PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 3 DECEMBER 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, 24 November 2015

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

Telephone No: 020 8314 8701
Email: Shelley.McPhee@lewisham.gov.uk
RECORDING AND USE OF SOCIAL MEDIA

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

If recording causes a disturbance or undermines the proper conduct of the meeting, the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.
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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 22nd October 2015.
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Committee | PLANNING COMMITTEE (B)
--- | ---
Report Title | LIDL, BESTWOOD STREET, LONDON, SE8
Ward | Evelyn Ward
Contributors | Colm Harte
Class | PART 1 | 3rd December 2015

Reg. Nos. | DC/15/92613
Application dated | 12 June 2015
Applicant | Lidl UK Properties GmbH & Co

Proposal | The demolition of the existing building and the construction of a two storey food store with the provision of 77 car parking spaces at Lidl Bestwood Street SE8.

Applicant’s Plan Nos. | 010003; 010001; 010002; 020001; 030100; 030102; Carpark Lighting; Energy Statement; Sustainability Statement; The Impact Of Lidl Supermarkets On Defined Retail Centres: A Case Study Update; Flood Risk Assessment And Drainage Statement; Archaeological Desk Based Assessment; Planning and Retail Statement; Full Travel Plan; Transport Assessment; Design and Access Statement received 15 June 2015; 020101 rev 5 received 14 August 2015; Daylight Sunlight and Overshadowing Report received 20 October 2015; 010003; 010001; 010002; 020001; 030100; 030102 received 15 June 2015; LD-AD-02 rev 01; LD-AD-03 rev 01; LD-AD-04 rev 01; LD-AD-07 rev 01; Details of ribbon windows with louvers received 22 October 2015; 010103 rev 3; 010104 rev 2; 010105 rev 3 received 12 November 2015; 010106 rev 4; 010101 rev 17; 010102 rev 10; Addendum to Transport Assessment; 3203 rev T1; 3203 rev T1 (Internal glazed wall elevation) received 13 November 2015

Background Papers
(1) Local Development Framework Documents
(2) The London Plan
(3) DE/151/A/TP
1.0 Property/Site Description

1.1 The subject site is located on the south side of Bestwood Street (A200), at the junction with Trundley’s Road, adjacent to the borough boundary with the London Borough of Southwark. The site is currently occupied by a Lidl retail food store. The main single storey rectangular food store building is located along the rear south eastern site boundary, with servicing operating via the eastern boundary accessed from Bestwood Street. At grade car parking for 47 car parking spaces (including 3 disabled bays and ’3 parent & child bays’) are currently in front of the existing building, adjacent to Bestwood Street.

1.2 Directly to the north of the application site is a terrace of two storey brick built houses partly set back from the road. A drive-thru McDonald’s restaurant and associated at grade car parking is situated to the east, while to the south-east and south-west are three and four storey residential apartment blocks (John Silkin Lane). Most notable to the subject application, 53-68 John Silkin Lane is a four storey flatted development located adjoining the south-west boundary which also fronts Trundleys Road and is situated approximately 4 metres from the adjoining site. Also of note is 69-74 John Silkin Lane which is a three storey flatted development situated four metres from site boundary, directly to the rear of the existing food store.

1.3 The application site is located 100m south of Canada Water Major Town Centre (LB Southwark) and is deemed to be edge-of-centre in retail planning policy terms.

1.4 The immediate context of the site area is one of change with a mixture of design quality and building typologies. In particular it is noted that the subject site is located within the vicinity of a number of sites which have a strategic allocation, as set out in The Core Strategy. These include Oxestalls Road to the northeast and Plough Way (including Cannon Wharf and Marine Wharf East and West) to the north of the site. Redevelopment on these sites is at varying stages of development, however when completed will alter the immediate setting of the subject site and the wider area.

1.5 The site is not within a Conservation Area and there are no listed buildings located within the application site. The site lies within Flood Zone 3.
2.0 Planning History

2.1 The subject site has an extensive planning history, most relevant of which is listed below.

2.2 In 1995 planning permission was granted for the erection of a single storey building to provide a retail food store together with associated landscaping and the provision of 61 car parking spaces with access onto Bestwood Street.

2.3 It is noted that Condition 7 of the original planning consent restricted deliveries from Monday to Saturday 7:00 a.m. and 10.00pm.

2.4 Planning Consent DC/00/46300 subsequently varied Condition 7 to permit service deliveries between the hours of 9am-12(noon) on Sundays, Public and Bank Holidays.

2.5 Planning Consent DC/04/58595 approved an 174sqm front extension to the existing store and as part of this application, the number of off street parking spaces were reduced from 61 to 47

The Proposals

2.6 This application seeks consent for the demolition of all buildings onsite and the construction of a replacement food store comprising of car parking at ground floor with the sales and ancillary areas on the first floor. Access to the first floor retail area would be provided from both the front northern façade and via the internal parking area. The proposed sales area, gross internal area and car parking provision is summarised in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Sales Area</th>
<th>GIA</th>
<th>Employment</th>
<th>Parking Spaces</th>
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<tr>
<td>Existing</td>
<td>825m²</td>
<td>1,069m²</td>
<td>8 full time and 14 part time</td>
<td>47 (including 3 disabled spaces and 3 parent and child spaces)</td>
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<tr>
<td>Proposed</td>
<td>1,186m²</td>
<td>2,258m²</td>
<td>11 full time and 20 part time</td>
<td>77 (including 5 disabled spaces and 2 parent and child spaces)</td>
</tr>
<tr>
<td>Increase</td>
<td>361m²</td>
<td>1,189m²</td>
<td>Approx 9 additional jobs</td>
<td>30 spaces</td>
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2.7 The repositioned food store would have a single pitched roof, sloping towards the southwest property boundary. The proposed development would have an eves height of 8.1 metres rising to a ridge height of 10.735. The proposed façade would include two large double height glazed frontage sections along the north west and north east elevations which would provide two primary entrances to the store.

2.8 The proposed development would have provision for 58 internal off street parking spaces, to be situated at ground floor, in addition to 19 external spaces. Further this, the applicant has provided details of indicative scheme of boundary landscaping along the northern, south eastern and south western property boundaries.

Supporting Documents

2.9 **Planning Statement**: This document provides a policy compliance overview in support of the subject application.

2.10 **Design and Access Statement (boyesree architects)**: This document provides a site description, rationale of the design proposal, an overview of the historical context including historic maps and detailed drawings. These include elevations, sections and details of materials.

2.11 **Planning and Retail Statement (Walshingham Planning)**: This document provides a policy compliance overview in support of the subject application.

2.12 **Archeologically Desk Based Assessment CgMs Consulting**: The application was accompanied by an assessment of the archeologically potential of the site. The report concludes that it is not anticipated that the site would have significant archaeological potential, it is recommend that suitable mitigation, in the form of a geoarchaeological borehole survey, in addition with programmes of relevant archaeological monitoring during relevant construction groundwork’s be implemented.

2.13 **Daylight and Sunlight Overshadowing Report (Syntrgra)**: This report assesses daylight and sunlight levels received by the adjoining flatted developments. The report concludes that the proposed development would result in a reduction of the level of sunlight and daylight of the adjoining properties however the levels received by these properties would continue to comply with the accepted standard, following the proposed development. This is discussed in detail in the report below.

2.14 **Energy Statement (Red Engineering Design Ltd)**: This document provides detail as to level of carbon dioxide reductions and compliance with the relevant policy requirement as detailed within the London Plan and Council Core Strategy. The report concludes that a 18.4% reduction would be achieved. This is below the 35% required by the London Plan. This is discussed in detail in the report below.
2.15 **Flood Risk Assessment and Drainage Statement:** This document, which was reviewed by the Environmental Agency, states that the site is designated as being within Flood Zone 3.

2.16 **Sustainability Statement (Red Engineering Design Ltd):** This document details as to how the proposed development would achieve a BREEAM pre assessment rating of ‘Excellent’ and accordingly would comply with the London Plan and Council Core Strategy requirements.

2.17 **Transport Assessment:** This document, which was updated to reflect the amended increase in proposed number of off street parking, seeks to justify the level of vehicle and cycle parking proposed. The report states that the site has a PTAL rating of 3/4 ‘Good’ which indicates good access to public transport. Contained within the Transport Assessment submitted includes the following:

- Delivery and servicing Strategy
- Framework Construction Logistics Plan

2.18 **Travel Plan:** This document has been prepared to provide information on public transport connections, how staff and visitors would be encouraged to use public transport and therefore reduce reliance on car usage and promote car sharing, walking and cycling.

3.0 **Consultation**

3.1 This section outlines the consultation carried out by the applicant prior to submission and by the Council following the submission of the application. A summary of the responses received is also provided. The Council’s consultation exceeded the minimum statutory requirements and those required by the Council’s adopted Statement of Community Involvement.

3.2 Site notices were displayed, letters were sent to 225 residents and business in the surrounding area and the relevant ward Councillors were notified. Transport for London and the Environment Agency were also consulted in addition to internal planning consultees. Following the receipt of amended plans, which included the increase of the level of off street parking from 64 (as per the original notification) to 77 spaces, consultation letters were sent to the adjoining neighbours. The following responses were received:

**Transport for London (TfL):**

3.3 No objection was raised originally raised to the proposed provision of 64 off street parking spaces subject to the provision of sufficient cycle spaces.
3.4 During the course of the application however, the applicant submitted an amended ground floor layout which proposes the reconfiguration of the undercroft parking area to enable the provision of 13 additional spaces resulting in the total proposed provision of 77 off street parking spaces. An addendum to the Transport Assessment was provided by the applicant and TfL were re consulted and have raised concerns regarding the proposed increase in car parking (from 64 spaces to 77 spaces). This is addressed in the relevant section of the report below.

**Environment Agency:**
3.5 No objection to the scheme. Informatives relating to flood risk have however been recommended to be included upon any consent should the application be recommended for approval. This is discussed in the relevant section of the report below.

The following internal consultee responses were received:

**LBL Highways:**
3.6 No objection raised to the proposed development. The site is considered to be well located in terms public transport accessibility, and the proposed increase in off street parking is considered to be acceptable. Conditions have been recommended to be imposed requiring the provision of Construction Logistics Management Plan and a Delivery and servicing Plan. This is discussed in further detail in the report below.

**LBL Environmental Health:**
3.7 No objection raised subject to the inclusion of a condition relating to land contamination.

**London Borough of Southwark**
3.8 No response received

**Pre-Application Consultation**
3.9 The applicant attended an initial pre-application meeting with council officers. Following this meeting pre-application advice was given regarding the required scope of a Retail Impact Assessment, however no detailed discussion regarding the design of the proposed development took place.

**Written Responses received from Local Residents and Organisations**
3.10 At the time of writing the committee report seven objections have received by Council, which raised concerns in relation to the following issues:

- Level of disturbance to the residential amenity of adjoining properties caused during demolition and construction phases;
- Impact of the proposal on the levels of daylight and sunlight received by the adjoining residential properties;

- An objection as been raised to the design of the proposed development. Specific reference is made to Development Management Local Plan Policy 30 (5)(d) which details the importance of how a proposed scheme “relates to the scale and alignment of the existing street including its building frontages”. It is considered by the objector that the proposed development would have an awkward relationship with Bestwood Street resulting in the creation of a blank façade fronted by a car park and therefore should be considered to be contrary to Council policy.

- An objection has also been raised to the relationship between the proposed relocated food store and the existing flatted developments situated within John Silkin Lane, with particular concerns raised regarding the relationship with the proposed undercroft parking area regarding impact of noise and light pollution upon adjoining residents.

- Concern has been raised that should current application be supported, a subsequent applicant may follow seeking to extend the proposed hours of operation beyond that currently proposed. In this regard, the current application seeks to would retain the extant hours of operation of the current store. Furthermore, any alteration to the approved hours of operation would require the submission of a separate application. Therefore, this point of objection has not been considered any further.

3.11 The remainder of the issues raised by objectors have been considered in detail in the body of this report below.

4.0 Policy Context

Introduction

4.1 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)

4.2 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

4.3 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)

4.4 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

4.5 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)
On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 4.1 Developing London’s economy
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.4 Enhancing London’s transport connectivity
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Shaping Neighbourhoods: Character and Context (June 2014)
Sustainable Design and Construction SPG (April 2014)
Housing (November 2012)

Core Strategy

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 2 Regeneration and Growth Areas  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 9 Improving local air quality  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 12 Open space and environmental assets  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment  
Core Strategy Policy 21 Planning obligations  

Development Management Local Plan

4.9 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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 13 Location of main town centre uses  
DM Policy 22 Sustainable design and construction  
DM Policy 23 Air quality  
DM Policy 25 Landscaping and trees  
DM Policy 26 Noise and vibration  
DM Policy 27 Lighting  
DM Policy 28 Contaminated land  
DM Policy 29 Car parking  
DM Policy 30 Urban design and local character  
DM Policy 35 Public realm  
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest  

Planning Obligations Supplementary Planning Document (February 2015)

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

5.0 Planning Considerations

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

a) Principle of Development
b) Design
c) Impact on adjoining properties
d) Highways and Traffic Issue
e) Floodrisk and Environmental Considerations
f) Sustainability and Energy

h) Planning Obligations

Principle of Development

5.2 Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

5.3 Paragraph 19 sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

5.4 The subject application has been accompanied by a Planning and Retail Statement, which details compliance with the NPPF and the local retail policy DM Policy 13 of the Development Management Local Plan. DM Policy 13 ‘Location of main town centre uses’ sets a locally set threshold of 1,000sqm for the impact assessment and sequential test which has been provided in support of the subject application. The impact assessment has been reviewed by Council’s Principal Planning Policy Officer, in association with the case officer.

