such as switches, crossings, and associated signalling.
- 6.22 An option to locate a new footbridge to the north of the existing footbridge (closer to the station) was also assessed. This would result in loss of the existing station platform buildings as well as a significant proportion of the station canopy which would again leave passengers exposed to the weather.
- 6.23 Having two bridges rather than one would result in additional impact on the amenity of adjoining neighbours. Both options require substantial additional work to the platforms compared with the current proposal.
- 6.24 It is considered, on balance, that neither option is a reasonable alternative to the current proposal.

Providing a subway tunnel

- 6.25 A subway/tunnel that links platforms 1, 2 & 3 and 4 & 5 with both stepped and lift access was assessed.

- 6.26 A number of objections suggested retaining the existing footbridge and providing a subway tunnel as well.
- 6.27 Network Rail has advised that the construction of an underpass would increase both the cost and the construction time by between 2.5 to 4 times that of the current proposal.
- 6.28 As with the current proposal, operationally the most convenient location would be within the footprint of the existing bridge (refer above for analysis). Therefore the underpass option would also mean the existing bridge would need to be demolished.
- 6.29 In terms of construction of an underpass, the existing footbridge would need to be demolished prior to works beginning. This would complicate station operations and inconvenience station users. This is because the existing bridge would need to be removed in order to begin works on an underpass, unlike the current proposal. Much of the work for a replacement bridge can be undertaken off line adjacent to the existing bridge, prior to its removal. The benefit of the replacement bridge solution is that passenger-walking routes will be disrupted for shorter periods and it would result in less disruption to local residents.
- 6.30 The disruption to the railway/station would be immense under this option. There is no space to push/jack a tunnel through, so an underpass would have to be tunnelled by hand. This cannot happen with trains running on top and therefore would result in considerable disruption. Alternatively, the underpass could be dug out and then covered over.
- 6.31 An underpass would need to be deep to avoid the track bed and drainage. This would mean having to dig down deeper than the height of the proposed bridge (9m), which would result in a significantly larger footprint for stair wells and lifts, taking up large areas of platform, construction would be very disruptive to local roads, line side neighbours and not least the station and would require significant closures of the railway.
- 6.32 Furthermore, Network Rail is unsure how this level of excavation would impact on groundwater sources and the natural drainage of the area.
- 6.33 The construction of a subway would require the railway line to be closed for the immediate construction phase due to excavation immediately below the track bed. There would also be need for speed restrictions after, during which adjacent construction activity would take place. Any such closure of the railway would require significant pre-planning for the routing of trains and carrying of passengers. This pre-planning and advance notice period would have serious effects on the project programme, as disruptive track access has to be agreed with Train Companies significantly in advance of the proposed construction programme.
- 6.34 There would be significant additional costs incurred by the industry for the provision of the replacement bus service, and substantial inconvenience and disruption to the travelling public.
- 6.35 The ongoing speed restrictions would have an impact on train performance, and potentially our ability to recover from operational incidents. By imposing speed restrictions for a long period of time there could be implications for key

performance indicators that the Office of the Rail Regulator uses to measure train performance and that of the network.

- 6.36 Furthermore, there will be a significantly larger land area required during the construction period for a subway than for any other option.
- 6.37 To construct this scheme Network Rail need to meet the requirements of Railway Group Standards. Construction of an underpass would require a greater width of platform to be hoarded off to enable the ground to be excavated, potentially resulting in a constriction in the platform width. Although this may be able to be mitigated, Network Rail does not believe sufficient width could be maintained due to the significant footfall that uses the existing bridge.
- 6.38 The amount of spoil being generated from the digging means spoil may need to be stored on the platform then reloaded onto road vehicles. The work would result in a substantial quantity of spoil being removed from site and a very large number of lorry movements in and around the station environment.
- 6.39 The construction of an underpass would generate significantly more noise and disruption to local residents, because of the construction techniques that would need to be utilised, the additional construction traffic and spoil handling.
- 6.40 Network Rail employs competent contractors to undertake works of this nature; however excavations of this size carry greater risks to adjacent properties if something did not go as anticipated.
- 6.41 Construction of a bridge allows elements of works to be fabricated in factory conditions with elements delivered to site assembled into manageable sections and installed.
- 6.42 The construction of a new bridge will provide a higher degree of passive surveillance than an underpass, and would not be dissimilar to the current bridge in that sense. A new bridge would have lighting and CCTV coverage above the levels currently present on the existing bridge. Use of underpasses are not uncommon in certain environments, however careful consideration needs to be given to the security and environment being created.
- 6.43 Although a subway would be the least visually intrusive solution, the public often oppose using them, particularly at night, and they can present an invitation to people with criminal intent, and anti-social behaviour. A subway at Grove Park would not be overlooked and this would further exacerbate a perceived safety risk. Previous discussions with the accessibility steering group DiPTAC was that vulnerable people or people who feel vulnerable don't like using subways as they can be frightening places and make people less likely to use it.
- 6.44 The depth of an underpass would also mean people using steps would have to travel a greater distance than with the current replacement bridge proposal.
- 6.45 There are concerns regarding flooding/water in a subway, and the on-going maintenance of a structure like this. Waterproofing and tanking would add cost as well as increased maintenance liabilities.
- 6.46 Due to the space requirements, and likely length, Network Rail do not consider providing ramp access to the underpass as a viable option. Therefore it would need to have stairs and lifts if it could be reasonably constructed.

- 6.47 Considering the above information, officers agree that the subway option is not a feasible alternative to the current replacement bridge proposal. Additionally, even if it were feasible from a construction point of view, the ideal location would be where the current footbridge currently stands. Therefore it would still require the demolition of the current footbridge.

Summary

- 6.48 Based on the above analysis of the different options considered by Network Rail, it is considered that the proposed footbridge ought not to be and could not reasonably be carried out elsewhere on the land
- 6.49 Therefore there are no grounds to refuse prior approval for the proposed footbridge under part A.2. (A).

Injury to Amenity of the Neighbourhood

- 6.50 Section A2(b) of the legislation states that prior approval is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that the design or external appearance of any bridge would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Level Walkway and Lift to Platforms 4 & 5

- 6.51 The current walkway is 41m long with a maximum height of 8.3m lowering to 2.3m where it joins to the platform canopy at platform level. The ramp has a 1:10 gradient. The existing walkway itself is 2.7m high with an obscured lower portion, an open upper part and a canopy.
- 6.52 The proposed walkway is 44m long with a maximum height of 9m. At 35m from the station building the height of the footbridge starts to lower and is 3.3m where it joins the platform canopy. The lift shaft is located at the end of the walkway. It is 8.7m high and 3.5m wide. However, due to level changes it is 1.5m higher than the footbridge. The proposed walkway itself is 3m high with an obscured lower portion, a clear upper part and a canopy.
- 6.53 The walkway is a minimum of 19m from the rear of the flatted blocks in Chinbrook Crescent with large screening trees between them. It is considered that the impact of the proposed walkway to Chinbrook Crescent is acceptable due to the screening effect of the trees.
- 6.54 The proposed walkway, at 44m in length will extend as far as the rear garden of no. 8 Amblecote Meadows but will not extend as far as the dwelling itself. The walkway starts to descend in height before reaching the rear boundary of this property. There are trees between the property and the railway line which offer a considerable element of screening. The lift shaft is approximately 10m from the side boundary of no. 8 Amblecote Meadows.
- 6.55 The existing platform roof canopy is adjacent to this property. While is considered that there will be an impact on visual amenity from the lift shaft, it is not considered a significant impact given the screening provided by the trees, the existing walkway and the existing station roof canopy.

New compliant ramp to Platforms 4 & 5

- 6.56 A number of objections were received regarding the loss of the ramp and replacement with a lift. Objectors felt the current ramp was acceptable and a lift would result in considerable delays in accessing the platform. However, Network Rail has provided a detailed assessment setting out why retaining the existing ramp is not a reasonable option in terms of disability access.
- 6.57 The existing height difference between the booking hall and the platforms is 4.2 metres. The existing ramp to platforms 4 & 5 is 41 metres in length. To make the ramps Equality Act compliant it would be required to extend the ramps considerably.
- 6.58 The current gradient of the ramp is 1:10 which is considerably steeper than allowed under the Equality Act. Network Rail has advised that in order to comply with modern gradient standards the length of the ramp would need to increase to approximately 83 metres in length.
- 6.59 The extended ramp would require a canopy (as is provided now) for the full length to shelter station users from the weather as well as works to the existing covered parts of the platforms 4 & 5. This is likely to increase the impact of the proposals on adjacent residential properties at Amblecote Meadows due to the significant increase in the length of the ramp and canopy.
- 6.60 Network Rail have also advised that under this option key operational infrastructure such as switches, crossings and signalling equipment would need to be relocated due to the platform alterations.
- 6.61 Lift access to platform level would still be required with this option. The only location possible for a lift under this option is at the end of the platform beside the ticket hall. Locating the lift here would create an isolated alleyway running alongside the ramp which would create a blind spot in station security. Officers do not consider this would create an acceptable environment and could result in anti-social behaviour and crime.
- 6.62 The Equality Act compliant ramp would increase the distance passengers would be required to travel to reach the platform and create a pinch point due to the ramp discharging people on to the busiest part of the platforms.
- 6.63 In Network Rails view this option would require unnecessary additional alterations to the platform structures already in place as well as enabling works and would result in a significantly more expensive scheme than that currently proposed.
- 6.64 Officers agree with the analysis of Network Rail in regards to the ramp and consider that, given the constraints of the site as well as the design and operational requirements of a functioning train station the option of replacing the current ramp on platform 4 & 5 with a Equality Act compliant ramp is not as feasible as the proposed level walkway and lift option.

Impact on amenity of replacement footbridge and lifts (connecting all platforms)

- 6.65 In terms of amenity, the footbridge would be visible from Pullman Mews and Amblecote Mews. The ticket office and a large wall obscure much of the view from Baring Road.

- 6.66 The existing footbridge is located 13.2m from the rear elevation of Amblecote Mews and 16.6m from the front elevation of properties on Pullman Mews. The existing bridge is 7.2m at the highest point. The staircases are 3.7 long (running parallel with the platform) with a height of 3m at the lowest point, rising to 5.1 where it joins the bridge. The staircases join the existing canopies which cover the platforms. The canopies are 4m in height.
- 6.67 The proposed footbridge is located 13.8m from the rear elevation of Amblecote Mews and 17m from the front elevation of properties on Pullman Mews. It is 8m high. The staircases are 10.3m long (running parallel with the platform) with a height of 3m at the lowest point, rising to 7.6m where it joins the bridge.
- 6.68 The flank ends of the proposed footbridge are directly adjacent to nos. 26 and 27 Amblecote Mews and nos. 7 and 8 Pullman Mews. The proposal has one lift at each end (on platform 1 and platforms 4 & 5) The proposed lift shaft would measure 9.5m in height and 2.2m by 2m around the base.
- 6.69 The existing footbridge has a visual impact to the directly adjacent properties in Pullman Mews and Amblecote Meadows. It is accepted that there will be additional impact on the amenity of the directly adjacent properties in Pullman Mews and Amblecote Meadows by virtue of the increased height and massing of the bridge as well as additional bulk of the lift shafts at either end.
- 6.70 However, as residential properties run the full length of the railway line adjacent to the station, locating the footbridge elsewhere on the platform would not remove the impact on amenity, it would relocate it.
- 6.71 Additionally, Network Rail have provided justification in regard to alternative proposals and locations for the bridge. It is accepted that the bridge cannot be reasonably located elsewhere on the platform or an alternative, like a subway tunnel, be provided instead.

Modifying the materials or design

- 6.72 The current bridge proposal due to its bulk and mass will have a direct impact on nos 26 and 27 Amblecote Mews and nos. 7 and 8 Pullman Mews. It will have a visual impact on the other residents within these two streets. This needs to be justified in terms of design and materials within the context of the legislation.
- 6.73 It is considered that there is a minor impact on visual amenity to no. 8 Amblecote Meadows for the proposed lift shaft to platforms 4 & 5. The walkway element is screened an acceptable distance from the rear of Chinbrook Gardens and Amblecote Meadows to not have a significant visual impact.
- 6.74 The Conservation Officer has provided comments in relation to the proposal and the heritage implications. In terms of the design solutions, the conservation officer is not convinced that there are no other solutions to the external treatment of the lift towers available that would give a more aesthetically pleasing and lightweight appearance as opposed to the proposed Kingspan cladding.
- 6.75 Therefore, the Council requested Network Rail consider options to modify the materials to reduce the impact and create lighter weight structures.
- 6.76 Changes to the proposed materials and location for the lift shaft element are considered below.

The Bridge

- 6.77 The clearance height of the bridge is dictated by operational requirements and therefore cannot be reduced.
- 6.78 The current design has a solid parapet to approx. 1.8m high at both flank ends and along the walkway. It uses both steelwork and glass. Mesh is used at high level for security purposes (i.e. people throwing items onto the track/trains). This design reduces the visual impact and creates a lighter weight structure but does not address overlooking and privacy concerns from the ends of the bridge.
- 6.79 However, the proposed footbridge is 13.8m from the rear elevation of Amblecote Mews and 17m from the front elevation of properties on Pullman Mews. There is overlooking into the gardens of Amblecote Meadows from the existing bridge and, although higher, it is not considered that the proposed footbridge would make this materially worse. Overlooking into the windows of these properties would be minimal due to the distance although perceived loss of privacy for the residents is a reasonable concern.
- 6.80 In certain instances, primarily within statutorily listed stations, bridges have been constructed without a roof and with glass 'walls' to the appropriate height for safety purposes to mitigate the visual impact of the bridge.
- 6.81 Taken in conjunction with the staircase (see below) this option would reduce the impact to Amblecote Meadows or Pullman Mews. However, it would be at odds visually with the current design of the station.
- 6.82 Additionally, it is considered unreasonable to not provide protection from the weather at Grove Park Station by means of a roof as the existing bridge does so.
- 6.83 However, it is considered that the materials of the bridge could potentially be reasonably modified to create a visually lighter weight structure, perhaps with the use of a similar lattice to the existing.

Stairwell

- 6.84 As with the bridge the roof of the staircase could be removed and glass walls could be provided. However, the existing stairwell has a roof and it is considered that the current proposed stairwell roof has a similar impact in terms of visual amenity. Additionally, no protection would be offered from the weather.
- 6.85 Alternatively the proposed roof can be retained and a glass design or a similar lattice to the existing could be used for the staircase parapets.
- 6.86 This would help to reduce the impact of the proposals of the adjacent properties as the proposed stairwells are longer, at 10.3m than the existing at 3.7m.
- 6.87 The space beneath the two staircases at either end of the structure houses the equipment for the operation of the lifts. Any area with headroom of less than 2.5m is required to be inaccessible. On the current proposal this space is walled in brick to match the staircase. An alternative is to use mesh or a similar lattice to the existing in this location. Network Rail felt that using brick in this location results in a more streamlined look rather than introducing a change in materials.

- 6.88 Officers consider that changing the material to mesh or another open style of material may result in a reduced visual impact in terms of bulk subject to details.
- 6.89 It is considered that the materials of the stairwell could potentially be reasonably modified to create a visually lighter weight structure, perhaps with the use of a similar lattice to the existing.

Lift shafts

- 6.90 The proposed lift shafts are constructed of brick on the lower half with cladding to the upper part.
- 6.91 Lift shafts can be constructed of glass to help reduce visual impact. Network Rail have advised that glass lift shafts are considered to be unsuitable for external use and would also not respond to the privacy concerns that have been expressed by residents. It would introduce significant maintenance liabilities to the industry and would be significantly more expensive.
- 6.92 Alternatively, lift shafts can be constructed with one or two glassed elevations (both perpendicular to the track) with brick work forming the elevation parallel to the track (like Clapham Junction). However, this option would not reduce the visual impact of the structure for properties directly adjacent to the structure.
- 6.93 Network Rail has advised they could consider constructing the lift shafts entirely of brick rather than utilising cladding at upper levels if preferred. This could be designed to include more of the details currently present within existing brickwork on the platforms. However, it would have no impact in terms of bulk and massing.
- 6.94 The conservation officer has noted that glass lift shafts are a common choice in other European capitals and sufficient justification has not been submitted to discount glass as a material.
- 6.95 It is considered that the materials of the lift shaft could potentially be reasonably modified to create a visually lighter weight structure.

