

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 25 AUGUST 2016 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Abdeslam Amrani (Chair)
Andre Bourne (Vice-Chair)
Obajimi Adefiranye
Amanda De Ryk
Maja Hilton
Stella Jeffrey
Roy Kennedy
Pat Raven
Alan Till
James-J Walsh**

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

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 16 August 2016**

**For further information please contact:
Amanda Ghani Committee Co-ordinator
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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 25 August 2016

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

(1) Personal interests

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

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

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

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

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

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

(3) Other registerable interests

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

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

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

(7) Exempt categories

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

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 25 August 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 14 July 2016.

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Committee	PLANNING COMMITTEE A	
Report Title	43-47 RUSHEY GREEN, LONDON SE6 4AS	
Ward	RUSHEY GREEN	
Contributors	LUKE MANNIX	
Class	PART 1	25 AUGUST 2016

<u>Reg. Nos.</u>	DC/15/93490
<u>Application dated</u>	25.08.15 [as revised on 14.03.16]
<u>Applicant</u>	Alan Wipperman & Co. [on behalf of Ms Hanif]
<u>Proposal</u>	The change of use of Capital House, 43-47, Rushey Green, SE6, from D1 educational use to mixed use within class D1 for places of worship and educational uses
<u>Applicant's Plan Nos.</u>	Planning Statement; The Management Policy and Plan; JS/SP/266/2/02; JS/SP/266/2/03 (received 25th August 2015); Noise Impact Assessment (received 21st December 2015); Transport Statement; Travel Plan (received 14th March 2016); JS/SP/266/2/01 - B; JS/SP/266/2/07; Schedule of the Works to Improve the Building (received 22nd June 2016); Site Location Plan (received 27th August 2015).
<u>Background Papers</u>	(1) LE/857/43/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Catford Major District Centre Area of Archaeological Priority
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to Capital House, situated on the corner of Rosenthal Road and Rushey Green. The property includes a 10 storey property including basement parking and is split into commercial units on the lower floors and residential flats above. Currently, the businesses lawfully occupying the property include a hand car wash (sui generis) and gym (D2), both on the ground floor.
- 1.2 The site is located in the Catford town centre, which is characterised by mixed use development formed of predominately A1 retail shopping and commercial units. The surrounding street networks, including Rosenthal Road, are primarily residential in nature being terraced dwellings. The site is not located in a Conservation Area and is not within the vicinity of a Listed Building.
- 1.3 The site currently has pedestrian access from both Rushey Green and Rosenthal Road. Vehicle access is provided from Rosenthal Road with 52 car parking

spaces provided in the basement, together with further parking on the ground floor to the rear. Rushey Green is a classified 'A' road and a red route and as such on street parking is available. Rosenthal Road is unclassified but is also a red route near its intersection with Rushey Green together with restricted hours parking along the street.

- 1.4 The site is located approximately 900m from Catford and Catford Bridge Stations and is served by a number of bus routes along Rushey Green. The site has a PTAL rating of 5-6a, based on a scale of 0-6b with 6b being the highest.

2.0 Planning History

- 2.1 2nd July 2001 – Planning permission was granted for the change of use of the petrol filling station, 43-49 Rushey Green SE6 to a hand car wash service
- 2.2 13th April 2010 – Planning permission was granted for change of use of the ground, first and second floors of Rosenthal House, 43-47 Rushey Green SE6 from Offices (Use Class B1) to an Education Institution (Use Class D1).
- 2.3 A condition was added to the planning permission preventing the change of use to any other use within Use Class D1, which would normally be allowed through the Town and Country Planning Act (Use Classes) Order 1987.
- 2.4 20th November 2015 – Planning permission was granted for the proposed subdivision of the existing shop at 43-47 Rushey Green and change of use of one unit to a gymnasium (Use Class D2), together with the provision of vehicle and cycle parking to the rear.
- 2.5 In 2014, an enforcement investigation was opened against the unlawful change of use at the ground, first and second floors of Capital House to places of worship.
- 2.6 It is noted that in 2012 a planning application was submitted for the change of use of part of the first and second floor at Rosenthal House 43-47 Rushey Green SE6 from a non residential institution (Use Class D1(c) to a Place Of Worship (Use Class D1)(h)). The application was never determined and thus planning permission was not granted. It was subsequently deemed withdrawn following the submission of the current application.

3.0 Current Planning Applications

The Proposals

- 3.1 Retrospective planning permission is sought for the change of use of Capital House, 43-47, Rushey Green, from D1 educational use to mixed use within class D1 for places of worship and educational uses.
- 3.2 When originally submitted, 11 churches occupied the site over the first and second floor. A number of the churches offered space for prayer and congregation, as well as ancillary classrooms for educational purposes. The occupiers, together with floorspace, are summarised as follows:-
- Mountain of Fire and Miracle Mysteries (389 sqm);
 - Fountain of Hope C&S Branch (213 sqm);

- Members of Church God International UK Branch (543 sqm);
- Celestial Church of Christ – Salvation of Jesus Christ Parish (160 sqm);
- Watchman Catholic Charismatic Renewal Movement (207 sqm);
- Pentecost Baptist Church London (95 sqm);
- Glory of God New Jerusalem Church (198 sqm);
- Jehovah Mercy Temple C&S Branch (154 sqm);
- Jehovah Adonai Kingdom Worldwide (122 sqm);
- Redeemed Christian Church of God (506 sqm); and,
- Holy Pentecostal Church of Christ Oke Anu (140 sqm).

3.3 In addition to the above, two educational use tenants are located on the second floor, being Parch Hill – Alistair Educational (122 sqm) and Free2Learn Adult Education (100 sqm).

3.4 It should be noted that on 23rd January 2016, the Council was notified that the Celestial Church of Christ had vacated their tenancy and the unit was subsequently occupied by the Somali Parents Initiative. The unit is being used for additional education and tutoring of children.

3.5 Overall, the current uses are considered to fall under D1 Use Class, being a mix of places of worship and educational uses. It is understood that the churches began occupying the site from 2011.

3.6 The units vary in size and as such the number of worshippers and pupils occupying the units vary. In addition, the hours of worship operate at various times, with some being used as late as 1am during special circumstances. However it is noted that the highest level of use is on Sundays.

3.7 Included as part of the development was works to improve soundproofing, such as acoustic boards to the window openings used in areas of worship, particularly where musical instruments were used. In addition, air conditioning units were installed to provide appropriate internal ventilation and cooling, obviating the need to open windows.

Supporting Documents

a) Planning Statement

3.8 A planning statement was prepared by Alan Wipperman & Co. dated 24th August 2015 in support of the retrospective planning application. The statement gives a brief history and context of the site and the uses, as well as the relevant planning policies and an assessment of the application against these and other material considerations.

b) Noise Impact Assessment

3.9 A noise impact assessment was prepared by KP Acoustics dated 10th December 2015. This included a noise survey of the site and an assessment of the noise generated by the use against relevant criteria to inform any further soundproofing and operational management if necessary.

c) Transport Statement

3.10 A transport statement was prepared by Cannon Consulting Engineers dated February 2016. The statement gives a indication of the current situation, including a parking and transport survey, in addition to an assessment of the impact of the development against relevant policies and material considerations.

d) Travel Plan

3.11 A travel plan was prepared by Cannon Consulting Engineers dated February 2016 and is to be read in conjunction with the transport statement. The document gave the sustainable transport aims as well as measures on how the development would meet these targets. In addition, monitoring measures were proposed.

e) Management Plan

3.12 A management policy and plan was prepared by Alan Wipperman & Co. The document outlines the measures implemented by the building management to deal with noise and disturbances, traffic impacts. These measures are to be read in conjunction with the measures of the travel plan.

f) Other

3.13 Other supporting documents submitted include 1:20 sections of the soundproofing works completed, proposed plans of improvements to the rear car park and schedule of improvements to the external appearance of the building.