5.5 The impact assessment of the proposed scheme covers Deptford district centre, and the Canada Water district town centre and the Blue Local Centre in the London Borough of Southwark. The assessment also takes into consideration New Cross/New Cross Gate and Lewisham major town centre as requested by the Council during pre-application stage. The report indicates that there would not be any substantial impact upon the existing convenience or retail
commitments located within either these centres or out of centre locations.

5.6 The Planning and Retail Statement demonstrates the quantities and qualitative need for the proposal by stating that this proposal will improve the local convenience retail offer and improve local consumer choice. By increasing the floor space it will allow Lidl to provide its full range of convenience and comparison stock. It refers to the Lewisham Retail Capacity Study (2009) which identifies a substantial quantum of surplus convenience expenditure capacity in the Borough. The study also highlights that some of the additional convenience floor space could be provided through extensions to existing town centre and edge of centre food stores and through the redevelopment of existing food stores, such as that currently proposed.

5.7 The accompanying sequential test demonstrates that there are no other sites available for the subject application. It takes into account the national planning practice guidance on the sequential approach by looking at suitability, viability and availability of locations for main town centre uses. It therefore satisfies the requirements NPPF paragraph 24 which sets out that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and when considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Lewisham's Development Plan allocations have been reviewed and a commercial land search has been carried out. Consequently no sites were found that met Lidl's store operational and market requirements, of which they have a specific list of requirements which they have set out in detail in the statement.

5.8 In terms of vitality and viability, the retail impact assessment looks at implications of this proposed development on the trading performance of the centres listed above, including out of centre food stores that are located in the Old Kent Road area which include Cantium Retail Park, Southern Wood Retail Park and also separate stand alone retail units along the Old Kent Road.

5.9 For each centre, the assessment has identified how much convenience expenditure will be diverted from this centre. It concludes that there will be no adverse impact and in each case the impact would be limited to 1% or less. The assessment acknowledges that the proposed development will not have a detrimental impact on the centres which have major regeneration plans as the additional turnover which would be generated by the proposal would not have an impact.

5.10 The retail impact assessment, uses a base year of 2015 and tests the impacts at a design year of 2019 when the trading pattern for the Lidl's will be more established. The monetary figures used, are the
2007 price base to align it with the Lewisham Retail Capacity Study. There are no other discount food stores within a 5 minute drive time of the existing site. The nearest provision is Aldi at Old Kent Road (around 8 minutes) and Lidl store at Peckham (around 12 minutes away).

5.11 In terms of the proposal being of an appropriate scale in relation to the size of the centre and its role in the hierarchy of centres, the size of the proposed scheme increases the existing sales area by 361sqm, from 825sqm to 1186sqm, this is considered to be of a relatively a small scale. The increases in the gross internal area is 1189sqm, from 1069sqm to 2258sqm is primarily attributed to the introduction of a ground floor internal car parking however regardless the proposed scheme would still be below the 2500sqm threshold set in the NPPF for impact assessments for edge and out of centre retail developments.

5.12 As detailed above, the subject application has been accompanied by a detailed Retail Impact Statement which has assessed the potential impact of the additional retail space which has been reviewed by Council officers and is considered to be acceptable. Accordingly, officers do not object to the principle of the redevelopment of the subject site to enable the provision for a larger food store.

Design

5.13 The NPPF states that good design is indivisible from good planning and that design is a key aspect of sustainable development. Policy 15 ‘High quality design for Lewisham’ of the Core Strategy states that the Council will apply policy guidance to ensure highest quality design and the protection or enhancement of the natural environment. The policy requires development to be sustainable, accessible to all, to optimise the potential of sites and be sensitive to the local context and character. DM Policy 30 ‘Urban design and local character’ states that the Council will require all development proposals to attain a high standard of design. With regards to detailed design, the Policy requires an adequate site-specific response to the following detailed matters;

- the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1 Urban typologies in Lewisham;

- layout and access arrangements. Large areas of parking and servicing must be avoided;
• how the scheme relates to the scale and alignment of the existing street including its building frontages;

• the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context;

• details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials;

• how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain;

5.14 It is considered that the proposed redevelopment of the subject site would comply with these policy requirements, for the reasons set out in detail below:

Layout

5.15 In assessing the suitability of the proposed design response officers consider that the establishment of a positive relationship between the proposed development and the existing public realm, including the adjoining residential properties as being vital. It is therefore considered that when assessing the suitability of the proposed setbacks, consideration should be given to the existing relationship between the current building on site and the adjoining residential properties. In particular it is noted that the DM Policy 30 expressly states that when considering the layout and access arrangements of development ‘Large areas of parking and servicing must be avoided’. Additionally officers are required to consider how a proposed scheme relates to the scale and alignment of the existing street including its building frontages.

5.16 The subject application proposes the reconfiguration of the existing site layout and would result in the positioning of the food store into an L-shaped format running along the south-west and south-east property boundaries.

5.17 A significant reduction of the existing setback from the Bestwood Street frontage, when compared to the existing building on site, is proposed. In this regard, the repositioned building would be located between 6.2 and 9.2 metres from the curved primary Bestwood Street frontage. The proposed design response seeks to internalise the
majority of at grade car parking currently located along the Bestwood Street frontages and would create a pedestrian only access route from the public foot way. Officers welcome the proposed design approach in regard to the reduction of the setback from the Bestwood Street which is considered to improve the relationship with the main property frontage.

5.18 To the rear of the site lies 69-74 John Silkin Lane. This is a three storey flatted development located to the southeast of the site and is currently adjoined by the existing food store and heavily landscaped boundary.

5.19 A reduction in the setback of the existing building by 1.5 metres along the south eastern boundary is proposed which would result in a separation distance, between the staggered building footprint of 69-74 John Silkin Lane and the redeveloped food store, of between 5.3 and 7.8 metres. In addition the subject application seeks to re-provide a substantial landscaped boundary treatment.

5.20 It is considered that the proposed development would have a similar relationship as the existing building, however an increase in height of 2.3 metres between the existing and replacement building is proposed (5.8 metres to 8.1 metres).

5.21 While the proposed development would result in an increase in height when compared with the existing building, the proposal would be setback from the adjoining flatted development. Additionally, it is noted that the applicant has proposed a substantial scheme of landscaping to replace the existing boundary treatment and further mitigate the impact of the proposed development. Officers therefore consider that the proposed relationship with the adjoining property would therefore be acceptable.

5.22 With regards to the proposed relationship with the south eastern boundary side setback, the proposed repositioned store would be setback by between 4.9- 5.1 metres from the flank of the existing four storey development know as 53-68 John Silkin Lane. Eight windows, (2 per floor) are located within this façade, all of which serve bedroom areas of studio units which while the primary living areas of these units would address either Trundleys Road into the John Silkin Lane estate.

5.23 Officers acknowledge that the proposed development would impact upon the outlook from the bedroom windows of the adjoining development. In this regard however, a balanced assessment is required and must weigh the relevant policy objectives of minimising impact upon the outlook from secondary rooms i.e. bedrooms against improving the relationship of the existing store with the Bestwood Street. In this regard it is noted that the existing windows are small in size and do not directly serve the main living areas of the adjoining units. Accordingly the level of impact upon the amenity of occupiers,
as a result of a reduced level of outlook from these secondary windows is not considered to be to determent of the neighbouring properties.

5.24 The block pattern within the surrounding area has a fragmented and non typical urban grain and while the impact upon the residential properties, especially 53-68 and 69-74 John Silkin Lane have been considered in the relevant section of the report below, it is noted that the accompanying Daylight and Sunlight Report finds that the proposed impacts, in terms of the reduction of daylight would be within accepted standards and that all adjoining habitable rooms would be retain a compliant level of daylight.

5.25 It is also noted that as part of the subject application, it is proposed to retain the proposed site access and servicing arrangements in the current location, away from the adjoining noise sensitive residential properties. This approach is welcomed by officers.

5.26 Officers accept that currently there is limited landscaping provision on site, with the exception the planted area along the southeastern boundary. It is however considered that the development proposals should seek to improve the quality of the environment around it. The applicant has submitted a draft landscaping plan which would include planted areas along boundary with John Silkin Lane and Bestwood Street. A condition has been recommend, should the application be approved, requiring the submission of landscaping details prior to the commencement of development.

5.27 It is therefore considered that refusal of the current application due to the proposed site layout and building setback would be unreasonable and therefore, on balance, is considered to be acceptable.

Scale

5.28 When considering the building's scale and massing, reference should be made to both the existing food store onsite and the surrounding residential development which adjoin the subject site. Council officers consider that the proposed development would be of a similar scale as the surrounding properties. The proposal, in terms building height is considered to suitably respond and relate to the immediate surroundings.

Appearance

5.29 In terms of materials and finishes, it is proposed to use Alucobond Grey cladding (RAL7038) on addition to the introduction of two storey glazing on the north western and north eastern elevations.

5.30 The proposed introduction of a single central pitched roof form, which has a maximum height of 10.75 metres which slopes down towards
the north western elevation. Offices consider that the proposed design presents a varied and interesting roofscape, which would successfully focuses the larger mass, away from the flatted adjoining developments.

5.31 The proposed development would extend along the entire length of the shared southern site boundary with the John Silkin Lane estate and would have a height of 8.1 metres. Officer acknowledge that the proposed development would remove the relatively open views to Bestwood Street, across the existing car parking. It is considered however that the proposed development would not have a direct impact upon any private or communal amenity areas, but rather be positioned adjacent to off street parking spaces and the internal circulation areas of the estate. The proposal is therefore not considered to have such a substantial negative impact upon the adjoining development, which would warrant refusal. It is also noted the existing commercial development, with a similar relationship, are located at 2 Evelyn Street to the south west of the adjacent residential estate.

5.32 It is further noted the application has provided detailed sections of the proposed cladding system and the intersection with the proposed glazing system. These details have been reviewed by Councils design officers and have been found to be acceptable and will be secured via condition.

5.33 In this regard, it is considered that the proposed development is, on balance, considered to be acceptable and accordingly complies with London Plan policies 7.2, 7.4 and 7.6, policy CS15 and policy DM 25 and DM30 and the objectives of the NPPF.

Impact of the proposed development

(a) Impact on outlook, daylight and sunlight received by adjoining properties:

5.34 As previously stated in the report above, the proposed development would primarily impact the windows located on the north eastern elevation of 53-68 John Silkin Lane. These windows serve bedrooms while the primary living room windows face onto either Tundley’s Road or the internal areas of the John Silkin Lane estate. In support of the current application, a Daylight and Sunlight Report has been submitted. The report details that while the proposed development would impact the Vertical Sky Component (VSC) of the adjoining properties, particularly 53-68 John Silkin Lane, these rooms would continue to be provided with a level of daylight (as measured by Average Daylight Factor) in excess of the minimum good practice guidance in term of site layout planning for daylight and sunlight.

5.35 Officers consider that while the proposed development would alter the outlook from the existing bedroom windows, as the proposed development would be setback by between 4.9- 5.1 metres from the
neighbouring property. It is considered that as these windows serve bedrooms and not primary living accommodation i.e. living rooms, the level of impact on residents caused as a result of reduced outlook, is not deemed to be such that would not warrant refusal of this application.

5.36 The accompanying Daylight and Sunlight Report also provides an assessment of the impact upon the units located at 69-74 John Silkin Lane which is situated to the rear of the existing food store onsite. The proposed development would be positioned between 5.3 and 7.8 metres from the existing development. It is noted that the applicant has provided typical flat layouts of the existing adjoining residential development and the supporting assessment details that while a reduction to the level of daylight and sunlight would occur as a result of the proposed development, the impact would be within accepted levels.

5.37 Officers therefore consider that while the proposed development would reduce the level of daylight and sunlight received by the adjoining properties, the impact is within accepted levels. The proposal therefore, in terms of solar access, is considered to be on balance acceptable.

5.38 Due to the existing relationship of these units with current commercial property and landscaped boundary, there is not considered to be a substantial impact upon the outlook of the existing units at 69-74 John Silkin Lane.

(b) Hours of operation:

5.39 The main issues to be considered in respect of hours of operation is impact on the residential amenities and living conditions of residents in adjacent properties.

5.40 It is noted that the approved opening hours of the existing stores are Monday- Saturday 08:00 - 22:00 and between 10:00 and 17:00 on Sundays and Bank Holidays. The applicant has sought to retain these hours of operation. This is therefore considered to be acceptable.

(c) Mechanical services and Lighting:

Air conditioning units

5.41 It is noted that as part of the subject application, no details have been provided in relation to either air conditioning units or ventilation/extraction for the proposed internal bakery areas.

5.42 In terms of impact upon adjoining properties, officers consider that the most sensitive receptors would be the nearby residential properties. It is therefore considered necessary to ensure that any such plant should be located away from these properties. A condition
has been recommend to be imposed which world require the applicant to submit details of the specification and exact location of the proposed air conditioning units prior to above ground works commencing. Details will be required to be accompanied by a report prepared by a suitably qualified acoustic consultant which would address how any potential noise impact proposed A/C units would be suitable mitigated.