The walkway and lift to platforms 4 & 5

- 6.96 The visual impact of the proposed walkway and the proposed materials are both considered acceptable.
- 6.97 The proposed lift shaft is located at the end of the walkway and is constructed completely of brick.
- 6.98 Officers consider that moving the lift shaft closer to the station building to minimise the visual impact would create an isolated area running alongside the ramp. This would create a blind spot in station security. Officers do not consider this would create an acceptable environment and could result in anti-social behaviour and crime.
- 6.99 As detailed above, Network Rail have advised that glass is not considered an acceptable material for external use and has significant maintenance liabilities.
- 6.100 It is considered that the materials of the lift shaft could potentially be reasonably modified to create a visually lighter weight structure.

Conclusion

- 6.101 Officers consider that Network Rail have provided sufficient justification as to why the existing ramp to platforms 4 & 5 can not be made Equality Act compliant and accept that the current proposal to provide a level walkway, stairs and a lift is the best option available. It is considered that there is no reasonable alternative. However, officers are not convinced that the materials and design solution cannot be reasonably modified to minimise the impact of the lift shaft.
- 6.102 Officers also consider that Network Rail have provided sufficient justification as to:
- why the existing footbridge can not be made Equality Act compliant;
 - why an new bridge can not be located elsewhere on the platform to retain the existing bridge; and
 - why a subway is not a viable alternative.
- 6.103 Officers consider that there is no reasonable alternative.
- 6.104 However, officers are not convinced that the materials and design solution cannot be reasonably modified to minimise the impact of the footbridge, stairwell and both lift shafts.
- 6.105 If Committee Members grant prior approval, a condition should be attached regarding further details of materials to be approved. Draft wording is provided at the end of this report.

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.

8.0 The Assessment

The proposals will provide compliant access for people with disability through the provision of lift access to platforms 4 & 5 and platform 1 with safeguarded provision for platforms 2 & 3. It is concluded that in this matter there is a positive impact on equality.

9.0 Conclusion

9.1 This application has been considered in the light of legislative framework set out above.

9.2 Overall, Officers consider that the proposed replacement footbridge, walkway and lift to platforms 4 & 5 are acceptable. Officers consider that there is no reasonable alternative in terms of location or alternative subway scheme. However officers are not convinced that the materials cannot be reasonably modified to minimise the impact of the footbridge, stairwell and both lift shafts.

9.3 Therefore, Officers do not believe that there are grounds on which to refuse to grant prior approval. However in relation to the external materials of the ramp, lift shafts and footbridge Officers recommend that the grant be subject to a condition that requires further details of materials to be approved.

10.0 RECOMMENDATION

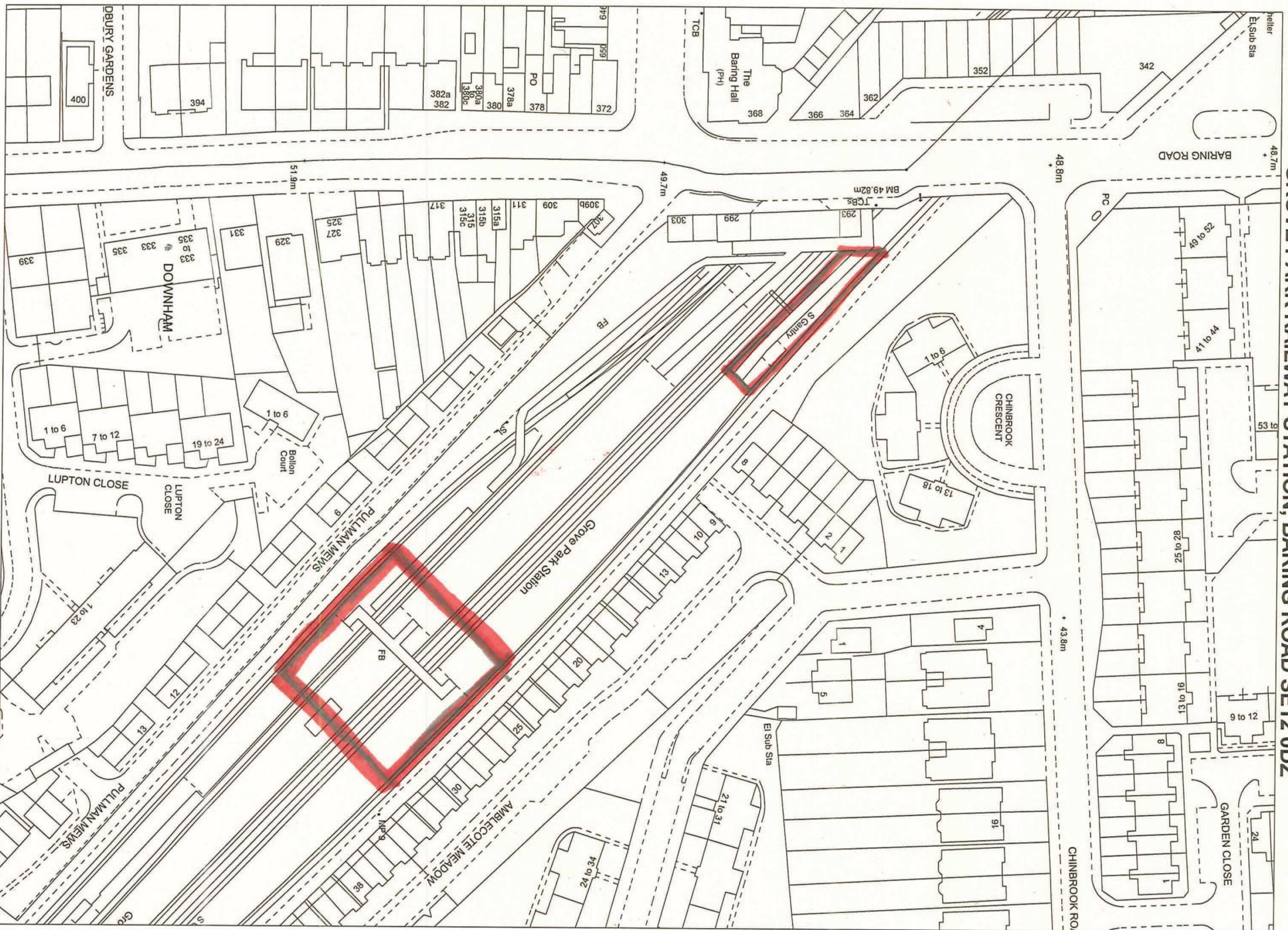
Grant prior approval subject to a condition relating to materials.

CONDITIONS

Prior to commencement of development a detailed schedule and specification of all external materials and external roof coverings to be used on the ramp, lift shafts and footbridge be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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GROVE PARK RAILWAY STATION, BARING ROAD SE12 0DZ



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Committee	PLANNING COMMITTEE C	
Report Title	Heathside and Lethbridge Estate, Blackheath Hill SE10	
Ward	Blackheath	
Contributors	Helen Milner	
Class	PART 1	17 JULY 2014

<u>Reg. Nos.</u>	DC/14/87335
<u>Application dated</u>	24.04.14
<u>Applicant</u>	BPTW Partnership on behalf of Family Mosaic Housing
<u>Proposal</u>	<p>Application submitted under Section 73 of the Town and Country Planning Act 1990 for minor material amendments to the planning permission DC/09/72544 dated 22 March 2010 as amended by planning permissions DC/10/75267 dated 29 September 2010, DC/10/75395 dated 11 November 2010 and DC/12/81165 dated 24 January 2013 for the redevelopment of the Heathside and Lethbridge Estates, Blackheath Hill and Lewisham Road, SE10 comprising outline planning permission (Phases 2-6) for up to 512 square metres of retail floorspace, 768 square metres of community floorspace, an energy centre and 1,054 residential units in buildings ranging from 3 to 17 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space and detailed planning permission (Phase 1) for the redevelopment of land fronting onto Blackheath Hill for 138 residential units in buildings ranging from 4 to 7 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space; <i>to allow for the provision of an additional storey on blocks Db, Dc, Fa and Fb and associated changes in the footprint and elevational treatment of blocks (D and F) in Phase 4.</i></p>
<u>Applicant's Plan Nos.</u>	<p>CD, CIL, Planning Statement, Daylight Report Phase 4, Whole Phase: Plan Views, 13-011/MMAA-002b, 003b, 004a, 005b, 006b, 007b, 008b, 009b, 010b, 011b, 012b, 013b, 014b, 015b, 016b, 100b, 101b, 102b, 103b, 104b, 105b, 106b, 107b, 108b, 109b, 110b, 111b, 112b, 113b, 114b, 115b, 116b, 201c, 202c, 203c, 204c & 511c</p>
<u>Background Papers</u>	(1) Case File LE/H30/TP

- (2) NPPF
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan

Designation

PTAL 3 and 4
Local Open Space Deficiency
Not in a Conservation Area

Screening

A Screening Opinion was issued on 3 July 2014 which determined that an updated EIA was not required.

1.0 Property/Site Description

- 1.1 The Heathside and Lethbridge estates occupy a 6.06-hectare parcel of land to the north of Lewisham town centre. Land within LB Greenwich lies to the north and west, and the estates front 2 main roads: Blackheath Hill and Lewisham Road.
- 1.2 Phases 1 and 2 of the redevelopment are largely occupied and phase 3 is under construction. This application, for minor material amendments (MMA) to the original hybrid permission (as amended) is restricted to Phase 4 of the estate redevelopment which comprises blocks D and F. Block D lies to the east of the site, adjoining the already constructed Phase 1 to the north and future Phase 6 to the south and runs north – south. Block F is located to the west of Block D, to the east of Phase 3 and south of Phase 1.
- 1.3 The entire estate, once redeveloped and subject to approval of this application, would comprise 1192 residential units, with 546 already approved and completed or under constructed as part of Phases 1, 2 and 3.

2.0 Planning History

- 2.1 A request for an Environmental Impact Assessment Scoping Opinion, relating to an earlier 1,333-unit proposal for the redevelopment of the Heathside and Lethbridge estates, was received by the Council on 04/03/2008, and withdrawn on 14/05/2009 (ref: DC/08/68343).
- 2.2 On 17/07/2009, the Council issued an Environmental Impact Assessment Scoping Opinion (ref: DC/09/71457) for the application site, in relation to a proposed development of the Heathside and Lethbridge estates with buildings varying in height from 1 to 17 storeys, providing approximately 1,200 residential units, 500sq.m. of community facilities (use class D1), an energy centre, amenity space, approximately 480 parking spaces and cycle parking facilities.
- 2.3 On 22/03/2010 permission was granted (the original hybrid permission, DC/09/72554) for the redevelopment of the Heathside and Lethbridge Estates, Blackheath Hill and Lewisham Road, SE10 seeking outline planning permission (Phases 2-6) for up to 512sq.m. of retail floorspace, 768sq.m. of community floorspace, an energy centre and 1,054 residential units in buildings ranging from 3 to 17 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space and detailed planning permission (Phase 1) for the redevelopment of land fronting onto

Blackheath Hill for 138 residential units in buildings ranging from 4 to 7 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space.

- 2.4 On 06/09/2010 an application for prior notification of proposed demolition (relating to the existing buildings fronting Blackheath Hill and 1 to 28 Lethbridge Close) was deemed withdrawn (ref: DC/09/72970).
- 2.5 On 29/09/2010 permission was granted for a non-material amendment, planning ref: DC/10/75267, to the hybrid permission (ref: DC/09/72554) to include an additional condition that required the development to accord with the listed plans and documents unless otherwise agreed in writing by the local planning authority. On 25/01/2011, the Council issued a Screening Opinion in relation to this application confirming that this application would not be considered as EIA development.
- 2.6 On the 07/10/2010 a Screening Opinion relating to a reserved matters application for Phase 2 of the development was submitted to the Council. This Screening Opinion screened the development out.
- 2.7 On 27/01/2011, Minor Material Amendments (MMA) approved in relation to Phase 2 of the development to reduce the number of residential units within Phase 2 from 194 to 190 and to make associated changes to the footprint and form of the buildings (ref: DC/10/75395).
- 2.8 On 07/10/2010 an application in relation to MMA (DC/12/81165) for Phase 3 of the development was submitted to allow for alterations to the height and massing and this was approved in January 2013 along with the reserved matters (DC/12/81170) approval for Phase 3.
- 2.9 Subsequent approvals have been issued in relation to the discharge of conditions on phase 3 of the development, with phases 1 and 2 now constructed and occupied.

3.0 Current Planning Applications

The Proposals

- 3.1 The original hybrid application was granted under ref DC/09/72554 on 22 March 2010 for the comprehensive redevelopment of the Heathside and Lethbridge Estates (ref: DC/09/72554) and amended by DC/10/75395.
- 3.2 An additional condition was subsequently attached to the hybrid approval by way of a non-material amendment planning application (ref: DC/10/75267). This additional condition requires development to accord with the specified approved plans, unless otherwise approved in writing by the local planning authority.
- 3.3 The current application seeks to vary this condition under Section 73 of the Town and Country Planning Act, to provide for a range of amendments that are now proposed to Phase 4 of the scheme. The proposed variation to the condition would result in the replacement of the previously approved plans, as specified in the decision, with revised plans that incorporate the proposed scheme changes.
- 3.4 The application is intended to revise the residential accommodation to reflect the quality standards in the London Mayor's Housing Supplementary Planning

Guidance 2012. Consequential changes to the form of the development are thus proposed (though the associated amendments to the form of the blocks are stated to be improvements by the Applicant). Specific amendments to the Phase 4 development proposed by this application are:

3.5 Block D:

- Increase to the west building line/footprint by an average of 1.0m;
- Increase to the east building line/footprint by an average of 2.0m (though habitable rooms remain approximately the same distance from the boundary due to the walkway positions);
- Alterations to basement footprint to mirror above ground changes;
- Addition of one additional storey to the full width of the building allowing the two top storeys to be set back by 3.5m and retaining the consented 5 storey parapet height); Reduction of east building line/footprint junction to Phase I by an area of 1.6m x 3.6m;
- Stair cores and entrances revised to break-up the building mass into three segments (reconfiguration of two stair cores and removal of one stair core from the approved Hybrid permission);
- Introduction of walkways to the rear of the building to maximise dual aspect dwellings; and
- Front and rear building lines streamlined by means of realigning the main mass to run parallel to Block F.

3.6 Block F

- Increase to the north building line/footprint by 0.8m (centre of the building line) to 2.5m (at the eastern and western ends of the building line);
- Increase to the east building line/footprint by 1.4m consistently with balconies projecting 0.75m beyond the building line;
- South-east tower building line/footprint increased by 2.0m;
- West building line / footprint increased by 1.0m consistently with balconies projecting 0.75m beyond the building line;
- South-west tower building line / footprint increased by 0.9m;
- North-west tower building line / footprint increased by 1.2m;
- North-west low rise building line / footprint increased by 3.9m on corner element;
- South courtyard building line / footprint increased by 3.7m;
- Alterations to basement footprint to mirror above ground changes;
- Addition of one additional storey to the full length of block Fc, with the top storey set in by 2.5m adding 3.82m to the approved height.
- Increases in building height on block Fb by 1.64m, Fd by 1.71m and Fe by 1.79m to accommodate improved ceiling heights, without increases to number of storeys.
- The tower has increased in height by a maximum of 3.06m, whilst this provides a 14 storey building, this is not seen as contrary to the outline

permission which although described 13 storeys on the massing plan, includes 14 levels on the floor plans.

