PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 10 SEPTEMBER 2015 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:**

Joan Reid (Chair)  
Jacq Paschoud (Vice-Chair)  
Jim Mallory  
Peter Bernards  
Mark Ingleby  
Alicia Kennedy  
Hilary Moore  
John Muldoon  
Gareth Siddorn  
Susan Wise

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, 1 September 2015

For further information please contact:  
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Catford Road SE6 4RU

Telephone No: 0208 314 8843  
Email: planning@lewisham.gov.uk
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Members are asked to declare any personal interest they have in any item on the agenda.

(1) **Personal interests**

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

(a) Disclosable pecuniary interests

(b) Other registerable interests

(c) Non-registerable interests

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

(a) **Employment**, trade, profession or vocation of a relevant person* for profit or gain.

(b) **Sponsorship** —payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).

(c) **Undischarged contracts** between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.

(d) **Beneficial interests in land** in the borough.

(e) **Licence to occupy land** in the borough for one month or more.

(f) **Corporate tenancies** — any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

(g) **Beneficial interest in securities** of a body where:-

(a) that body to the member’s knowledge has a place of business or land in the borough; and

(b) either

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

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

(3) Other registerable interests

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

(a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;

(b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;

(c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

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

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

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

(b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
(c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

(d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.

(e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

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

(7) Exempt categories

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

(a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);

(b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;

(c) Statutory sick pay; if you are in receipt;

(d) Allowances, payment or indemnity for members;

(e) Ceremonial honours for members;

(f) Setting Council Tax or precept (subject to arrears exception).
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MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 30th July 2015.
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1.0 Property/Site Description

1.1 The application site is situated to the east of Brockley Station on an island site formed by Brockley Road, Coulgate Street and Foxberry Road. The buildings previously on the site have been demolished in accordance with the planning permission to construct the building that is proposed to contain a Sainsbury’s within the larger of the three ground floor commercial units. This building is now under construction.
1.2 The buildings directly adjacent the site to the north form a two to three storey Victorian terrace with some commercial uses at ground floor level known as the Coulgate Street cottages. The commercial premises are currently occupied by two cafes and a taxi office. Directly to the west of the terrace on the opposite side of Coulgate Street is Brockley Station which has recently been refurbished and the public realm (incorporating both soft and hard landscaping) has been finished to a high standard. The building to the south east of the site is the Brockley Barge, a three storey Victorian Public House which locally listed. To the south west of the site on the opposite side of Coulgate Street is a three storey contemporary residential care home and 16 Coulgate Street, where construction is currently taking place in accordance with planning permission for a part single, part four and part five storey building with commercial uses at ground floor and residential uses above.

1.3 The wider area comprises largely two to three storey residential Victorian terraces with the terraces along Brockley Road and Coulgate Street incorporating commercial uses at ground floor level that provide a number of local amenities. This centre, known as Brockley Cross is designated as a Local Hub in the Core Strategy.

1.4 The site has been designated as part of the Brockley Conservation Area and is subject to the Brockley Conservation Area Article 4(2) Direction. The site is well served by public transport with access to both rail and overground services from Brockley Station and a number of buses serving Brockley Road.

2.0 Planning History

2.1 DC/12/80369: The demolition of the existing buildings on the site of 180 Brockley Road SE4 and the construction of a part two/ part three/ part four storey block, comprising 454.5m2 commercial floor space (Use Classes A1 (Shops), A2 (Financial and Professional), A3 (Restaurants and Cafes), B1 (Business), 3 studio flats, 11 one bedroom, 9 two bedroom and 2 three bedroom self-contained flats, together with refuse and cycle storage, associated highway and public realm works – permission granted March 2014 – this has been implemented.

2.2 DC/14/87382: Non-material Amendment (refused) to the permission granted under DC/12/80369, was refused, which applied for:

- removal of bicycle parking from basement to ground floor courtyard.
- provision of 5 additional cycle spaces to accord with consent.
- Amendment to courtyard layout including ramp access.
- Closure of residential access from Coulgate Street and revision to internal staircase layout.
- Amendment to internal circulation space for units G.01 and G.02.
- Provision of ensuite to units 1.01, 1.03, 2.01, 2.03, 2.05, 3.01 and 3.03.
- Removal of balcony from unit 1.06 and increase in bedroom size to create double bedroom.
- Amendments to internal layout to unit 1.08, 2.08 and 3.08 to create double bedroom.
- Studio flats to become 1 bedroom flats (units 1.07, 2.07 and 3.07).
- Footprint of units 3.01, 3.02, 3.03 and 3.04 amendment to reflect the floor below.
• Amendment to window and balcony positions across each elevation.
• Amendment to balcony returns.
• Positioning of rain water pipes and extraction for air source heat pumps connected the heat recovery system.

This application was refused on 27th May 2014 for the following reason:

*It is considered that the changes proposed are material in nature and would be to the detriment of the design quality of the consented scheme DC/12/80369, as such they would be contrary to Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets, and the historic environment of the Council's Core Strategy (Adopted June 2011) and Policies URB 3 Urban Design of the Council's Unitary Development Plan (Adopted July 2004).*

2.3 DC/14/88359: Non-material Amendment to the permission granted under DC/12/80369 was approved on 5th September 2014 to allow for:

• Removal of basement/ relocation of plant to ground floor and increase in first floor landings
• Cycle converted to double stacker unit and reduction in cycle parking from 41 to 28.
• Access ramp lengthened in courtyard
• Amendment to residential access from Coulgate Street and revision to internal staircase layout.
• Existing 3.75m brick wall to be reduced in height to 3.5m, made good in other areas.
• Amendment to commercial entrance doors.
• Altered position of balconies, inclusion of glass dividers separating balconies (east elevation) and minor re-alignment of windows.
• Studio flats to become 1 bedroom flats (units 1.07, 2.07 and 3.07) and footprint of units 3.01, 3.02, 3.03 and 3.04 to reflect the floor below.
• Amendments to internal layout of units 1.08, 2.08 and 3.08 to create a double bedroom.
• Provision of ensuite to units 1.01, 1.03, 2.01, 2.03, 2.05, 3.01 and 3.03.
• Amendment to internal circulation space to units UG.01 and UG.02

2.4 Several Approval of Details applications have been submitted following the planning permission DC/12/80369.

3.0 Current Planning Application

The Proposal

A - DC/15/90653 – Full Planning Application for Shopfront and ATM

3.1 The current application seeks planning permission for external alterations to allow for the installation of a new shop front and ATM for a Sainsbury’s Local. Sainsbury’s proposes to occupy ‘commercial unit 1’ on the ground floor, which has a floor area of 373.5m². The proposed alterations include:

• Installation of a shopfront facing Foxberry Road, the main entrance would accord with the approved floor plan, however, a two further doors are also
proposed (serving back of house). The northern door is a recessed single leaf steel door. At the southern end a recessed double steel door is proposed.

- The main entrance is a glazed sliding door measuring 1.5m wide.
- Installation of an ATM.

B – DC/15/90672 – Advertisement Application.

3.2 The current application seeks approval for the display of externally illuminated fascia signs, projecting signs & various other signs and internally illuminated ATM surround sign at 180 Brockley Road SE4. The proposed signage includes:

- 1 x ‘Sainsbury’s Local’ externally illuminated fascia signs;
- 2 x ‘Open every day 7am – 11pm’ externally illuminated fascia signs;
- 2 x externally illuminated perpendicular projecting signs;
- 2 x proposed offer panels;
- 1 x no smoking sign;
- 1 x CCTV sign; and
- 1 x internally illuminated ATM surround.

The proposal has been amended several times since lodgement at the request of officers. The proposal previously included a fascia sign that extended for the majority of the length of the shopfront, which has now been amended and is broken up, such that it only applies to each window compartment of the frontage. Four window graphic posters were also proposed but have been replaced with frosted glass panels.