**Car park lighting**

5.43 With regard to the proposed lighting to proposed car parking area, a Lighting report has been submitted to demonstrate that the proposed lighting, will, when activated, not result in spillage onto surrounding sites. This is considered to be acceptable.

**Mechanical ventilation**

5.44 In terms of the proposed bakery, it is noted that this is a comparatively small portion of the shop and is a typical component of the Lidl food stores. It is therefore considered to be reasonable to seek information regarding the mechanical ventilation prior to the commencement of above ground works and an appropriate condition is therefore recommended to be attached to the planning permission.

**Highways and Traffic Issues**

(a) Operation:

5.45 The current food store provides a total of the 47 on-site car parking spaces provided at grade in front of the existing development, of which 3 spaces are allocated for disabled customers. These are accessed via Bestwood Street. The proposed development seek to increase the proposed provision to 77 spaces.

5.46 As previously stated the original application which was accompanied by a Transport Assessment (TA), prepared by SCP Transport, proposed 64 off street parking spaces. The Transport Assessment included details regarding trip generation, peak hour vehicle rates, walking and cycling trips.

5.47 During the course of the application however, the applicant submitted an amended ground floor layout which proposed the reconfiguration of the undercroft parking area to enable the provision of 13 additional spaces, resulting in the total proposed car park provision of 77 off street parking spaces. An addendum to the Transport Assessment was provided by the applicant and TfL and LBL Highways were reconsulted. TfL have raised concerns regarding the proposed increase in car parking, from the original 64 spaces proposed to 77 spaces. In this regard the London Plan outlines an off street parking provision rate for a site with a PTAL rating of 3 of one space per 30-20 sqm.
5.48 The Transport Assessment examines the impact of the increase in the net sale area (361 sqm) over the existing store on site. A trip generation peak of 70 arrivals and 66 departures between 15:00 and 16:00 on a Sunday is detailed. The supporting TA also provides details of an accumulation study, which states that the max occupancy would be 65 cars between the same time. The applicant has also provided dwell time data from the existing store and the TA concludes that rather than the overall trip generation rate increasing onsite, the average dwell time i.e. time spent by customers in the store, would be more likely to increase by approximately 15 minutes per journey.

5.49 As the subject site is located on Bestwood Street (A200) which forms part of the Strategic Road Network (SRN). Initially no objections were raised to the increased level of off street parking (to 64 spaces) however objections have been raised to the proposed provision of 77 spaces.

5.50 In this regard the proposed development would comprise a gross internal area of 2,258 sqm and therefore the London Plan allows for an off street parking provision of between of between 75 and 113 parking spaces. The number of parking spaces would be at the lower range of this parking rate. Further to this, officers consider that the proposed parking provision would help ensure that there would not be any overspill parking onto the surrounding street as a result of the redeveloped store. Officers therefore consider that the proposed development would continue to comply with the parking rates as detailed within the Further Alterations to the London Plan (2015) and is considered to be acceptable.

5.51 It was noted however that the required 25 cycle spaces as per FALP 2015 had not originally been provided. Amended plans have since been submitted to officers which detail the required number of cycle spaces. This is considered to be satisfactory.

(b) Delivery and Servicing:

5.52 The refuse and recycling store would be located within the building and details have been provided that delivery vehicles would remove waste from the store, once unloading had been completed, therefore reducing the number of service vehicle movement related to the operation of the site to one per day. Deliveries would operate from the current location at the north western corner of the subject site.

5.53 The TA anticipates that the proposal will generate a similar number of vehicle movements per day as the existing store, however the swept paths provided detail a 16.5 metre articulated vehicle, which would require that all 19 external off street parking spaces be vacant in order for servicing to take place. Accordingly, it is proposed that servicing, which takes 1 hour, operates outside of store opening hours (08:00 - 22:00 Mon-Sat and 10:00-17:00 Sun). As previously
stated the approved hours for deliveries are between 07:00 to 20:00 on Monday to Saturday and 09:00 to 12:00 on Sundays and Bank Holidays.

5.54 While offices consider that it could be acceptable for loading to operate outside of opening hours, it is considered that through the introduction of suitable parking management procedures, an alternative delivery strategy could be identified. A condition has therefore been recommended requiring provision of a delivery and servicing strategy, to be agreed in conjunction with Councils Highway offices, prior to operation.

(c) Construction:

5.55 The site is located on the TLRN and has an adjacent bus lane. It is therefore recommended that a Construction Management Plan is secured by condition, which will require details of construction traffic and access. The plan should confirm that no obstruction of Bestwood Street would occur which would have a knock on impact upon London Buses. Officers are satisfied that this would manage the construction process appropriately.

5.56 Overall, subject to conditions the proposed development is considered to be acceptable.

Floodrisk and Environmental Considerations

(a) Land Contamination:

5.57 London Plan Policy 5.21 sets out that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.

5.58 Policy DM28 sets out the steps that should be taken to ensure that contaminated land is fully investigated and remediated, to minimise and mitigate any harmful effects to human health and the environment.

5.59 The Environment Agency has been consulted and has raised no objection, subject to the imposition of planning conditions. A condition has been recommend to be imposed, should the application be approved required a Land Contamination report be submitted to and approved by Council, prior to the construction of the proposed development. It is therefore considered that the proposed development would comply with relevant Development Plan policies in relation to land quality.

(b) Floodrisk:

5.60 The site is located within an area of high flood risk (Flood Zone 3) and is accompanied by a Flood Risk Assessment which has been reviewed by the Environment Agency. No objection have been raised
to the proposed development and a number of informatives have been recommended to be included upon any consent issued, should the application be supported.

**Sustainability and Energy**

5.61 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

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

5.63 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and commercial buildings to achieve a BREEAM rating of ‘Excellent’.

5.64 A BREEAM pre assessment has been submitted which indicates the building could achieve ‘excellent’ standards to accord with Policy with a score of 71.5%. This is acceptable and can be secured by way of condition. The applicant has also submitted a Energy Assessment that demonstrates that a 18.4% CO2 emission reduction target beyond Part L 2013 of the Building Regulations could be achieved at this site and accordingly the proposed development would not comply with the required London Plan standards as Policy 5.2 of the London Plan states that major developments are required to achieve a reduction of 40%.

5.65 Officers have been involved in negotiations with the applicant to increase the carbon reductions on site. However, given the modular construction of the building, the scheme has been shown to be unable to accommodate a 40% reduction on site.

5.66 In special circumstances such as this, the Council has a Carbon Offset Fund, in which developers make can make a financial
contribution toward the reduction of carbon. This figure is set at £104 per tonne of carbon.

5.67 The applicant has agreed in writing to submit a Unilateral Undertaking to submit a financial contribution towards the shortfall. This is considered to be acceptable, with the funds being used by the Council to reduce carbon emissions across existing built stock in the borough.

Planning Obligations

5.68 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NFPF also sets out that planning obligations should only be secured when they meet the following three tests:

(a) Necessary to make the development acceptable
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development

5.69 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

5.70 The applicant has confirmed that they are willing to submit a Unilateral Undertaking, for the payment of £43,680.00 towards Council’s Carbon Offset Fund. As previously stated this is considered to be acceptable, as the funds would be used by the Council to reduce carbon emissions across existing built stock in the borough.

5.71 Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010), all of which are required to mitigate the impact of the development and are accepted by officers.

6.0 Local Finance Considerations

6.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
6.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

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

7.0 Community Infrastructure Levy

7.1 The proposed 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. 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.

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

9.0 Conclusion

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

9.2 The design of the proposed development in regard to the layout, height and massing are considered acceptable and worthy of support.

9.3 Officers consider that with appropriate planning conditions and obligations in place, the proposal represents an improvement over the of the existing development.
9.4 It is recognised that its success will be dependent on how the proposal is executed. It is felt that as far as reasonably possible, within the parameters of the planning framework, an appropriate package of measures has been secured to ensure that the benefits of the scheme are delivered and a high quality development executed.

9.5 Officers consider that, with the recommended mitigation, planning conditions and obligations in place the proposal represents a high quality development that would bring a range of positive benefits to the Borough. As such the development should be approved.

10.0 RECOMMENDATIONS

10.1 RECOMMENDATION (A)

To agree the proposals and authorise the Head of Law to accept a Unilateral Undertaking under Section 106 of the 1990 Act (and other appropriate powers) to receive a payment of £43,680.00 towards London Borough of Lewisham Carbon Offset Fund.

10.2 RECOMMENDATION (B)

Upon the receipt of a satisfactory Unilateral Undertaking in relation to the matters set out above, authorise the Head of Planning to 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:

010003; 010001; 010002; 020001; 030100; 030102; Carpark Lighting; Energy Statement; Sustainability Statement; The Impact Of Lidl Supermarkets On Defined Retail Centres: A Case Study Update; Flood Risk Assessment And Drainage Statement; Archaeological Desk Based Assessment; Planning and Retail Statement; Full Travel Plan; Transport Assessment; Design and Access Statement received 15 June 2015; 020101 rev 5 received 14 August 2015; Daylight Sunlight and Overshadowing Report received 20 October 2015; 010003; 010001; 010002; 020001; 030100; 030102 received 15 June 2015; LD-AD-02 rev 01; LD-AD-03 rev 01; LD-AD-04 rev 01; LD-AD-07 rev 01; Details of ribbon windows with louvers received 22 October 2015; 010103 rev 3; 010104 rev 2; 010105 rev 3 received 12 November 2015; 010106 rev 4; 010101 rev 17; 010102 rev 10;
Addendum to Transport Assessment; 3203 rev T1; 3203 rev T1 (Internal glazed wall elevation) received 13 November 2015

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

3. (a) No development shall commence until each of the following have been complied with:-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

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

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.
Reason: To ensure that the local planning authority may be satisfied that any potential site contamination as identified in the Phase 1 assessment as required under 3(a)(iii) of this condition is remedied in view of the historical uses of the site, details which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

4. No Occupation of the Development will be permitted until a Waste Management Plan has been submitted and approved in writing by the local planning authority. The approved waste management plan shall thereafter be retained and maintained in perpetuity.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

5. (a) A minimum of 25 secure cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

(b) No development shall commence above ground floor level until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

6. (a) No part of the development hereby approved shall be occupied until such time as a Staff and customers Travel Plan, in accordance with Transport for London’s document ‘Travel Panning for New Development in London’ has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

(b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
(c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, excluding rainwater pipes, shall be fixed on the external faces/front elevation of the buildings.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

8. The seventy seven (77) car parking spaces as shown on drawing no. 010106 rev 4 received 13 November 2015 hereby approved shall be provided prior to the occupation of the development and retained permanently thereafter

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (March 2015).

9. The development hereby approved shall not be carried other than in strict accordance with the Energy Strategy prepared by Red Engineering dated June 2015 including the 18.4% Carbon Dioxide Emissions Savings relative to 2013 Part L Building Regulations.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions and 5.3 Sustainable design and construction in the London Plan (2011).

10. (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of ‘Excellent’

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

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

11. (a) Notwithstanding the details already submitted, a scheme of soft landscaping for the boundary treatments as detailed on Drawing No 010101 rev 17 received on 13 November 2015 (including proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a).

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

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).
13. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:

(a) Rationalise travel and traffic routes to and from the site.

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

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

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

14. (a) Notwithstanding the details already submitted, detailed plans and specifications of the appearance of and the equipment comprising Air Conditioning and Mechanical Ventilation and Air Source Heat Pumps systems which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority prior to construction of any above ground works.

(b) The Air Conditioning, Mechanical Ventilation, Air Source Heat Pump systems shall be installed in accordance with the approved plans and specifications before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** In order to safeguard the amenities of adjoining occupants and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014)

15. (a) The use of the development shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

16. The premises shall only be open for customer business between the hours of 08:00 - 22:00 Monday - Saturday and 10:00 - 17:00 on Sundays and Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014)

17. None of the trees shown as being retained on the permitted plans shall be lopped or felled and shall be permanently maintained perpetuity.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

18. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

19. The development shall be carried out in accordance with the submitted scheme of Carpark lighting, prepared by Philips dated 23/07/2015 from the first occupation of the development and shall be adhered to in perpetuity.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).
20. No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 am on Mondays to Saturday, 9 am and 10 am on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards 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. The applicant is advised that an emergency plan in the form of a flood evacuation plan, with safe refuge to a higher floor for ground floor occupants, be prepared which includes appropriate access being made for disabled persons. The evacuation plan should be approved by your local planning authority’s Emergency Planning Department.

C. The applicant is advised to register with the Environment Agency’s ‘Flood Line’ service, as detailed within the submitted Flood Risk Assessment. This can be done by calling 0845 988 1188 or 0345 988 1188 to register.

D. The applicant is advised that no approval is granted as part of this application for any signage whatsoever. A separate application is required to be submitted for any such signage.
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# Committee
PLANNING COMMITTEE (B)

# Report Title
106 Burnt Ash Hill SE12

# Ward
Grove Park

# Contributors
Case Officer

# Class
PART 1

Reg. Nos. DC/15/93331

| Application dated: 04.09.2015 |
|-----------------------------:|-----------------|
| Applicant: Angle Builders Ltd |
| Proposal: The formation of a hardstanding and vehicular access to the front of 106A Burnt Ash Hill, SE12. |
| Applicant’s Plan Nos.: OS Map; Existing & Proposed Elevations; Construction Drawing; Proposed Plan; Proposed Vehicle Crossing |

# Background Papers
(1) Case File LE/365/106/TP
(2) Core Strategy (June 2011)
(3) Local Development Framework Documents
(4) The London Plan (March 2015)

# Designation

Screening: Not EIA development

## 1. Property/Site Description

1. This application relates to a three storey + basement semi-detached dwelling located on the west side of Burnt Ash Hill. The dwelling contains four flats referred to as 106A, 106B, 106C and 106D. 106A is the subject of this application.