4.0 Notification/Consultation

4.1 This section outlines the notification and consultation procedures carried out by the Council following the submission of the application and summarises the responses received. 178 letters were posted to nearby residents and businesses, which exceeds the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement (SCI).

4.2 Ward Councillors and relevant Council departments were also notified.

4.3 Following the submission of updated information in relation to noise impact and transport assessment, a further round of notification was undertaken on 24th March 2016.

Written Responses received from Local Residents and Organisations

4.4 In total 130 responses were received. Of these, 19 objections were received from residents including 17 from Rosenthal Road, 1 from Farley Road and 1 from Rosenthal House.

4.5 The following concerns were raised:-

- The number of churches is too great for a building that was not designed for this purpose;
- Severe impacts through noise and disturbances on the residential amenity, especially with late night worship, amplified music equipment and the use of the flat roof for outdoor amenity;
- Issues of parking outside of controlled parking hours (primarily Sunday). Parking management is poor and often results in people parking across private drives and on footpaths. There are also problems with deliveries to the churches;
- The poor state of the building and poor litter and refuse management leads to negative impacts to the character and amenity of the area; and,
- Complaints regarding the actions taken by management to mitigate the issues raised as being insufficient.

4.6 Following re-notification in March, a further 3 letters were received from residents who had previously made representations in the original notification. The matters raised relate to those already outlined above, in particular noise, traffic, poor management as well as anti-social behaviour. However, the responses placed greater emphasis to the fact that the impacts are on-going during the course of the application. This fact was also raised in a number of phone calls and emails also made to planning officers during the course of the application.

4.7 Objections also raised concerns with the consultation process by the Council. As outlined in the Council's SCI, adjoining properties are to be notified and a site notice displayed. This is greater than the statutory requirement which requires either letters or site notice as opposed to both.

4.8 Letters were sent out to residents in a 50m radius, which is greater than that outlined in the SCI. In addition, officers took note of the site notice posted to the front of Rushey Green whilst on site visit in November 2015. Furthermore, two rounds of notification of local residents took place to ensure residents were informed of new and additional materials submitted in support of the application.

4.9 Therefore, it is considered that sufficient public notification has been undertaken by officers pursuant to the Council's SCI and the statutory requirements.

4.10 It is also recognised that the previous application was never determined and an enforcement case is currently open against the development. Whilst these matters are noted, it is not considered that these would prevent the determination of this application.

4.11 On the other hand, 111 responses were received in support of the application. Of the responses, 17 were from residents within SE6, 10 from SE15 and 6 from SE13. In addition, a petition signed by the churches occupying the building has been received. The following points were raised in these responses:-

- The building provides a space for worship in a convenient location;
- The churches offer help to youth, elderly, homeless etc. and improve the wellbeing of the community;

- The site provides much needed teaching and training benefits to both children and adults;
- Various charity events are held by the churches to raise money which is subsequently re-invested into the community; and,
- Appropriate management processes have been put in place to deal with issues arising with neighbours, however there have been several incidents of anti-social behaviour directed at the church as well.

4.12 The matters raised in resident responses are dealt with below. Letters are available for members to view.

Highways and Transportation

4.13 The site is noted as having excellent public transport accessibility, being well connected to bus and train services which are within easy walking distances from the site.

4.14 As Capital House has been used as a place of worship for a number of years the Transport Statement and Travel Plan submitted with the application have been able to provide a travel survey and car parking surveys that provide an understanding of the current travel characteristics and parking demand for the use of Capital House as a place of worship.

4.15 If planning permission is granted, the following conditions should be secured:-

- details of cycle parking.
- implementation of the Travel Plan to influence travel behaviour, to promote alternative modes of travel and encourage the use of alternative local parking provision. The Travel Plan should include:
 - incentives to use the public car park in Holbeach Road to mitigate the impact of overspill parking on-street;
 - the creation of a lift share scheme; and,
 - the installation of a real-time travel information board in the foyer of Capital House.

Environmental Health

4.16 Comments were received in respect of the noise implications outlined in the management plan and planning statement. These documents generally cover all potentialities and the management controls, particularly for the associated noise from people arriving and leaving the premises.

4.17 However it would be considered helpful for some general commitment to providing some detail on measures incorporated within each of the churches. It was considered that an acoustic consultant should be appointed to provide advice on sound insulation for the churches, with specifications on measures necessary.

4.18 Following this, a Noise Impact Assessment was undertaken and submitted in support of the application. It was considered that this report was acceptable.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2016)

- 5.6 On 14 March 2016 the London Plan with updates to incorporate the Housing Standards and Parking Standards Minor Alterations was adopted. The policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all
Policy 3.16 Protection and enhancement of social infrastructure
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the 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 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan

- 5.8 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:

- 5.9 The following policies are considered to be relevant to this application:

DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

6.0 Planning Considerations

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

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

Principle of Development

6.2 As a starting point, it is noted that the lawful use of the premises for educational use and the proposed use as a place of worship fall within the same D1 use class of the Town and Country Planning (Use Classes) Order 1987.

6.3 Normally, it would not be considered development requiring planning permission to change from educational use to places of worship. The previous planning permission to change the use from B1 employment use to educational uses placed a restriction on the D1 designation to prevent any other D1 use except for educational uses. This is to ensure that the local planning authority can consider the impact of any other D1 use on surrounding amenity and infrastructure.

6.4 Chapter 8 of the NPPF aims to promote healthy communities in line with the social role of sustainable development. Paragraph 70 states that, to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of community facilities (such as places of worship) and other local services to enhance the sustainability of communities and residential environments. Planning decision should also guard against the unnecessary loss of valued facilities and services.

6.5 In line with the NPPF, the London Plan and the Council's Local Development Framework has developed policies to provide and protect infrastructure for the benefit of the community.