3.3 The agent has noted that the drawings show the proposed plant/air conditioning for the unit, however, has confirmed that this application does not concern the plant on the roof or the air conditioning on the ground floor, as an application for approval of these details will be subject to a separate application for discharge of condition under planning permission DC/12/80369. These plans therefore do not form part of the assessment.

4.0 Consultation

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

4.2 A site notice and conservation area notice were displayed, letters were sent to residents in the surrounding area and the application was advertised in the local newspaper for a period of three weeks. Local ward Councillors were consulted. No comments were received.

Brockley Society

4.3 The Brockley Society objects on the grounds that the new horizontal signage which extends across the full frontage of the property is excessive and destroys the architectural integrity of the building. In particular, the vertical brick elements which are important to view continuously through the building. The Society states that internally illuminated signage would have an adverse effect on the conservation area and is contrary to the Lewisham Shopfront Design Guide SPD.
4.4 The Society states that this building was designed on the basis of smaller individual retail units which would have had signage in each section of the separate buildings and that the continuous sign would give the building the appearance of being one mass and would result in an overbearing frontage and would also affect the overall design of the building when seen from any distance. Objection is also made to the large window signage which is shown on the application drawing which would also add ugly and unnecessary advertising to the frontage of the building.

4.5 Objection is also made to the illuminated ATM as this would have an adverse impact on the conservation area.

4.6 The Society also stated that it might be worth considering at this point that on new buildings where there is a retail section, more thought should be given to how signage would relate as part of the overall architectural design.

4.7 Please note that the same objection was made to both applications.

Amenity Societies Panel

4.8 ASP regrets the loss of potential for small retail units. ASP objects to the adverse visual impact on the Conservation Area of the internally illuminated signage, the ATM (an additional external ATM is felt to be unnecessary for the area), the continuous fascia and the excessively prominent advertising imagery. This is believed to be contrary to the Lewisham Shopfront Design Guide SPD.

4.9 Please note that the same objection was made to both applications.

4.10 Letters are available to Members.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority 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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town
Centre Local Plan, and the London Plan. 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 for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

Advertisements
Conserving and enhancing the Historic Environment
Design
Use of Planning Conditions

London Plan (March 2015)

5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

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

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

5.7 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough’s statutory development plan. The following policies are relevant to this application:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 19 Shopfronts, signs and hoardings
DM Policy 27 Lighting
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

Shopfront Design Guide Supplementary Planning Document (March 2006)

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

Brockley Conservation Area Supplementary Planning Document

5.9 This document provides a description of the Brockley Conservation Area, and details appropriate changes to buildings and guidance on development in the mews. The guidance states that internally illuminated signage is inappropriate in the conservation area.

6.0 Planning Considerations

6.1 The principle planning considerations are the visual effect on the approved building, streetscape and Brockley Conservation Area, whether the shopfront installation, ATM and signage would result in any impact on neighbouring occupiers, and any issues relating to highway and pedestrian safety.

Design, visual impact & amenity

6.2 Paragraph 58 of the NPFF states that development proposals should respond to local character and history and reflect the identity of the local surroundings and materials, while not preventing or discouraging appropriate innovation. In addition, the policy requires developments to be visually attractive.

6.3 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.'
Paragraph 67 of the NPFF requires advertisements to be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Controls over outdoor advertisements should be efficient, effective and simple in concept and operation. Advertisements which will have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. The National Planning Practice Guidance also includes a section on advertisements.

Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.

DM Policy 19 Shopfronts, signs and hoardings requires that signs should relate successfully to the architectural features and detailing of the building.

DM Policy 27 Lighting states that the Council requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation in line with the Institute of Lighting Professionals’ Guidance Notes for the Reduction of Obstructive Light (2011) to control the level of illumination, glare, spillage of light, angle and hours of operation as well as requiring them to prevent the adverse impact of light pollution at all stages of development, from building demolition and construction to occupation.

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

Council’s Shopfront SPD and Brockley Conservation Area Supplementary Planning Document contains guidance on several aspects relevant to this application, including general fascias, lighting and projecting signs.

With regard to the shopfront and associated signage, it was initially proposed that a full width horizontal band would extend across the building frontage, various window graphics would be affixed to the glazing resulting in a cluttered and extensive shopfront which would have adversely impacted upon the architectural integrity of the building and the wider conservation area.
6.12 At the request of officers, revised plans have been received to omit the horizontal band in favour of individual coloured inserts across the signage zone of each bay. The window graphics have also been omitted in favour of obscure glazing. These amendments are considered to be acceptable in nature, and alleviate earlier concerns so that the architectural integrity of the building would be restored and the repetitive bay features with vertical brick columns remain the dominant architectural feature. There is no objection to the sliding glazed main entrance which is considered to be appropriate. The two recessed doors at the northern and southern end of the shopfront are recessed metal doors, these are considered to be discreet in appearance and would serve the back of house/servicing areas for the retail unit. These are considered acceptable in appearance.

6.13 With regard to the installation of the ATM and associated surround, these would not have an adverse visual impact on the approved building and is considered acceptable to allow for suitable functionality of the retail unit. Commercial unit 1 has an approved A1 (retail) use, and taking into account the location adjacent to Brockley Station, the provision of an ATM is considered appropriate and is an expected feature of commercial units such as this.

6.14 The revisions to the proposed signage would be in keeping with the commercial nature of the High Street, and the design intentions of the original scheme. The signs would be located in suitable location within the approved signage zones. The signage would be externally illuminated by fixed lights, which would therefore have as minimal impact as possible. Given the location of the signage and the luminance levels, it is not considered that the signage would have any adverse effect on the character of the building and the surrounding conservation area, or on neighbouring amenity.

6.15 The design is considered acceptable and now addresses the majority of the concerns raised by the conservation officer and the Brockley Society. All signage would now be externally illuminated, the window graphics that were originally proposed have been removed and the banner that previously spanned the width of the shopfront has been broken up and is now only proposed to apply to the width of each window, reflecting the repetitive bay features of the building.

6.16 The ATM surround remains illuminated, however, this is considered acceptable by officers, as it is of a standard size that is typically seen in commercial areas and would therefore not be unacceptable in this location. The conservation officer’s objection to the projecting sign being too thick (it has a thickness of 10cm), is noted, but this is not considered excessive or unreasonable for the type of sign proposed and the height above ground and would not be unsuitable for the approved building and surrounding context.

6.17 No objections have been received from nearby occupiers. Given the location of the proposal in a busy high street there are considered to be high levels of existing light spillage from street lights and other illuminated signage. The proposal is therefore not considered to have an adverse impact on neighbouring amenity.

6.18 Given the location of the signage and the fact that with the exception of the ATM surround, all signage would be externally illuminated, it is not considered that the signage would have an adverse impact on the approved building, streetscape or
surrounding conservation area. In order to ensure that no images or graphics are later fitted to the shopfront it is considered necessary to remove permitted development rights for adverts.

Public safety

6.19 Local Planning Authorities are expected to have regard to the effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. The vital consideration in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others safety.

Transport Safety: The proposed sign would be visible from Brockley and Foxberry Roads, however the impact of the proposed signage, in terms of size, amount of light emitted and visibility, on vehicle safety is considered to be acceptable. Furthermore, the location of the proposed signage is a suitable distance from the highway to reduce any impact on vehicle safety.

Pedestrian Safety: The proposed signage would not impede pedestrian traffic and would not be considered to cause any harm to pedestrian safety.

7.0 Equalities Considerations

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

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;

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

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

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

7.4 In this matter there is no impact on equality.

8.0 Conclusion

8.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015, as amended) and the National Planning Policy Framework (2012).

8.2 In summary, the proposed shop front, ATM and signage are considered to be appropriate in scale, form and materials and to preserve the character and
appearance of the approved building and the Brockley Conservation area, without impacting adversely on amenity or public safety, in accordance with DM policies 19 & 36 and Core Strategy Policies 15 and 16.

9.0 RECOMMENDATION

A. DC/15/90653 – Full Planning Application for Shopfront and ATM

GRANT PERMISSION subject to the following conditions:

Time Limit

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.