2. The front garden is currently laid in lawn and has an area of approximately 85sqm. The front boundary treatment consists of a small wall with a gate bordered by a privet hedge. The side boundary consists of hedges.

3. The property lies within a residential street consisting of a mix of semi detached properties and large houses, a number of which have been converted into flats. There are a number of dropped kerbs, areas of hardstanding and altered front boundary walls within the immediate area.

4. The property is not located within the a Conservation Area, nor is it subject to an Article Four Direction. It is not nor is it adjacent to a listed building.

## 2. Planning History
5 There is no relevant planning history.

3. Current Planning Application

6 The applicant proposes the formation of vehicular crossover including a drop kerb, the alteration of the front boundary wall to create access and the creation of a hard standing parking area to the front of 106 Burnt Ash Hill, SE12 0HT.

7 The drop kerb would be 3.7 metres wide and 3.7m of the boundary wall would be removed. The proposed hard standing in the front yard would be permeable and would measure 3.9 metres in width and 5 metres in length (total area of 19.5m²).

4. Consultation

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

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

Neighbors and Local Amenity Societies

10 The Grove Park Ward Councillors were consulted however no comments were received.

11 Seventeen neighbouring properties were consulted.

Written responses received from Local Residents

12 Four objections were received from local property occupiers. Below is a summary of the points raised by the objections.

- The resulting removal of an onstreet car park (by implementation of the crossover) would further exacerbate the onstreet parking shortage on Burnt Ash Hill
- The hardstand would have an adverse impact on the amenity of the street scene
- The hardstand would have an adverse impact on drainage

13 The above matters will be taken into consideration in the report.

(Letters available to Members)

Highways Officer

14 The Highway’s officer raised no objection to the proposal.

5. Policy Context

Introduction
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).

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

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)’.

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.

London Plan (March 2015)

On the 15th March 2015, the London Plan (consolidated with alterations since 2011) was adopted. The London Plan policies relevant to this application are:

- Policy 6.3 Assessing effects of development on transport network
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.13 Parking
Core Strategy

26 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:-

- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High Quality Design for Lewisham

Development Management Local Plan

27 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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:-

- DM Policy 30 Urban design and Local Character

Residential Standards Supplementary Planning Document (Updated 2012)

28 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

32 The main planning considerations for the proposal are the principle of the proposed vehicle crossing, and the impact on the design and appearance of the existing building and any impact on the amenity of neighbouring properties.

Principle of the Proposed Vehicle Crossing

33 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on the transport network, at both corridor level and local level, are fully assessed. Furthermore, development should not adversely affect the safety of the transport network. The Core Strategy, including Policy 14 ‘Sustainable movement and transport' supports the London Plan policies.

34 Core Strategy Policy 14 'Sustainable Movement and Transport' states that 'the access and safety of pedestrians and cyclists throughout the borough will be protected.'
The proposed entrance is considered a sufficient distance from the nearest road junction to not cause any conflict with either vehicles access or egressing the street or the road itself. It is considered there is reasonable and appropriate visibility in both directions.

The loss of an on street car park is considered acceptable given the provision of one car park off street is being provided. The Council’s Highways Officer has been consulted and has confirmed that the proposed vehicle crossing would not give rise to any traffic safety concerns.

It is considered that the proposal would not adversely impact on the safety of vehicular access, other road users or pedestrians. The use of the front garden and installation of a dropped kerb is therefore acceptable in principle at this location and would not result in highway or traffic safety issues.

**Design**

Paragraph 131 of the NPPF 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.

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.

Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

The immediate and wider area consists of a number of properties who have installed dropped kerbs as well as areas of hardstanding to create off street car parking areas.

The front garden of the property is currently laid in lawn. The applicant proposes to replace part of the existing lawn with an area hardstand measuring 4 metres by 4.8 metres (19.2sqm). The hardstanding would be permeable and this is considered acceptable from a drainage and surface water perspective.

The remainder of the area would remain in lawn. A section of the existing boundary wall will also be removed to allow of the installation of a drop kerb.

Given the character of the surrounding area and the number of existing drop kerbs, the proposed vehicular crossover and hard standing is considered to have no significant visual impact on Burnt Ash Hill and is therefore considered to be acceptable in terms of design and appearance.

**Impact on amenity of neighbours**

DM Policy 31 seeks to protect residential amenity where alterations are proposed. When seeking permission for alterations to the front boundary, development proposals must be able to demonstrate that significant harm will
not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss of privacy and general noise/disturbance.

46 The proposed vehicular crossover and hardstanding is considered to have no significant visual impact on the adjoining properties or harm the character of the area. This proposal is therefore considered to have an acceptable impact on neighbouring amenity.

7 **Community Infrastructure Levy**

48 The above development is not CIL liable.

8 **Equalities Considerations**

49 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:-

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

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

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

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

51 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.

52 It is considered that the proposed alterations to the property would have no adverse impact on equality.

9 **Conclusion**

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

54 It is considered that the proposed development is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the area, or the amenities of neighbouring occupiers, nor highway safety.

10 **Recommendation**

GRANT PERMISSION subject to the following conditions:-

55 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.

56 The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
Prior to commencing works, the applicant should contact the London Borough of Lewisham's Highways Officer on 020 8314 7171 or highways@lewisham.gov.uk to make an application for the construction of a vehicle crossover.

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.
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<thead>
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<th>Committee</th>
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<tr>
<td>Report Title</td>
<td>Sydenham Police Station, 179 Dartmouth Road, London SE26 4RN</td>
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<tr>
<td>Ward</td>
<td>Forest Hill</td>
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<tr>
<td>Contributors</td>
<td>Kasuni Thewarapperuma</td>
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<td>Class</td>
<td>PART 1</td>
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**Reg. Nos.**
DC/15/92798

**Application dated**
26. 06. 2015

**Applicant**
CgMs Ltd on behalf of ASRA Housing Association

**Proposal**
The demolition of the existing former Sydenham Police Station at 179 Dartmouth Road SE26 and the construction of a part three/ part four plus basement building to provide 15 one bedroom 15 two bedroom and 3 three bedroom self-contained flats, together with the provision of 3 disabled parking, 52 cycle spaces, associated landscaping and refuse storage

**Applicant’s Plan Nos.**

Transport addendum (received 28/09/2015)

ASRA statement on Green Roof System (received 02/11/2015)

**Background Papers**
(1) Case File LE/458/185
(2) Local Development Framework Documents
(3) The London Plan

**Designation**
PTAL 3
Local Open Space Deficiency
Not in a Conservation Area
0.0 **Property/Site Description**

0.1 The site is located to the eastern side of Dartmouth Road, in proximity of the junction with Willow Way. Vehicular access to the site is obtained via a private road to the northern boundary of the site, while pedestrian access would be obtained from a short flight of steps linking the former Police Station to the pavement of Dartmouth Road. The site is approximately 0.19 ha.

0.2 Currently the site is occupied by the three-storey Police Station and ancillary buildings in the rear yard. The site was sold in 2013 and has been vacant since.

0.3 To the east is the Miriam Lodge Hostel that comprises a lower building and an eight-storey residential block, which was also known as the former Police Section House.

0.4 The site is bounded on the north by a right of way which provides vehicle access to the Miriam Lodge Hostel and the application site itself, with a row of terraced properties beyond.

0.5 To the south of the site is Moore House, a four-storey residential flat block. Further south from Moore House, Site Allocation 48 (SA48) is located, which is allocated as a Local Employment Location (LEL) to enable protection for B Use Class employment uses.

0.6 Across the road from Willow Way at the junction with Dartmouth Road, (west of the site) lies the Bricklayers Arms public house.

0.7 Post-war residential blocks are located to the opposite side of Dartmouth Road. Sydenham School is also located to the north on the opposite side of Dartmouth Road.

0.8 The application site is situated in close proximity to the Sydenham Park Conservation Area towards the east.

0.9 The site is located to the south east of Forest Hill Town Centre and approximately 5 km to the south-east of Lewisham. The site has a PTAL Level 3 indicating a ‘Good’ level of access to public transport.

1.0 **Planning History**

1.1 **1980**: Observations in relation to the proposal to change the use of first floor locker room at Sydenham Section House to form 10 extra bedrooms together with alterations to elevation to match existing upper floors. Letter confirming no objection issued on 04/09/1980.

1.2 **1995**: DC/95/39235/ in relation to observations to The Metropolitan Police in respect of the formation of a disable ramp at Sydenham Police Station at 179 Dartmouth Road SE23 A 30/08/1995
1.3 **1995**: DC/95/39719/ in relation to consultation under Circular 18/84 Procedure in respect to the proposed replacement of the security gates to the police station yard at Sydenham Police Station SE26. Decision issued: 04/12/1995

1.4 **1996**: DC/96/40924/ The installation of a free standing postal pouch box outside 179 Dartmouth Road SE26. Decision issued 13/12/1996

1.5 **1998**: DC/98/43104 consultations under Circular 18/84 Procedure in respect of the erection of new security fencing above the existing wall to give an overall height of 2.4 metres fronting Sydenham Police Station metre high gates to the front and rear car parks. Decision issued: 01/05/1998

1.6 **2000**: Certificate of Lawful Development granted to allow the former Metropolitan Police Section House premises at 185 Dartmouth Road SE26 to be used as a hostel for temporary accommodation for up to a maximum of 120 persons constitutes lawful development in accordance with Schedule 2 Part 1 Class A to the Town and Country Planning (General Permitted Development) Order 1995. Certificate issued 04/04/2000

1.7 **2001**: DC/01/49866/ The installation of 3 CCTV cameras on the front, side and rear elevations of Sydenham Police Station, 179 Dartmouth Road SE26 for security purposes. Granted 08/11/2001

2.0 **Current Planning Application**

2.1 The applicant proposes to demolish the former Sydenham Police Station buildings at 179 Dartmouth Road SE23 and to construct a part three/ part four plus basement building containing 33 self contained flats with associated landscaping, parking and refuse storage.

2.2 The proposed building is irregular ‘L’ shaped which ‘wraps’ around the main road frontages and around the rear south facing amenity area. The proposal would provide for no. 15 one-bedroom; no. 15 two-bedroom; and no. 3 three-bedroom self-contained flats. Of the 33 flats provided, 17 would be affordable or shared ownership as shown in the table 1 below. The numbers in brackets indicate wheelchair accessible units available for each category.

<table>
<thead>
<tr>
<th></th>
<th>1 Bed</th>
<th>2 Bed</th>
<th>3 Bed</th>
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<td>16</td>
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<tr>
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<td>4</td>
<td>3</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
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<td>3 (1)</td>
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</tr>
<tr>
<td>Total</td>
<td>15</td>
<td>15</td>
<td>3</td>
<td>33</td>
</tr>
</tbody>
</table>

2.3 The proposed building would be nestled into the existing slope of the site, and would be ‘split level’. The building would appear as 3 stories when viewed from the north, from no. 175 Dartmouth Road and would be consistent with the heights of the buildings on this portion of Dartmouth Road. When viewed from Willow Way, it would have 4 stories. The main wing of the building which would run approximately parallel to Dartmouth Road/ Willow Way would be 5 stories when viewed from the rear, i.e. from Miriam Lodge.
2.4 **Parking:** The site currently contains 28 car parks, which would be removed as a result of this proposal. Three (3) mobility spaces would be provided as well as a dedicated area for 52 cycle spaces on the lower ground floor.

2.5 The site would be accessed via two pedestrian entrances, the main entrance from Dartmouth Road, the via the shared driveway to the north. Three of the maisonette units would have their front doors and direct access from Willow Way. The front entrance to Dartmouth Road would provide access to flats on the western wing and to the refuse storage area. The northern entrance provides main access to the mobility parking spaces. Two internal communal doors from the southern side of the building provide access to the amenity area and the cycle storage room as well as the plant room as well as various wings of the proposed building.

2.6 **Materials:** the proposed walls would be Red Brick with reconstituted stone details to match the surrounding development. The flat roof is ‘split level’ and would partly consist of green roofs and rest would be fitted with Photovoltaic panels. The windows are proposed to be aluminium framed double glazed and the doors would also be aluminium framed. Boundary treatments would be a mix of brick walls, metal railings and fences including green walls.

2.7 **Amenity:** A communal amenity area including a children’s play area (approx 104.4sqm) would be provided to the southern part of the site at ground level. Three maisonettes (units 1-3) as well as one of the flats (unit 26) would contain their own private terraces at ground level facing the communal amenity area. All units would have access to at least one balcony

2.8 **Roof Treatments:** Green Roofs would be provided partially on the roofs of Level 2 and Level 3. Photovoltaic panels would be provided partly on roofs of Level 3 and 4. A balance between the two options are proposed as the applicant advised that it would not be viable to provide both green roofs and photovoltaic panels on the all roofs due to installation and maintenance costs as well as potential safety issues.