6.6 London Plan Policy 3.1 states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted.

6.7 In addition, part B of London Plan Policy 3.16 states that:

Development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

- 6.8 In line with the above policy, the Council's Core Strategy identifies the need to provide community uses within the Borough. Policy 19 states that the Council will apply the London Plan policies in ensuring there is no net loss of facilities, as well as ensuring the needs of future and existing residents are sufficiently provided for.
- 6.9 The proposed scheme involves a mixed D1 use of the premises incorporating places of worship (proposed) and educational facilities (existing).
- 6.10 The supporting planning statement outlines that the previous use included 5 colleges which offered courses to international students. However, it is understood that, due to restrictive changes to the rights of entry into the UK for overseas students, the colleges failed financially and subsequently vacated the premises. Taking this into account, the previous educational use is now redundant.
- 6.11 The premises was then occupied by various religious groups as a place of worship. It is noted that the first church moved to the premises in 2011. It is stated by the applicant that the units were let for the use with the understanding it was permitted within the D1 Use Class, however the previous planning permission from 2010 tied the use to educational uses only through a planning condition.
- 6.12 Places of worship are included as social infrastructure under Paragraph 3.86 of the London Plan. In addition, Paragraph 7.198 of the Core Strategy outlines places of worship as community facilities within the Infrastructure Development Plan. Therefore the occupation of the site by places of worship is considered to be the re-provision of social infrastructure compliant with the London Plan. It is also noted that the units not occupied as a place of worship are in educational use, which is in line with the granted use from 2010.
- 6.13 Overall, it is considered that the use of the site as a mixed place of worship and educational use adequately re-provides social infrastructure against the redundant international student college. Therefore it is considered to be compliant with the London Plan and Core Strategy on the protection and provision of social infrastructure.
- 6.14 DM Policy 44 specifically relates to places of worship and aims to support the growing demand for faith premises in the borough and to ensure that any new provision is appropriately located and managed to benefit users and protect local neighbourhoods.
- 6.15 Part 1 of the policy states that the Council's preferred locations for the development of public places of worship are the network of major and district town centres. This is also reflected in Core Strategy Policy 19.
- 6.16 The site is located within the Catford town centre, designated as a Major Town Centre in the Core Strategy, and has very good to excellent accessibility to public transport. With this in mind, the site is appropriately located near public transport routes and other commercial premises.
- 6.17 Therefore it is considered that the location of the building for use as a place of worship are supported under the Council's policies.
- 6.18 In summary, the development appropriately provides social infrastructure to benefit the community. Furthermore, the site's location within a town centre with

high accessibility is considered to be suitable for the places of worship. Therefore the principle of the development is considered acceptable.

6.19 Nonetheless, it is noted DM Policy 44 goes on to state that all applications for places of worship will be required to:-

- demonstrate that there will be no detrimental effect on local amenity through noise, hours of operation or any other environmental impacts;
- provide a travel plan to show that transport issues can be mitigated; and,
- be delivered to the highest design standards.

6.20 Therefore, notwithstanding the appropriate location and beneficial provision of community facilities, the proposal should ensure it meets the above criteria. This is discussed further below.

Design

6.21 In addition to the requirements of DM Policy 44, DM Policy 30 and 31 requires development, including alterations to existing buildings, to be of the highest design standard to ensure they positively add to the existing townscape.

6.22 The subject building itself, being a post war residential tower with ground floor commercial, is not considered to be of significant architectural merit. Therefore it does not positively add to the character of the area.

6.23 Nonetheless, officers note that the current state of the site has deteriorated to the detriment of the building appearance and the streetscene in general. In addition, internal alterations include the addition of acoustic soundproofing within the building, which has a visible impact on the external appearance.

6.24 Officers have held discussions with the applicant in order to secure improvements to the appearance of the property as part of the application. As a result of these discussions, a schedule of improvement works have been provided, which includes the following:-

- The repair of broken or missing windows;
- The fixing of Acrylic sheets to windows which have been blocked by soundproofing;
- The reconstruction of brick walls and installation of gates to the ground floor car park; and,
- Installation of signage and line markings to the car and motorcycle parking spaces.

6.25 It is considered that the above works are suitable to improve the general appearance of the building and enhance, albeit slightly, the character of the area. The blocking up of the windows is not a positive addition as it fails to provide visual links into and from the building. However, taking into account the need for acoustic protection, officers consider that the principle of blocking the necessary windows to be acceptable.

- 6.26 In order to ensure the fixings to the boarded windows are appropriate, officers consider it necessary to request details prior to their installation. This should be secured through a condition. Furthermore, a condition should secure the provision of the alterations to the car park as shown on the proposed plans.
- 6.27 In summary, officers consider that through the improvements proposed and the securing of these through condition, the development would have an acceptable impact in terms of design.

Highways and Traffic Issues

a) Access

- 6.28 Supporting accessible and inclusive development is a key objective of the Council's Core Strategy and is key to providing accessible community facilities.
- 6.29 Pedestrian access for the churches is primarily provided from Rushey Green, which is the same as the residential units above. However it is also noted that for some of the churches the only pedestrian entrance is from Rosenthal Road (Members Church of God International and Fountain of Hope).
- 6.30 Vehicular access is provided from Rosenthal Road with a crossover allowing vehicle entrance to the basement level parking area and another to the ground floor parking area to the rear. Stairs are located in the basement which lead to Rushey Green, however no internal access into Capital House is provided from basement level and therefore worshippers would have to come onto the highway before entering the building.
- 6.31 A lift is located in the core of the building from Rushey Green. No lift is located from Rosenthal Road nor from the basement parking.
- 6.32 In terms of highway safety, officers note that the exiting vehicle access points are well established from the previous use. It is considered that the use of the access points by vehicles associated with the churches does not adversely impact on the use of the highway network.
- 6.33 It is acknowledged that, taking into account the proximity to the basement and ground floor parking, a large number of people would enter the building from the Rosenthal Road access. This is not ideal from a highway safety aspect, given the relatively narrow footpath compared to Rushey Green, nor from a noise aspect as people enter and exit the site, particularly late at night.
- 6.34 It was noted by officers whilst on site visit that a sign was put in place to prevent the use of the Rosenthal Road access point after 10pm. Officers consider that conditioning the use of the building, as well as restricting the use of the Rosenthal Road entrance to emergency access only, would mitigate any adverse impacts on residential amenity. Furthermore, officers consider that the restriction of pedestrian access from Rosenthal Road would reduce any congregation of people on the narrow footpath, thereby preventing adverse impacts on pedestrian and vehicle safety.
- 6.35 Therefore, officers consider that through the addition of an appropriate condition that the access into the site would be acceptable.

- 6.36 Disabled parking is located in the basement level. Taking into account there is no lift access from the basement, it is considered that less mobile people would be forced to exit via the ramp and around through the Rushey Green entrance to utilise the only lift. Given the gradient of the ramp and the nature of the footpath along Rosenthal Road, this does not provide ideal access opportunities for disabled and elderly people who worship at the site.
- 6.37 Officers consider that the ground floor car park to the rear would provide a much better means of access for disabled visitors as it would be relatively level from the space to the entrance at Rushey Green. Therefore, notwithstanding the plans submitted, it is considered that a condition should be added for the provision of disabled parking spaces at the ground floor level. This should be in line with the car parking standards outlined below.
- 6.38 Overall, officers consider that the access into the site is appropriate in terms of highway safety and inclusive design.

b) Car Parking

- 6.39 The NPPF seeks to promote sustainable transport, stating that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 6.40 The London Plan also seeks to balance the need for new development with preventing excessive car parking provision that undermines cycling, walking and public transport use. Consequently, the maximum standards set out in Table 6.2 should be the basis for considering planning applications.
- 6.41 The Council's Core Strategy 14 and DM Policy 29 also seeks a managed and restrained approach to car parking provision to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The standards of Table 6.2 are also utilised.
- 6.42 Travel plans area considered to be important tools in improving the use of sustainable transport modes and reducing private vehicle use. This is referenced in paragraph 36 of the NPPF, as well as the transport policies of the London Plan and Core Strategy.
- 6.43 There are no parking standards for D1 uses. However, it is noted that Paragraph 6A.1 states that *"if there is no standard provided, the level of parking should be determined by the transport assessment undertaken for the proposal, which should be in line with but not limited to the criteria set out in paragraph 39 of the NPPF, the impact on traffic congestion, and the availability of on and off street parking."*
- 6.44 It should also be noted that Table 6.2 of the London Plan recommends 6% of total parking spaces be reserved from disabled parking. Parking spaces designated for use by disabled people should be 2.4m wide by 4.8m long with a zone 1.2m wide provided between designated spaces and at the rear outside the traffic zone, to enable a disabled driver or passenger to get in or out of a vehicle and access the boot safely.