- Set backs to top floor on north, east and west sides removed to improve the architectural and streetscape design, and the quality of accommodation;

3.7 No material changes to the planning circumstances of the site since the consideration and approval of the original hybrid application, are considered to have taken place. The original assessment and conclusions relating to the impact of the 2010 hybrid scheme (including those in the EIA) and the planning merits of the scheme are considered to remain relevant.

3.8 This application is therefore considered in relation to: (i) the material submitted with the application, (ii), the conclusions of the 2010 EIA and (iii), the Applicant's submission that considers the impact of the changes on those conclusions. A screening opinion, screening out the need for a further EIA has been issued.

Supporting Documents

3.9 The application was accompanied with the following documentation;

- Design Strategy Diagrams
- Context floor plans
- Context elevations and sections
- Landscape
- Application form
- Screening report
- Massing comparison
- Planning statement
- Sunlight and daylight report
- Wind analysis

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.

Pre-Application Consultation

4.3 Resident Consultation

4.4 The scheme was presented by the applicants to residents through five residents' consultation sessions, in October and December 2013, twice in January 2014 and finally in February 2014. The main issues that were addressed included:-

- Design of main entrance lobbies (secure postal access)
- Entrance signage –fully integrated with building design
- Letterbox design –security & location within lobby

- Design of balconies – privacy/security/colour
- Residents gardens – public/ private interface at grade

4.5 **London Borough of Lewisham**

- 4.6 Throughout the design development of Phase 4, Bptw and Family Mosaic have consulted LB Lewisham Housing department, and Planning Service.
- 4.7 Working with the Housing Department discussions took place to ensure that the new homes provided strive to meet the needs of those residents who will eventually be moving into the new affordable units as part of the Council decant programme.
- 4.8 Working with the Planning Service, the architects and agent Bptw along with Family Mosaic met with the Council planners and design officers to seek advice and guidance on the Phase 4 design development. The scheme was presented at three separate meetings to discuss the building form, massing, height and articulation before entering into more detailed discussions surrounding the design of the deck access, balconies, materials and entrance design.
- 4.9 Following the submission of the S.73 application the Council carried out neighbour consultation for all residents on the estate.

Written Responses received from Local Residents and Organisations

- 4.10 Nine letters of objection were received from local residents, however some of these letters were joint objections with the forthcoming Reserve Matters application, which is yet to be determined. The details of the objections are listed below;
- Environmental noise pollution from ‘bounce back’ off the elevation walls on Phase 4 blocks, which will be increased with the proposal for additional storeys.
 - Phase 4 block Db will abut directly onto Phase 1 Block Da making residents feel completely closed in, obstructing any previous open vistas.
 - Proposal to raise the height of Phase 4 in part will make Phase 1 residents feel closed in by development.
 - Development will blight sight-lines from Blackheath with ‘a hotchpotch of high rise architectural styles’ that continue to block out the green vistas.
 - Concern that the materials used on the elevations of the existing phases will go out of fashion and adding to these blocks will reduce the visibility of the green-space that remains.
 - There is not demand for the housing as not all social housing units are currently occupied.
 - The proposed development is out of character in the area due to the massing.
 - The increase in height of Phase 4 will cause overshadowing on to Phase 1 and a loss of daylight and sunlight.
 - The increase in height will reduce the availability of views that are expected from the Phase 6 viewing platform.

- That there are factual inaccuracies in the submitted documents, mainly the energy statement.

4.11 Objections were also received from Phase 1 residents objecting to further development due to ongoing issues with the operation and maintenance of the Phase 1 blocks and stakeholder management. These objections related to;

- High priced energy bills and inefficient energy supply
- Overheating within the flats and communal areas, which residents believe is causing poor health.
- Poor quality ventilation systems, which residents consider not to have been installed in line with the approved specification.

4.12 Whilst these concerns are valid and have been passed to the applicant, they are not material planning considerations for this Minor Material Amendment application.

Design Review Panel

4.13 During the pre-application discussion stage the proposal was considered by the Design Review Panel, in January 2014. The following comments were made;

- The tower appeared overtly bulky and further work is required to ensure that the tower does not appear squat. It was suggested that some of the massing toward the top of the tower be further articulated by the removal of height on the courtyard aspect in order to address this.
- The Panel suggested incorporating integrated rather than projecting balconies on the tower to achieve smoother lines.
- Block F - The use of a void between the blocks, as seen on phase 2 would be a successful feature. However it was felt that glazed nodes separating the various blocks was not really convincing as sufficiently transparent or to create glimpses through the development.
- Block D - Panel members generally accepted the increase in height to Block D by one storey relative to the consented scheme, as a consequence of revised housing standards, and the duplex units on the top floor are welcomed.
- Panel questioned Block D ground floor family units and felt that these units should either be re-deployed or further design work undertaken to clarify the distinction between shared/private external spaces.
- The Panel expressed a preference for less deck access and more dual aspect units served from cores. If deck access was used it should be generous to encourage social interaction.
- The Panel went on to express concern over the quality of design and the materials on Phase 2 decks and welcomed the statements from the developers agreeing on higher quality proposals for the detail of Phase 4.
- The Panel were clear that the site-wide landscape design should be developed to a detailed application level to enable the quality and intent of the entire estate to be secured.
- The Panel welcomed the move toward a simpler deployment of materials (bricks) relative to earlier scheme and the elevational typologies as presented at the meeting appeared well composed.

- Overall, the Panel members encouraged the general direction of the project, particularly as this is a later phase of a part implemented master plan, but requested further work be done prior to submission to address the outlined concerns.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

Other National Guidance

- 5.7 The other relevant national guidance is:

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

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.7 Large residential developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

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

London Plan Best Practice Guidance

- 5.10 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

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

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

Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 18 The location and design of tall buildings
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
STR URB 4 Regeneration Areas
URB 1 Development Sites and Key Development Sites
URB 3 Urban Design
URB 12 Landscape and Development
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development

Residential Standards Supplementary Planning Document (August 2006 revised 2012)

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

Emerging Plans

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

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

5.15 The following emerging plans are relevant to this application.

Development Management Plan

5.16 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013 and an Examination in Public took place in late February 2014. 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 Development Management Local Plan – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. The Examination in Public is expected to conclude in Summer 2014, with adoption expected to take place in Autumn 2014.

5.17 Following this examination policies were either unchanged, had additional modifications or main modifications. The unchanged and additional modification policies will not be reconsulted on or revised prior to adoption but the proposed main modification policies may alter following reconsultation. Therefore, in accordance with the NPPF, the weight decision makers should accord the Submission Version should reflect the advice in the NPPF paragraph 216.

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

DM Policy 1 Presumption in favour of sustainable development

5.19 The following policies relevant to the application have main modifications following the Inspector examination;

DM Policy 30 Urban design and local character

DM Policy 35 Public realm

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 23 Air quality

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

6.0 Planning Considerations

6.1 The Planning Considerations in respect of the amendments sought under this Section 73 application the considerations are:-

- Principle of development
- Design
- Amenity for Future Occupiers
- Impact on Neighbours
- EIA
- CIL/s106

Principle of Development

6.2 The main considerations for this application are assessing whether the amendments to the scheme result in material differences to the hybrid scheme and if the amendments are acceptable in relation to the design or result in significant and unacceptable impacts on residential amenity.

- 6.3 A Minor Material Amendment (MMA) is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. Whilst there is no statutory definition and or prescribed test in the legislation there is guidance on what may constitute an MMA.
- 6.4 It should also be understood that the development to which the s.73 application seeks to amend has already been judged and approved as acceptable in principle through an earlier consent. Therefore the extent of the material planning considerations in this application are restricted and only the amendments being applied for should be considered at this stage. Objections raised in relation to the on going operation and management of the already constructed phases are therefore not considerations for this application.
- 6.5 However, notwithstanding this, when determining the application the Council as Local Planning Authority must consider the application in the light of current policy. The Council therefore has to make a decision using national and local policies to guide the decision and these policies in some cases may have changed significantly since the original grant of planning permission.
- 6.6 The amendments proposed will see an expansion of the footprint of Blocks D (core b, c and d) and F and additional storeys to Blocks Db, Dc and Fa and Fb as well as changes to the form and articulation of the elevations. The amendments have been driven by the need for the scheme to comply with London Plan Housing SPG standards and also include amendments and relocation of cores, the introduction of walkway access, amendments and repositioning of balconies, adjustments to alignment and upper story massing for Block D and F and redistribution of the approved housing mix.
- 6.7 It is considered that the amendments to the outline approval are material in nature. Furthermore, whilst in isolation the amendments could be viewed as significant, in the context of the Phase 4 development and overall estate redevelopment, the proposed alterations are considered to be minor in scale. The alterations would not result in a development that is substantially different from the outline scheme approved in terms of building form and massing. Accordingly it is considered reasonable to assess the proposed revisions as a MMA to the approved scheme, under Section 73 of the Town and Country Planning Act 1990 in order to allow the substitution of approved plans by way of a variation to Condition 2 of the hybrid planning permission.
- 6.8 The report therefore assesses the proposed amendments to the scheme in relation to current planning policy, focussing on the material differences to the approved scheme and the individual and cumulative impact this would have compared to the approval.

Design

- 6.9 The outline scheme presented Phase 4 only in block form, providing the siting and general height and massing of this phase of the development, without the articulation of a fully developed scheme. It is therefore acknowledged that the scheme would be developed further at each phase to detail the necessary detailed design features to provide the buildings with character and features that demonstrate a high quality scheme.

- 6.10 Whilst the proposed design details can be seen on the submitted plans an application for Reserved Matters pursuant to the outline planning permission will that follow this s.73 application which will consider the merits of the proposed detailed design, in terms of external treatment to the elevations, materials, landscaping and internal design. This s.73 application focuses on the key amendments to the outline scheme, which in design terms are the height and massing changes.
- 6.11 Phase 4 will complete the north side of the estate renewal and adjoins all Phases, except Phase 2. Therefore how the design integrates with the surrounding Phases is the essential factor. The height and massing of blocks D and F must work to articulate the design language of the wider estate character whilst also being a high quality development in its own right. Given the prominence of the estate the standard of design is crucial and amendments to this must be given full consideration.
- 6.12 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Lewisham's Development Plan design policies further reinforce the principles of the NPPF by setting out a clear rationale for securing high quality urban design.
- 6.13 Phase 4 as originally approved saw block D as a linear block adjoining Phase 1 to the north and Phase 6 to the south. The proposed amendment retains this position, however the footprint of the building has increased on both sides, with an average increase of 2m to the east side and 1m to the west side.
- 6.14 On the east side the development now provides external deck access and therefore the position of the external wall remains approximately in line with the original consented outline scheme. Although this takes the development closer to the eastern site boundary there is still a sufficient area of usable land for amenity space and also to act as a buffer to the adjoining site. The deck access will remove an element of landscaping but still retain the outdoor space for residents, albeit in a different capacity.
- 6.15 To the west side the increase of 1m will see the block become more linear in appearance, becoming more of a continuous block, with the breaks in the elevations provided by external treatment rather than the positioning of the blocks. The expansion of the footprint on the west side still allows for a generous area of public realm between block F and D and is therefore not considered to make the block appear overly bulky or domineering within the streetscene.
- 6.16 The proposed amendment for an additional storey on Block D will increase the height from the outline consent by 3.66m. However with the sixth and seventh floors of block D set back from the edge of the building by 1m to the east and 3.5m to the west, the perceived height of the block is not considered to alter significantly within the streetscene, as the parapet height would not be increased.
- 6.17 The amendments to the footprint and height of Block D are not considered to significantly alter the scheme from the approval or detract from the design language of the estate and are therefore considered acceptable and minor in nature in the context of the scheme overall.

- 6.18 Block F also will see an overall increase in footprint from the consented layout. Block F consists of a quadrangular block with a tower on the south eastern corner. The approval in the outline consent saw the quadrangle as a continuous block form on four sides, with the exception of the tower. The proposed amendments provide block F with more articulation and breaks between the blocks due to the positioning of the blocks and use of set backs and glazed recesses in the elevations.
- 6.19 The footprint increases range from 0.9m to 3.9m on the south west corner, however this increase allows the accommodation within the development to be built in accordance with London Plan housing standards. They also provide the development with well articulated elevations appropriate to the context, enhancing the outline parameter blocks and giving character to the built form.
- 6.20 The changes to the footprint are mainly confined to the outer elevations, with limited advances into the communal podium gardens, with areas recessed to improve the amenity space. Whilst deck access has been included to the inner facing elevations on the south, east and west elevations these provide open communal space and not an encroachment of the elevations.
- 6.21 Although there are notable increases to the footprints of Block F these do not detract from the spacious nature of the public realm and landscaped areas. Furthermore the increases do not bring about any significant changes to the layout and site positioning of the block and therefore the changes to the footprint are considered to be minor in nature and are considered to result in an acceptable change to the scheme design.
- 6.22 The increases to the height of block F range between 1.64-3.82m, with an amendment to the scheme to include an additional storey to block Fc which is the western block in the quadrangle. The additional storey will be set back from the western edge by 2.5m, therefore reducing the impact on the public realm and streetscene. It should also be noted that due to the change in levels across the site, floor 7 for block Fc is floor 6 for block D and as such the increase in height from the east to west will still be maintained and block Fc will not become out of scale within the development.
- 6.23 The increased height to the tower is to accommodate the changes to housing standards, which include floor to ceiling heights. However, the number of floors when compared with the layout plans in the outline remains the same. The increase of 3.06m in the height of the tower will be spread over the extent of the tower and therefore the changes to the proportions and appearance of the tower will be minimal.
- 6.24 The changes to the footprint and height of block F when considered in light of the overall Phase 4 and wider estate redevelopment are considered material but are minor in nature in the context of the outline consent and are considered acceptable in design terms.

Amenity for future occupiers

- 6.25 The amendments to the scheme involve a reduction by one unit. Even though the scale of Phase 4 would increase this is to secure an improvement in the standard of the accommodation in line with planning policy and would not result in an

intensification of use. Whilst this phase will see the one less unit delivered than consented for, it is expected that this unit will be included in future phases.

- 6.26 Whilst the proposal has been designed to improve the quality of the accommodation, the detail of the housing layouts did not form part of the outline application and as such this will be dealt with in detail by the Reserved Matters (RM) application, which will be considered in due course.
- 6.27 It should be noted however that there is a change in unit distribution, with 38 wheelchair units to be provided in Phase 4, as stated in the deed of variation for the Section 106 agreement. The original consent had proposed that many of the wheelchair units would be located within the tower and this application now proposes to locate 30 of the wheelchair units within the allocated over 55's section of Block F. The remaining 8 units will be distributed between both blocks at ground floor level so as to have direct access to the street; all units will meet the standards of the SELHP guidelines.
- 6.28 The introduction of walkway access and repositioning of balconies are considered to improve the circulation for residents without compromising the design of the blocks. Furthermore the increase in footprint and height ensures the accommodation will meet the standards as set out in more recent planning policy, without any significant loss of landscaping and public realm and as such the amendments to the outline consent are considered to improve the amenity of future occupiers and are deemed acceptable.

Impact on Neighbours

- 6.29 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Whilst the principle of the development is secured by the previous consent the effect of the amendments must be given full consideration in relation to impact upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.30 The impact of the development upon surrounding residents was considered at outline stage, however Phases 1 and 2 have now been constructed and occupied and as Phase 1 is situated to the north of Phase 4 these residents are concerned about the potential for increased impacts due to the amendments.
- 6.31 In relation to Block D the changes to the footprint and height are not considered to have any adverse impacts, significantly beyond that of the consented scheme on surrounding residents. Whilst the footprint has increased to the east and west, to the west this increase will bring the building line of the Phase 4 block in line with the building line of the already constructed Phase 1 and as such on this elevation the impacts are considered to be minimal.
- 6.32 To the east side it is acknowledged that the footprint will project forward of the Phase 1 building line that immediately adjoins Phase 4, however Phase 4 would maintain the same building line for 4m before projecting forward. This recess in the approved building line provides residents with a more open outlook and given the orientation of this block there would be only a limited impact in terms of daylight/sunlight and overshadowing.