### Supporting Documents

**Community Engagement Report**

This report sets out the policy framework, summary of the proposal, public consultation process undertaken by the applicant and the response to the consultation. The report sets out that a leaflet was distributed in the neighbourhood, posters erected at the site followed up with a public meeting on 12th May 2015. Qualitative responses were gathered from feedback from the meeting and presented in the report. 27 residents attended the consultation and two local residents and Forest Hill Society have provided comments.

**Code of Construction Practice/ Site Waste Management Plan**

A construction and site waste management plan has been submitted and outlines proposed steps to minimise noise and vibration; working hours; water pollution including liaising with the Environment Agency; ecology; materials; site waste management and disposal; traffic management and communications procedure.

**Daylight, Sunlight and Overshadowing Report**

Right of Light Consulting has prepared an assessment of the daylight, sunlight and overshadowing impact from the proposed building on existing properties adjacent to the site using BRE methodology. The results confirm that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests and that proposed development
achieves a high compliance against the BRE recommendations. The development also satisfies the BRE overshadowing to gardens and open spaces requirements. 4 of the total of 91 rooms would not meet the recommended Average Daylight Factor (ADF) but that the impact would not be adverse to a degree to warrant the refusal of planning permission.

Extended Phase 1 Habitat Survey

2.12 A survey was undertaken of the existing site (the hard standing, existing building and extent vegetation and fauna). It concludes that the existing site is mainly Amenity grassland, introduced shrub, broad-leaved trees and hard standing and has no potential for roosting bats. Japanese knotweed was found on the site, for which a full removal plan is recommended; clearance of vegetation is recommended to be undertaken outside nesting bird season; foundations/holes or deep pits are to be secured to protect nocturnal species. In addition to this, enhancement measures were recommended relating to replacement of native trees, nest boxes, green walls and bat roosting areas to be installed on site.

Energy Statement

2.13 This document provides an overview for the Energy Strategy. The report concludes that the proposal is too small for a community heating system combined heat and power units would not be viable; photovoltaic panels are proposed at the roof level which is expected to be equivalent to a reduction of 34.8% against the TER 2013. A total carbon saving of 37.3% is confirmed.

Planning Statement

2.14 This document provides a site and development overview and seeks to demonstrate how the proposals accord with local and national planning policy. The document also provides the relevant planning considerations in terms of density, design, contamination, refuse, residential standards, amenity, housing choice, transport and sustainability.

Transport Statement

2.15 This report describes the existing site and scale of the proposed development. Matters relating to access, traffic generation, parking/ parking stress survey and delivery servicing arrangements are also detailed. The report confirms that the site has a PTAL of 4 and that the development would be of no adverse impact upon the local highway network.

Wheelchair Compliance Assessment

2.16 This table sets out the compliance with south east London Housing Partnership Wheelchair Homes Design Guidelines.

3.0 Consultation

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

3.2 Site notices were displayed and letters were sent to 157 residents and business in the surrounding area and the relevant ward Councillors.
Preapplication Consultation by Applicant

3.3 Leaflets were distributed to local residents within the immediate area. Anyone who wanted to comment on the proposals was able to do so using comment forms provided at the exhibition or by submitting them later.

3.4 An exhibition of the proposals was held in the former police station on 12th May 2015.

3.5 A total of 27 residents attended the public consultation, although only two residents and Forest Hill Society made comments on the feedback forms and these are set out in Appendix 2 of the Community engagement report submitted as part of the application. Others asked for copies of the plans.

Written Responses received from Local Residents and Organisations

3.6 Four responses were received from local residents. Below is a summary of concerns raised:

Trees:
3.7 Loss of trees is a concern. Retain and/or replace trees if removed.

Parking:
3.8 Parking report appears to be flawed for the use for residents’ long term parking. Does not take into account Dartmouth Road parking restrictions, new building at Sydenham School increasing the parking demand; existing pressures for car parking for local residents

3.9 Parking inadequate. Should provide underground parking for residents for huge residential developments

Building Bulk:
3.10 Creeping height of the buildings in the neighbourhood.

3.11 Combination of Miriam lodge, Moore House and the proposal is too tall when viewed from surrounding roads, such as Trinity Path.

3.12 Building right up to the road is not in keeping with the area.

Visual Effects:
3.13 Visual prominence requires restrictions on what could be stored on balconies.

Written Responses Received from Statutory Consultees

Strategic Housing
3.14 Council’s Strategic Housing officer has been involved in preapplication discussions with the applicant. He has reviewed the application and considers that the proposal is acceptable in terms of proposed rents (including service charges) being below LHA levels.

Ecological Regeneration Manager
3.15 Council’s Ecological Regeneration officer has reviewed the application and provided comments as follows:
• Japanese knotweed is present on site. Method statement for its eradication required.

• Living Roofs: The proposed system is acceptable, but however further information is required, including why the entire roof is not dedicated as living roofs.

• The Extended Phase 1 Habitat Survey Report is satisfactory. Various enhancements such as bird and bat boxes and native living wall are to be fully implemented as outlined in the report and would be secured as conditions:
  - Native tree species should be planted to compensate for the loss of the five trees on the site.
  - Three nest boxes or a single ‘terrace’-style box added to the new building.
  - A ‘green wall’ to be created
  - A bat roosting opportunity to be included within the design of the new building, on an appropriate aspect following consultation with an ecologist

**Highways and Transportation**

3.16 Council’s Highways officer has reviewed the proposal – a summary of their comments is outlined below. If permission is granted, these would be secured as conditions or as part of a s106 agreement as appropriate:

• The site is well located in terms of access to public transport and has a Public Transport Accessibility Level (PTAL) of 4.

• Increase in parking demand is acceptable subject to:
  - the provision of a car club scheme and
  - a contribution towards a controlled parking zone review adjacent to the site ((contribution towards the cost of consultation and possible implementation).
  
  The review would be undertaken after occupation of the development.

• A Parking Management Plan is required relating to the disabled parking accessed from the private road.

• Travel Plan is required relating to the increased car trips and associated parking demand in the streets surrounding the site

• A Construction and Logistics Plan (CLP) is to be submitted prior to the commencement of the development dealing with the impacts of construction activities and associated traffic.

• A Waste Management Plan (WMP) is required

• The developer would also be required to enter into a s278 agreement [or as part of s106 agreement] with the highway authority to secure reinstatement/improvement works to the section of Dartmouth Road and Willow Way which directly adjoins the application site.

• Details of cycle storage is also required.
Thames Water

3.17 Thames Water has reviewed the application and made comments relating to waste, surface water drainage, ground water discharge, water supply and requiring piling method statement and have requested informatives be included relating to these matters.

3.18 Accordingly, if permission is granted, Thames Water comments are recommended to be incorporated as informatives to this application.

4.0 Policy Context

Introduction

4.1 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)

4.2 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

4.3 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)’.

4.4 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

4.5 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)

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

- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people’s play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

4.7 The London Plan SPG’s relevant to this application are:
- Housing (2012)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)

Core Strategy

4.8 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
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
Core Strategy Policy 20  Delivering educational achievements, healthcare provision and promoting healthy lifestyles
Core Strategy Policy 21  Planning obligations

Development Management Local Plan

4.9 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.

4.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:
DM Policy 1  Presumption in favour of sustainable development
DM Policy 7  Affordable rented housing
DM Policy 22  Sustainable design and construction
DM Policy 24  Biodiversity, living roofs and artificial playing pitches
DM Policy 25  Landscaping and trees
DM Policy 28  Contaminated land
DM Policy 29  Car parking
DM Policy 30  Urban design and local character
DM Policy 32  Housing design, layout and space standards
DM Policy 35  Public realm

Residential Standards Supplementary Planning Document (August 2006, updated 2012)

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

Planning Obligations Supplementary Planning Document (February 2015)

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

5.0 Planning Considerations

5.1 The main issues to be considered in respect of this application are:
a) Principle of Development
b) Design
c) Housing
d) Highways and Traffic Issues
e) Noise
5.2 The first matter to consider in terms of the principle of development for this proposal is whether the loss of the police station is acceptable.

5.3 Core Strategy Policy 19 advises that the Council will apply the London Plan policies relating to healthcare, education and community and recreational facilities to ensure that there is no net loss of facilities and the needs of current and future populations are sufficiently provided for. In this instance, the police station has been closed and the site sold.

5.4 The closure of the police station is part of an ongoing process to improve the efficiency of the Metropolitan Police service. Although the conversion to residential would result in a loss of a community building, it is acknowledged that the use has ceased and the site ownership has changed (sold in 2013). On this basis the demolition of the former police station does not affect the current levels of service provided. The proposals seek for residential development of 33 units. Officers therefore consider that the redevelopment of this site in fact presents an sustainable use of the otherwise vacant land resource.

5.5 The National Planning Policy Framework (NPPF) states that Planning ‘should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’. 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.

5.6 Residential use is a priority in London and the borough and it is considered that an additional 33 units make a valuable contribution towards meeting housing need. The proposal would provide for no. 15 one-bedroom; no. 15 two-bedroom; and no. 3 three-bedroom self-contained flats. Of the 33 flats provided, 17 would be affordable or shared ownership. All three proposed wheelchair accessible units, as well as all three 3-bed family sized units would be within the affordable rent bracket. Council welcomes the proposed provision of affordable housing.

5.7 The site is well served by public transport, being located within easy walking distance from Sydenham and Forest Hill Stations as well as various bus routes (routes 122, 176, 197, and 356) and is therefore considered a sustainable location and would utilise previously developed land. It is considered in that residential use would be appropriate in principle in this location.

5.8 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.

5.9 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.

5.10 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. The Council’s Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.

**Scale and Massing**

5.11 The scheme proposes a building of split level part-three, part-four and part-five stories. The differences in levels are due to the existing slopes on the site. The height of the building is designed to correspond to the heights of adjoining buildings to the proposal. The breaking up of the height and massing of the proposed building provides visual interest, would be consistent with the varying heights of the buildings in the area when viewed from various public viewpoints.

5.12 Whilst it is slightly taller than immediately adjacent buildings, the height variance is not considered to be unacceptable when considered in context. The terraced house (175 Dartmouth Rd) to the north is 2 storey. On this portion adjacent to no. 175, the proposed building is three stories. While this is still higher than no. 175, it is considered acceptable given that there is a gap between the no. 175 and the proposed building due to the shared drive, which provides at least 9.5m separation between the buildings. It is also considered appropriate that a corner site such as this features a higher building as a ‘book end’ feature.

5.13 The proposed building is approximately 0.8m higher than Moore House to the south. The applicant has provided elevations (west elevation) which shows the proposed building in context with Moore House. Overall, the height difference would not be visually discernible when viewed from the street.

5.14 Given this, officers consider that the height and massing of the proposed building is appropriate.

**Detailed Design and Materials**

5.15 The elevations are formed from two primary materials red brick and glazing with pre-cast reconstituted stone detail for window surrounds and canopies over entrances. These are divided by recessed balconies with glass balustrades. The elevations are considered to be well proportioned and simple in arrangement, with visual interest provided by subtle brick detailing, the use of recessed balconies and stone detailing around the windows.

5.16 Officers support the use of bricks in this location, where Dartmouth Road, particularly the Bricklayers Arms Public House is characterised by flat roofed brick buildings. The use of glazing with recessed balconies is also welcomed as a modern touch which is sympathetic to the overall design. The level of detail submitted alongside the application is extensive and provides a clear and realistic impression of the buildings final appearance.
Based on the proposed materials and submitted design details it is considered that the scheme would achieve a high quality form. Officers recommend that design details for the materials as well as hard and soft landscaping be secured as a condition if permission is granted.

**Public Realm**

In terms of public realm, the existing site contains extensive hard stand and does not positively address this prominent corner. It is proposed that the replacement building would wrap around the corner, to effectively address the corner. It would be inset from the pavement edges and would contain some landscaping to provide defensible space as well as paving on pedestrian entrances.

Overall, the proposed treatment of the public realm is considered high quality and is supported by officers. It is considered that the proposal would successfully integrate within the surrounding area.

Council’s senior urban design officer and the conservation officer have reviewed this application and consider that the proposal is acceptable in design terms and is sympathetic to the character of the area in which it is located.

**Communal Space**

Communal outdoor space is provided to the south at ground floor level. This area includes a space for children’s play, approximately 36sqm in area. All units which face the communal area would have balconies and terraces overlooking the area which would be screened by a landscaped buffer. This would ensure that there would be passive surveillance of the communal area whilst maintaining privacy for the residents.

The submitted Lower Ground Floor layout plan shows possible play equipment in the south east corner of the site. In a later addendum, the applicant has stated that they would prefer to create an informal play area containing feature boulders located within a soft area that could be connected to the main paved area by stepping stones. The play area is discussed in detail later in this report.

Officers support the provision of the communal space as proposed, which ensures that the sunlight/daylight exposure is maximised by orientation. The design achieves an acceptable balance between maximising safety and passive surveillance of the communal area whilst minimising overlooking by way of the design and siting of the building.

**Housing**

**Size and Tenure of Residential Accommodation**

London Plan Policy 3.8 states that the Borough LDFs and planning decisions should ensure new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.

The Council’s Core Strategy Policy 1 is in line with the London Plan and outlines family units (3+ bedrooms) should be included in major residential development. Furthermore, the Council seeks an appropriate mix of dwellings within development, having regard to the following criteria:
• the physical character of the site or building and its setting;
• the previous or existing use of the site or building;
• access to private gardens or communal garden areas for family dwellings;
• the likely effect on demand for car parking within the area;
• the surrounding housing mix and density of population; and,
• the location of schools, shops, open space and other infrastructure requirements.