- 6.45 The site contains 52 formal parking spaces within the basement level. Additional parking is available to the rear on the ground floor. Officers note that the number shown in the drawings is 33 spaces, whilst the assessment outlines 29 spaces. Given these are informal spaces with no markings, officers consider it reasonable to utilise the lesser number as given in the assessment. Therefore the total of on site parking provided is considered to be 81 spaces. Of these spaces, 4 are designated as disabled parking within the basement.
- 6.46 The site fronts Rushey Green, which is a red route with no parking permitted. In addition, parking along Rosenthal Road is also restricted with a Controlled Parking Zone, restricting parking to resident permit holders or pay and display holders Monday to Friday, 09:00-19:00. Taking this into account, parking is unrestricted on weekdays and in evenings.
- 6.47 A Transport Statement and Travel Plan has been submitted in support of the application. The assessment included the typical numbers of staff/worshippers and pupils within the occupiers throughout the week. Whilst these numbers may vary depending on personal circumstances of worshippers, officers consider it reasonable to use these in the assessment. The numbers are given in detail within Tables 1.1, 1.3, 1.4 and 1.5 of the assessment, which officers have summarised in Table 1 below.

Table [1]: Church and Education Attendance

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Places of Worship	44	77	78	51	118	80	311
Education	43	0	27	70	0	110	33
Total	87	77	105	121	118	190	344

- 6.48 A travel survey of worshippers and pupils has been included within the assessment, which are summarised in Tables 4.5, 4.6 and 4.7 of the assessment.
- 6.49 The travel survey highlighted that 31% of transport modes were completed by car, this includes both single driver (11%) and car with passengers (20%). Therefore, taking the highest attendance on Sundays as the worst case scenario, the development results in 107 vehicles travelling to site which require parking spaces. Taking into account the 81 on site parking spaces available, the proposed development is considered to have a need of 26 on street parking spaces during Sunday. It is noted that this roughly correlates with the number of respondents who indicate that they park on the street and as such, officers consider this to be accurate.
- 6.50 The parking survey was completed on Thursday 28th January 2016 (16:00-21:30) and Sunday 31st January 2016 (09:00-17:00) in line with the Lambeth Methodology, which is the accepted method for assessing parking availability.
- 6.51 Taking into account Rushey Green is a red route, the only available parking spaces were along Rosenthal Road. The survey found 61 parking spaces and,

whilst they were subject to a CPZ and pay and display area, they would be available to overspill parking in the evenings and on Sundays.

- 6.52 The findings of the survey on Thursday found that the amount of parking used at its peak was 39 spaces, or 48% capacity. On Rosenthal Road, at its peak the number of spaces used was 46, or 75%. Overall, it is considered that the development at this time does not significantly impact on parking demand in the area.
- 6.53 The parking survey highlighted that on a Sunday, parking demand at Capital House and on Rosenthal Road exceeded 100% between 10:30-14:00 and peak parking demand at Capital House and Rosenthal Road resulted in 114% and 115% parking stress respectively.
- 6.54 Therefore, at peak demand on a Sunday, there is parking overspill onto Rosenthal Road associated with Capital House, which results in parking stress on Rosenthal Road.
- 6.55 The proposal includes a draft Travel Plan which aims at reducing the number of people accessing the site via private vehicles. The plan highlights the excellent public transport links in the area, with Catford and Catford Bridge stations located 900m walk from the site and a number of bus routes operating along Rushey Green.
- 6.56 With that in mind, the plan outlines the measures in which the development would attempt to reduce the need for private vehicle travel and therefore reduce the impact on parking stress caused by the development. Table 7.1 outlines that the target is a reduction from 31% to 27.9% over a period of 5 years. This equates to a reduction of 11 parking spaces required.
- 6.57 Section 5 of the plan outlines the measures which will be implemented to meet the targets listed in Table 7.1. These are summarised as follows:-

Measures to Encourage Walking

- A plan of safe pedestrian routes will be made available to all occupants;
- A plan would also be on display within the building; and,
- Health benefits of walking will be promoted.

Measures to Encourage Cycling

- Secure cycle parking spaces provided in the basement;
- A plan of cycle routes in the area would be provided to occupants and made available within the building; and,
- Health benefits of cycling will be promoted.

Measures to Encourage Public Transport

- Plans of public transport routes and timetables will be made available to occupants and within the building.

- 6.58 In addition to the measures to improve sustainable modes of transport, car sharing would be promoted over single driver vehicle use. Furthermore, given that car travel need is a necessity for the development, any parking overspill would be directed to the nearby public parking facilities which is located in the Catford town centre which is free on Sundays. Parking marshalls are utilised to maximise this knowledge amongst attendants and information on free off street parking nearby would also be made available.
- 6.59 A Travel Plan Co-ordinator would be appointed to manage and implement the Travel Plan. Monitoring through surveys would be completed on the first, third and fifth anniversary of the travel plan to ensure targets are being met and if not, what further measures would be required.
- 6.60 The plan highlights that 75% of the people who attend the churches and education services live within 10 miles of the site. A further 25% of total attendants live within 2 miles. Therefore, the plan concludes that the reduction targets are achievable.
- 6.61 Officers consider that, given the number of attendants within commutable distance and the accessibility of public transport modes, the reduction in car use is considered realistic. Furthermore, taking into account the measures and strategies to reach these targets, it is considered that the reduction is attainable. Therefore the attached travel plan is considered appropriate to reach the aim of vehicle reduction.
- 6.62 It is acknowledged within the assessment that the development does result in parking stress within the site and on Rosenthal Road. Whilst officers do consider that the amount of parking generated is resulting in adverse impacts upon the highway, this is without the measures of the transport plan, which includes directing parking away from Rosenthal Road.
- 6.63 The assessment notes that there are nearby places of worship which may also impact on parking, most notably the Elim Pentecostal Church at 75a Rushey Green. Officers acknowledged that, given the sites location within the Catford town centre, there are other nearby uses which add to the parking stress and therefore this use may not be the only development resulting in large amounts of car trips.
- 6.64 Notwithstanding this, officers consider that through tying the development to the measures of the travel plan and management plan, the development can adequately control the impact on the highway caused by parking generation. Furthermore, taking on board the benefits of the use to the community and the suitable location detailed under the principle of development, officers consider the support of such uses in this location, with adequate control of adverse highway impacts, would be appropriate.
- 6.65 With respect to disable parking, the London Plan standards require 6% of parking capacity allocated to disabled parking, which equates to 5 of the 81 spaces within the site. Whilst the plans show four spaces provided, it is considered that a condition would secure the disabled parking for the development.
- 6.66 Therefore, whilst the development is acknowledged to result in adverse impacts, through appropriate management and reduction practices, this impact would be reduced to a satisfactory level. As such, the development is considered acceptable on balance.