Develop in Accordance with Plans

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


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

INFORMATIVES

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

B. For the avoidance of doubt, no external security shutters are approved as part of this proposal.

C. For the avoidance of doubt, plant and air conditioning units do not form part of this application.

B. DC/15/90672 – Advertisement Application

GRANT PERMISSION subject to the following conditions:

Standard Advertisement Conditions
1)  
(a) This consent is granted for a fixed period expiring 5 years from the date of consent.

(b) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(c) No advertisement shall be sited or displayed so as to:-

   (i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).

   (ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.

   (iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**Reason:** In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

**Development in Accordance with Approved Plans**

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


**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.

**Advertisement Illumination**

3) The illuminated advertisements hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.
**Reason:** To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings of the Development Management Local Plan (November 2014).
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Committee | PLANNING COMMITTEE (B)
---|---
Report Title | Land adjoining 58 Larkbere Road, London SE26 4HB
Ward | Sydenham
Contributors | Kasuni Thewarapperuma
Class | PART 1
Date: 10 September 2015

Reg. Nos. | DC/15/92069
Application dated | 04/05/2015
Applicant | Peter Lohse on behalf of Mr Lee Roberts
Proposal | The construction of a two storey plus roof space, three bedroom house on land adjoining 58 Larkbere Road SE26.
Applicant’s Plan Nos. | 076/PL01, 076/PL02, 076/PL03, CIL Form, Code for Sustainable Homes Report, SAP Work Sheet, Preliminary Ecological Appraisal (PLarchitects Ltd)
Background Papers | (1) Case File LE/192/A/TP
(2) Local Development Framework Documents
(3) The London Plan
Designations | PTAL 2
Area of Archaeological Priority - Sydenham
Not in a Conservation Area
Not a Listed Building
Unclassified

1.0 Property/Site Description

1.1 The site is located at the end of a residential terrace block on Larkbere Road. The property is located on a slight gradient. The width, size and the shape of the application site is consistent with the plots within the adjoining terrace, therefore forming a natural end plot for this terrace.

1.2 In planning records, the site is also known as 60 Larkbere Road. Previously the site contained a garage/storage building. Currently the site lies empty, surrounded by hoardings.

1.3 The surrounding properties along Larkbere Road and the adjoining Champion Crescent (to the north) and Champion Road (to the east) are mostly residential terraced properties generally consisting of 2 stories.

1.4 The sites along Champion Crescent and Champion Road wrap around the block, fanning out in a manner that results in a number of rear yards overlooking the application site. A garage adjoins the site to the north on Larkbere Road.
1.5 The site is within an area of archaeological priority, but not within a Conservation Area or in the vicinity of any listed buildings.

1.6 The site has a PTAL of 2 and the adjoining road is not classified.

2.0 **Planning History**

**Enforcement Notices:**

2.1.1 An enforcement notice was served on this property in 19 June 1987 for the unauthorised use of the land and premises at 60 Larkbere from use as a builders yard to use for the retail sale and fitting of tyres.

**Enforcement Appeal**

2.2 T/APP/C5690/C/87/000002-2/P6 Appeal Decision dated 15 February 1988 have dismissed the appeal and upheld the enforcement notice dated 19 June 1987. The decision confirmed the previous use as a builders yard and that vehicle repair subject to the aforementioned enforcement notice use should not be accepted in a residential location.

**Planning Applications**

2.3 Permission granted in 22 January 1990 to erect a two storey, two bedroom house at 60 Larkbere Road together with the provision of a car parking space at the front.

2.4 DC/08/70076 was granted in 19 January 2009 for construction of a two storey, two bedroom house adjoining 58 Larkbere Road (also known as 60 Larkbere Road)

3.0 **Current Planning Application**

3.1 The scheme proposes to erect a two storey dwelling with roof space containing 3 bedrooms. The building will ‘infill’ the vacant plot adjacent to 58 Larkbere Road and form the end unit on the terraced housing block on the eastern side of Larkbere Road.

3.2 The proposed building is 12.94m long at the ground floor (including the bay window projecting on the front elevation) and takes up the full width of the plot, i.e. 4.7m wide (measured). The footprint of the building follows the building line of the existing terrace to the front. From the rear the building does not follow the L shape of the adjoining buildings, instead, the building forms a solid rectangular shape, taking up the entire width of the plot.

3.3 The building itself is stepped from the rear with flat roofs. The first and the loft floors contain Juliette balconies. The overall internal floor space is 104.4sqm.

3.4 The rear garden is 8.4m long and is bordered by a 1.8m high timber fence. Half of the rear garden would be paved with permeable paving and the other half with soft landscaping.

3.5 The applicant proposes to provide 2 no. cycle spaces to the front of the property. There will be no off-street parking provided.

3.6 On the Larkbere Road frontage, the building façade in general matches the existing buildings on the terraced block, including the bay window.
3.7 In respect of the external finishes, the building is proposed to be finished primarily in Ibstock London Reclaim Mixture brick. This is consistent with the materials used on the adjacent terrace. The flat roofs are covered in milled lead, including the top of the bay window.

Supporting Documents

3.8 The submitted Design and Access Statement identifies that the scheme seeks to create a high quality residential development. Previous consent was granted for a dwelling on this plot under DC/08/70076, which has since lapsed.

3.9 Sustainability aspects are addressed within the Design and Access Statement; Code for Sustainable Homes Pre-Assessment Report; Base and Actual CO2 assessments; Water Calculations and Sustainability Monitoring Form.

3.10 An Ecology and Phase 1 Habitat Report has been carried out which has identified the plot as being of low value in terms of habitat.

4.0 Consultation & Replies

4.1 A site notice was displayed, Ward Councillors, local amenity societies and neighbours were consulted.

4.2 During the course of the consultation period, 4 objections (two from one party) and 1 comment were received from local residents.

4.3 Objections from individual residents can be summarised as follows:

- Serious concerns about the new building and the negative impact it will have on the view from our back garden.
- The building application does not satisfy the requirements for a like for like replacement in such that the new building appears not to have white render facing the properties on Champion Crescent.
- The planned roof extension need to keep the heights of the surrounding buildings
- The proposed plan does not keep with the pattern of the street in regard its height.
- Side elevation north should be finished in white render to match the existing vista and not in brick as per the plans.
- Roof extension does not fit with the current vista and will impact garden properties.
- Overlooking on Champion Crescent and Champion Road properties.
- 58 Larkbere Road and other houses on this side are 2-storey with no rear or side windows. The building will not therefore accord with the present style of houses.
- Protect the tree or another of the same height be replanted if the existing tree is damaged.
- Ensure there are no structures encroaching on the land at 37 Champion Street.

4.4 The Sydenham Society raised the following concerns:

- Overlooking: Top rear elevation would provide a ‘viewing rostrum’ to neighbouring properties, from the balconies, patio floors
- Significant loss of amenity and privacy to no fewer than 16 residences, both flats and houses, to the north and east.
- Second floor flat roofed rear dormer would be conspicuously visible. This is not of a domestic scale of this two storey terrace of dwellings in which all roofs are pitched and where the architectural rhythm at eaves and verges is established by upstanding parapets above party walls, by surmounting chimneys and by subsidiary gables facing the street.

5.0 **Policy Context**

**Introduction**

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

a) the provisions of the development plan, so far as material to the application,

b) any local finance considerations, so far as material to the application, and

c) any other material considerations.

A local finance consideration means:

a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’ The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

**National Planning Policy Framework**

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

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

5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Parking
- Policy 5.3 Sustainable design and construction
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

- Housing (2012)

Core Strategy

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

- Spatial Policy 1 Lewisham Spatial Strategy
- Spatial Policy 5 Areas of Stability and Managed Change
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan (DMLP)

5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough’s statutory development plan.
5.10 The following lists the relevant policies as they relate to this application:

DM Policy 1  Presumption in favour of sustainable development
DM Policy 22 Sustainable design and construction
DM Policy 25 Car Parking
DM Policy 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards
DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

6.0 Planning Considerations

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

- Principle of Development
- Design
- Standard of Accommodation
- Residential Amenity
- Trees
- Traffic and Parking
- Sustainability and Energy

Principle of Development

6.2 Paragraph 197 of the National Planning Policy Framework states ‘in assessing and determining development proposals, local planning authorities should apply the presumption in favour of Sustainable development’. DM Policy 1 of the Development Management Local Plan, states that ‘when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough’.