5.26 London Plan and the LDF seeks to increase the provision of affordable housing to improve housing choice to all residents. In addition, affordable housing should be integrated into development to ensure a satisfactory mix and balance of communities.

5.27 Policy 1 of the Core Strategy and DM Policy 7 of the DMLP outlines that negotiations for affordable houses will begin at 50%, subject to financial viability and the need to address strategic and local need. To ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% affordable rented and 30% intermediate rent housing. Finally, the Council will expect a total of 42% of affordable housing to be designated as family units.

5.28 Table 3.1 of the London Plan sets out a target of 13,847 additional homes to be built in Lewisham in the 10 years from 2015 - 2025, which is reflected in a monitoring target of 1,385 additional homes per year. As part of the overall need for housing in Lewisham, there is a specific need for affordable housing.

5.29 The applicant, ASRA is a registered housing provider. The proposed development would provide 33 residential units, including 10 affordable rent units and 7 in shared ownership. See Table 2 below for a detailed breakdown of the proposed residential tenure and size mix.

Table (2): Residential Tenure and Size Mix

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<th>2 Bed</th>
<th>3 Bed</th>
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<tr>
<td>Shared ownership</td>
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<tr>
<td>Total</td>
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<td>15</td>
<td>3</td>
<td>33</td>
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</tbody>
</table>

*Wheelchair units shown in ( )

5.30 Based on this, the development would comprise 51.5% affordable units overall. The proposed Housing mix therefore meets the 50% threshold as stated within Core Strategy Policy 1. Of the affordable tenure proposed, 41% would be available as shared ownership and 59% as affordable rent. This is supported by officers.

5.31 The proposed size mix shows that all three family sized units (3 + bed) and all three proposed wheelchair units would be affordable rent. The 3 bed units account for 17% of affordable rent tenure. This is consistent with the Planning Obligations SPD 2015
requirement of 16% minimum. Officers welcome that that these units would be in affordable tenure as this is a recognised need.

5.32 The SPD references the Lewisham Affordable Rent Study (2014) which recommended that 1-bedroom units could be provided at up to 80% of the market rent or local housing allowance (LHA); 2-bedroom units could be provided at 70-80% of the market rent or LHA and 3-bedroom units should be provided at no more than 65% of the market rent or LHA to cater for larger working families.

5.33 The report also recommended that affordable rent levels be tailored to meet the needs of local residents in housing need including ensuring that larger unemployed families have some affordable housing options.

5.34 The application proposes that all units provided for affordable rent would be at 65% of the market rent. This is considered as acceptable. With all rents at 65% across the 1, 2 & 3 beds, this exceeds the requirements for 1 & 2 bed and meets it for 3 bed in regards to overall proportion. It is considered this balances these out.

5.35 The Council’s Housing officer has reviewed the application and is satisfied with the proposal in terms of proposed rents (including service charges). The number, location, size and tenure of these units have been discussed and agreed with the Council officers as part of the pre-application and application process. These would be secured as part of a s106 agreement.

5.36 In summary:
- Affordable Rent for all units and sizes would be 65% of the market rent and includes a service charge of £17.50 per week.
- Council Housing officer has stated that the income thresholds for the shared ownership units would be consistent with policy and considers it to be acceptable. The proposed income thresholds would be £32,000 for one bed units and £42,000 for 2 bed units.

5.37 Given these factors, officers consider that the proposed affordable housing provision is acceptable subject to a s106 agreement with the developer.

Wheelchair housing

5.38 Policy 1 of the Core Strategy requires 10% of all new housing to be wheelchair accessible or adaptable to wheelchair users.

5.39 It is noted above that 3 of the residential units are wheelchair user/adaptable, being 10% of the total 33 residential units proposed. All three would be affordable rented units and officers recommend that this be conditioned if permission is granted.

5.40 The provision of wheelchair accessible units meets the requirements of the London Plan and the LDF. It is recommended that these units are secured through condition should the application be approved.

5.41 Core Strategy Policy 1 outlines all new homes should be Lifetime Homes compliant. However it is noted that Lifetime Homes is now under Building Regulations. The M4(2) Building Regulations standard equates to Lifetime Homes standard. There are no topographical or other reasons why the approved units cannot meet this standard. Therefore, in accordance with Core Strategy Policy 1, it is proposed that all units other than the wheelchair units shall be required by condition to meet this standard. Evidence of certification by a recognised building control body will be required to be submitted by condition.
Standard of Residential Accommodation

5.42 The nationally described space standards came into effect on 1 October 2015 to replace the existing different space standards used by local authorities.

5.43 The national housing standards are roughly in compliance with the space standards of the London Plan. However there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent.

5.44 The London Plan’s Housing Supplementary Planning Guidance (SPG) – including the London Plan interim guidance which followed the national standards review, set out the minimum space standards required for dwelling types. The Development Management Local Plan Policy 32 reinforces the requirement for new residential development to achieve these standards. The Council’s Residential standards SPD provides Officers with further detailed guidance to apply to such residential proposals.

5.45 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.

5.46 Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. A summary of London Plan SPG compliance for the proposed units are outlined below:-

Table (3): Summary of London Plan Compliance

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<th>LDK</th>
<th>LP</th>
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* denotes additional amenity space
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*combined measurement for two balconies per unit

**Floor to Ceiling Clearance**

5.47 All levels have a minimum floor to ceiling clearance of 2.5m (the floor to ceiling clearances range from 2.5m to 2.8m). The national standards requires a minimum 2.3m floor to ceiling height, therefore for the proposal exceeds this standard. This is welcomed and considered acceptable.
Private Amenity Space

5.48 The London Plan requires that private amenity space be provided for each unit. The baseline requirement states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. All units generally meet this requirement. All private outdoor space have level access from the home and accessible from a communal area. The minimum depth and width for balconies and terraces generally meets the 1.5m depth requirement with the exception of units 5 and 6, however it should be noted that these balconies are a secondary balcony and the main balcony for each of these units would in fact meet the minimum dimension requirements. Therefore this is considered as an acceptable balance.

Other matters

5.49 All 3 bedroom units would have their living and dining/kitchen areas in two separate areas. Officers consider this as conducive to family occupation and welcome this.

5.50 All maisonette units contain an open study space with an area of 8.7sqm. This area could serve as a sitting area and offers flexibility of use for the occupants. This is considered as a favourable feature for these units.

5.51 In summary, the standard of residential accommodation is considered to be of a high quality design and provides a range of accommodation options. Officers welcome this and the proposal is considered acceptable in planning terms for standard of accommodation.

Daylight and Sunlight

5.52 The applicant has provided a Daylight and Sunlight Study for the proposed residential units in terms of proposed daylight/sunlight access to habitable areas and outdoor amenity areas. The Study demonstrates that all habitable rooms achieve or surpass the minimum recommended Average Daylight Factor with the exception of 4 out of the 91 rooms proposed by this application. This is considered acceptable. All rooms pass the room depth test to achieve interior daylight access to all parts of the room.

5.53 While not all living room windows receive ideal levels of direct sunlight, BRE acknowledge that for larger developments, particularly those with site constraints it may not always be possible to orient every living room to receive direct sunlight. This is common in an urban context and officers consider this as acceptable.

Communal Outdoor Area and Play Space

5.54 In addition to the above, communal outdoor space is provided to the south at ground floor level. This area includes a space for children’s play, approximately 36sqm in area. The total area for the communal amenity area is approximately 104.4sqm, and would feature soft landscaping, footpaths and benches. The final design of the landscaping for the proposal including the communal amenity area would be secured by condition if the committee were minded to grant this application.

5.55 The submitted Lower Ground Floor layout plan shows possible play equipment in the south east corner of the site. The applicant has stated that while an example of potential surface material in the form of ‘PolyStar TumbleTurf for playground surface’ was initially suggested, on reflection they prefer to create an informal play area containing feature boulders located within a soft area that could be connected to the main paved area by stepping stones which can be taken as an alternative route by children when walking through the area. A seat could be located opposite the boulders to enable adults to supervise the informal play of children as well as allowing them to
enjoy this area with feature plants and tall grasses allowing hide and seek games and imaginative play.

5.56 Officers consider that while the above suggestion has merit, it is preferable that a mix of informal play space (as suggested above) and formal play space (i.e. swings/slides and similar.) should also form part of the play space to ensure that there are options available for children’s play. Should the members be of a mind to grant this application, officers recommend that a condition be included requiring the approval of detailed plans and specifications of the play area prior to commencement of the development.

5.57 The proposal is expected to generate a child yield of approximately 11 children. This is based on the formula provided by the Shaping Neighbourhoods: Play and Informal Recreation SPD (2012).

5.58 In accordance with the Planning Obligations SPD (2015), and the Mayor of London any new development which creates a child yield is expected to provide 10sqm of play and recreation space for every child. This would mean that the proposal should provide 111.5sqm, which is not met by this proposal due to site constraints. As it is not viable provide full play space requirement on site, officers deem that a financial contribution should be made in accordance with the guidelines of the Planning Obligations SPD (2015). The play area shortfall is 75.5sqm. The financial contribution therefore equates to £22,650 (calculated at £300 per sqm).

**Highways and Traffic Issues**

5.59 The application site is well located in terms of public transport, which has a public transport accessibility level (PTAL) of 3.

5.60 The site is located at a prominent corner, bounded by Dartmouth Road (to the northwest), Willow Way (to the west) as well as a private access (to the north).

5.61 The site would be accessed via two pedestrian entrances, from Dartmouth Road (main entrance) and the private to the north. Three units would have direct access from Willow Way. The front entrance would provide access to flats on the western wing and to the refuse storage area. The northern entrance provides main access to the mobility parking spaces. The two amenity area entrance points provide internal access to the cycle storage room and the plant room as well as various wings of the proposed building from the communal amenity area. Level access would be provided for the wheel chair units on the ground floor.

5.62 It is acknowledged that the provision of 33 new residential units would result in an increase in parking demand adjacent to the site. Several neighbours have also raised parking as an issue in this area. Council’s Highways Officer has reviewed the application including the transportation assessment provided in support of the application.

5.63 Based on the information provided, Highways officer considers that based on on-street parking availability in streets adjacent to the site as demonstrated in the parking survey, the proposal could be considered acceptable subject to conditions requiring the provision a travel plan. The Travel Plan should provide details of measures to encourage sustainable modes of travel, and should be reviewed periodically to identify
and address any transport issues that arise. In addition, a car club membership is also recommended, which would be incorporated as part of a s106 agreement if granted.

5.64 It is noted that the shared driveway which provides access to the mobility parking for the development is not within the Council’s Highway Authorities control. The Highways officer stated that informal car parking is to be discouraged, particularly as the private access is also shared with Miriam Lodge. Officers consider that it is appropriate that this be included as a condition if granted, which could be incorporated as part of the Travel Plan.

5.65 The Highways officer also considers that requiring a contribution towards a controlled parking zone (CPZ) review adjacent to the site would be appropriate. The requested contribution would be £35,000. This estimate is based on the actual observed costs from the most recent CPZ programme, 2014-15, in which the Council undertook 4 CPZ consultations at a cost of £150,000. The average cost of a CPZ consultation is therefore £37,500. This includes the highway design, the development and production of consultation materials, and the analysis of consultation results. It should be noted that the actual implementation of the CPZ would then require further costs, approximately £30,000, which would amount to an estimated £65,000 in total.

5.66 Officers recognise that the site would not be the only contributing factor to parking pressure, however, the existing pressure would be greatly exacerbated by a significant development, and it is highly unlikely that a CPZ would be required without the development. Highway officers have therefore requested a significant proportion of the CPZ costs to be funded by the developer. The level of £35k is in line with other contributions from other sites in the borough. On this basis, it is considered that the contribution required would meet the three tests under the NPPF and is therefore acceptable.

5.67 The application would involve works on the shared private access. Due to this and the proximity to the neighbours as well as the site location within the prominent roading networks, it is recommended that a Construction Management Plan is required by condition. This should be submitted prior to the commencement of the development and specify how the impacts of construction activities and associated traffic would be managed.

5.68 Refuse stores are located on the ground floor, accessed from Willow Way. Officers recommend that a Waste Management Plan (WMP) is required by condition to secure details relating to refuse and re-cycling collection points which should be accessible from within 10m of kerb line as well as details of how bins would be brought out to collection points on collection days & returned.

5.69 If the application is granted, the Highways Officer recommends that the developer be required to enter into a s278 agreement with the Highway Authority to secure reinstatement/improvement works to the section of Dartmouth Road and Willow Way adjacent to the site. This would involve the reinstatement of the part of the footpath directly adjoining the application site.

5.70 The proposal requires 51 cycle spaces in accordance with the London Plan. The application would provide a cycle storage area for 52 cycles is provided on the lower ground floor level, which is accessed from the rear communal amenity area. A condition to secure details of the cycle storage is recommended should this application be granted.
5.71 In summary, the following highways matters are recommended to be secured as conditions or as part of a s106 agreement should this application be granted:

**Conditions**
- A travel plan
- Construction Management Plan
- Waste Management Plan (WMP)
- Details of the cycle storage

**S106 agreement**
- A car club membership for all occupants for a period of two years from first occupancy of each unit
- Contribution towards a controlled parking zone (CPZ) review

**S278 agreement**
- Contributions towards the reinstatement/improvement works to the section of Dartmouth Road and Willow Way adjacent to the site.