c) Cycle Parking

- 6.67 In order to promote sustainable modes of transport in line with the NPPF, Policy 6.4 of the London Plan requires new development to provide cycle parking. This is also outlined within Core Strategy Policy 14.
- 6.68 Cycle parking provision should be in line with the minimum standards of Table 6.3 of the London Plan. For D1 use classes which aren't specifically listed, 1 space should be provided per 8 staff for long stay parking, together with 1 space per 100 sqm for short stay.
- 6.69 Table 1.5 states the staff number of the proposed development. In total, the number of full-time and part-time staff employed on both paid and volunteer basis is 131. Furthermore, the internal floorspace is 2,949 sqm. Taking this into account, 17 long stay spaces and 30 short stay spaces should be provided.
- 6.70 In addition to the above, it is noted within the appendix of the Transport Assessment that within the questionnaire 11 people would consider cycling to the church. Taking into account the number of children who utilise the site, it is considered that the potential for cycle users can be increased through provision of suitable parking facilities in line with the London Plan.
- 6.71 Therefore the provision of cycle parking is considered to be critical to the success of the Travel Plan in improving sustainable modes of transport.
- 6.72 The proposed plans show no location for future cycle parking within the development, yet it is noted that the transport assessment outlines 10 cycle parking spaces in the basement. This is still not considered to be compliant with the London Plan standards however.
- 6.73 Whilst details have not been presented for assessment, officers consider that through the addition of details submitted through condition, this would make the development acceptable in this regard.
- 6.74 Therefore officers consider that the development would be acceptable with regard to cycle parking.

d) Servicing and Refuse

- 6.75 The site includes refuse storage in the basement level. This is formed of euro bins. Whilst this is not included in the transport assessment or management plan, it is understood that the bins are taken to the street by management on collection days and returned once emptied. In terms of refuse capacity, it is considered that the storage, together with the location of the bins, is appropriate for the development.
- 6.76 Officers acknowledge the objections provided in reference to refuse and litter left on the highway, however there is nothing to suggest litter has been as a result of the proposed use of the churches. Furthermore, through the appropriate management of the building, officers consider that any impact as a result of refuse from the development would be adequately dealt with.
- 6.77 Therefore officers consider that the development does not result in adverse impacts on the highway in terms of refuse.

- 6.78 It is noted that objections have been received in relation to vehicles utilising the site for deliveries. Officers consider that the use of the site for churches and educational purposes would result in a small number of deliveries, normally small vans providing musical equipment, chairs or similar items. This is considered to be less onerous than other commercial activities in the area or other D1 uses such as schools.
- 6.79 In addition to the above, it is considered that any deliveries can be made either from the basement or from the car park to the rear. Given the nature of the use is concentrated on evenings and on Sundays, it is considered that deliveries, which are normally taken during working hours would not impact the highway or the neighbouring amenities in this manner. A condition should be added to secure this.
- 6.80 Therefore officers consider that the development would not adversely harm the surrounding highway in terms of deliveries.

e) Highway Summary

- 6.81 The development is accessed by pedestrians from Rushey Green and Rosenthal Road. Vehicles enter the car parking areas from Rosenthal Road. Whilst there are concerns over the ease of accessibility into the site for wheelchair users, this is not considered to result in unacceptable development.
- 6.82 The parking area accommodates 81 car parking spaces. The development at the moment results car trip generations which results in overspill that has a harmful impact on Rosenthal Road in particular.
- 6.83 Whilst this is noted, a Travel Plan has been submitted which outlines measures to increase sustainable modes of transport. Considering the highly accessible location, together with appropriate cycle storage, officers consider that the measures can be actively promoted to ensure the need for car travel can be reduced. Furthermore, through the active promotion of car parking in nearby designated car parks as outlined in the Travel Plan, it is considered that the parking generated by the development would have an acceptable level of impact on Rosenthal Road.
- 6.84 The development is not considered to adversely impact the highway in terms of refuse and deliveries.
- 6.85 Overall, the proposed development, with strict adherence to the Travel Plan and appropriate conditions, would have an acceptable impact on the highway network on balance.

Noise and Impact on Adjoining Properties

- 6.86 The proposed development does not result in any increase in building scale or introduce any new openings that overlook residential properties. Therefore the development would not impact on neighbouring properties in terms of privacy, sunlight/daylight or visual obtrusion.
- 6.87 Taking this into account, the only impact on the amenity of adjoining properties is through noise and disturbances from the use of the churches.

- 6.88 As noted in Part 3 of DM Policy 44, places of worship should demonstrate that there will be no detrimental impact on local amenity through noise, hours of operation or any other environmental impacts.
- 6.89 The proposal is located within the Catford town centre and therefore the development along Rushey Green is dominated by commercial uses. However, the site adjoins residential properties along Rosenthal Road and Farley Road, as well as residential properties within Rosenthal House above.
- 6.90 To the rear, the nearest neighbour is 9 Rosenthal Road, which, whilst separated from the building by 9.6m, adjoins the car park utilised on weekends. The remaining adjoining dwellings are opposite the site on the other side of Rosenthal Road. The properties along Farley Road back onto the site with the rear elevation of the dwellings separated from the building by 17m.
- 6.91 Principle objections from local residents adjoining the property have been with respect to noise and disturbances from the use of the building, including late hours of operation with use of amplified musical instruments.
- 6.92 The primary opening hours of the occupiers are weekday evenings, with most occupying until 22:00, and day time hours on Sundays. It should also be noted that three of the premises that do operate beyond 22:00 do so on alternative Fridays of the month. Therefore, based on the supporting statements, only one premises operates beyond 22:00 per Friday.
- 6.93 1:20 sections highlighting the sound insulation has also been submitted showing details of the level of insulation around sensitive openings. It shows that there is a series of 12.5mm plaster board and 100mm insulation board to form a sound barrier 237.5mm in total thickness.
- 6.94 A Noise Impact Assessment has been submitted with the application, which includes a survey of the noise levels produced as part of the development. Continuous monitoring was undertaken for the duration of the survey between 14:00 on 27th November and 12:00 on 30th November 2015. These measurements were taken at the boundary of the site to the rear as well as at the source adjacent to windows.
- 6.95 The survey identified that the highest noise levels were recorded between 19:00 to 24:00 on Fridays and 09:00 until 12:00 on Sundays. On average, this was measured as 55 dB from the source and 54 dB at the boundary on Friday and 60 dB at the source and 57 dB from the boundary on Sunday. The full results of the survey are shown in the figures of the report.
- 6.96 The report adopts a criteria of 10dB below the average background noise level as the threshold for unacceptable impact. This is considered acceptable. As the level of noise during Sunday was the worst case scenario, it was used in the assessing the impact. Therefore an average noise level of 47 dB was considered to be the appropriate noise level for the assessment.
- 6.97 A comparison is provided in Table 6.1 and 6.2 of the report and assesses the noise levels against the applied criteria. It should be noted that the noise level at the receiver has distance attenuation added, which is considered appropriate. The report stated that, should the development result in noise levels 10 dB below the background noise, then further sound insulation would be required.