6.3 This site is considered as an infill site in accordance with DM Policy 33, which states:

“Infill sites are defined as sites within street frontages such as former builders yards, small workshops and garages, gaps in terraces and gardens to the side of houses”

6.4 The site has direct street frontage to Larkbere Road, and is a “gap” which forms a natural end plot consistent with the plot layout of the existing terrace on Larkbere Road.

6.5 Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity. Additional residential use is a priority in London and the borough and it is considered that this site could make a valuable contribution towards meeting housing need, provided that the design of the proposal in appropriate, would have an acceptable impact on neighbouring amenity, the quality of the accommodation created meets the required standards and any impact on parking or traffic locally can be mitigated to an acceptable level.
In terms of the principle of residential use, this is considered acceptable. However, the design, and the potential impact upon the amenity has to be reviewed carefully, in light of the existing conditions and local concerns about the potential harm that could arise.

**Design**

Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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.

London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. DM Policy 33, part A, relates to infill sites on street frontages and corners. The policy advises that such development should make a high quality positive contribution to an area.

From street level, the new building would match the adjacent terrace, stepping up slightly due to the level change along the street which is consistent with the terrace row. The building would match the cladding, window design and door placement of the rest of the terrace when viewed from the street.

The proposed building bulk would be located on the frontage of Larkbere Road. The proposed rear garden provides some separation between the massing of the proposal and the adjoining properties on Champion Crescent and Champion Road. The proposed stepped design of the rear elevation of the house would reflect the adjoining terrace and would also serve to add some relief and responds to the residential character of this road.

The proposal includes Juliet balconies on first floor and loft level. The rear of each level is staggered back from the one below: First floor is staggered back 2.1 m from the ground floor and the loft is staggered 3.12 m from the first floor. The directly opposite and the closest rear elevation is 35 Champion Road, which is 9.6 m from the rear boundary of the application site. There is approximately 18 m minimum separation between the rear elevations of the two properties. The staggered design means that a distance of 20.1 m is maintained from the 1st floor and a distance of 23.2 m from the loft level. The Council’s Residential Standards SPD requires 21m between facing windows on the rear of properties to ensure adequate privacy. It is considered that the proposal would not result in an unacceptable level of overlooking. Therefore this is acceptable in this regard.

The proposal includes loft bedroom to the rear. The height of the proposed dormer roof is below the main roofline. The dormer is located 0.5m from the party walls and 1m from the eaves, thereby remaining subordinate to the main roof slope. This is consistent with the requirements within the SPD relating to roof extensions.

The applicant proposes to maintain the same extent of building line as 58 Larkbere Road from the rear. The proposed building is however of a rectangular shape as opposed to No. 58’s L-shaped building. While this is a departure from the original building pattern, it is considered that, it would have been an acceptable form of development, had this been an infilling of a side return of an existing building within the same location.
6.15 In light of the above, it is recommended that, if permission is granted, a condition is placed preventing further alterations or extensions to the building without the benefit of planning permission to enable the Council to assess the effects of any proposed future changes on local amenity and in accordance with the prevailing policies at the time.

6.16 The terrace to which the proposed building would adjoin contains a variety of structures to the rear which are both original and added extensions. These present relatively bulky protrusions to the rear elevation of the dwellings on this terrace. The proposed building would not appear anomalous to the rest of the terrace when considered in this context.

6.17 The building would be clad predominantly in brick, which is widely used in the local area. It is noted that the side elevation of the existing no.58 building is of render. However, the brick to the side elevation of the proposed building would continue the brick to the front elevation and complete the visual continuity of the terrace.

6.18 On balance, it is considered that the proposed brick would be preferable to a combination of cladding styles as it is currently. On the basis of the above considerations, the design proposed is deemed to be of high quality, relating well to its context. In order to secure this quality of design through to implementation, it is proposed to add conditions requiring the approval of the external materials.

Standard of Residential Accommodation

6.19 The London Plan, Core Strategy and DMLP Policies apply in respect of housing standards. The present scheme complies in full, as described below.

<table>
<thead>
<tr>
<th></th>
<th>Minimum required</th>
<th>Proposed</th>
<th>Met?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dwelling Size</strong></td>
<td>102 m² (3B 4P)</td>
<td>106.3 m²</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Living Areas</strong></td>
<td>29 m²</td>
<td>37 m²</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Bedrooms – width</strong></td>
<td>2.75 m</td>
<td>varies</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Bedroom 1</strong></td>
<td>12 m²</td>
<td>14.4 m²</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Bedroom 2</strong></td>
<td>9 m²</td>
<td>10.1 m²</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Bedroom 3</strong></td>
<td>12 m²</td>
<td>12.1 m²</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Ceiling</strong></td>
<td>2.5 m</td>
<td>2.3 – 2.75 m</td>
<td>No (see below)</td>
</tr>
</tbody>
</table>

6.20 The three bed, 5 person dwelling is 106.3 sqm in size. This compares to the London Plan Housing Design Standard which requires 102 sqm minimum. All room sizes, storage provision, meet or exceed the relevant London Plan standards.

6.21 The ceiling heights ranging from 2.3 m and 2.35 m do not meet the minimum clearances required. However it is noted that the new National Standards set a minimum of 2.3 m and the proposed modifications to the London Plan will seek 2.5m where possible. Also it is constrained by the need to fit in with adjoining terrace. On balance, it is an appropriate solution.

6.22 The rear garden is 4.65 m (width) x 8.4 m (depth). Although northeast facing, it is considered that the size of the garden is adequate provision for a family dwelling. Although the rear gardens would not achieve the minimum depth of 9 metres required by the Residential Design SPD, this is considered to be acceptable given that the proposal maintains similar amount of garden space as those established within the existing adjoining terrace plots.
Residential Amenity

6.23 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context.

6.24 DM Policy 33 is considered relevant, as the proposal would result in an infill development of a vacant plot forming a gap in a terraced block. The policy advises that infill development should result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens and respect the character, proportions and spacing of existing houses.

6.25 The rear boundaries of approximately 10 properties fronting Champion Crescent and Champion Road fans out from the northern and rear boundaries of the site.

6.26 All of these properties would be able to view the building from varying angles. Viewing the side and rear of this terraced block would be an existing situation for these properties in terms of 58 Larkbere property.

6.27 Notwithstanding this, officers consider that the proposal would not have an unduly overbearing or enclosing effect on its occupiers. The building is approximately 14m from the nearest neighbour to the north (5 Champion Crescent); 17m from the nearest neighbour to the east (35 Champion Rd).

6.28 No windows are proposed that would overlook the adjacent buildings to the north and the separation distance is is in excess of the 9m required by the Residential Standards SPD for a flank wall to a habitable window. The distance between the rear elevation and 35 Champion Road to the rear is 18 m, increasing to 20.1 m at first floor and 23.2 m at 2nd floor level. Overlooking at ground floor level would not occur due to boundary fence.

6.29 Similarly, while the building would also be visible from other properties in the vicinity, its distance from them would prevent it from damaging their outlook materially.

6.30 There are concerns about potential overlooking of neighbours’ properties. The position of proposed windows and Juliet balconies and/or their distance from other properties would ensure that no harmful overlooking would arise.

Trees

6.31 It is noted that a 4m high tree is located to the north of the site. However this tree is not located on this property. The Council’s Tree Officer has reviewed this application and considers that there are no public amenity values which could warrant further protection. However, considering that the tree is not located within the applicant’s property and given the amenity value that the tree represents to the neighbours, it would be appropriate to include an informative to alert the applicant to take due care to not damage the tree during construction, if the proposal was granted permission.