**Impact on Adjoining Properties**

5.72 Development Management Policy 32 requires the siting and layout of all new-building housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents. All new-build housing will be required to be sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.

**Daylight/sunlight/overshadowing**

5.73 The applicant has provided a Daylight and Sunlight Study with regards to impact on the development on the neighbouring properties.

5.74 The report concludes that all main habitable room windows pass the Vertical Sky Component (VSC) test with the exception of three windows at 1 to 9 Moore House. It is worth noting however that these windows are already hampered by a projecting wing and overhanging balcony. The BRE guide acknowledges that where a window has an overhang or projecting wings on one or both sides of it, a larger relative reduction in VSC may be unavoidable, as the building itself contributes to its poor day lighting. When tested for VSC without the projecting wing and overhang in place, these windows would surpass the BRE criteria.

5.75 All main habitable room windows which face within 90 degrees of due south would pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March). The proposed development would therefore satisfy the BRE direct sunlight to windows requirements.

5.76 The proposed development would not create any new areas which receive less than two hours of sunlight on 21 March. The before/after ratios are 1 (no loss) and the proposed development would therefore pass the BRE overshadowing to gardens and open spaces test.

5.77 Overall, therefore, the proposed development would have a low impact on the light receivable by its neighbouring properties.
Outlook and Privacy

5.78 With terms of outlook, the impact of the development from neighbouring properties and whether the development would have an overbearing impact forms a material consideration. Whilst the view from the surrounding sites would change, officers do not consider that the proposed development represents an adverse impact to the surrounding neighbours in this regard.

5.79 The closest residential building to the application site is the Moore House located to the south of the application property. The distance between Moore House to the proposed building would range between 5.9m to 6.9m. While there are windows on Moore House that face the application property, officers note that these windows would face the front garden of Moore House which is not used as a private amenity area. The balconies located to the southernmost corner of the proposed building would be located 6.5m from the part of flank wall of Moore House which does not feature windows. The rear facing balconies of the application site would face the rear car parking area of the Moore House. Officers consider that there would be no significant impacts arising in terms of residents’ privacy at Moore House.

5.80 The distance between the closest wall to Miriam Lodge to the rear is 3.1m. There are no windows directly facing the main building of Miriam Lodge. There would be no overlooking issues on this neighbour. The orientation of the proposed building would ensure that the windows would be ‘offset’ from the façade of the proposed building to some extent. The proposed building alignment would also ensure that there would be no overlooking occurring from Miriam Lodge on the communal amenity area.

5.81 The building is set back 9.5m from the flank wall of 175 Dartmouth Road to the north. Officers have used the Council’s Residential Standards SPD as a guidance to assess the outlook for the proposal. The SPD requires that the distance from habitable rooms to a flank wall of an adjoining development should be at least 9m. Therefore the scheme meets this guideline. Furthermore, the stepped design of the proposed building, intervening distance which includes the private road as well as the existing vegetation on the adjoining property would ensure that the level of overlooking would be adequately mitigated.

5.82 It is accepted that there would be an element of mutual overlooking as is common in high density schemes. In an overall sense therefore, officers consider that the proposal strikes an appropriate balance of residential amenity.

Sustainability and Energy

5.83 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency. The required standards are as follows:

5.84 Energy efficiency: a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations is required. The Energy Statement submitted with the application proposes the following:

- Proposed development contains improved insulation and air tightness standards (Part L 2013 of the Building Regulations).

- Energy efficient lighting is to be provided throughout the dwellings in excess of the Part L1 2013 requirements.
- Photovoltaic panels proposed at roof level to generate electricity for the site. Annual carbon dioxide emissions reduction by 12,998 kgCO2 is estimated, i.e. a reduction of 34.8% against the TER 2013.

- Combined energy efficiency measures equates to a reduction of 37.3% against the TER 2013.

- The development is considered to be too small to successfully incorporate a community heating system.

- Combined heat and power (CHP) is not viable for this proposal as the smallest commercially available CHP unit is too large to support the scheme.

5.85 **Water efficiency:** requires water efficiency measures to achieve a target of maximum 110 litres per person per day which includes a 5 litre allowance for external water use. The proposed water consumption would meet this requirement. Individual water meters would be provided for each unit, in order for each tenant to manage and be charged for their individual consumption.

5.86 Given the above, it is considered that the proposal would meet the national technical standards. As the proposal exceeds the local policy requirements, it is considered that contributions to the carbon offset fund is not required in this instance.

**Ecology and Landscaping**

5.87 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. Development Management Local Plan Policy 25 Landscaping and trees requires new developments to submit landscaping schemes.

5.88 **Japanese knotweed** is present on site. This species is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and therefore an offence to plant or otherwise cause this species to grow in the wild. Officers consider that it is appropriate that an informative be included in the decision alerting the applicants requiring the eradication of this weed, should this application be granted.

5.89 **Living Roofs** are proposed partly on the flat roofs at level 2 and 3, measuring up to 144sqm. While the proposed system is acceptable the Council officers questioned the applicant why the entire roof is not dedicated as living roofs. Under the DM Policy 24, the Council seeks to maximise the use of living roofs and walls where they are feasible to increase the vegetation cover. The proportion of communal outdoorspace combined with the proposed living roof are considered acceptable to provide a high quality green space for the use and enjoyment of the occupiers as well as enhancing the biodiversity values of this site and the surrounds in line with DM Policy 24 (biodiversity, living roofs and artificial playing pitches) and DM Policy 25 (landscaping and trees). Officers recommend that a minimum area of living roof is secured by way of condition to ensure that the living roofs are established as proposed.

5.90 If the application were to be granted, a condition of consent is recommended requiring that the detailed design of the living roof, including a 5 year management plan as well as securing the minimum area of biodiverse living roof.
5.91 Council officer deems the Extended Phase 1 habitat survey report is satisfactory. Should the members be minded to approve this application, it is recommended that enhancements proposed in this report to be fully implemented and be secured as conditions as follows:

- Native tree species planted to compensate for the loss of the five trees on the site.

- Installation of three nest boxes (or a single ‘terrace’-style box - such as the Schwegler 1SP Sparrow Terrace).

- Installation of a ‘green wall’ comprising of climbers such as ivy *Hedera helix*, Clematis spp., and honeysuckle *Lonicera periclymenum*.

- Installation of a bat roosting opportunity to be included within the design of the new building on an appropriate aspect.

5.92 The Council seeks to maximise the use of living roofs and walls where they are feasible to increase the vegetation cover. Coupled with the provision of the biodiversity enhancements as proposed above, the Council welcomes the provision of biodiversity measures on site, which helps provide a high quality ecological design, amenity, and community benefit in line with DM Policy 24.

5.93 The Planning Obligations SPD sets out requirements for biodiversity matters. The SPD goes on to state that it is preferable to the Council for developers to directly provide necessary improvements and mitigation without the need for financial contributions to the Council. This is to be delivered on-site whenever possible and only off-site when necessary. Therefore it is considered appropriate that biodiversity enhancements as outlined above are secured via condition.

**Contamination**

5.94 DM Policy 28 aims to ensure that any land known or suspected of being contaminated or where sensitive use is proposed is dealt with before development commences. The application is for a residential development on site adjacent to a historic sheet metal works, therefore this policy applies. The applicant has submitted a Preliminary Risk Assessment in accordance with this policy, consisting of a desk top study and a site walkover report.

5.95 A study of historic ordnance survey maps indicates that the site was occupied with buildings since 1860s. The site and the surrounds appear to have been used for residential purposes and associated gardens at least until the 1950s. A sheet metal works appears to be located immediately east of the site, and potentially encroaches the site boundaries at least until 1960s, when it was remodelled to be the police station site.

5.96 The report recommends that an intrusive investigation is undertaken to clarify potential risks to the identified receptors. The investigation should assess the thickness of any made ground, and allow samples of made ground and natural soils to be taken for laboratory analysis. No significant potential sources of soil gas identified – Should a significant thickness of Made Ground be encountered on site a programme of soil gas monitoring may be required.

5.97 Should the committee be minded to approve this application, it is recommended that a condition is included with the decision requiring a Site Intrusive Investigation is undertaken as a pre-commencement condition. The condition should also include the
requirement of a Remediation Strategy where contamination exists as well as a Verification Plan and a Verification Report be submitted to the Council demonstrating completion and validation works set out in the remediation Strategy prior to occupation of the proposed building.

Contamination

5.98 In line with the requirements of the Planning Obligations SPD, the officers recommend that a contribution of £17,490 for local employment and training is required should this application be granted. Financial contributions will support both capital and revenue costs of a range of services provided by the Local Labour and Business Scheme for residents and small and medium-sized businesses in the borough. Contribution reflects the current training and operation costs of running the programme and the SPD seeks an equal amount for each job and dwelling proposed. This equates to £17,490 calculated at £530 per unit proposed. Officers consider that this is aligned with the policies and is a fair and reasonable contribution for this matter.

Planning Obligations

5.99 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NFFP also sets out that planning obligations should only be secured when they meet the following three tests:

(a) Necessary to make the development acceptable
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development

5.100 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. All planning obligations therefore needs to meet the three tests to be acceptable in planning terms for it to be granted permission.

5.101 Core Strategy Policy 21 ‘Planning obligations’ states that obligations can be used to mitigate a development impact. Below is an extract of the policy:

(1) The need to provide infrastructure, services and/ or facilities to address the impact of new development will be considered by the local planning authority from the outset of the planning application process.
(2) The Council will seek planning obligations in accordance with Circular 05/05 to ensure effective implementation of the Core Strategy.
(3) The Council will prepare a Planning Obligations Supplementary Planning Document to provide further guidance on the likely type, scale and priority of planning obligations and the methodology for calculating formula based obligations, where it is appropriate to do so.

5.102 The obligations sought are as follows:

S106 agreement
• Affordable Housing:
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- Local Labour and Business Strategy including monitoring
- Contributions:
  - Employment & Training: £17,490
  - Children's Play Space: £22,650 (75.5sqm at £300/sqm)
  - CPZ review: £35,000
- Legal and professional costs
- Car club membership
- Monitoring charges for 31-60 units: £8250

S278 agreement
- Contributions or obligations to undertake such works prior to occupation of the building towards the reinstatement/improvement works to the section of Dartmouth Road and Willow Way adjacent to the site.

5.103 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

6.0 Local Finance Considerations

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

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

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

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

7.0 Community Infrastructure Levy

7.1 The Local CIL charge was adopted in April 2015. As such, any new development proposals are subject to Local CIL.

7.2 The proposed development proposes 33 residential units. As such, all these units are subject to the CIL charge. However it should be noted that the affordable units would be exempt from CIL payment.

7.3 The applicant has completed the relevant CIL form.
8.0 **Equalities Considerations**

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

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

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

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

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

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

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

9.0 **Conclusion**

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

9.2 Officers consider that the proposed building is to be of high architectural design quality and makes a positive contribution to the amenity of the locality within this prominent corner site. The provision of over 50% affordable housing is welcomed and is considered to be a significant contribution to the housing needs of the Borough.

9.3 The applicant and Council Officers have engaged in extensive and positive preapplication discussions regarding the redevelopment of this site in order to obtain a high quality design which is reflected in the current scheme. Officers consider that with the recommended planning conditions and obligations, the proposal represents a high quality development which would bring a range of positive benefits to the Borough.
10.0 **RECOMMENDATION (A)**

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

**S106 agreement**
- Affordable Housing:

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- Local Labour and Business Strategy including monitoring
- Contributions:
  - Employment & Training: £17,490
  - Children’s Play Space: £22650 (75.5sqm at £300/sqm)
  - CPZ review: £35,000
- Legal and professional costs
- Car club membership
- Monitoring charges for 31-60 units: £8250 (calculated at £6000 plus £750 per 3 clauses)

**S278 agreement**
- Contributions towards the reinstatement/improvement works to the section of Dartmouth Road and Willow Way adjacent to the site.

**RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106 in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-

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

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

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


Transport addendum (received 28/09/2015)

ASRA statement on Green Roof System (received 02/11/2015)

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

3. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

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<tbody>
<tr>
<td>4, 5, 6</td>
<td>M4(3)(2)(b)</td>
<td>Wheelchair user (on completion)</td>
</tr>
<tr>
<td>All other plots</td>
<td>M4(2)</td>
<td>Accessible and adaptable</td>
</tr>
</tbody>
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(b) No development above ground level shall commence until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

(c) The development shall be carried out in accordance with the details approved under part (b).

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities.

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

(e) Security Management (to minimise risks to unauthorised personnel).

(f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

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

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

   (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

6. No development shall commence on site until a detailed schedule and specifications and/or samples (as appropriate) of all external materials and finishes/ windows and external doors/ roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority in accordance with the drawings submitted with this application, namely, GA_P_LG; GA_P_L00; GA_E_E; GA_E_S; GA_E_W; GA_E_N. The development shall be carried out in accordance with the approved details.

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

7. **Refuse Storage**
   (a) A Waste Management Plan (WMP) for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior to commencement of each phase of development hereby approved. The WMP should include details relating to refuse and recycling collection points which should be accessible from within 10m of kerb line as well as how bins would be brought out to collection points on collection days & returned.

   (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

8. **Cycle Parking Provision**
   (a) A minimum of 52 secure and dry cycle parking spaces shall be provided within the Lower Ground Floor of the development as indicated on the plans hereby approved

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

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

9. **Hard Landscaping Details**
   (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including but not limited to details of the permeability of hard surfaces) in line with drawings GA_P_LG and GA_P_L00, (dated 02/2015) have been submitted and approved in writing by the local planning authority.