- 6.98 The tables show that the internal noise level generated would be greater than the background noise level over certain frequency bands. However, it is noted that once the noise leaves the building, and taking into account the distance attenuation, the level at the nearest noise sensitive receiver is below the 10 dB reduction criteria.
- 6.99 Therefore, taking the findings into account, the report concludes that further soundproofing works to the building are not recommended.
- 6.100 Officers have assessed the noise survey and consider that in general the findings are appropriate. Furthermore, considering the existing soundproofing undertaken which is highlighted in the details provided, it is considered that noise levels from the building are appropriate within the context of the urban surroundings.
- 6.101 Notwithstanding this, it is acknowledged that noise breakout is possible from poor management, amplified musical equipment and late hours would have a significant impact on residential amenity if left unchecked.
- 6.102 With respect to management, it is noted that the management plan submitted with the application outlines the measures to deal with noise and disturbances. This includes the appointment of building managers and specific numbers on which these managers can be contacted.
- 6.103 The management plan highlights that residents would contact the building managers to raise any noise/disturbances or traffic issues in relation to the use. These issues would be logged in a register and passed to the relevant occupier for action. The register would also be available to view by the local authority. The plan highlights that should problems continue to arise, written notice would be given to the occupier. Failing that, the occupier may have their tenancy terminated. Officers understand that this has happened in the past, with a previous occupier evicted for continuing noise and disturbances.
- 6.104 Management would also include notification of the measures, which includes notices in English and other relevant languages as well as terms being made clear to occupiers through regular verbal discussions.
- 6.105 Officers have assessed the management strategies and generally consider the measures to be appropriate to attenuate noise and disturbances to an acceptable level. Furthermore, the enforcement of relevant opening hours would ensure development is controlled to within these hours. The applicant has offered conditionable opening hours as part of the application. These are as follows:-
- Monday to Friday 08:00-22:00;
 - Saturday 07:30-20:00; and,
 - Sunday 08:30-18:00.
- 6.106 In terms of noise from the car park, officers note that the rear parking area would be closed from 21:00 to reduce any noise impacts after this period. It is acknowledged that there would be noise levels generated from the car park in the mornings, particularly on Sunday mornings, however officers consider this to be an acceptable impact. Furthermore, this noise level can be adequately managed through the management plan.

- 6.107 Finally, officers consider that restrictions on amplified music and audible singing or chanting would be appropriate in ensuring the development does not have significant adverse impacts in this respect. Furthermore, through conditioning the use of the flat roof, it is considered that this would ensure it is not used for gathering or amenity space for worshippers.
- 6.108 In summary, officers acknowledge that the development has been acting without planning permission and subsequently has resulted in adverse impacts on the residential amenity, which is highlighted in the objections. However, this should be weighed against the beneficial community benefits of the churches and educational uses, together with the appropriate location within the Catford town centre. As such, officers consider that these matters outweigh the adverse impacts, which it is considered can be managed appropriately through enforceable conditions.
- 6.109 Therefore, officers consider that the impact on residential amenity is acceptable.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

8.7 The matters of the application are such that the building is used by various religious organisations. Furthermore, there is an enforcement case open against the use. Therefore there is potential for an impact on equality.

8.8 The occupants and letters of support have outlined the various community duties the churches undertake in the course of their operations. Furthermore, given the location of the site within the Catford town centre, the location is considered to be beneficial in providing community services and places of worship. Bearing in mind that the adverse impacts can be appropriately managed, officers consider the proposal would have a beneficial impact on equality.

9.0 Conclusion

9.1 The site is located within the Catford town centre and subsequently the location is preferential for places of worship. Furthermore, given the community benefits of the site, it is considered that the use of the building for places of worship and educational uses is supportable.

9.2 However, the site is noted as having detrimental impacts in terms of design, highways and neighbouring amenity such as noise and disturbances.

9.3 In terms of design, the applicant has submitted schedules for the improvement to the visual appearance of the building. Taking into account the architectural nature of the building is limited and other uses such as the car wash, it is considered that the development's impact on the character of the building is acceptable.

9.4 The development does result in overspill which causes parking stress along Rosenthal Road, particularly on Sundays when the restrictions of the CPZ does not apply. However, the applicant has submitted a Travel Plan which officers

consider provides an appropriate response to reducing private vehicle travel and support sustainable transport modes, considering the excellent access to public transport. In addition, through appropriate management, users of the site will be guided towards public car parks to reduce the stress on Rosenthal Road.

- 9.5 Therefore officers consider the impact on the highway as a result of parking would be acceptable if appropriately managed through conditions.
- 9.6 In terms of access, including disabled access, refuse and servicing, the development is considered to be appropriate.
- 9.7 The development currently utilises soundproofing measures to reduce the level of noise leaving the site. A noise survey has been undertaken which shows that the noise level reaching the nearest noise sensitive user as a result of the development is acceptable.
- 9.8 Through conditioning the hours of use and restricting amplified music, officers consider that the development would be acceptable. Furthermore, through appropriate management, any adverse impact on neighbouring properties can be effectively handled to reduce the impact on neighbours.
- 9.9 In determining the above application, officers have taken into account the relevant planning policy and other material concerns. Overall, the use of the Capital House for a mixed use of places of worship and educational purposes is considered to be acceptable on balance.

RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

Planning Statement; The Management Policy and Plan; JS/SP/266/2/02; JS/SP/266/2/03 (received 25th August 2015); Noise Impact Assessment (received 21st December 2015); Transport Statement; Travel Plan (received 14th March 2016); JS/SP/266/2/01 - B; JS/SP/266/2/07; Schedule of the Works to Improve the Building (received 22nd June 2016); Site Location Plan (received 27th August 2015).

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

- (2) (a) Within 3 months of the granting of planning permission, a detailed schedule and specification of the Acrylic sheets to be used on the windows shall be submitted to the local planning authority for approval.
- (b) The development shall be carried out in accordance with the approved details within 6 months of approval by the local planning authority.

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

- (3) (a) A minimum of 17 long stay and 30 short stay cycle parking spaces shall be provided within the development.
- (b) Within 3 months of the granting of planning permission full details of the cycle parking facilities shall be submitted to the local planning authority for approval.
- (c) All cycle parking spaces shall be provided and made available for use within 6 months of approval by the local planning authority 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).Condition

- (4) (a) The development shall operate in accordance with the Travel Plan hereby approved.
- (b) On the first, third and fifth anniversary of the Travel Plan, evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed with the Travel Plan.

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).

- (5) The flat roof of the building shall be used for emergency and maintenance purposes only and shall not be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of residential amenity and to comply with DM Policy 26 Noise and vibration and DM Policy 44 Places of worship of the Development Management Local Plan (November 2014).

- (6) (a) Loading and unloading of goods shall only be carried out within the curtilage of the site.
- (b) No deliveries shall be taken at or despatched from the site other than between the hours of 8am and 8pm on Mondays to Fridays, 8am and 8pm on Saturdays, or at any time 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).

- (7) The premises shall only operate within the following hours:

Monday to Friday 8am - 10pm

Saturday 7:30am - 8pm

Sunday 8:30am - 6pm

Or as otherwise agreed in writing by the local planning authority.

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 and DM Policy 44 Places of worship of the Development Management Local Plan (November 2014)

- (8) No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings after 9pm.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and vibration and DM Policy 44 Places of worship of the Development Management Local Plan (November 2014).

- (9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for places of worship and educational uses and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To protect against the loss of community facilities and ensure any future use is compatible with the Town Centre without adversely affecting neighbouring amenities.