Traffic and Parking issues

6.32 The site has a PTAL rating of 2. The residents in this area will have access to bus services from Sydenham Road (southeastern end of Larkbere Road). These bus stops provide connections to Sydenham Railway Station to the west, as well as Lower Sydenham Railway Station to the southeast.

6.33 Cycle provision has been provided at the front of the building, behind the garden wall. The cycle provision for the residential element is in accordance with planning policy requirements.
6.34 The site is not located in a controlled parking zone and the proposal is ‘car-free’. There are no parking restrictions along Larkbere Road.

6.35 Under the London Plan parking standards, Policy 6.13, for 3-bedroom units, the guidance allows a maximum of 1-1.5 spaces per unit. For the proposed scheme this amounts to a maximum of 1.5 spaces. In determining the actual number of spaces to be provided, the policy states that an appropriate balance needs to be struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

6.36 The site is well served by bus routes from Sydenham Road. The Sydenham Railway Station is located 1.12 km away from the application site, or a 15 minute walk. It is acknowledged that this falls outside the 12 minutes walking buffer and the 0.96 km distance buffer which determines the PTAL ratings. However the distance from the site to the railway station is considered to be an acceptable distance for practical purposes.

6.37 On balance, therefore, and bearing in mind the objective of promoting sustainable travel choices, it is considered that the proposals would not be likely to add unacceptably to parking pressures in the vicinity.

Refuse

6.38 Bin enclosures are located by the front entrance, easily accessible from the footpath. These stores would be located behind the 1.2m high garden wall.

6.39 The location and size of the bin stores is considered acceptable, though it is proposed to require details of their external treatment by condition.

Sustainability and Energy

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

6.41 Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires all new housing development to achieve a minimum of Level 4 when assessed using the Code for Sustainable Homes criteria. Following a review of technical housing standards in March 2015, the government will incorporate elements of the Code for Sustainable Homes in building regulations. For planning purposes residential development is expected to meet the code level in respect to energy performance and water efficiency.

6.42 The Sustainability Monitoring Form and the Pre-Assessment Report states that the proposed residential unit will achieve Code for Sustainable Homes level 4. This will be achieved through enhanced fabric insulation, high levels of air tightness, high efficiency heating systems, water efficiency measures and permeable paving.

6.43 New residential development is also required to meet the Lifetimes Home Criteria which seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. This is also due to come under new Building Regulations from October this year. The proposed development is generally compliant with the relevant Lifetimes Homes Criteria.
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 and the Lewisham Local CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Community Infrastructure Levy

7.4 The above development is CIL liable.

8.0 **Equalities Considerations**

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

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;

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

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

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

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

9.0 **Conclusion**

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

9.2 The development would provide an additional family home meeting a recognised need.
9.3 The design, whilst containing elements that are contemporary and some differences in style to neighbouring buildings, nonetheless largely retains a strong link to the character of the local area.

9.4 For these reasons, the proposal is considered acceptable and is therefore recommended for approval.

10.0 RECOMMENDATION -

GRANT PERMISSION subject to the following conditions

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:

   076/PL01, 076/PL02, 076/PL03, CIL Form, Code for Sustainable Homes Report, SAP Work Sheet, Preliminary Ecological Appraisal (PLarchitects Ltd)

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

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

   **Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

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

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

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

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and
the area generally and to comply with Policy 15 High Quality design for Lewisham of the
Core Strategy (June 2011), DM Policy 32 Housing design, layout and space standards,
and DM Policy 33 Development on infill sites of the Development Management Local
Plan (November 2014).

## Informatives

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

B. You are advised that the application granted is subject to the Mayoral Community
Infrastructure Levy (‘the CIL’). More information on the CIL is available at:

   [http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastruc
turelevymay11](http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11)

   (Department of Communities and Local Government) and


C. 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. An ‘**assumption
of liability form**’ must be completed and before development commences you must
submit a ‘**CIL Commencement Notice form**’ to the council. You should note that any
claims for relief, where they apply, must be submitted and determined prior to
commencement of the development. Failure to follow the CIL payment process may
result in penalties. More information on CIL is available at:

   [http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx](http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx)

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

E. You are advised that it is the responsibility of the applicant to ensure that all structures,
including fences, shall not encroach upon the legal boundaries of the neighbouring
properties.

F. You are alerted to the presence of a 4m high laurel tree to the north of the property which
may have its root system within your property. All construction work should be undertaken
in a manner that does not materially affect the health of this tree.

G. The applicant is advised that the implementation of the proposal will require approval by
the Council of a Street naming & Numbering application. Application forms are available
on the Council’s web site.
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1. **Property/Site Description**

1.1. The site is located at the rear of 13 Calmont Road, with frontage to Ambleside. Prior to being sold and partitioned off, the site formed part of the rear garden of 13 Calmont Road. Currently it is overgrown with weeds and is subject to fly tipping over the wire mesh fence.

1.2. The site is roughly rectangular in shape and measures approximately 12m deep and 15m wide. It backs on to the rear gardens of 13 and 15 Calmont Street, as well as 41-44 Ambleside. The balconies of 41-44 Ambleside directly overlook the site.

1.3. The property is located near the Millwall sports club training fields. The area is residential in character and consists of two storey semi-detached dwellings, with the exception of the property known as “The Acorns” located at the rear of 7 Calmont property.
1.4. “The Acorns” is located directly opposite the application property, and is similar in design and appearance to the proposed scheme.

1.5. The subject property is located within a suburban housing perimeter block typology as defined in the Lewisham Character Study. The site has a PTAL rating of 1a and 1b. The property is not located in a Conservation Area or a listed building.

2. **Relevant Planning History**

   **Application Site**

   2.1. DC/06/62122/FT for the construction of an extension at first floor level to the rear of 13 Calmont. Granted.

   2.2. DC/14/90379 for the construction of a two bedroom (3 person), single storey dwelling together with a parking space and a rear amenity area to the rear of 13 Calmont. This was refused under delegated authority.

   2.3. Reasons for refusal are provided below:

   2.3.1. The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study is not acceptable and contrary to DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

   2.3.2. The design of the proposed dwelling is of a poor quality and would be in direct contrast to the established pattern of development, appearing as a highly incongruous addition to the streetscene and contrary to Policy 15 High quality design for Lewisham of the Core Strategy (2011), DM Policy 30 Urban design and local character, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development management local Plan (2014) and Policy 3.4 of the London Plan (2015).

   **7 Calmont Road**

   2.4. DC/10/76122 for the construction of a single storey building on land to the rear of 7 Calmont Road, fronting on Ambleside to provide a 2-bedroom bungalow, together with the provision of a cross over and 1 parking space. This is a very similar proposal to the current application, and was granted by committee on 11 March 2011.

3. **Current Planning Application**

   3.1. The current application is for the construction of a two bedroom, single storey bungalow at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1.

   3.2. This application is a resubmission of the previously refused application. It has been amended as follows:
Amended articulation to the building which provides clear definition to the entrance points and placement of windows;
Amended boundary treatments to better address the street consisting of consistent boundary walls, as opposed to a combination of types;
Bedroom sizes have increased
Introduction of green roof
Passive solar gain achieved to living areas and bedrooms by changing the roof design to allow glazing
Increased floor-to-ceiling heights achieved to the bedrooms by the changes to roof design
Hard paving at the rear replaced by permeable paving and soft landscaping to the rear

3.3. The proposed dwelling would front onto Ambleside, measuring 14.5 m in length, 10 m wide with a gross internal floor area of approximately 84sqm. The flat roof is stepped and has a maximum height of 3.2m.

3.4. The proposed building ‘wraps around’ the rear amenity garden area to shelter it from three sides. The main rear amenity garden area would face southeast and this comprises of approximately 32sqm when measured. The depth of the garden from the rear elevation to the rear boundary ranges from 2.2m to 4m.

3.5. The existing vehicle crossover would be retained to provide a single car garage, which is accessed via a 1.6m high timber electronic gate which would open via an electronically controlled fob. The rest of the Ambleside frontage would contain a 1m high rendered wall. The building would be accessed via a timber sliding entrance gate on foot.