- 6.33 The height increases to Block D are not considered unreasonable or excessive and impacts of the increase in height in relation to overshadowing and loss of light will be contained and limited. Whilst it is acknowledged that there would be some reduction in daylight and sunlight for Phase 1 units when compared to the approved scheme, this is not considered harmful or significant.
- 6.34 The applicant has submitted evidence with the application to demonstrate that the impact resulting from the amendments is not harmful, but there would be a minor impact when compared to the approved scheme. A Vertical Sky Component (VSC) assessment and an Annual Probable Sunlight Hours (APSH) assessment have been carried out and the results submitted, which compare the outline consent to the proposed massing of this application to identify any additional loss of daylight and sunlight to Phase 1, 3 and 5 residents.
- 6.35 The results show that all units where a reduction is calculated, with the exception of 2 testing point are within the 20% reduction of daylight, as set out in the BRE Guidance. Whilst these testing points show that there would be a reduction in VSC greater than 20% these windows are directly below balconies serving flats in upper flats, which restricts VSC. Also, the actual change in VSC in real term number rather than percentage is considered minimal and would not result in any significant change to the approved scheme, especially when considering the small number of units effected. It should also be noted that the analysis has been undertaken in respect to ground floor level flats, which presents the worst case scenario and over the rest of the floors there will be no noticeable difference in daylight between the consented outline scheme and the revised development now proposed.
- 6.36 Furthermore where testing points have not reached the 20% target value consideration must be given to the fact that these windows are below existing overhanging balconies, which significantly impacts on the VSC to windows below. As projecting balconies are a feature of Phase 1 they do impact on the light levels to flats below them, but the balconies provide essential outdoor amenity space for residents.
- 6.37 Overall it is considered that whilst some of the units do not meet with values set out in the BRE guidance the impact of the proposed scheme compared to that approved is minor and acceptable. The Council consider that the impact of the amendments coupled with the number of units impacted will not lead to any significant or harmful impacts on the daylight levels to surrounding flats.
- 6.38 The sunlight analysis showed that one testing area did not achieve the recommended BRE guidelines, which states that the proposed situation should be at least 25% of the annual total, of which 5% should be from the winter months. The window that failed to meet the winter months guidance of 5% missed only by 1%, however when the received sunlight throughout the year is taken into account, overall the impact is minimal and acceptable.
- 6.39 The changes to Block F have the potential to be more widespread given the more central location of Block F. The amendments to the footprint and massing will have an impact on surrounding blocks, however the extent of this is not considered so significant as to warrant a refusal of planning permission.
- 6.40 The width of the block will increase as a whole therefore altering the outlook of some residents in the occupied Phase 1. However as shown within the massing

comparison studies, the increased footprint in relation to the wider site is not considered significant and approximately 15m is retained between the south elevation of Phase 1 Block C and Phase 4 Block F.

- 6.41 As mentioned above there will be a minor impact on daylight, sunlight and overshadowing beyond that of the consented scheme, however the increase in building form is required to provide the approved units to latest housing standards. Furthermore the site is located in a dense urban environment where developments are commonly within close proximity of each other and therefore there will be changes to day and sun light levels from adjacent developments. The planning application process must determine if the change in levels is significant and harmful. By analysing the accompanying documents with this application it is acknowledged that whilst there will be an impact following the construction of Phase 4, it is not considered harmful or significant in comparison with the approved scheme. Therefore it is considered that the amendments to the scheme will not significantly impact on the amenity of surrounding properties in matters of daylight, sunlight and overshadowing.
- 6.42 With regards to objections regarding noise levels, it must be acknowledged that the site is located adjacent to high levels of background noise from road movements. Therefore the impact of noise on future occupiers was considered at the outline stage (detailed in relation to Phase 1) with noise insulation conditions recommended for all Phases of the development to protect future occupiers and Phase 4 is no different.
- 6.43 The amendments to Phase 4 from the outline scheme are not considered to introduce any new noise sources that have not been previously assessed in the outline consent. Objections received noted that the increase in height of Phase 4 will lead to an increase in noise levels on the site. Whilst no further noise testing has been carried out, using the data from the original Environment Statement in relation to the revised massing the noise consultants concluded that there would be no significant increase in noise levels resulting from the proposed changes.
- 6.44 This conclusion is based on there being two levels of impact to consider, objective and subjective impact. The objective impact from a reflective component (noise off buildings) indicated that there would be a maximum noise increase of less than 3 dB. This is considered to be the smallest perceptible level of change in real world conditions and is regarded as a minor impact, so is not considered significant.
- 6.45 The subjective impact is the perceived impact from other receptors, mainly visible and is what residents may be perceived as the increase in noise levels when looking at the building massing rather than considering the data results. Although a valid consideration the data analysis provided demonstrates that the amendments will give rise to a noise impact of less than 3dB; having a minor impact on the approved situation and therefore not considered significant.
- 6.46 The proposed changes to Blocks D and F would have no significant impact on other planning considerations such as townscape character, sustainability, energy, highways, land use, ecology, land contamination or open space. These issues were duly considered and deemed to be acceptable when the original permission was granted and will be assessed further through the RM application and subsequent consideration of details for Phase 4.

EIA screening

- 6.47 The application was accompanied by an EIA screening report. Additional information in relation to Wind, Daylight and Sunlight and townscape amenity have been submitted and assessed in relation to this application. However, it was concluded that none of these matters are significantly affected by the proposed changes and it was concluded in the Screening Opinion that a further EIA would not be required.

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.

S106 Deed of Variation

- 7.4 The original planning permission which is being varied by virtue of this Section 73 application was subject to a S106 agreement. In accordance with Section 73 of the Town and Country Planning Act 1990, a new planning permission will be issued which will replace DC/09/72554. As such it will be necessary to agree a Deed of Variation to the original S106 to ensure that the obligations within the original legal agreement and subsequent Deeds of Variation are tied into this permission. The content of the S106 agreement will remain unaltered in all respects.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

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

9.0 Conclusion

9.1 The local planning authority has considered the particular circumstances of the application against relevant planning policy set out in the London Plan 2011, the Council's adopted Core Strategy 2011 and saved policies in the Council's adopted Unitary Development Plan (July 2004) and emerging Development Management Local Plan. The local planning authority has further had regard to the Mayor of London's Supplementary Planning Guidance as well as Government Planning Policy, and other material considerations including comments received in response to third party consultation and the conditions to be imposed on the permission.

9.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area or the amenities of neighbouring occupiers, or occupiers of the scheme and would be capable of delivering the approved vision for the site. The proposal is thereby in accordance with Policies 3.4: Optimising Housing Potential of the London Plan 2011, CSP15 High Quality Design for Lewisham of the 2011 adopted Core Strategy and URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).

10.0 RECOMMENDATION

10.1 Upon the completion of a Deed of Variation to the original Section 106 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.
- 2) Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed in the Schedule overleaf.
- 3) Time Limit of Outline Element
 - (a) Applications for approval of Reserved Matters for Phases 2 and 3 must be made not later than the expiration of 5 years beginning with the date of the grant of the original planning permission DC/09/72554 as revised dated 22 March 2010.
 - (b) Applications for approval of Reserved Matters for Phases 4, 5 and 6 must be made not later than the expiration of 10 years beginning with the date of the grant of the original planning permission DC/09/72554 as revised dated 22 March 2010.
 - (c) The development to which this outline permission relates must be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

4) Reserved Matters details for Phases 2 to 6

No Phase of the development shall be commenced until layouts, plans, sections, elevations and other supporting material for that Phase detailing:

- (i) design of the buildings (including internal layouts);
- (ii) external appearance (including samples of the materials and finishes to be used for all external surfaces and including, but not limited to roofs, elevation treatment, glazing);
- (iii) landscaping of all public and other areas (including locations of trees and play equipment). have been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, the development shall in all aspects be carried out in accordance with the details approved under this Condition 30.

5) Detail for all Phases

No Phase of the development shall be commenced until details of the following matters in respect of that Phase have been submitted to and approved in writing by the local planning authority:

- (i) on-site vehicle servicing and parking;
- (ii) footpath layout, including all surface treatments;
- (iii) hard and soft landscaping and planting;
- (iv) site boundary treatments;
- (v) foul and surface water drainage, including on site and off site connections/improvements;
- (vi) daylight and sunlight information for all habitable room windows (except for those in Phase 1);
- (vii) wind tunnel testing and wind mitigation measures (except for Phase 1);
- (viii) updated air quality assessment and mitigation measures;
- (ix) detailed elevational drawings and sections to a scale of 1:50 and 1:100;
- (x) details of ground levels around each building; and
- (xi) details of compliance with Code for Sustainable Homes standards.
- (xii) details of means of access to the development for people with disabilities; and
- (xiii) details, including drawings and information relating to energy performance, of roof mounted photovoltaic arrays (except for Phase 1) or other renewable energy measures to be submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details

6) Compliance with Approved Application Details

Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in

accordance with the application documents, plans and drawings hereby approved as detailed in the SCHEDULE

7) Detailed Waste Management Plans

- (i) A detailed waste management plan (WMP) (to include details for the disposal, processing, recycling and storage of waste and for the provision of composting facilities) for each Phase shall be submitted to and approved in writing by the local planning authority no later than three months from the commencement of a particular Phase.
- (ii) The development of each Phase shall be carried out and operated in accordance with the approved WMP relating to that Phase unless minor variations are otherwise approved in writing by the local planning authority.

8) Habitat Management Plans

A habitat management plan (HMP), including details of monitoring arrangements, for each Phase shall be submitted to and approved in writing by the local planning authority not later than three months from the commencement of that Phase.

9) Living Roofs

- (i) Details (including sections, details of proposed substrate, plant species and management and confirmation that the roofs shall not be used as outdoor amenity spaces) of the living roofs shall be submitted to and approved in writing by the local planning authority not later than three months from the commencement of construction of each Phase to which they relate.
- (ii) Prior to the occupation of a Phase, the approved details and sections relating to that Phase shall be implemented.
- (iii) Thereafter the roofs shall be retained in accordance with the approved details and sections for the Phase to which they relate.

10) Bird and Bat Boxes

- (i) Details of bird and bat boxes to be provided shall be submitted to and approved in writing by the local planning authority prior to commencement of the Phase in which they are to be located.
- (ii) Thereafter the approved bird and bat boxes shall be retained in accordance with approved details.

11) District Heating

A district heating network supplying every dwelling in the development shall be installed and shall be sized to the space heating and hot water requirements of the development. The network shall have the following characteristics:

- (a) It shall be operational prior to the occupation of the first dwelling in Phase 2 and shall thereafter serve all completed apartments within the development;
- (b) It shall be supplied with heat generating plant installed in a single energy centre or an external district heating network; and

- (c) By the completion of the 1,100th dwelling combined heat and power capacity shall be installed in the single energy centre with an electrical output capacity of 400 kW.

12) Sustainable Design and Construction

The development shall meet all of the “essential” (except E1.3) and the majority of the “preferred” requirements in the Mayor of London’s SPG on Sustainable Design and Construction 2006.

13) Ventilation

Any building ventilation systems shall be designed and operated so that air is not drawn from the ground level on the Blackheath Hill elevations of blocks A, B, C and D.

14) Electric Vehicle Charging Points

- (i) Full particulars of electric vehicle charging points to be provided on site and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to commencement of the building at which they are to be located.
- (ii) The said electric vehicle charging points shall be installed and maintained in accordance with the approved particulars and programme of installation and maintenance.

15) CHP Plant

- (i) Details of suitable measures to mitigate emissions to air for the combined heat and power (CHP) plant in the Energy Centre shall be submitted to and approved by the local planning authority before the CHP plant is first brought into use.
- (ii) The approved means of mitigation shall be installed and brought into operation at the same time that the CHP plant is first brought into use and shall be retained in operation and in accordance with the manufacturer’s instructions thereafter for as long as the CHP plant is operational, unless minor variations are otherwise approved in writing by the local planning authority.

16) Biomass Boiler Management

- (i) Details of the proposed biomass boiler (or other solutions approved in writing by the local planning authority) type, design, type of fuel, supply chain, thermal net input, and method of start-up and means of mitigating emissions to air shall be submitted to and approved by the local planning authority in writing before it is first brought into use.
- (ii) The approved means of mitigation shall be installed and brought into operation at the same time that the biomass boiler (or other solutions approved in writing by the local planning authority) is first brought into use and shall be retained in accordance with the manufacturer’s instructions thereafter for as long as it is operational.

17) Noise Insulation

- (i) Details of glazing, balcony doors and ventilation (including Whole House Ventilation Systems) of the dwellings shall be submitted to and

approved in writing by the local planning authority within three months from the commencement of each Phase.

- (ii) All dwellings shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time-weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided, including both passive and rapid systems unless the local planning authority approves alternative internal noise levels in writing in advance of dwellings being occupied.
- (iii) For dwellings where with assumed mitigation of R_w45 specification glazing, high performance balcony door and Whole House Ventilation in place it is predicted that the noise levels referred to in (ii) will not be achieved, detailed predicted internal noise levels for all rooms in those dwellings shall be submitted to and approved in writing by the local planning authority before work commences on the building in which the dwelling(s) are located.
- (iv) Any glazing, balcony door and ventilation within the dwellings shall be provided in accordance with approved details and no dwelling shall be occupied until a report in relation to that dwelling, verifying that the dwelling accords with the approved details or noise levels, has been submitted to and approved in writing by the local planning authority.
- (v) Thereafter, the works undertaken pursuant to the approved scheme shall thereafter be retained in accordance with the details approved therein.

18) Noise from Fixed Plant and Machinery

- (i) The rating level of the noise emitted from fixed plant and machinery on the development shall be 5dB below the existing background level at any time, as measured at the façade of any noise sensitive receptor. The measurements and assessments shall be made according to BS 4142:1997.
- (ii) Design, operation and maintenance details of a scheme for compliance with paragraph (i) of this Condition shall be submitted to and approved in writing by the local planning authority within three months from the commencement of development of a Phase.
- (iii) No building shall be occupied until the approved scheme has been implemented in its entirety in relation to that Phase.
- (iv) Thereafter, the approved scheme shall be retained and maintained in accordance with the approved details.

19) Noise from Energy Centre

- (i) No development of the Energy Centre shall commence until design, operation and maintenance details of a scheme of noise mitigation has been submitted to and approved in writing by the local planning authority.
- (ii) The Energy Centre shall not be occupied until the approved noise mitigation scheme has been implemented in its entirety.

- (iii) Thereafter, the approved scheme shall be retained and maintained in accordance with the approved details.

20) Sound Insulation where Non-Residential adjoins Residential

Full written details, including relevant drawings and specifications, of works of sound insulation against airborne noise to meet $D'_{nT,w} + C_{tr}$ dB of not less than 55 between the ground floor and first floor, and between the first floor and second floor, where residential parties non-residential use, shall be submitted to and approved in writing by the local planning authority. The residential units within that Phase that are located adjacent to the non-residential uses hereby permitted shall not be occupied until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently in accordance with the approved details.

21) Flood Risk Assessment

The development shall be carried out in accordance with the Flood Risk Assessment appended to the ES.

22) Surface Water

- (i) No Phase shall commence until details of impact studies of the existing water supply infrastructure (to determine the magnitude of any additional capacity required in the system and a suitable connection point) and of a scheme for complying with the surface water management measures hereby approved, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency and Thames Water.
- (ii) Each Phase shall be carried out in accordance with the approved scheme for that Phase and thereafter the approved scheme is to be retained in accordance with the details approved therein.

23) Waste Water

- (i) No development shall commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority, in consultation with the sewerage undertaker.
- (ii) No foul or surface water from the development shall be discharged into the public system until the drainage works referred to in an approved strategy have been completed.