- (10) (a) The development shall operate in accordance with the Noise Impact Assessment and the rating level of the operational noise emitted from the site as measured from the nearest noise sensitive user shall be 10dB below the existing background level at any time.
- (b) The soundproofing treatment shown on plan no JS/SP/266/2/07 hereby approved shall be installed in the windows of noise sensitive elevations as shown on plan nos JS/SP/226/2/02 and JS/SP/226/2/03 hereby approved. This treatment shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

- (11) The development shall implement the Schedule of the Works to Improve the Building hereby approved within 6 months of planning permission being granted. All works shall be maintained in perpetuity.

Reason: To ensure the development improves and enhances the character of the area, in compliance with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (12) The door into Capital House from Rosenthal Road shall not be used for access or egress, with the exception of emergency access.

Reason: To ensure the use of the property does not adversely impact on the neighbouring amenity in terms of noise and disturbance as well as adversely impact on the highway through congregation of people around the entrance, in compliance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011); DM Policy 26 Noise and vibration and DM Policy 44 Places of worship of the Development Management Local Plan (November 2014).

- (13) (a) The whole of the car parking accommodation shown on drawing nos JS/SP/266/2/01 - B hereby approved shall be provided and retained permanently for the accommodation of vehicles of the occupiers of the development (including employees using the building and persons calling at the building for the purposes of conducting business with the occupiers thereof).
- (b) Notwithstanding the approved plans, within 6 months of the granting of planning permission 5 disabled parking spaces shall be provided at ground floor level and retained permanently for the accommodation of vehicles of the occupiers of the development.
- (c) The disabled parking spaces shall be 2.4m wide by 4.8m long with a zone 1.2m wide provided between designated spaces and at the rear outside the traffic zone. Evidence of compliance shall be submitted and approved in writing by the local planning authority.

Reason: To ensure the permanent retention of the spaces for parking purposes and 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 (2016).

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 reminded that Conditions 2 (sheet materials) and 3 (cycle parking) require details to be submitted to the local planning authority

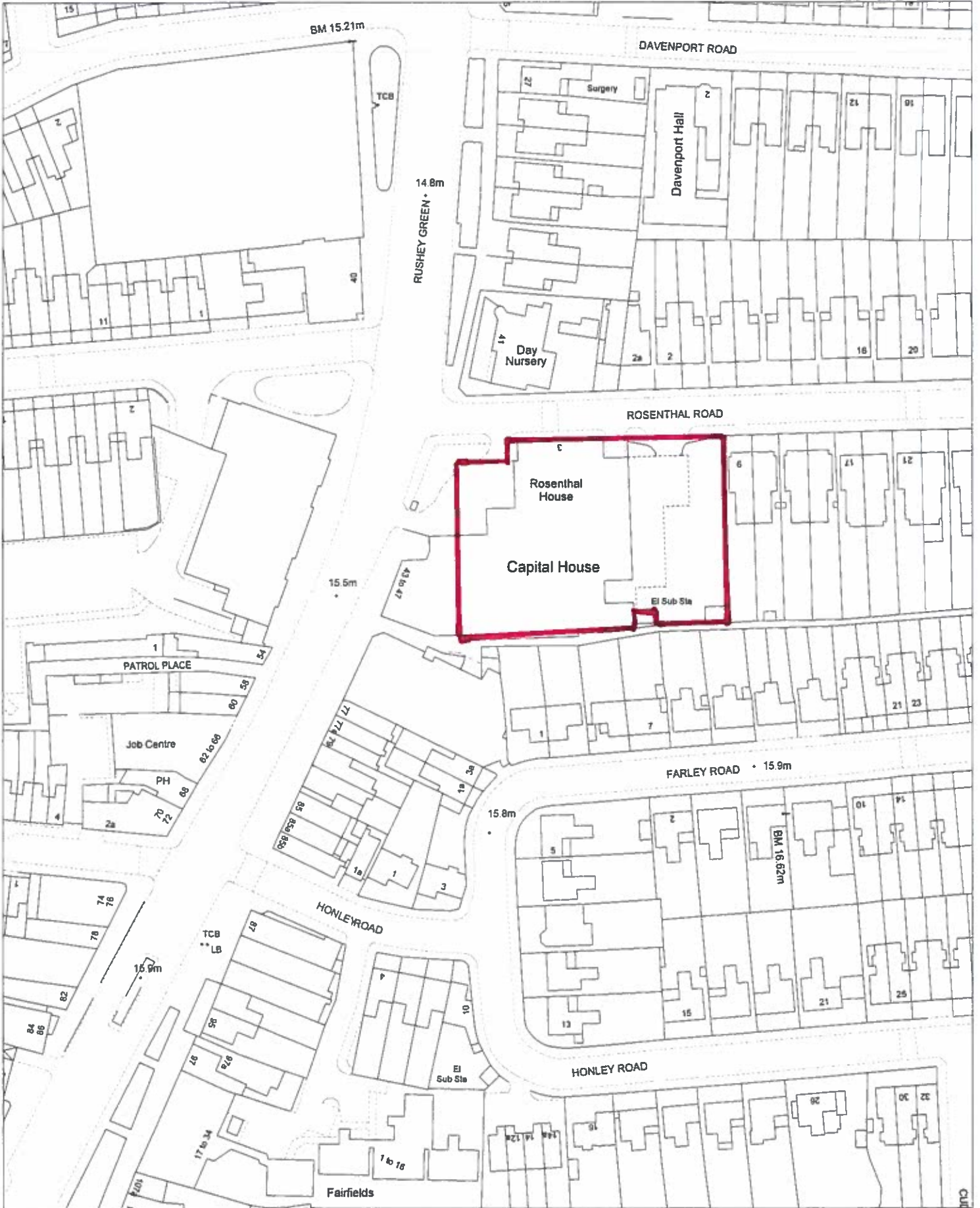
within 3 months of the granting of planning permission. In addition, conditions 4 (Travel Plan) and 13 (disabled parking) require evidence to be submitted to the local planning authority for approval.

It is considered that the material to the front of the windows, given the high visibility and impact this has on the character of the building and area in general, is important in ensuring the impact is acceptable. Furthermore, the need for cycle parking is vital to the success of the Travel Plan in promoting sustainable modes of transport over private vehicle use, in addition to meeting the standards of the London Plan. Therefore it is critical to have correct details prior to their installation. The applicant is given 3 months to undertake provide these details which is considered sufficient.

The Travel Plan highlights that monitoring surveys are required to assess the progress against the stated targets, and therefore the Council would need to see evidence of this target being met and, if not being met, improved measures to meet these targets. In addition, the need for disabled parking is crucial to ensuring equal access and this should be suitable situated to provide level access to the entrance. Therefore evidence that this has been provided would need to be submitted to ensure this has condition has been met.