3.6. The property would have white double glazed powder coated aluminium framed windows, a flat roof partially containing green living roof and render white facing walls.

4. Consultation

4.1. A site notice was displayed. Local neighbours and ward councillors have been notified. Two petitions (24 and 4 signatures respectively) and 4 letters of support from local residents (all of whom have also signed the petition) have been received.

4.2. It is noted that one of the signatures on a petition and one letter of support come from the applicant himself.

4.3. All letters of support and the introduction to the petitions contain almost identical comments, which are summarised below:

Proposal enhances and is in keeping with the character of the area
Precedent set by 7 Calmont Road across the road
Rear gardens fronting on to Calmont Road are very long and excessive in size for a family home
A detached and separated parcel of land fronting on the Ambleside would not be out of character or an overdevelopment.
History of fly tipping to the rear of site
Will enhance privacy, security, and surveillance.
Overall scale and height is appropriate
Does not harm the amenity of neighbouring occupiers.
Proposal adds a new dwelling to the area.
The proposed bungalow is a rare addition to the borough.

Internal Consultations
4.4. Highways and Environmental Sustainability have been consulted. No comments were received from these departments to date.

Thames Water
4.5. Thames Water has also been consulted. They raise no objections to the proposal. Comments request Informatives in respect of connections to water and drainage infrastructure.

English Heritage
4.6. Due to planning reports referring to remnants of an ancient wall located at 7 Calmont, English Heritage was consulted. They have confirmed that there is no archaeological requirement in relation to this application.

5. Policy Context

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

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

5.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

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

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

Other National Guidance

5.5. On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

5.6. On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

5.7. The London Plan SPGs relevant to this application are:
- Housing (2012)

Core Strategy

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

- Spatial Policy 1 Lewisham Spatial Strategy
- Spatial Policy 5 Areas of Stability and Managed Change
- CS Policy 1 Housing provision, mix and affordability
- CS Policy 8 Sustainable design and construction and energy efficiency
- CS Policy 14 Sustainable Movement and Transport
- CS Policy 15 High quality design for Lewisham

Development Management Local Plan

5.9. The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough’s statutory development plan. The
following lists the relevant policies from the Development Management Local Plan as they relate to this application:-

<table>
<thead>
<tr>
<th>Policy Number</th>
<th>Policy Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>DM Policy 1</td>
<td>Presumption in favour of sustainable development</td>
</tr>
<tr>
<td>DM Policy 22</td>
<td>Sustainable Design and Construction</td>
</tr>
<tr>
<td>DM Policy 25</td>
<td>Landscaping and Trees</td>
</tr>
<tr>
<td>DM Policy 29</td>
<td>Car parking</td>
</tr>
<tr>
<td>DM Policy 30</td>
<td>Urban design and local character</td>
</tr>
<tr>
<td>DM Policy 32</td>
<td>Housing design, layout and space standards</td>
</tr>
<tr>
<td>DM Policy 33</td>
<td>Development on infill sites, backland sites, back gardens and amenity areas</td>
</tr>
</tbody>
</table>

Residential Standards Supplementary Planning Document (2012)

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

6. Planning Considerations

6.1. The relevant planning considerations for this application are as follows:

- Principle of Development
- Design
- Standard of Accommodation
- Residential Amenity
- Highways and Traffic
- Sustainability

Principle of Development

6.2. The NPPF introduced a strong presumption against back garden development, stating at paragraph 53:

6.3. “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.

6.4. Back gardens are defined in the Development Management Local Plan 2014 (DMLP) as, “private amenity areas that were the entire back garden to the rear of a dwelling or dwellings as originally designed.” It is considered that the application site falls within this definition.

6.5. The principle of development on back gardens is addressed in Paragraph C of DMLP Policy 33- Development on infill sites, backland sites, back gardens and amenity areas which states that-

“The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study will not be granted planning permission. Private back gardens in all urban typologies should be retained in development proposals involving new separate dwellings.”
6.6. The principle of the development on these sites is strongly resisted.

6.7. The applicant has submitted supporting information relating to a largely similar proposal located on land to the rear of 7 Calmont (ref: DC/10/76122) which was approved by Planning Committee in 2011. This site is located on the other side of Ambleside, directly opposite the application site.

6.8. The principle of the new house on the land at the rear of no. 7 Calmont was assessed against Policy HSG8 of the now-superseded Unitary Development Plan which allowed for backland and in-fill development subject to several criteria.

6.9. Since that application was granted the UDP has fallen away and planning policy at all levels as strengthened against back garden development. The DMLP, particularly DM Policy 33, provides the current policy framework. With this policy there is no longer a presumption for development on sites of this nature. This is in line with Paragraph 53 of the NPPF, published since the dwelling to the rear of 7 Calmont was granted.

6.10. Given this, the policy context that DC/10/76122 was assessed against is not comparable to the currently policy framework.

6.11. The Council’s adopted policy, in line with corresponding policies at national and regional levels, is that back garden development is generally unacceptable in principle.

6.12. The presence of 7 Calmont dwelling alone would not be sufficient justification to make the principle of development for this proposal acceptable. Indeed, it is considered that this dwelling is demonstrative of the difficulties inherent in achieving a form of development on back garden site which relates successfully to the existing built form and character of the area.

6.13. It is also noted that while the proposal would deliver a housing unit, the Council is on track to meet its housing targets through the delivery of more suitable development sites.

6.14. Officers consider that on balance of considerations and given the strong policy position, the principle of development in this particular location is unacceptable.

Design

6.15. Notwithstanding the unacceptability of the principle of development, the design aspects and the standard of living of accommodation require due consideration.

6.16. Paragraphs 56-57 of NPPF state that Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings etc.

6.17. The relevant policy is guided by the London Plan, London Plan Housing SPG and the Development Management Local Plan as well as the Lewisham Council Housing SPD. Policy 3.4 of the London Plan 2015 sets the high level policy direction for this proposal. It states that boroughs should take into account local context and character, the design principles and public transport capacity; but that
development should also optimise housing output for different types of location within the relevant density range.

6.18. The matters for specific local scrutiny relate to how the proposal fits within the wider context of the neighbourhood as guided by the relevant policies. DM Policies 30, 32 and 33 are specifically applicable to this proposal. The DM Policy 33 raises issues with developments with regard to disruption to the urban form and achieving a good design fit with neighbouring developments.

6.19. DM Policy 30 requires all development proposals to attain a high standard of design where applications must demonstrate the required site specific design response to create a positive relationship to the existing surroundings, taking all available opportunities for enhancement.

6.20. DM Policy 32 sets Council’s expectations for all residential development, where they are:
   a) attractive and neighbourly
   b) provide satisfactory level of privacy, outlook and natural lighting for both its future residents and neighbours; and
   c) meet the functional requirements of future residents.

6.21. It goes on to state that the siting and layout of new-build housing development will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.

6.22. DM Policy 33 paragraph 2 states that [even] if a site is considered to be suitable for development, permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes spaces between buildings and the size and proportion of the buildings.

6.23. The proposal essentially mirrors the building across the road on 7 Calmont Street, in terms of scale, siting, shape, roofs, boundary treatments, cladding and site size. The proposal is capable of providing satisfactory levels of natural day light into the property.

6.24. With the exception of “The Acorns”, no dwelling directly overlooks Ambleside until the mid point of the cul-de-sac. The development of a new dwelling in the rear garden of 13 Calmont would be inconsistent with the traditional plot layout of this neighbourhood. The Acorns, through its form, materials, and inconsistency with the existing building line appears incongruent in the streetscene. The proposal, which is of similar proportions and materials would sit equally uncomfortably within the traditional urban form of the surrounding area.

6.25. Notwithstanding the presence of a similar building opposite, officers consider that the proposal is of poor design quality, failing to relate to the predominant form of development in the area and appearing as an incongruous element in the streetscape.