24) Contaminated Land

- (a) No development shall take place until each of the following has occurred:
 - (i) a site investigation has been carried out to survey and assess the extent of potential contamination and its effect (whether on or off site);
 - (ii) a report comprising the results of that site investigation and recommendations for treatment of any contamination (whether by remedial works or not) has been submitted to and approved in writing by the Council; and

- (iii) all measures or treatments identified in that report as being necessary or desirable for the remediation of the site have been implemented in full.

If during any works at the site (whether pursuant to paragraph (a) of this condition ["paragraph a,,"] or implementation of this planning permission generally) contamination is encountered which has not previously been identified ("the new contamination,,"), then works on the affected part of the site will cease and paragraph (a) shall apply to the new contamination and no further development shall take place on the affected part of the site until the requirements of paragraph (a) have been complied with in relation to the new contamination. The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

The closure report shall include details both of the remediation (including waste materials removed from the site, an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.

25) Controlled Waters

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (1) A preliminary risk assessment which has identified: - all previous uses; - potential contaminants associated with those uses; - a conceptual model of the site indicating sources, pathways and receptors; - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

26) Trees - 5 year Replacement

All planting, seeding or turfing forming part of the details of landscaping hereby approved, relating to or corresponding to a Phase, shall be carried out in the first planting and seeding seasons following the first occupation of that Phase and, in any event, no later than the completion of the whole of the development. Any trees or plants which within a period of 5 years from the completion of the whole development die, are removed, or are diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written consent to any minor variation.

27) Trees - Protection During Construction

No development of any Phase shall commence until adequate steps have been taken in accordance with Section 8 of BS 5837 Trees to safeguard all trees to be retained within or adjacent to that Phase against damage, prior to or during building works, including the erection of fencing. These fences shall be erected to the extent of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree and such protection shall be retained until the development has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of the trees.

28) External Materials

No development shall commence on any Phase on site until details of all facing materials (including their colour and texture) to be used on the building(s) in that Phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local planning authority agrees in writing to any variation.

29) Landscaping Details

No development of any Phase shall commence on site until drawings showing the use of any part of the Phase not occupied by buildings and the treatment thereof (including planting, tree species and location, paving, walls and fences), and details of the management and maintenance of the landscaping, have been submitted to and approved in writing by the local planning authority and all works which form part of the landscaping scheme for a particular Phase shall be completed in the first planting season following the completion of that Phase, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 years from the completion of a Phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written approval to any variation.

30) Ecological Enhancement

Development shall not commence on any Phase until a detailed scheme for ecological enhancement and mitigation (including details of exclusion zones, and updated ecological survey information) for that Phase has been submitted to and approved in writing by the local planning authority and no

part of that Phase shall be occupied until the approved scheme has been implemented in full.

31) External Lighting

- (i) Details of all external lighting to be installed within each Phase, including details of directional hoods and measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority not later than six months from the commencement of works in that Phase.
- (ii) All such external lighting shall be installed in accordance with the approved details before any dwelling in the relevant Phase is occupied and thereafter any external lighting (including any directional hoods), shall be retained in accordance with the approved details.
- (iii) Details submitted for approval pursuant to paragraph (i) of this Condition, shall be accompanied by a supporting statement which demonstrates that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

32) Viewing Platform

No work shall commence on Phase 6 until detailed drawings of the proposed public viewing platform have been submitted to and approved in writing by the local planning authority. The viewing platform shall then be constructed in accordance with the approved drawings.

33) Car Club Car Parking

- (i) A minimum of 4 car parking spaces within the site shall be reserved for Car Club use only.
- (ii) Details of the proposed location, size and layout of the spaces to be provided pursuant to paragraph (i) of this Condition shall be submitted to and approved in writing by the local planning authority before Phase 2 commences.
- (iii) The said spaces shall be provided and made available for use before any part of Phase 2 is occupied. Thereafter the spaces shall be retained and used only for parking cars associated with the Car Club.

34) Use of Car Parking

All car parking spaces within the development shall be reserved for and used by vehicles of the occupiers or users of the development only.

35) Cycle Parking

- (i) A minimum of 1,192 cycle parking spaces shall be provided within the development, as follows:-
 - a. Within block A - 64 spaces
 - b. Within block B - 49 spaces
 - c. Within block C - 55 spaces
 - d. Within block D - 78 spaces
 - e. Within block E - 168 spaces

- f. Within block F - 175 spaces
 - g. Within block G - 194 spaces
 - h. Within block H - 264 spaces
 - i. Within block I - 145 spaces
- (ii) A minimum of 178 visitors' cycle parking spaces shall be provided.
- (iii) No Phase shall be occupied until the cycle parking spaces to be provided within that Phase have been provided and made available for use. Thereafter, such spaces shall be retained and used only as cycle parking for use as provided for in paragraphs (i) and (ii) of this Condition.

36) Motorcycle Parking

- (i) A minimum of 30 motorcycle parking spaces shall be provided within the Development.
- (ii) No Phase shall be occupied until the motorcycle parking spaces to be provided within that Phase have been provided and made available for use. Thereafter such spaces shall be retained and used only as motorcycle parking for use as provided for in paragraph (i) of this Condition.

37) Code of Construction Practice

- (i) No works (including demolition and construction other than demolition in Phase 1) shall commence on a Phase until a code of construction practice (CoCP, incorporating a Construction Environmental Management Plan) for that Phase has been submitted to and approved in writing by the local planning authority.
- (ii) No such works shall be carried out other than in accordance with the approved CoCP.

38) Construction Traffic Management Plan

- (i) No works (including demolition and construction, other than demolition in Phase 1) shall commence in a particular Phase until a construction traffic management plan (CTMP) (incorporating a Construction Logistics Plan) for that Phase has been submitted to and approved in writing by the local planning authority. All CTMPs shall set out proposals to reduce the impact of construction traffic, including proposed lorry routeing.
- (ii) No such works shall be carried out other than in accordance with the relevant approved CTMP.

39) Delivery Hours

No deliveries to or from the site in connection with demolition or construction works shall take place outside the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and no such deliveries shall take place at all on Sundays or public holidays, unless otherwise agreed in writing with the local planning authority.

40) Deliveries and Servicing

No work shall commence on any Phase until a Delivery and Servicing Plan for that Phase has been submitted to and approved in writing by the local planning authority.

41) Archaeology

No development shall take place on the site until the applicant, or any successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, observation and recording which has been submitted to and approved in writing by the local planning authority.

10.2 Reasons for Conditions

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 comply with Section 92 of the Town and Country Planning Act 1990.
4. In order that the local planning authority is satisfied with the details of the proposed development.
5. In order that the local planning authority is satisfied with the details of the proposed development.
6. To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and acceptable to the local planning authority.
7. To ensure that waste is minimised as far as practicable and managed in an environmentally sustainable way and to comply with Policy 13 Addressing Lewisham's waste management requirements in the Core Strategy (June 2011).
8. To ensure that the development incorporates adequate sustainable drainage techniques and enhances biodiversity and complies with Policy 12 Open space and environmental assets in the adopted Core Strategy (June 2011).
9. To ensure that the development enhances biodiversity and complies 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 in the London Plan (July 2011).
10. To ensure that the development enhances biodiversity and complies with Policy 12 Open space and environmental assets in the Core Strategy (June 2011) and Policy 7.19 Biodiversity and access to nature in the London Plan (July 2011).
11. To ensure adequate provision of combined heat and power and to comply with Policies 5.2 Minimising Carbon Dioxide Emissions, 5.3 Sustainable Design and Construction and 5.6 Decentralised Energy in Development Proposals in the London Plan (July 2011).
12. To ensure the development meets a high standard of sustainable design and construction and to comply with Policy 5.3 Sustainable Design and Construction in the London Plan (July 2011).

13. To ensure adequate air quality for the future occupiers of these Buildings and to comply with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
14. To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
15. To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
16. To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
17. To ensure a satisfactory living environment for the future occupiers of the Dwellings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
18. To ensure a satisfactory environment for the future occupiers of buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
19. To ensure a satisfactory environment for the future occupiers of these buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
20. To ensure a satisfactory environment for the future occupiers of these buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
21. To ensure the development is designed safely in reference to flood risk in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011).
22. To prevent the increased risk of flooding and to improve water quality in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011) and Policy 5.13 Sustainable drainage in the London Plan (July 2011) and ensure that water supply infrastructure has sufficient capacity to cope with additional demand.
23. To ensure that the development does not lead to sewage flooding and that sufficient drainage capacity is made available to cope with the development and in order to avoid adverse environmental impact.
24. 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 Policy ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004).
25. To prevent pollution of controlled waters and to comply with Policy ENV.PRO 17 Management of the Water Supply in the adopted Unitary Development (July 2004).
26. To protect the visual amenity of the neighbouring occupiers and to comply with the duty imposed on the local planning authority by Section 197 of the Town and Country Planning Act 1990 and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in

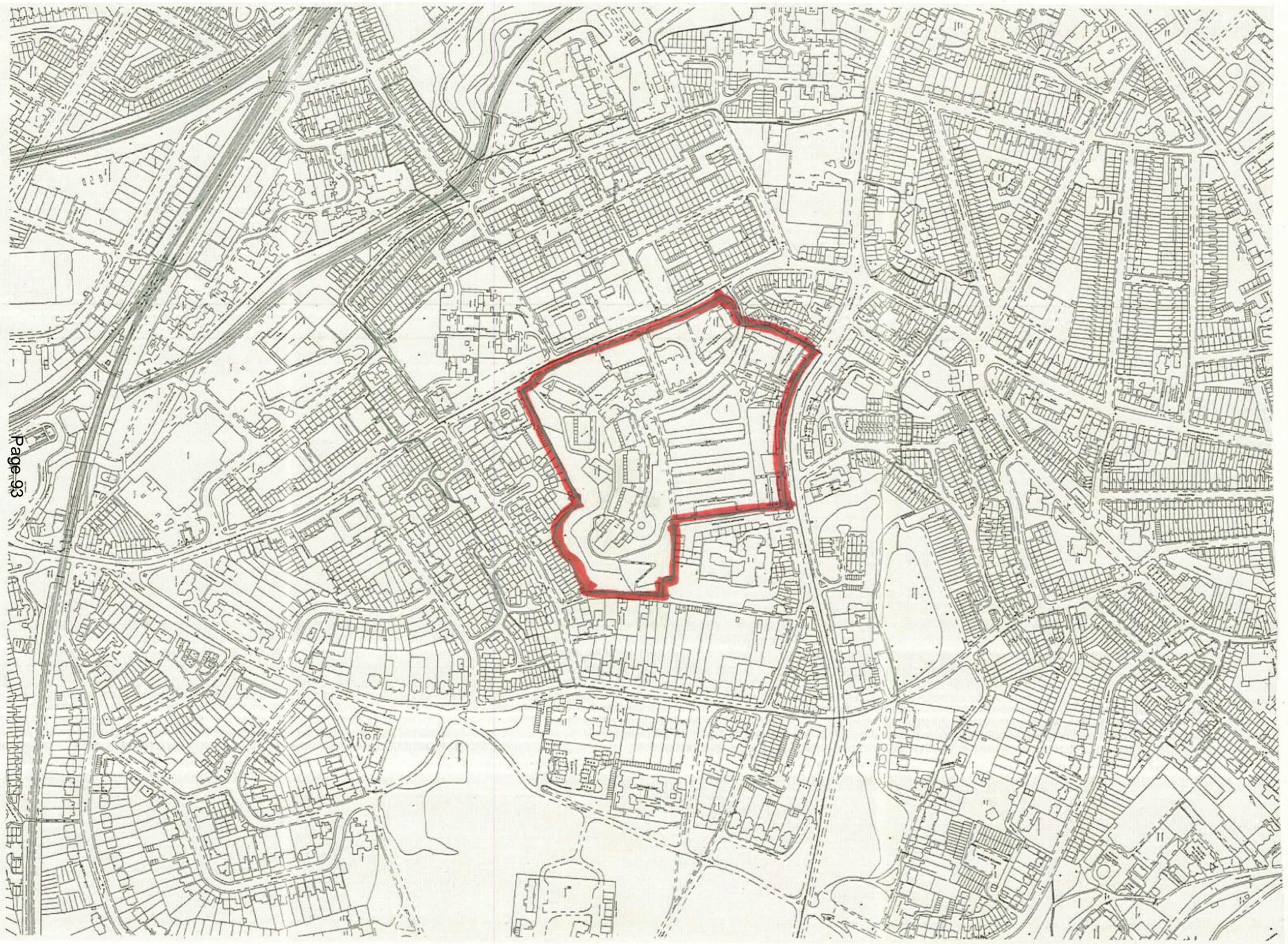
the adopted Unitary Development Plan (July 2004).

27. To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).
28. To ensure that the Development is of a satisfactorily high design standard to ensure that it makes a positive contribution to the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
29. In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).
30. In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 12 Open space and environmental assets in the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).
31. To ensure that the lighting is installed and maintained in a manner which will minimise possible light pollution to neighbouring properties and to comply with Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
32. In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).
33. To limit car ownership/use and encourage sustainable modes of transport in accordance with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
34. 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 Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
35. In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
36. In order to ensure adequate provision for motorcycle parking and to comply with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
37. To ensure that the demolition and construction processes are carried out in a manner which will minimise possible noise, vibration, dust and mud pollution and minimise disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
38. To ensure that the demolition and construction processes are carried out in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially

Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiency by reducing CO2 emissions, congestion and collisions in accordance with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011) and Policy 6.14 Freight in the London Plan (July 2011).

39. In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004)
40. In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
41. To ensure adequate access for archaeological investigations in compliance with the advice contained in the Department of Communities and Local Government Planning Policy Statement No.5, entitled 'Planning for the historic environment' (June 2010) and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policy 7.8 Heritage assets and archaeology of the London Plan (July 2011).

HEATHSIDE AND LETHBRIDGE ESTATE, BLACKHEATH HILL, SE10



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Committee	PLANNING COMMITTEE C	
Report Title	First Floor Flat, 71 Kitto Road, SE14 5TN	
Ward	Telegraph Hill	
Contributors	Helen Milner	
Class	PART 1	17 JULY 2014

<u>Reg. Nos.</u>	DC/14/86513
<u>Application dated</u>	28.04.2014 [as revised on 23.06.2014]
<u>Applicant</u>	Mr Stephen Brooker of Graysbrook Design on behalf of Mr Jack Buckle
<u>Proposal</u>	The construction of 2 dormer windows to the rear roof slope of First Floor Flat 71 Kitto Road SE14, together with the installation of 1 roof light to the front roof slope.
<u>Applicant's Plan Nos.</u>	2013/264/A 1of7, 2of7, 3of7, 4of7, 5of7, 6of7, 7of7, Site Location Plan and Heritage Statement
<u>Background Papers</u>	(1) Case File DE/42/71/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to the first floor flat of a three storey mid-terrace property on the north side of Kitto Road. The application property occupies the first floor, with the ground floor and basement in separate ownership.
- 1.2 To the front elevation of the property there is a bay window over three floors, with a pitched roof feature.
- 1.3 To the rear of the property there is an original two storey projection, which occupies the west side of the property. There are currently no dormers or roof lights on the property, although the adjoining property to the west in the terrace has both.
- 1.4 The property lies within the Telegraph Hill Conservation Area, but is not adjacent to any listed buildings.

2.0 Planning History

- 2.1 There are several applications for works to trees in a conservation area, but no planning applications relating to this property.

3.0 Current Planning Applications

The Proposals

- 3.1 This application is for the construction of 2 dormer windows to the rear roof slope, together with the installation of 1 roof light to the front slope to facilitate the conversion of the loft space for use as an additional bedroom with bathroom.
- 3.2 The dormer windows will be set each side of the roof, 2.2m apart and both measure 1.24m wide and 1.9m high. Both dormer windows will sit just below the ridgeline and be set up from the eaves by approximately 1m. The dormers will have timber framed windows and the roofs and cheeks would be clad in lead.
- 3.3 The rooflight on the front roofslope will measure 0.8m wide and 1.1m long, projecting from the roofslope by approximately 10mm.