   (b) No development shall commence until drawings and specifications showing the layout of the play area on the south east corner of the site have been submitted and approved in writing by the local planning authority. The play area shall feature a mixture of both informal play areas as well as formal play equipment.

   (c) All hard landscaping works which form part of the approved scheme under part (a) and (b) shall be completed prior to occupation of the development.

   **Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

10. **Soft Landscaping**
   (a) A scheme of soft landscaping in line with drawings GA_P_LG and GA_P_L00, (dated 02/2015) including (but not limited to) details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits, as well as extent and details of proposed green walls and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

   (b) Native tree species shall be planted to compensate for the loss of the 5 existing trees on the site. These shall be detailed and approved as part of (a) above.

   (c) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

   **Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).
11. Boundary Treatment
(a) Details of the proposed boundary treatments including any walls/ green walls or fences as outlined in drawings GA_P_LG and GA_P_L00, (dated 02/2015) and in Extended Phase 1 Habitat Survey shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

12. Biodiversity Enhancements
(a) No less than three (3) nest boxes (or a single ‘terrace’-style box - such as the Schwegler 1SP Sparrow Terrace) for house sparrow Passer domesticus (London and Lewisham BAP species) shall be installed to the new building. These boxes shall be installed at least 3m above the ground and should avoid direct sunlight and the prevailing wind.

(b) In addition to (a), a bat roosting opportunity shall be included within the design of the new building, on an appropriate aspect following consultation with an ecologist – not north-facing, and will open access to the roost. This could be a Schwegler 1FR bat tube, or similar and approved.

(c) Evidence that the nest box/es and bat roosting spaces have been installed in accordance with (a) and (b) shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

13. Green Walls
(a) No development shall commence on site until details of the full specifications of the green wall in accordance with the proposed biodiversity enhancements outlined in Extended Phase 1 Habitat Survey and ASRA statement on Green Roof System (received 02/11/2015) submitted with this application, including (and not limited to) details of species and maintenance, have been submitted to and approved in writing by the local planning authority.

(b) All planting shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

14. Living Roofs
(a) The development shall be constructed with a biodiversity living roof with a minimum area of 144sqm laid out in accordance with plan nos. GA_P_L03, GA_P_L04, ASRA Statement on Green Roof System, hereby approved and maintained thereafter.

(b) Details of the living roofs shall be submitted to Council for approval prior to construction of above ground works. The details should include:
   i. Fully detailed plans (to scale) showing and stating the area of the roof. This should include any contoured information depicting the extensive substrate build up and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings.
   ii. A scaled section through the actual roof (i.e. not a generic section of a living roof) showing the details of the extensive substrate base and living roof components.
   iii. Details of the proposed plug planting and seed composition and planting methodology.
   iv. A statement outlining a management strategy detailing how the living roof would be maintained and monitored for a period of at least 5 years post installation shall be provided.

(c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(d) Evidence that the roof has been installed in accordance with (a) and (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.


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

(c) The plan shall also outline measures that will be used to ensure that the disabled car parks are not used for informal parking, to minimise congestion and obstruction of service/e emergency vehicles. The plan shall include details of how the disabled parking spaces will be allocated within the site.

(d) Within the timeframe specified by (a) to (c), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (c).

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

16. The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. GA_P_L0G, GA_P_L00, GA_P_L01, GA_P_L02, GA_P_L03, GA_P_L04 (Alan Camp Architects) hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014)

17. 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, with the exception of the roof terrace area for Unit 25 as shown in drawing GA_P_L03.

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), and DM Policy 32 Housing design, layout and space standards 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

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/communityinfrastructure
C. You are advised 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. Japanese knotweed (Fallopia japonica) has been identified at the site. This species is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and as such it is an offence to plant or otherwise cause this species to grow in the wild. It is also classed as a controlled waste under the Environmental Protection Act (1990) and must be disposed of safely at licensed landfill. You are advised to follow the Environment Agency, ‘Managing Japanese knotweed on development sites: the knotweed code of practice’, available to download from their website. [http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf](http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf)

F. The applicant is alerted that detailed design should incorporate protection to the property to avoid the risk of backflow at a later date by installing for example, a non-return valve or other suitable device on the assumption that the sewerage network may surcharge to ground level during storm conditions.

G. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. The applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

H. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

I. The applicant is alerted that no impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in
consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

This is because the proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

J. The applicant is alerted that groundwater discharges into the public sewer which typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation are to be minimised. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

K. The applicant is alerted that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms are available on line via www.thameswater.co.uk/wastewaterquality.

L. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

M. A full method statement undertaken by an appropriately qualified and licensed person to ensure successful eradication of Japanese Knotweed on the site shall be submitted and approved by the Council.

You are advised to follow the Environment Agency, 'Managing Japanese knotweed on development sites: the knotweed code of practice', available to download from their website: http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf

This is required in order for the local authority to be satisfied that this invasive species which is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and also classed as a controlled waste under the Environmental Protection Act (1990) is effectively eradicated and disposed of safely at licensed landfill.
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1.0 Property/Site Description

1.1 The application relates to a three storey, including a lower ground floor level, single family dwellinghouse located on the south side of Mount Ash Road. The lower ground floor to the front is served by a lightwell which also provides a separate access via a small alcove located below the traditional entrance. This is a feature which is shared by all of the properties on the south side of Mount Ash Road.

1.2 Natural ground levels to the rear are much lower than the front of the property, providing a substantive (approximately 2m) height difference between the ground floor of the property to the front and at the garden level. The rear garden is relatively shallow measuring 8m deep and 3.6m wide.

1.3 The houses on Mount Ash Road are consecutively numbered and consist of two long terraces, each running the length of the street and forming a cul de sac. They are constructed of London Stock brick and possess butterfly roofslopes with a central valley concealed from the front elevation behind a parapet wall giving the appearance of flat roofslopes from the streetscene.

1.4 To the rear as originally built the properties on the south side of Mount Ash Road possess small single storey rear projections measuring approximately 1.2m deep and 1.6m wide which incorporate monopitched roofs with eave heights of approximately 2.4m and maximum heights of 2.8m. They are constructed of London stock brick with dark roof tiles. During the officers site visit it was noted that many of the properties have been extended to the rear and possess replacement single storey rear extensions.

1.5 The property shares a side boundary with the rear gardens of 34 and 32 Panmure Road and the rear garden of 26 Panmure Road. Due to significant tree cover along the rear garden and 3m high wall to the side boundary it is not possible to look into the rear gardens of any of these properties.
1.6 The property is located within the Sydenham/Kirkdale Conservation Area and is subject to an Article 4 Direction. The building is not listed.

2.0 Planning History

2.1 There is no relevant planning history.

3.0 Current Planning Applications

3.1 The current application is for the construction of a single storey extension to the rear of 23 Mount Ash Road SE26.

3.2 The current application has been revised and originally included the construction of an extension to the lightwell to the front of the property and refurbishment of the front coal store and front pathway. These elements have been omitted from the proposal and the current application is for the construction of a single storey rear extension only.

3.3 The proposed extension would measure 4.2m wide, 3m deep and incorporate a mono-pitched roofslope with an eaves height of 2.3m and a maximum height of 3.15m. It would be constructed of reclaimed London stock bricks to match the existing house. The roof will be finished in man-made slates with aluminium framed glazed doors to the rear elevation and a rooflight.

4.0 Consultation

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

4.2 Site notices and a press advertisement were displayed and letters were sent to residents and councillors in the surrounding area. The Council’s Conservation Officers and the Sydenham Society were also consulted.

Written Responses received from Local Residents and Organisations

4.3 The Sydenham Society have objected to the application on the following grounds:

- The impact of the changes to the front on the continuity of the street scene
- The proposed widening of the entrance from the street would create an unbalanced look when viewing the front of the terrace
- Loss of light and outlook for neighbours caused by the rear extension
- Impact of the rear extension on fauna including stag beetles
- The amount of glass (sliding or folding patio doors and roof lights) in the proposed rear extension could result in noise and light pollution
- Installation of uPVC windows to the main dwelling at a previous date

4.4 Thames Water were consulted regarding sewerage and water infrastructure capacity, no objections were received.

4.5 ASP- The Panel objects to the front basement extension which is out of character and would involve the loss of front garden. The Panel queries the lack of information in
relation to the existing footpath and lightwell. The Panel also objects to the proposed uPVC window.

4.6 There have been no further comments.

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.

**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:
Core Strategy

5.6 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local 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 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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Planning Considerations

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

a) Design and Conservation
b) Impact on Adjoining Properties
c) Sustainability and Energy
d) Ecology

Design and Conservation

6.2 Development Management Local Plan DM Policy 31 ‘Alterations and extensions to existing buildings including residential extensions’ states that “alterations and extensions, including roof extensions will be required to be of high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.”
DM Policy 36 states that the Council will not grant planning permission where development would be incompatible with the special characteristics of the area, its buildings, spaces, settings, form and materials.

The subject application was reviewed by Council’s Conservation Officer who initially raised concerns regarding the extension of the lightwell to the front of the property and refurbishment of the front coal store and front pathway. These elements have been removed from the current application and Conservation Officers are satisfied with the amended scheme.

In terms of materials, reclaimed matching London stock brick, high quality artificial slate and aluminium framed doors will be used which are considered to complement the materials of the host property. The incorporation of a monopitched roof would also replicate the design of the original rear projection and those in the area. It is therefore considered that the overall use of materials and roofslope design would complement the form of the host building and would appear as a relatively harmonious addition to the area.

It is acknowledged that the use of aluminium framed windows are modern features however there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building. Given that these units are of a high quality it is considered that the use of aluminium frames would be acceptable from a design perspective.

In terms of massing, although the proposed extension would be wider and deeper than the original rear projections, an extension of this massing is not considered to be a visually obtrusive or dominant feature and as a similar height to the original rear projections is maintained, it is considered that the proposed extension would be clearly subservient and respect the proportions of the host dwelling.

It should also be noted that the Amenities Society Panel and Sydenham Society have raised no objections regarding the impact of the proposed rear extension on the character of the subject property or conservation area. Objections were raised to the alterations to the front however these elements no longer form part of the current planning application. The Sydenham Society have instead raised objections regarding the impact of the proposed rear extension on neighbouring residential amenity which will be discussed in further detail in the following section.

Notwithstanding this however the rear of the property and existing rear extensions along Mount Ash Road are not visible from the public realm and the impact on the conservation area would therefore be limited. In addition to this the proposed extension is clearly subservient to the host dwelling, would be of sympathetic roofslope design and would be constructed of matching brickwork. The proposed development is therefore not considered to have an unacceptable impact either in isolation or cumulatively on the appearance of the subject property or conservation area and is considered to be acceptable.

Impact on Adjoining Properties

DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens. The policy also states that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area.
The proposal would result in excess of 50% of the existing garden area being retained. Concerns have been raised that the proposal would have a negative impact on the amenity of neighbouring occupiers causing loss of light and outlook for neighbours.

The proposed extension would abut the side boundary of the neighbouring property at No. 22, adjoining an existing single storey rear projection measuring 1.2m deep with an eaves height of 2.4m and a maximum height of 2.8m. Due to the presence of this existing extension which is of a similar height, the proposed extension would be largely obscured from the ground floor level thereby mitigating any significant visual impact caused by the proximity of the proposed extension at the side boundary. The proposed extension would project a further 1.9m from the rear wall of this adjoining extension however considering that an eaves height of 2.3 metres is proposed, which is lower than the adjoining extension at No.22, it is not considered that the proposed extension would have an unacceptable impact on neighbouring amenity. It also is worth noting that neighbouring occupiers have not objected to the proposal.

Concerns have been raised regarding the impact of light spillage from the proposed roof lights upon the adjoining property. This impact is not considered be significant in a built-up location where existing windows of neighbouring properties are in close proximity.

The proposed extension would not increase overlooking to the adjoining property as no additional rear facing windows or side facing windows are proposed. It is therefore considered that the subject application will not impact the visual privacy of the adjoining properties.

Due to the presence of a side boundary wall approximately 3m high to the rear of the properties on 34 and 32 Panmure Road and separation distance of 35m rear garden of 26 Panmure Road, the proposed extension is not considered to cause any significant impact on residential amenity to any other adjoining properties.

The proposed development is for these reasons considered to be acceptable and is not considered to result in any significant harm to neighbouring residential amenity.

**Sustainability and Energy**

The proposal complies with the principle of extending an existing building and maximises the use of a site. For a development of this scale it is not considered appropriate or necessary to insist upon the inclusion of renewable energy facilities.

**Ecology**

Objections have been raised regarding the environmental impact of the proposal on local fauna and stag beetles. The site however does not lie within an area of ecological importance and does not meet any of the thresholds that would necessitate a survey assessment as detailed in the Local information requirement, Biodiversity Guidance 2013.

**7.0 Community Infrastructure Levy**

The above development is not CIL liable.

**8.0 Equalities Considerations**

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

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;

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

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

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

9.0 Conclusion

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

9.2 Officers consider that the proposed extension is of an acceptable design and would have an acceptable impact on neighbouring amenity. It is therefore recommend that the proposed development is recommended for approval.

RECOMMENDATION

GRANT PLANNING 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:


   **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.
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