6.26. However, officers acknowledge that while not consistent with the wider environment, the proposal has potential to fit in with the building located opposite at 7 Calmont as a “matched pair”. However this is considered to compound the anomaly in the existing urban environment.
Standard of Accommodation

6.27. Linked to the Design section above, this section of the report considers the proposed standard of accommodation. The London Plan and DMLP Policies provide guidance on the housing design, layout and space standards of new development. In general they direct that the siting and layout of new-build housing development will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. DMLP Policies (Policy 32 in particular) expect that all new residential development to meet the functional requirements of the future residents.

6.28. On 11 May 2015 the Mayor of London published for consultation Minor Alterations to the London Plan, Housing Standards, which will bring the London Plan in line with the new national housing standards. Currently these are not adopted.


6.30. The proposed dwelling generally meets the required minimums for specific areas as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minimum required</th>
<th>Proposed</th>
<th>Met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Size</td>
<td>70 m² (2B 4P)</td>
<td>84 m²</td>
<td>YES</td>
</tr>
<tr>
<td>Living Areas</td>
<td>27 m²</td>
<td>27.7 m²</td>
<td>YES</td>
</tr>
<tr>
<td>Bedrooms – width</td>
<td>2.75 m</td>
<td>varies</td>
<td>YES</td>
</tr>
<tr>
<td>Bedrooms – area</td>
<td>12 m²</td>
<td>13.8 m² (both - measured)</td>
<td>YES</td>
</tr>
<tr>
<td>Ceiling - bedrooms</td>
<td>2.5 m</td>
<td>2.9 m</td>
<td>YES</td>
</tr>
<tr>
<td>Ceiling (living area)</td>
<td>2.5 m</td>
<td>2.3 m</td>
<td>No (see below)</td>
</tr>
</tbody>
</table>

6.31. Ceiling: As noted in the table, the floor to ceiling heights for the bedrooms is 2.9m, which meets the minimum requirements. However the floor to ceiling clearance is 2.3m in the living area. The current London Plan SPG requires that habitable rooms and kitchens have a minimum floor height of 2.5m between finished floor level and finished ceiling level. However it is noted that the new National Standards set a minimum of 2.3 m and the proposed modifications to the London Plan will seek 2.5m where possible.

6.32. Entrances: The main entrances would be visible from the street and clearly identified. The approach to the entrances are level and is illuminated.

6.33. Given the introduction of the National Technical Housing Standards, a reason for refusal based on the floor to ceiling height of 2.3m could not be sustained. It is considered that the proposal therefore would provide an adequate standard of accommodation internally.
Residential Amenity

6.34. DM Policy 32 requires residential development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and its neighbours.

6.35. In the case of development on these sites this requirement will mean that garden space must not be provided in a piecemeal fashion in a series of small garden areas, but as a usable space suitable for the intended occupants, including where appropriate, for children’s play. The proposed amenity space contains a single contiguous area to the rear of the property, is accessible from a living room, secure and has usable space that could allow children’s play.

6.36. The internal living area is single aspect and faces southeast. The outdoor area is oriented towards the south east. This is considered acceptable.

6.37. Private amenity area to the rear of the dwelling is approximately 32 sqm, which is in excess of the baseline requirements of the London Plan SPG which is 7sqm minimum for 4 persons. Officers note that the Residential SPD requires that the minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more. The main outdoor amenity area is considered to fall short of this requirement, where the distance between the flank wall of the building and the living room is 6m and the distance between the bedroom and the rear boundary is 3.8 m. This is considered to give a poor level of outlook for future occupiers.

6.38. However, the outdoor area and the glazed doors to the living area are overlooked by the existing balconies at 41-44 Ambleside, which are approximately 5.5 m away from the proposed building. Due to the design of the proposal, the existing trees along the shared boundary with 41-44 Ambleside will be removed. Officers do note that the existing trees on this site are in poor condition. Historically, it appears that a line of trees along the boundaries provided some level of screening to the sites backing on to the terraced units on Ambleside.

6.39. The combination of the proximity of the proposal to neighbouring residential properties, the height of the balconies to the rear of those properties and the removal of trees along the boundary combine to result in an unacceptable level of overlooking and loss of privacy for any future occupiers of the proposed dwelling.

6.40. As a result of this proposal, the amount of rear garden left for the original 13 Calmont Street property would be 13m long. The SPD requires 9m minimum rear garden and this is considered acceptable.

6.41. The proposal does not materially affect the level of residential amenity on the neighbouring properties given that it is a single storey bungalow and does not overlook any property. Officers consider that given the design and the single storey design, there will be no loss of daylight, overlooking or loss privacy imposed on the neighbouring properties as a result of this application.

6.42. Based on the above review, it is considered that the proposal would not result in significant harm to the amenity of the adjoining properties. However the overlooking occurring on the application site from adjoining properties is likely to be significant and would result in an unacceptable level of overlooking.

Highways and Traffic Issues

6.43. The site has a PTAL rating of 1a/1b indicating that access to public transport in the area is poor. The proposed 2 bedroom dwelling with an anticipated maximum
occupancy of 4 persons has the potential to generate more pressure on parking. Both sides of Ambleside are used for on-street parking. 1 car parking space is provided on site, using an existing dropped kerb, and provision can be made for wheelchair accessibility. This is considered acceptable.

6.44. Notwithstanding the PTAL rating, a desktop assessment of nearest public transport revealed that Ravensbourne station is located 11 minutes walk from the site, being the nearest train station. Beckenham Hill station is also located 19 minutes walk away. Bus stops are located within a 10 minute walk on Bromley Hill Road to the northeast as well as Farnaby Road to the southwest.

6.45. Access and parking is considered to be acceptable for the nature and scale of the development proposed.

Cycle Parking

6.43 Cycle storage is not shown on site. However it is considered that appropriate cycle parking could be provided within the proposed garage and screened by the timber gate.

Sustainability

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

6.45 Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires all new housing development to achieve a minimum of Level 4 when assessed using the Code for Sustainable Homes criteria. Following a review of technical housing standards in March 2015, the government will incorporate elements of the Code for Sustainable Homes in building regulations. For planning purposes residential development is expected to meet the code level in respect to energy performance and water efficiency.

6.46 The applicant has provided a sustainability statement which states that it will achieve Code Level 4 for sustainable homes. The statement covers water conservation and energy matters. This is considered as acceptable.

6.47 New residential development is also required to meet the Lifetimes Home Criteria which seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. This is also due to come under new Building Regulations from October this year. The proposed development is generally compliant with the relevant Lifetimes Homes Criteria.

6.48 The proposed use of permeable paving and a living roof in new housing development would be supported if the proposal was acceptable, as they would mitigate impacts on ecology and drainage. The applicant refers to 'hard standing with sustainable drainage' in the application.

7. 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. In this matter there is no impact on equality.

8. Conclusion

8.1. The Council supports the principle of providing family dwellings in the Borough. However given the clear policy direction provided by the NPPF and DMLP Policy 33, officers consider that the proposed development is contrary to policy and of detriment to the existing urban form and the development pattern in the surrounding area. Planning policy at all levels has strengthened against back garden development since the dwelling on the opposite side of Ambleside was approved.

8.2. The proposal would provide adequate living accommodation, however this is not sufficient to outweigh the negative impact on the streetscene that would arise.

8.3. Overall, the proposed development by reason of the back garden location is contrary to DMLP Policy 33 and as such, unacceptable in principle. In addition, officers consider that the level of overlooking imposed on the future occupants is sufficiently significant to recommend refusal.