Supporting Documents

- 3.4 The application is accompanied by a Heritage Statement, this provides a brief overview of the area context, the proposal and impact on the heritage asset, which it concludes is minimal.

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 in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

The Telegraph Hill Society

- 4.3 Object to this application on the basis that it compromises the appearance of the property within the context of the Conservation Area and the integrity of the Conservation Area, failing to enhance or preserve the area's character.
- 4.4 With reference to the rear dormers they are considered to be too large and prominent, being clearly visible from Erlanger Road. The other visible dormers in the area were permitted prior to Conservation Area designation and allowing dormers which are visible from the public realm sets an unsatisfactory precedent. Additionally the proposed dormers are contrary to planning policy as the flat roofed dormer design is not suitable for Victorian property.
- 4.5 In respect of the front rooflight the Society object to principle of rooflights, stating that they severely affect the symmetry/uniformity of properties across Conservation Area. Also that rooflights are not consistent with the Conservation Area Appraisal for Telegraph Hill, as they erode the character of area and Kitto Road has very few.

The Amenity Societies Panel

- 4.6 Object to the use of roof lights on front roof slopes which fail to preserve or enhance the character of the Conservation Area. The provision of two dormer windows to the rear roof slope of a two storey property when visible from a side street is also objectionable for the same reason.

Neighbour Consultation

- 4.7 One letter of support was received from a local resident who thought the proposal would allow reasonable alterations to living space.
- 4.8 No further comments received.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

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

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

London Plan (July 2011)

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

Policy 3.4 Optimising housing potential
Policy 5.3 Sustainable design and construction
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Sustainable Design and Construction (2006)
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 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 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment.

Unitary Development Plan (2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
HSG 4 Residential Amenity
HSG 12 Residential Extensions

Emerging Plans

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

Development Management Plan

- 5.11 The Development Management Local Plan – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. The plan was submitted to the Planning Inspectorate on 15 November 2013 and an Examination in Public hearing took place in late February 2014. The Inspector's report is awaited and it is likely that the Plan will be adopted in autumn 2014.
- 5.12 Following this examination policies were either unchanged, had additional modifications or main modifications. The unchanged and additional modification policies will not be reconsulted on or revised prior to adoption but the proposed main modification policies may alter following reconsultation. Therefore, in accordance with the NPPF, the weight decision makers should accord the Submission Version should reflect the advice in the NPPF paragraph 216.
- 5.13 The following policies are considered to be relevant to this application and are unchanged:
- | | |
|--------------|---|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 26 | Noise and vibration |
| DM Policy 31 | Alterations and extensions to existing buildings including residential extensions |
- 5.14 The Inspector has requested main modifications to the following policies relevant to this application;
- | | |
|--------------|--|
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| Dm Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and 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 and Conservation
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties

Principle of Development

6.2 Policy HSG 12 Residential Extensions of the UDP states that the council will only permit residential extensions which:

1. Retain a readily accessible, secure, private and useable external space for recreational and domestic purposes;
2. Do not result in an appreciable loss of privacy and amenity (including sunlight and daylight) for adjoining houses and their back gardens;
3. Comply with the urban design and conservation policies of the development plan.

6.3 The application proposes a single rooflight on the front roof slope and two dormer windows in the rear roof slope to enable the loft space to provide additional habitable accommodation. Matters of amenity, design and impact on the conservation area are dealt with below and provided that the scheme is found to be acceptable in these respects, the principle of the proposed works is considered to be acceptable.

Design

6.4 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 extension and alterations will be required to be of a high, site specific, and sensitive design quality.

6.5 The proposed roof light will be placed off centre on the front roof slope, measuring 0.8m by 1.1m. This will ensure that the rooflight does not appear to be overly dominant within the roofslope and is of an appropriate scale therefore complementing the environment in which the property is set.

6.6 The proposed extension to the roof has been designed as two single, separate dormer windows rather than a single large dormer. Whilst the dormers are not of a design associated with the period of the existing house, given the context of the site, they are considered appropriate. With only the dormer to the west side visible from the public realm, this has been designed to match the style, albeit on a smaller scale, of the adjacent dormer window at number 69 Kitto Road. The flat roof design continues the roofline of the adjacent dormer and the design will not contrast or make the dormers any more pronounced or distracting in relation to the character of the wider conservation area.

- 6.7 The dormer to the east, although not visible from the public realm has been designed to match the dormer on the west side to ensure a consistent design approach. It is proposed to clad the dormers in lead work and install timber sash windows to complement the historic character of the property, providing a high quality appearance. Overall the design approach of the scheme is supported by the Council, as the scale and design features are considered appropriate for the host property and surrounding properties.

Conservation Area

- 6.8 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions to buildings will not be permitted where the proposal is incompatible with the special characteristics of the area, including the area's buildings, scale, form and materials.
- 6.9 Having assessed the development and impact on the character of the conservation area, Officers consider there will be a minimal impact. The rooflight to the front does not punctuate an uninterrupted roofscape and is of a small scale set above the pitched roof of the bay window. This helps to reduce the impact and slightly obscure the view. Whilst the Amenity Societies Panel and the Telegraph Hill Society both object to the principle of front roof lights, each case must be viewed in context and the impact assessed accordingly.
- 6.10 The Telegraph Hill Conservation Area Appraisal notes that small changes to the external appearances of individual houses are beginning to erode the special interest of the area, with particular reference to obtrusive rooflights. The application originally proposed two front rooflights, which has now been reduced following Officers advice. The remaining rooflight will be visible from the public realm, but not in long views along the road, due to the parapets between the roofs and the topography of the area. Therefore due to the scale and topography of the site, the proposed roof light is not considered to be obtrusive or have a detrimental on the conservation area in this location.
- 6.11 The dormer windows to the rear will not be visible from Kitto Road and whilst it is accepted that there will be limited visibility from Erlanger Road, this is not considered to harm or erode the character of the conservation area. The dormer to the east side of the roof will not be visible as the view of the roof here is obscured by the two-storey rear projection at number 73 Kitto Road.
- 6.12 The dormer to the west side will be visible, however this will be adjacent to the existing significantly larger box dormer at number 69 Kitto Road. The Telegraph Hill Society requested that the style of the dormer be altered to remove the flat roof. However in this location the flat roof is considered to make it less intrusive and will not significantly alter the view along the rear of the properties from Erlanger Road where the existing box dormers at 69 and 65 Kitto Road are visible. Furthermore the proposal is to clad the dormers in lead with timber sash windows, this will help complement the character of the property.
- 6.13 Therefore it is considered that the proposal will have a limited impact on the conservation area, preserving the character for which the area was designated.

Highways and Traffic Issues

- 6.14 The proposed development is for an extension to an existing dwelling and therefore it is not considered to have a significant impact on congestion or car parking pressures in the area.
- 6.15 Impact on Adjoining Properties
- 6.16 The Council's UDP policies HSG 4 Residential Amenity and HSG 12 Residential Extensions states that development should safeguard the residential amenities of the local area, that extensions should be neighbourly, and should not result in an appreciable loss of privacy and amenity for adjoining houses and their back gardens. The policies also state that proposals should retain external garden space for the host building.
- 6.17 Emerging Development Management Policy DM31 states that residential extensions, should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens. Residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden.
- 6.18 The proposal is for a rooflight and two dormer windows and it is considered that neither proposal will cause any unacceptable increase in overlooking, loss of lighting or overshadowing to adjoining properties over and above that currently experienced by neighbouring properties. As such the proposal is considered to be compliant with planning policy in relation to residential amenity.

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 not payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

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

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

9.0 Conclusion

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

9.2 Officers consider that the proposed alterations to the roof to provide a single rooflight to the front and two dormer window extensions to the rear is acceptable in matters of amenity, design and highways, with only a minor impact on the conservation area and the scheme is considered to be 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:

2013/264/A 1of7, 2of7, 3of7, 4of7, 5of7, 6of7, 7of7, Site Location Plan and Heritage Statement.

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.

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.

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Committee	PLANNING COMMITTEE C	
Report Title	Land to the rear of 215 and 217 Sydenham Road SE26 4JF	
Ward	Sydenham	
Contributors	Geoff Whittington	
Class	PART 1	17 July 2014

<u>Reg. Nos.</u>	DC/12/82195
<u>Application dated</u>	13.11.12, amended 07.01.14, 07.02.14 and 13.06.14.
<u>Applicant</u>	Mr Taak
<u>Proposal</u>	The construction of a part one/ part three storey building at land to the rear of 215 and 217 Sydenham Road SE26 to provide 1 three bedroom bungalow, 4 one bedroom and 4 two bedroom self-contained flats, together with the provision of associated landscaping, 3 car parking and 11 bicycle spaces, and bin and recycling stores.
<u>Applicant's Plan Nos.</u>	D-110C, 111D, 115, 120D, 121C & 130B, 150A, 152A, 153A, 154A, 155A, D-900A, 910A, 920, 921, Landscape Hard Materials Palette, Landscape Management Plan, Design and Access Statement and Site Location Plan.
<u>Background Papers</u>	(1) Case File LE/172/B/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) Unitary Development Plan (July 2004) (4) The London Plan (February 2011)
<u>Zoning</u>	Adopted UDP - Existing Use PTAL 3 Major District Centre Area of Archaeological Priority – Sydenham Not in a Conservation Area Not a Listed Building Local Open Space Deficiency

1.0 Property/ Site Description

- 1.1 The appeal site comprises two parcels of land that form garden land to the rear of nos 215 and 217 Sydenham Road, whilst fronting the southern side of Laurel Grove.
- 1.2 No.215 is a detached residential property that provides 6 two bedroom self-contained flats and 1 one bedroom self contained flat, together with the provision of 4 car parking spaces and cycle store to the rear. A 2-storey extension that

accommodates habitable rooms has been constructed to the rear. No. 217 is a 4-storey block providing flatted accommodation.

- 1.3 The surrounding area is mostly residential, characterised by terraced and flatted dwellings. To the east of the site lies a residential development granted planning permission in 2010 that includes a one bedroom bungalow and 4 three bedroom, two storey houses that front Laurel Grove and Addington Grove.
- 1.4 Wesley Hall Methodist Church occupies land directly to the west of the application site, with an associated car park at the rear accessed from Laurel Grove.
- 1.5 A number of buses operate along nearby Sydenham Road, whilst Sydenham Train Station is a short distance away. The PTAL for this area is 3.
- 1.6 The site is not located within a conservation area and there are no listed buildings within the vicinity. The site is designated as being within an area of Local Open Space Deficiency.

2.0 Background

- 2.1 The current application proposes the construction of a part one/ part three-storey residential building fronting Laurel Grove. Nine dwellings would be provided, comprising 1, three bedroom bungalow, and 4, one bedroom and 4, two bedroom self-contained flats.
- 2.2 The applicant has advised all units would be built to Lifetime Homes standards, and would meet Code Level 4 for Sustainable Homes.
- 2.3 The application also includes associated landscaping around the proposed building. All ground floor dwellings would be afforded private garden space, whilst a communal garden would also be provided for all occupiers. Flat 9 at second floor level would have use of a 1 metre deep south facing balcony.
- 2.4 Refuse/ recycling stores, and secure cycle parking for 11 bicycles would be located to the front of the development, together with 3 off-street car-parking spaces.
- 2.5 The proposal is dependant upon the applicant purchasing part of the existing garden that serves 217 Sydenham Road, which would provide additional space for the proposed development and a communal garden, whilst ensuring sufficient outlook for the east facing occupiers.
- 2.6 The application was presented at Committee (B) on 13 March 2014 with a recommendation to approve the development, however Members motioned to defer the proposal having requested further plans that reflect the conditions stated in the report. This relates to Lifetime Homes, landscaping measures, maintenance schedule and means of access into the communal garden.
- 2.7 The original officer report is attached as an appendix to this document.

Lifetime Homes

- 2.3 The applicant has provided plans that seek to demonstrate the development would be compliant with Lifetime Homes Standards.

- 2.4 The applicant advises that all criteria would be achieved, including level access to the communal entrance, sufficient width of the main hallway and circulation within each unit.
- 2.5 Due to the topography of the site, the development steps down, therefore it would be necessary for occupiers of Units 3 and 4 to walk down a short flight of steps to access their dwellings. Ground floor Unit 1, which is wheelchair adaptable, and Unit 2 would have level access over the threshold.
- 2.6 No lift has been provided as part of this development, which is not a Lifetime Homes requirement. The applicant has advised such provision has been considered, but would serve to compromise the layout of the proposed units.

Landscaping Measures

- 2.7 Plan D-900A indicates an extensive list of soft landscaping measures, with planting and hedging within the communal garden, and planting to the front of the proposed dwellinghouse.
- 2.8 Private gardens would be of relative low maintenance, with small areas of lawn and border planting.
- 2.9 Hard landscaping measures would include a mix of dark and light grey permeable concrete paving blocks to the front of the building.
- 2.10 Grey paving slabs with natural stone edging would be used to form pathways and small patio area to the private gardens of the ground floor units.
- 2.11 Officers are satisfied with the details submitted.

Boundary Treatment

- 2.12 Proposed measures include:
- The retaining wall at the rear of the dwelling-house garden would be of Red brick, with a 1.8 metre high timber fence upon it.
 - The erection of 1.8 metre high timber perimeter fencing, and between the private gardens.
 - The cycle storage door and any external gates would be of treated softwood that would match the appearance of the timber fencing.
- 2.13 The details submitted are considered acceptable.

Maintenance Schedule

- 2.14 The Management Plan advises that the aim and objective is to 'soften the visual impact of the building and complement the building materials and local character', whilst 'providing a pleasurable external environment for residents to enjoy and improve local biodiversity.
- 2.15 The Schedule refers to a number of objectives, including:
- How native hedges will be planted to ensure sufficient growth;

- Removal of any dead plants and subsequent replacement;
- Mowing of amenity lawn 2-4 times a month, depending upon the time of year;
- Regular visits during spring and summer to water trees, and to fertilise.

2.16 The Schedule does not provide details of prospective firms that would undertake the works, but a planning condition will ensure the measures are undertaken in accordance with the details submitted.

Means of Access

2.17 The applicant has advised that exiting the building from the ground floor into the communal garden would be a level access.

Japanese Knotweed

2.18 The applicant has confirmed that Japanese Knotweed has been identified to areas of the site, and will be cleared as a matter of urgency. An informative will be included to ensure the applicant is clear of the need to resolve this prior to the commencement of development works.

3.0 Conclusion

3.1 Officers consider the design and massing of the proposed development to be acceptable, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future inhabitants. The standard of proposed accommodation and on-site parking provision is in compliance with guidelines.

3.2 For these reasons, it is therefore recommended that planning permission be granted.

4.0 Recommendation

4.1 **Grant Planning 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:

D-110C, 111D, 115, 120D, 121C, 130B, 150A, 152A, 153A, 154A, 155A, D-900A, 910A, 920, 921, Landscape Hard Materials Palette, Landscape Management Plan, Design and Access Statement and Site Location Plan.

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

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

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

- 4) The proposed refuse facilities shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

- 5) (a) A minimum of 11 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 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).

- 6) The proposed boundary treatment shown on the 'Garden Paving and Edging' plan shall be implemented in full prior to first occupation of the units hereby permitted.

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

- 7) (a) All planting, seeding or turfing detailed on Plan D-900 shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved. Any trees, hedges or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- (b) The proposed soft landscaping measures detailed on Plan D-900 shall be maintained in accordance with the approved Landscape Management Plan.
- (c) The proposed hedge within the communal garden adjacent to Flat 3 shall be planted in full prior to first occupation, and maintained thereafter.

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).

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

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

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

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining

properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 9) The whole of the amenity spaces (including terrace) hereby approved shall be provided prior to first occupation, and shall thereafter be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

- 10) The whole of the car parking accommodation shown on drawing no.D-110C hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

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

- 11) Prior to first occupation, details of second floor terrace screening shall be submitted to and approved in writing by the local planning authority, and shall thereafter be fully installed and maintained prior to first occupation of the residential units hereby approved, and retained thereafter.

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (2011), and saved policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (2004).

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

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

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

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

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

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

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

- 15) The wheelchair dwelling (Flat 2) 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.D-115 hereby approved prior to first occupation. For the avoidance of doubt a parking space should be provided for the wheelchair unit.

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).

- 16) (a) The development shall be constructed with a biodiversity living roof, as indicated on plan no. D-111C. No development shall commence until sectional details and a species list have been submitted to and approved in writing by the local planning authority.
- (b) Thereafter, the living roof 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.

- 17) The Lifetime Homes plans hereby approved shall be implemented in full prior to first occupation.

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

- 18) All hard landscaping works which form part of the approved scheme shown on the 'Garden Paving and Edging' 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).

- 19) 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).

- 20) (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at a scale of 1:10 and 1:20 including windows, external doors and brick detailing have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

Informatives

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: - <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- 3) Japanese knotweed (*Fallopia Japonica*) has been identified at the site. This species is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and as such it is an offence to plant or otherwise cause this species to grow in the wild. It is also classed as a controlled waste under the Environmental Protection Act (1990) and must be disposed of safely at licensed landfill. You are advised to follow the Environment Agency, 'Managing Japanese knotweed on development sites: the knotweed code of practice', available to download from their website. http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf

APPENDIX B

Committee	PLANNING COMMITTEE B	
Report Title	Land to the rear of 215 and 217 Sydenham Road, SE26 4JF	
Ward	Sydenham	
Contributors	Geoff Whittington	
Class	PART 1	13 March 2014

<u>Reg. Nos.</u>	DC/12/82195
<u>Application dated</u>	13 November 2012, amended 7 January 2014 and 7 February 2014.
<u>Applicant</u>	Mr Taak
<u>Proposal</u>	The construction of a part one/ part three storey building at land to the rear of 215 and 217 Sydenham Road SE26 to provide 1 three bedroom bungalow, 4 one bedroom and 4 two bedroom self-contained flats, together with the provision of associated landscaping, 3 car parking and 11 bicycle spaces, and bin and recycling stores.
<u>Applicant's Plan Nos.</u>	D-110B, 111C, 115, 120C, 121B & 130B, Design and Access Statement, Site Location Plan and Lifetime Homes Mark-up.
<u>Background Papers</u>	<ul style="list-style-type: none"> (1) Case File LE/172/B/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) Unitary Development Plan (July 2004) (4) The London Plan (February 2011)
<u>Zoning</u>	<p>Adopted UDP - Existing Use PTAL 3 Major District Centre Area of Archaeological Priority – Sydenham Not in a Conservation Area Not a Listed Building Local Open Space Deficiency</p>

1.0 Property/Site Description

- 1.1 The appeal site comprises two parcels of land that form garden land to the rear of nos 215 and 217 Sydenham Road, whilst fronting the southern side of Laurel Grove.
- 1.2 No.215 is a detached residential property that provides 6 two bedroom self-contained flats and 1 one bedroom self contained flat, together with the provision of 4 car parking spaces and cycle store to the rear. A 2-storey extension that accommodates habitable rooms has been constructed to the rear. No. 217 is a 4-storey block providing flattened accommodation.

- 1.3 The surrounding area is mostly residential, characterised by terraced and flatted dwellings. To the east of the site lies a residential development granted planning permission in 2010 that includes a one bedroom bungalow and 4 three bedroom, two storey houses that front Laurel Grove and Addington Grove.
- 1.4 Wesley Hall Methodist Church occupies land directly to the west of the application site, with an associated car park at the rear accessed from Laurel Grove.
- 1.5 A number of buses operate along nearby Sydenham Road, whilst Sydenham Train Station is a short distance away. The PTAL for this area is 3.
- 1.6 The site is not located within a conservation area and there are no listed buildings within the vicinity. The site is designated as being within an area of Local Open Space Deficiency.

2.0 Planning History

- 2.1 Planning permission was granted in 1963 for residential purposes of land in Laurel Grove, Hazel Grove, Myrtle Grove, Addington Grove and at the rear of 215 Sydenham Road.
- 2.2 In 2003, planning permission was granted for the installation of powder coated aluminium windows at no.215. (DC/02/52905)
- 2.3 In 2004, permission was granted for the use of no.215 as a hostel.
- 2.4 In 2007, permission was granted for the alteration and conversion of 215 Sydenham Road to provide 5 one bedroom, self-contained flats, together with alterations to the side elevation and installation of a roof light in the roof. (DC/07/64676)
- 2.5 Permission was granted in 2010 for the change of use of 215 Sydenham Road from a hostel and the construction of a two storey extension to the rear and excavation to provide basement area, including the formation of light wells to the front and rear, to provide 6 two bedroom self-contained flats and 1 one bedroom self contained flat, together with the provision of 4 car parking spaces and cycle store to the rear, bin store to the front and associated landscaping. (DC/10/74294)
- 2.6 On 25 November 2010, Members granted permission at Committee (B) for the demolition of the existing building at 6-7 Addington Grove SE26 and the construction of 16 residential units comprising (A) a part 2/part 3 storey building to provide 2 one bedroom and 9 two bedroom self-contained flats, fronting Addington Grove and (B) 1 one bedroom bungalow and 4 three bedroom, two storey houses, fronting Laurel Grove, together with associated landscaping, provision of 8 car parking spaces, 11 cycle bays, an on-street car club parking space, refuse and recycling storage facilities. (DC/10/75322)

3.0 Current Planning Application

- 3.1 The current application proposes the construction of a part one/ three-storey residential building fronting Laurel Grove. Nine dwellings would be provided, comprising 1, three bedroom bungalow, and 4, one bedroom and 4, two bedroom self-contained flats.

- 3.2 The applicant has advised all units would be built to Lifetime Homes standards, and would meet Code Level 4 for Sustainable Homes.
- 3.3 The application also includes associated landscaping around the proposed building. All ground floor dwellings would be afforded private garden space, whilst a communal garden would also be provided for all occupiers. Flat 9 at second floor level would have use of a 1 metre deep south facing balcony.
- 3.4 Refuse/ recycling stores, and secure cycle parking for 11 bicycles would be located to the front of the development, together with 3 off-street car-parking spaces.
- 3.5 The proposal is dependant upon the applicant purchasing part of the existing garden that serves 217 Sydenham Road, which would provide additional space for the proposed development and a communal garden, whilst ensuring sufficient outlook for the east facing occupiers.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.3 Letters of consultation were sent to 150 local residents on 4 February 2013, together with a notice displayed on site. Ward Councillors were also consulted.
- 4.4 Subsequently one letter was received from 219 Sydenham Road, objecting to the proposed development on the following grounds:
- Insufficient parking provision;
 - Will result in increased on-street parking, preventing access for emergency services and refuse collection;
 - A 3-storey building is too high for this site;
 - Overlooking concerns.
- (Letter is available to members).

- 4.5 The Sydenham Society has objected on the following grounds:
- The drawings illustrate a scheme that is lacking in architectural quality;
 - The Society feels strongly that any new development would have to provide planning gain by improving the street frontage at this corner and creating a unifying built element to draw the two existing buildings into a coherent composition;
 - There is no materials schedule shown;

- Challenges the applicant that Lifetime Homes criteria have been suitably met;
- Concerned with 3-storey height and subsequent overlooking.

4.6 In response to the submission of amended plans, the occupiers of 219 Sydenham Road maintained their objections.

4.7 The Sydenham Society have stated the following:

'The Sydenham Society objected to the development proposals for this site deposited last year. Our previous letter of objection is copied below. We would draw your attention to its paragraphs numbered 1 - 3, inclusive. In the Society's opinion, the current revised proposals do nothing to mitigate the reasons for our earlier objections of February 2013.

The Society takes particular exception to the absence from these proposals of any demonstrable architectural competence in massing, configuration of outline and composition of openings in facades. This site ought to be the subject of concerted efforts devoted to the design of any new building so that it created a local architectural hub of visual distinction that linked together the Methodist church and Grove Court. In this regard, please refer to item 1 of our previous letter. The current proposals do nothing of the sort. Instead, they introduce further confusion and incoherence to the southeast corner of Laurel Grove. The designer has been so disdainful of the customary attention paid to the proportion and positioning of window and door openings in prominent elevations that two glaring drafting errors in the west elevation have gone un-corrected in the deposited drawings. The north end entrance door is the wrong way round relative to what is shown on the plan and the large window at the southern end does not appear on the plan at all. The chaotic assembly of spur landings at the first and second floor levels adjoining the main staircase will create unnecessary and obtrusive accretions on the facades, none of which is properly depicted on the elevation drawings.

The second floor single bedroom flats are unacceptably cramped, in the Society's view. The living room part of the main reception rooms in these dwellings scale at only 3.30 metres square, giving a total plan area of 10 square metres. This is smaller than the generally accepted minimum size for a second double bedroom. What is more, part of this supposed living area sits directly above the single bedroom on the floor beneath, thus creating an insoluble problem of excessive sound transmission into a bedroom through a party floor. As with the previous application, only two of the eight flats in this proposed development could possibly meet "Lifetime Homes" standards, because the central, split-level access stair could not easily be traversed by anyone with impaired mobility. We believe that Lewisham standards for residential development have been flouted. This alone provides sufficient reason for refusal of the current application.

Finally, the Society maintains that the removal of balconies and large second and third floor windows from the southern elevation, which are the principal changes in the amended proposals, do not remove the threat of invasion of privacy and loss of garden amenity that was such a contentious feature of the 2013 application. In the current proposals, the two storey elevation now proposed will loom above the rear garden walls to the properties in Sydenham Road, immediately to the south, at a distance of only 3.70m from the boundary. This is the width of the average living room. Noise from televisions, record players and mobile phones in all four living rooms on the southern boundary is bound to reach the existing

gardens, even when the living room windows are closed. In summer, they are more likely to be open, in which case, domestically generated sounds of various and often annoying sort will be certain to cross the boundary into neighbouring gardens. The Society believes that the intrusive character of this development in the matter of noise pollution and loss of visual amenity is also at variance with Lewisham adopted planning policy. For this reason, too, we strongly object to the proposals and hope that the current application will be refused.'

Highways and Transportation

4.8 No objections raised.

Environmental Health

4.9 No objections raised.

Design Officers

4.10 Whilst officers raised no objections to the principle of a residential scheme upon the site, they were concerned with the proximity of the 3-storey element of the building close to the boundary with 215 Sydenham Road. Subsequently, the applicants have repositioned the highest part of the building 5 metres further away from the boundary.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

Ministerial Statement: Planning for Growth (23 March 2011)

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

Other National Guidance

- 5.6 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000);
Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003);
Safer Places: The Planning System and Crime Prevention (ODPM, April 2004);
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010).

London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.2 London and the wider metropolitan area
Policy 2.18 Green infrastructure: the network of open and green spaces
Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities

Policy 3.14 Existing housing
 Policy 3.15 Co-ordination of housing development and investment
 Policy 3.16 Protection and enhancement of social infrastructure
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.4 Retrofitting
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals
 Policy 5.7 Renewable energy
 Policy 5.8 Innovative energy technologies
 Policy 5.9 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 5.17 Waste capacity
 Policy 5.18 Construction, excavation and demolition waste
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.12 Road network capacity
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.14 Improving air quality
 Policy 7.18 Protecting local open space and addressing local deficiency
 Policy 7.19 Biodiversity and access to nature
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

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

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)
 Control of dust and emissions from construction and demolition (2006)
 Wheelchair Accessible Housing (2007)
 Health Issues in Planning (2007)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Spatial Policy 3 District Hubs
Spatial Policy 4 Local Hubs
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 21 Planning obligations

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

Residential Standards Supplementary Planning Document

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

Planning Obligations Supplementary Planning Document (January 2011)

- 5.13 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

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

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

5.15 The following emerging plans are relevant to this application.

Development Management Plan

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

5.17 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 23 Air quality

DM Policy 25 Landscaping and trees

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 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas

- *General principles*
- *A: Infill sites*
- *B: Backland sites*
- *C: Back gardens*
- *D: Amenity areas*

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Density
- d) Housing/ Standard of Accommodation
- e) Impact on Neighbouring Properties
- f) Highways and Traffic Issues
- g) Sustainability and Energy
- h) Landscaping
- i) Refuse/ Recycling
- j) Planning Obligations
- k) Community Infrastructure Levy

Principle of Development

- 6.2 The application proposes the construction of a part single/ 3-storey building that would accommodate 9 self-contained dwellings upon land to the rear of 215 and 217 Sydenham Road.
- 6.3 The applicant has confirmed they own the land at the rear of 215 Sydenham Road, which is currently a hard landscaped area measuring 409 sq.metres. The plot is separated from the main rear garden of no.215 by a high level fence.
- 6.4 They are also in the process of purchasing part of the rear garden owned by 217 Sydenham Road, subject to the outcome of this application. The development relies significantly upon the garden of 217 forming part of the application site as it would provide additional space for the proposed building and communal garden, whilst ensuring sufficient outlook for the ground floor occupiers. It is clear that should the applicant be unable to purchase the land at the rear of 217, the development would be significantly compromised and so could not be granted planning permission in its current form.
- 6.5 When viewed from Laurel Grove, the site appears unsightly and unkempt, contributing to a poor public realm. Generally, the southern side of Laurel Grove is harsh in appearance, characterised by the hard landscaped area to the rear of the neighbouring church, a motor mechanic's garage and a rear parking area serving a flatted development fronting Sydenham Road, together with on-street car-parking.
- 6.6 Considering the size and location of the application site, a redevelopment would have the potential to enhance the quality of the streetscene, whilst bringing into use a long redundant plot.
- 6.7 The nature of the site and immediate surroundings determines that the principle of a residential development upon this site is appropriate, subject to matters including design, scale and visual impact upon neighbouring occupiers.

Design

- 6.8 Paragraph 15 of the National Planning Policy Framework (p15) states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.9 The proposed building would seek to replicate the design and appearance of the recent development directly to the north-east of the application site, which comprises low level, red brick dwellings that incorporate flat roofs.
- 6.10 In comparison with that development, the ‘West Elevation’ shown on Plan no. D120C indicates the proposal would replicate the stepped design of the neighbouring building from single to 2-storey. The change in ground levels means that despite the proposal reaching 3 stories, it would be no higher than the highest point of the neighbouring development.
- 6.11 The submitted plans indicate proposed facing materials would include a predominant use of brick, with the upper floor being of zinc clad. However, the Design Statement confirms ‘a palette in white render, and a penthouse level clad in grey/ black slate or zinc cladding, mirroring adjacent roofing materials’.
- 6.12 Officers would prefer the building to incorporate a brick finish rather than render, which the applicant has agreed to in principle, as it would relate much better with the neighbouring residential development.
- 6.13 It is apparent that a condition is therefore required to request the formal submission of facing material samples and a concise materials schedule for further assessment, thereby ensuring the development contributes positively to the streetscene generally.
- 6.14 It is also considered appropriate for a condition requesting further detailed elevational plans that ensures a high quality finish would be achieved. Detailed 1:10 and 1:20 plans /sections of external windows, doors and brick detailing should be formally submitted.
- 6.15 In summary, the proposal is considered to be appropriate in appearance, scale and massing, respecting the general form of development within the immediate area, and befitting of this location, whilst representing good, modern design. The proposed height ranging between one and three storeys is considered to be suitable for this locality.
- 6.16 The height of the proposed building and the topography of the site means the majority of the development is no higher than existing dwellings fronting Laurel Grove or Sydenham Road. It is considered that the development effectively utilises the topography of the site, and would avoid appearing excessive in height, general mass or bulk.

Density

- 6.17 The Council’s former density policy (HSG 16) was not among those saved by the Secretary of State, therefore the London Plan now contains the detailed density policies for Development Plan purposes.