9. RECOMMENDATION: REFUSE PERMISSION, for the following reasons:

1. The proposed development, involving the back garden of a traditional terrace (as originally designed) is considered unacceptable in principle due to the harmful effect to the urban perimeter block typology in which the site is located. The proposal is considered an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider locality, contrary to the NPPF, Spatial Policy 5 Areas of Stability and Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

2. The proposed development, by reason of the limited outlook provided to the living area and rear bedroom and overlooking of these rooms and the rear garden from neighbouring properties, would result in an unacceptable impact on the amenity of
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<table>
<thead>
<tr>
<th>Committee</th>
<th>PLANNING COMMITTEE B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Title</td>
<td>Deptford Railway Station</td>
</tr>
<tr>
<td>Ward</td>
<td>New Cross</td>
</tr>
<tr>
<td>Contributors</td>
<td>Michael Forrester</td>
</tr>
<tr>
<td>Class</td>
<td>PART 1</td>
</tr>
<tr>
<td>10&lt;sup&gt;th&lt;/sup&gt; September 2015</td>
<td></td>
</tr>
</tbody>
</table>

Reg. Nos.  

- (A) DC/15/93104 – Planning Permission  
- (B) DC/15/93103 – Listed Building Consent

Application dated  

27<sup>th</sup> July 2015

Applicant  

Network Rail Infrastructure Ltd

Proposal  

DC/15/93103  

Details submitted in compliance with conditions 3 (materials) and 5 (detailed drawings) of the listed building consent DC/14/86271 dated 8/04/2015 for the installation of four partially glazed retail frontages, internal lining and associated lining and drainage facilities to convert four unused railway arches to A1 retail units.

DC/15/93104  

Details submitted in compliance with conditions 3 (materials) and 7 (detailed drawings) of the planning permission DC/13/86046 dated 8/04/2015 for the installation of four partially glazed retail frontages, internal lining and associated lining and drainage facilities to convert four unused railway arches to A1 retail units.

Applicant’s Plan Nos.  


Background Papers  

- (1) Case File DE/156/139A/TP  
- (2) Local Development Framework Documents  
- (3) The London Plan

Designation  

Listed Building  
Deftford District Centre
1.0 Property/Site Description

1.1 The site comprises railway arches within the viaduct that form part of Deptford Railway Station. The four arches open out onto the southern side of the viaduct, with the rear north facing opening enclosed by other buildings on Deptford High Street.

1.2 The arches form part of the Grade II listed viaduct and platforms, the adjacent carriage ramp is separately listed Grade II. The site is included as part of the Deptford High Street Conservation Area.

1.3 Deptford Station provides mainline access to London Cannon Street and to Kent via Greenwich. The arches are currently vacant, and enclosed by a projected hoarding from the viaduct.

2.0 Planning History

2.1 Applications for Planning Permission and Listed Building Consent for the change of use of the arches, installation of shopfronts and internal lining were approved on the 18th April 2015 under application references DC/13/86046 and DC/14/86271.

2.2 Members at Planning Committee B requested that conditions attached to both decisions be presented to Planning Committee for approval.

3.0 Current Planning Applications

The Proposals

3.1 The approval of details secured by condition attached to the Planning Permission and Listed Building Consent for the 4 arches beneath Deptford Railway Station for use of retail including new shopfronts, internal lining of the arches and rear infill extension.

4.0 The full discharge of conditions 3 (materials) and 5 (detailed drawings) is sought in respect of Planning Permission DC/13/86046.

4.1 The full discharge of condition 3 (materials) and 7 (detailed drawings) is sought in respect of Listed Building Consent DC/14/86271.

5.0 Planning Considerations

5.1 Conditions attached to both the Planning Permission and Listed Building Consent are sought for approval. The same information has been submitted in respect of both applications. The wording of the conditions is repeated below.

Materials

5.2 Condition 3 (Planning Permission)

*No development shall commence on site until a detailed schedule and samples of the following have been submitted to and approved in by the local planning authority. The development shall be carried out in accordance with the approved details.*

- Sample of mat bronze aluminium cladding
- Details of all door furniture and other shop front fittings
- Sample of ventilation panels
- Open mesh roller shutter

5.3 Condition 5 (Listed Building Consent)
No development shall commence on site until a detailed schedule and samples of the following 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.

- Sample of profiled internal arch lining, including joinery
- Details of floor finishes
- Internal light fittings

5.4 These conditions were imposed in order to ensure that the final materials used within the shopfronts and internal fitting out would have been of high quality, appropriate for the listed viaduct and prominent town centre location.

5.5 Samples of all the shopfront materials have been submitted. The proposed bronze finish aluminium cladding (as detailed in the original planning application) is considered to be of a high quality and would integrate successfully with the brickwork of the listed viaduct. It is also considered that the material would compliment the adjacent shopfronts and street furniture used within the public realm of the adjacent Deptford Project scheme which utilises corten steel for the majority of fittings. Details of the door handles have been submitted, these are specified as a simple stainless steel bar which would be discreet in appearance.

5.6 Louvre panel samples have been submitted for approval, they are confirmed as being powder coated to match the shopfront. The sample louvre is considered to be of a high quality and when finished in a matching colour would successfully integrate into the shopfront.

5.7 The roller shutter is an open mesh variety which is supported. This is set internally within the shopfront and when closed is not considered to dominate the frontage.

5.8 Samples of the internal lining have also been submitted. This is a ‘Claddex’ profile sheet lining and is finished in bronze to match the shopfront. Officers are supportive of the proposed material which is considered high quality and not dominate the internal space.

5.9 Floor finishes are confirmed as a polished concrete which is considered acceptable for a retail environment.

5.10 Light fittings are proposed as LED strip lights which require minimal fixing to the original structure. These raise no objection. It is noted that this is a specification which has been selected by the applicant and that the final occupiers of the retail units may wish for different light fittings or internal specification. It is therefore recommended to include an informative which draws the applicants attention to the fact that a variation to the specification may require separate listed building consent.

5.11 The Deptford Society have commented on the proposals stating that the matt finish is suitable but question the brown tone of the material and suggest that a grey finish is more appropriate. They object to the ‘standard’ front doors, question the signage zones and roller shutter. There is also objection to the colour of the interior cladding.

5.12 Officers note the representations received by the Deptford Society, however, a grey finish to both the shopfront and interior lining is not considered to be appropriate. A bronze shopfront has been secured as part of the main planning permission and is therefore acceptable in principle. The submitted samples and details of materials are considered acceptable and provide a high level of detail, no objection has been raised from the Council’s Conservation Officer. Therefore it is recommended to discharge these planning conditions.

Detailed drawings
5.13 Condition 5 (Planning Permission) and Condition 7 (Listed Building Consent) – Detailed drawings have the same wording, this is repeated below:

(a) No development shall commence on site until plans in full colour (of the entire shopfront) and sectional details (through the entire shopfront) at a scale of 1:10 or 1:20 showing the proposed shop fronts have been submitted to and approved in writing by the local planning authority. Such information shall show the location of the fascia sign, ventilation panels, the window system, side infill panels, entrance doors.
(b) The development shall be constructed in full accordance with the approved details.

5.14 The applicant has submitted detailed drawings through the shopfront, these confirm the locations of the entrance doors, side glazing panels, signage and ventilation zone. The drawings confirm that the cladding would be fitted to the shopfront with secret fixings, meaning that no screws or other fixings would be visible. The drawings accord with the approved planning and listed building consent plans and are considered to show a high level of information.

5.15 The details are considered acceptable to recommend the discharge of this condition and would provide a realistic impression of the shopfronts final appearance.

6.0 Equalities Considerations

6.1 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.

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

6.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter, there is no impact upon equality.

7.0 Conclusion

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

7.2 The principle of a bronze shopfront has been secured as part of the main planning permission and listed building consent, and the details submitted for approval here are to confirm and clarify finer points of the shopfront such as joinery and material specification. Whilst it is noted that the Deptford Society has objected to the proposals the details submitted, Officers have engaged with the applicant to secure a necessary level of detail.

7.3 It is considered that the proposed materials submitted are acceptable and would allow for a high quality shopfront fitting suitable for the listed viaduct and prominent town centre location.
8.0 RECOMMENDATION

Approve the submitted details.

Informatives

A. The applicant is advised that condition 4 of the listed building consent DC/14/86271 remains outstanding.

B. There are no other conditions attached to planning permission DC/13/86046 which require approval.

C. The applicant is advised that any further internal alterations, including light fittings may require Listed Building Consent.
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