- 6.18 The Council's assessment of the nature of the immediate area is that the site falls within a suburban setting, therefore any development upon this site must respect the existing character.
- 6.19 The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.20 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character.
- 6.21 Laurel Grove is not a particularly busy highway, used predominantly by local residents. In contrast, nearby Sydenham Road experiences high vehicular movement, with a number of bus routes operating along it, whilst Sydenham Train Station lies within walking distance of the application site. This is reflected in the Public Transport Accessibility Level (PTAL) being 3 for the area. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.22 The density of the proposed scheme is 288 habitable rooms per hectare. Whilst this exceeds the upper limit of the density range given in The London Plan, officers consider that the density would not result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers. Together with the overall quality of the proposal, it is considered that the scheme is compliant with density policies and is therefore acceptable.

Housing

a) Size and Tenure of Residential Accommodation

Residential Tenure and Size Mix

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	0	0	0	0	0
Social Rent	0	0	0	0	0
Affordable Rent	4	4	1	0	9
Shared Ownership	0	0	0	0	0
Total	4	4	1	0	9

- 6.23 The applicant has confirmed their intention to provide 9 affordable units, despite there being no planning requirement to undertake this as less than 10 units are being proposed. The applicant has held an initial meeting with the Council's Strategy, Policy & Development Manager to discuss the principle of the local authority being the registered social landlord of the new units.

b) Standard of Residential Accommodation

- 6.24 The layout and circulation of the proposed units is considered to be acceptable, and would provide a good standard of accommodation for future occupiers. Flat sizes would accord with minimum guidance stated in The London Plan (2011). In terms of room sizes, the combined lounge/ dining/ kitchen areas within the second floor units would measure 30.88sq.m, which exceeds the 23sq.m stated in Standard 4.4.1 of the GLA Housing SPG (2012).
- 6.25 All flats would be dual aspect, whilst each habitable room would be assured of sufficient natural light intake and outlook.
- 6.26 The application proposes the provision of 1, 2 and 3 bedroom units, thereby in accordance with the adopted Core Strategy, which requires a mix of residential units to be provided in schemes to meet housing needs.
- 6.27 The single-storey 3 bedroom family sized dwelling would be located to the north-east of the site, with the provision of an enclosed garden at the rear measuring 8 metres wide. The plans originally proposed a second private garden at the front, however this is now shown as an open landscaped area in light of officer concerns toward access into the dwelling and the configuration of the internal floor layout.
- 6.28 Ground floor units within the 3-storey building would have use of generously sized private garden spaces.
- 6.29 The upper floor units would have access to the communal garden at the side of the building (directly to the rear of 217 Sydenham Road), whilst Unit 9 on the second floor would be afforded a 1 metre deep balcony.
- 6.30 Alternative outdoor public space is located at nearby Home Park approximately 300 metres to the east, and Mayow Park approximately 500 metres to the west.
- 6.31 The Council requires all new residential development to be built to Lifetime Home Standards, in accordance with London Plan policies. The applicant has confirmed the development is fully compliant with these standards. Ground floor unit 2 located at the front of the development would be a wheelchair compliant unit, in accordance with South-East London Housing Partnership Wheelchair Design Standards.
- 6.32 Conditions will be included requesting further floor plans demonstrating that Lifetime Homes criteria would be suitably achieved, and to ensure the disabled unit is fully adaptable prior to first occupation.
- 6.33 Officers raise no concerns toward the proposed standard of accommodation within the development.

Impact Upon Neighbouring Occupiers

- 6.34 The proposed development would be single/ 2-storey at its Laurel Grove frontage, with the staggered elevation of the third storey set 5 metres back. Officers are satisfied the development would not significantly harm the visual amenities of the neighbouring Laurel Grove dwellings.

- 6.35 In regard to visual impact to the south of the application site, concern has been raised by the occupier of a dwelling fronting Sydenham Road to the 3-storey height of the building and resulting overlooking from the flank windows and upper floor terrace.
- 6.36 The proposed building would be sited 8 metres from the bottom end of the garden of no.219, which measures approximately 25 metres in length. Crucially, the existing dwelling lies 32 metres from the nearest flank wall window of the development, which is considered to be a considerable distance that would avoid direct overlooking. Existing trees close to the side boundary of no.217 Sydenham Road would provide natural screening that would serve to further reduce the visual impact of the building.
- 6.37 The application originally proposed east facing terraces at second floor, however these were removed when officers showed concern to potential overlooking, in particular when the boundary trees shed their leaves.
- 6.38 The first floor living room window/ Juliette balcony (flat 8) nearest no.219 would look in the direction of the rear parking area of Grove Court that fronts Addington Grove. Due to the size of the opening, there is scope for a partial frosting to avoid overlooking toward the rear garden of no.219 whilst maintaining sufficient outlook, should Members consider this necessary.
- 6.39 The rear elevation of the new building would provide only high level windows at first floor to provide additional natural light into the habitable rooms, whilst avoiding overlooking to neighbouring occupiers.
- 6.40 No.215 Sydenham Road has been extended at the rear, in association with a conversion into self-contained flats granted planning permission in 2010. The extension measures 4 metres deep, and so would lie approximately 17 metres from the new building. Officers are satisfied their outlook would remain sufficient, and would not be overlooked, considering the second floor of the proposed building has been reduced in length by 5 metres (9.3 metres away from the southern boundary.)
- 6.41 A 1 metre deep balcony would be afforded to Flat 9, and due to its siting, would be unlikely to result in significant overlooking, however, it is considered appropriate to request screening details by a condition.
- 6.42 In regard to no.217, it lies approximately 25 metres from the proposed siting. As explained in para.6.4, the applicant is seeking to purchase part of the rear garden used by 217 to ensure sufficient amenity space provision and outlook for the future occupiers.
- 6.43 The remaining garden space for 217 would be approximately 22 metres, therefore the acquisition of the land would not impact significantly upon the level of amenity they currently enjoy. In regard to visual impact, officers are satisfied the proposed siting would not impact detrimentally upon their visual amenities.
- 6.44 The west facing elevation would also have habitable room windows, however they would look into the direction of the neighbouring church and associated car-park, thereby resulting in no overlooking to neighbouring residential occupiers.

- 6.45 Overall, officers are satisfied the level of visual impact, including overshadowing and overlooking, to existing occupiers would not be significant, and therefore the development would be in compliance with policies.

Highways and Parking

- 6.46 The development proposes three off-street parking spaces, including one disabled bay, to the front of the development accessed from Laurel Grove. This is attributed to the lack of available space to the frontage and the need for sufficient space for pedestrian movement. The provision of additional parking spaces is therefore unfeasible.
- 6.47 Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.48 The PTAL rating for this area is 3, with very good bus and train links locally. As a result, the applicants consider this represents an opportunity to seek a development that does not generate a significant increase in private car use in the area, and instead promotes sustainable modes of travel.
- 6.49 The development seeks to encourage cycling as an everyday means of transport for future occupiers, with the provision of secure cycle areas to the front accommodating 11 bicycles for the flat occupiers.
- 6.50 It is acknowledged that vehicles do park partly upon the pavement on either side of Laurel Grove, thereby reducing the width of the highway, however officers are satisfied there would remain sufficient space for larger vehicles to manoeuvre should the proposed development be granted permission.
- 6.51 There is unrestricted on-street parking to neighbouring streets, although existing parking pressures are acknowledged, particularly within Laurel Grove.
- 6.52 Officers subsequently raise no objections to the development on Highways grounds, attributed to the PTAL rating and good public transportation within the area.

Sustainability and Energy

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

Landscaping

- 6.57 The areas to the rear and sides of the development would be lawned garden spaces, providing a communal garden to the eastern side and private gardens serving all ground floor occupiers.
- 6.58 A hedge within the communal garden would provide defensible space for Unit 3, thereby safeguarding the privacy of their two bedrooms.
- 6.59 Existing side boundary trees to the rear of no.215 would be felled, however a Silver Birch tree would be planted to the front.
- 6.60 Also fronting Laurel Grove would be a hard landscaped area for the car-parking bays and refuse store, together with some planting/ soft landscaping to the front of the single-storey element of the building. However, as acknowledged in the Design Statement, an overall landscaping scheme has yet to be developed, therefore a condition will be included requesting the formal submission of detailed plans. The applicant would be expected to alleviate rain water run-off by proposing permeable materials and/ or suitable drainage measures.
- 6.61 Generally, officers are satisfied with the principle of proposed landscaping works, however clearly more details are required.

Refuse

- 6.62 An enclosed refuse and recycling store would be located to the front of the building. The applicant has confirmed that 2no. 1,100 litre wheeled refuse eurobins would be provided, together with 2no. 1,100 litre recycling eurobins.
- 6.63 Construction and elevation details of the store are requested by way of a condition.

Community Infrastructure Levy

- 6.64 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.65 This development is considered to be CIL liable. The chargeable development is £35 per m², which must be paid to the Council prior to the commencement of building works.

7.0 Equalities Considerations

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

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

8.0 Consultations

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

9.0 Conclusion

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

10.0 RECOMMENDATION

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

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

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

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

D-110B, 111C, 115, 120C, 121B & 130B, Design and Access Statement, Site Location Plan and Lifetime Homes Mark-up.

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

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

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

- 4) The proposed refuse facilities shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

- 5)
 - (a) A minimum of 11 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 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).

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

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

- 7) (a) A scheme of soft landscaping (including section details of the private and communal gardens, proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees, hedges or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- (c) The proposed hedge within the communal garden adjacent to Flat 3 shall be planted in full prior to first occupation.

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

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

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

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

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

- 10) The whole of the amenity spaces (including terrace) hereby approved shall be provided prior to first occupation, and shall thereafter be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

- 11) The whole of the car parking accommodation shown on drawing no.D-110B hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

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

- 12) Prior to first occupation, details of second floor terrace screening shall be submitted to and approved in writing by the local planning authority, and shall thereafter be fully installed and maintained prior to first occupation of the residential units hereby approved, and retained thereafter.

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (2011), and saved policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (2004).

- 13) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).

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

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

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

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved

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

- 16) The wheelchair dwelling (Flat 2) 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.D-115 hereby approved prior to first occupation. For the avoidance of doubt a parking space should be provided for the wheelchair unit.

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).

- 17) (a) The development shall be constructed with a biodiversity living roof, as indicated on plan no. D-111C. No development shall commence until sectional details and a species list have been submitted to and approved in writing by the local planning authority.
- (b) Thereafter, the living roof 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.

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

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

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

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

- 20) 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).

- 21) No development shall commence until section plans indicating the means of access from the building into the private and communal gardens hereby granted have been submitted to and approved in writing by the local planning authority.

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

- 22) (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at a scale of 1:10 and 1:20 including windows, external doors and brick detailing have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

Informatives

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

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

MINUTES

Land to the rear of 215 and 217 Sydenham Road SE26 4JF (Item 13 on the Agenda)

The Planning Officer outlined the proposal for the construction of a part one/ part three storey building to provide 1 three bedroom bungalow, 4 one bedroom and 4 two bedroom self-contained flats, together with the provision of associated landscaping, 3 car parking and 11 bicycle spaces, and bin and recycling stores.. He said the details of the proposal were insufficient because the application had been submitted when such detail had not been required, hence the need to impose the pre-commencement conditions requesting details as recommended in the report.

The Committee received verbal representation from the applicant, Mr Taak who said he had complied with everything that the local authority had requested, and asked that permission be granted.

Following deliberation whereby Members expressed dissatisfaction about the lack of detail submitted for the proposal, Councillor Harris moved a motion to defer decision on the item DC/12/82195 pending the provision by the applicant of plans that reflect the conditions proposed in the report.

FOR: Councillors Till (Chair), Clarke, Foreman, Harris, Ibitson, Maines, Muldoon, Nisbet and Whittle

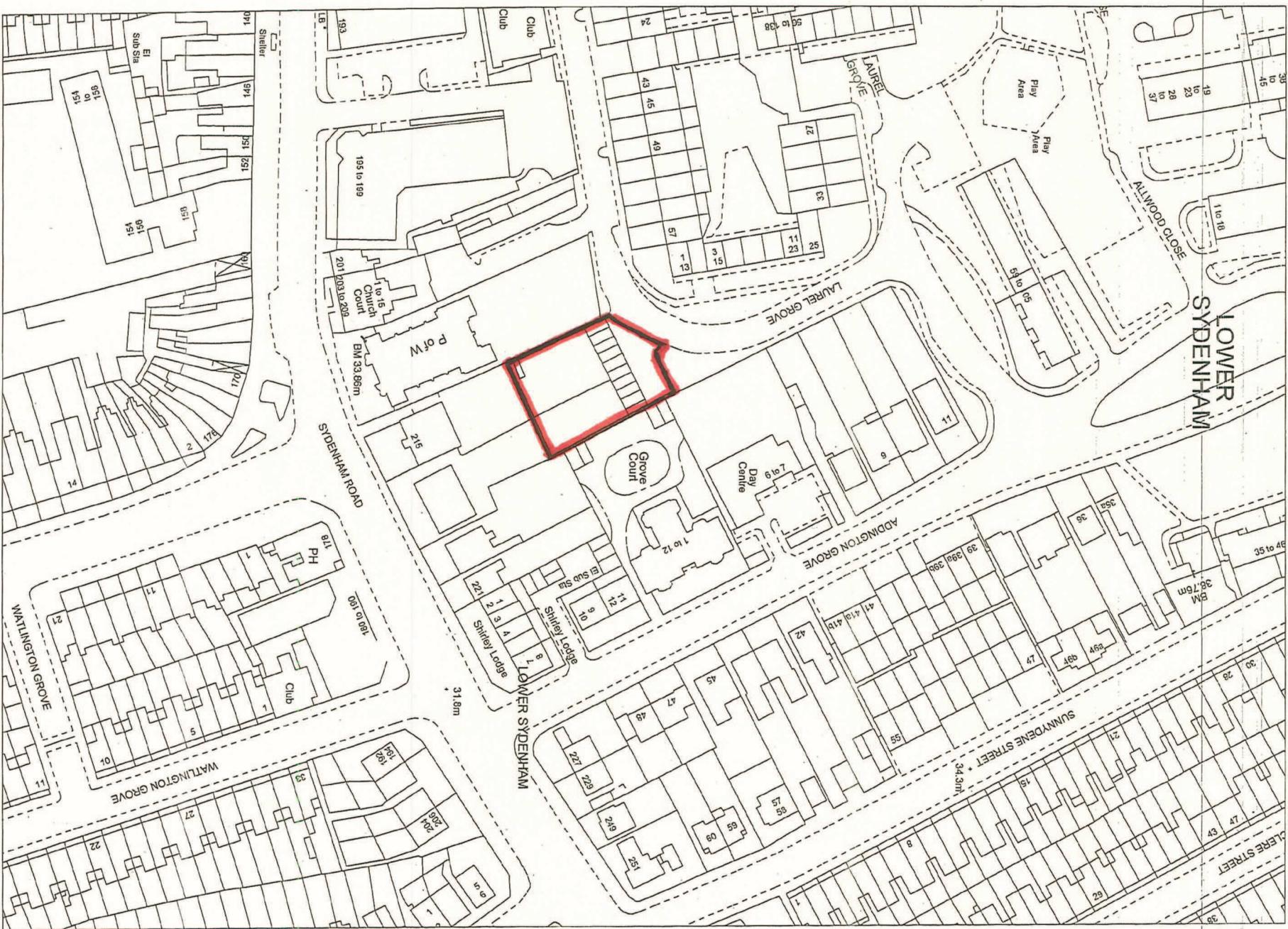
RESOLVED: that planning permission be deferred in respect of application DC/12/82195 to enable the applicant to provide plans that reflect the conditions that are proposed in the report.

Councillor Clarke further asked that pictures showing proposals in context be provided so that Members can make informed decisions.

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As if correct map.

FRONTING LAUREL GROVE AND REAR OF 215 SYDENHAM ROAD, LONDON, SE26 4JF



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This plan forms no part of a planning application

Scale 1:1250

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