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Committee	PLANNING COMMITTEE A	
Report Title	138 SYDENHAM ROAD, LONDON, SE26 5JZ	
Ward	SYDENHAM	
Contributors	LUKE MANNIX	
Class	PART 1	25 AUGUST 2016

<u>Reg. Nos.</u>	DC/16/95340
<u>Application dated</u>	29.01.16 [as revised on 22.06.16]
<u>Applicant</u>	March Design Associates [on behalf of Mr Adil]
<u>Proposal</u>	The demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four-storey building comprising 149sqm of A1/A2 commercial space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 10 cycle spaces and bin storage area, together with the erection of 2 two-storey, two bedroom dwellings facing Knighton Park Road.
<u>Applicant's Plan Nos.</u>	E.01; E.02; E.03; E.04; E.05; E.06; E.07; P.59; Site Location Plan (received 29th January 2016); Transport Statement; BREAM UK New Construction 2014 Pre-Assessment Estimator Report; Energy Statement (received 16th February 2016); Design & Access Statement; Sustainable Design and Construction Statement (received 8th March 2016); P.51 Rev B; P.52 Rev A; P.53 Rev B; P.54 Rev B; P.55 Rev B; P.56 Rev B; P.57 Rev B; P.58 Rev B (received 22nd June 2016).
<u>Background Papers</u>	(1) LE/180/138/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Sydenham District Town Centre Area of Archaeological Priority - Sydenham
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site comprises of two part 1 and part 2 storey buildings located on the corner of Sydenham Road and Knighton Park Road. The buildings are used as commercial units on the ground floor with a residential unit located on the first floor. Ancillary structures and vehicle parking is located to the rear.

- 1.2 The site is located within the Sydenham district town centre, however there is no designated shopping frontage to the site. The area, being within the district town centre, is a mix of commercial and residential uses. The area along Knighton Park Road is predominately residential however.
- 1.3 The site is not located within a Conservation Area nor is it a listed building. The site is not designated as a locally listed building.
- 1.4 The site has a PTAL value of 4. Sydenham Road has bus routes servicing Sydenham, Catford, Forest Hill, Penge, Crystal Palace, Lewisham and Lee. Furthermore, Sydenham Station is located 650m to the west. Taking this into account, the access to public transport is considered to be good.
- 1.5 Sydenham Road is a 'B' classified road with no parking allowed on both sides of the road. Knighton Park Road is an unclassified road with levels of parking restrictions close to the junction with Sydenham Road, including a blue badge parking bay. Further along the road, unrestricted parking is on both sides resulting in single lane traffic along the majority of the road.

2.0 Planning History

- 2.1 DC/02/51105 – Planning permission was granted for the change of use of 138 Sydenham Road SE26 from retail (Use Class A1) to an Education Recruitment Agency (Use Class A2).
- 2.2 DC/02/52038 – Planning permission was granted for the alteration of the ground floor premises, 138 Sydenham Road SE26 and conversion of part of the first floor to provide a two bedroom, self-contained flat, together with alterations to the side and rear elevations.
- 2.3 DC/04/57861 – Planning permission was granted for the installation of a new shop front at 138a Sydenham Road SE26.
- 2.4 DC/05/59427 – Planning permission was granted for the change of use of 138a Sydenham Road SE26 to (Use Class A1) retail.
- 2.5 PRE/14/01849 – Pre-application advice was sought for the demolition of the existing buildings at 138 Sydenham Road and construction of a part three/part four storey flatted development with retail on the ground floor to provide 9 self-contained flats.
- 2.6 In the pre-application response, officers considered that the principle of the development, including the demolition, was acceptable. However concerns were raised over the design of the building, in particular the relationship with Knighton Park Road and impact on neighbours.
- 2.7 DC/15/92550 – Planning permission was sought for the demolition of existing building at 138 Sydenham Road and the construction of a part three/part four-storey building comprising 149sqm of retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above, together with the erection of 2 two-storey, three bedroom houses facing Knighton Park Road.
- 2.8 The application was withdrawn on the advice of planning officers.

3.0 Current Planning Applications

- 3.1 Planning permission is sought for the demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four-storey building comprising 149sqm of A1/A2 commercial space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 10 cycle spaces and bin storage area, together with the erection of 2 two-storey, two bedroom dwellings facing Knighton Park Road. The proposal is a resubmission of the previously withdrawn scheme.
- 3.2 The proposal can be split into two aspects. The first is the main building housing the flats and commercial units whilst the second is the two single dwellinghouses attached to the terrace along Knighton Park Road.
- 3.3 The main building would be three storeys with a recessed fourth floor on the flat roof. The building would be constructed of brick, with the exception of the fourth floor which would be clad in metal. Elements of glazing would be located along the ground floor benefiting the commercial shopfront. Residential entrances are located onto Sydenham Road with an extra opening onto Knighton Park Road for refuse collection.
- 3.4 The recessed fourth floor of the main building would have a flat roof incorporating a living roof, four roof lights and photovoltaic panels. The flat roof of the third floor would be utilised for external amenity space with metal balustrades behind the parapet wall.
- 3.5 The ground floor commercial space would benefit A1/A2 units as outlined in the supporting documents. However no information has been provided in relation to store fit-out or evidence of prospective occupants. Options have also been presented showing a possible single A3 restaurant use, as well as indicative locations of ventilation equipment.
- 3.6 The proposed dwellinghouses would be two storeys with pitched roofs. The dwellings have been designed to roughly match the style of the adjoining terrace row.
- 3.7 The proposed dwellinghouses would be constructed of brick and render with a tiled roof. The front forecourt would utilise bin storage with the rear yard used for private amenity space
- 3.8 The proposed development would be car free. 8 cycle storage spaces are located within the ground floor of the main building while external storage is located to the rear of the dwellinghouses. Refuse storage opens onto Knighton Park Road from the main building with storage to the front of the dwellinghouses.

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 was in line with the previously withdrawn application and exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors. The Sydenham Society was also notified.

Written Responses from Local Residents, Ward Councillors and Organisations

- 4.3 8 objections were received by the Council in the statutory time period, including an objection from Councillor Best and an objection from the Sydenham Society. The following concerns were raised:-

- The proposed scale and design of the development is out of character with the surrounding development and thus would dominate the entrance to Knighton Park Road, in conjunction with the adjacent office building. It is also felt that this may result in a wind tunnelling effect;
- The proposed buildings do not respect the current building line along Knighton Park Road;
- The materials proposed are not in keeping with the surrounding development;
- The demolition of the building would have negative impacts on the historical character of the area;
- There would be a severe impact on the level of light into the neighbouring window at 140 Sydenham Road, as well as impacting on views and privacy for these residents;
- The development would have an overbearing impact on the area negatively impacting on the visual amenities of the nearby residents;
- Increased noise and anti-social behaviour from the development reducing amenities;
- The development, through the loss of the on site parking and number of residents, would significantly impact on the level of parking, which is already at a high level of stress. This is likely to impact on the movement of traffic along Sydenham Road and Knighton Park Road;
- The parking survey and transport assessment are not correct and fail to adequately take into consideration different levels of parking during the day;
- There are a high number of elderly and disabled residents requiring specialised disabled parking access. The development would negatively impact on these residents;
- Lack of consideration for air quality in the area;
- The refuse of the dwellinghouses is not acceptable as it would allow litter to enter Knighton Park Road and may attract vermin;
- The proposed delivery and servicing plan is not satisfactory and therefore delivery and refuse would negatively impact on the highway;

- Impacts of the development during construction have not been taken into consideration. This is with regard to health, the water table levels, adjoining structures and traffic;
- There are general concerns in relation to the developers and their ability to complete the construction whilst taking into account existing residents;

4.4 In relation to the right of light and right to a view, these are not considered valid planning matters and therefore are not taken into account when making a decision. However loss of light and outlook are considered further in the report.

4.5 Any impact during construction in terms of water tables and damage to neighbouring structures are either dealt with by building regulations or private legal matters between the developer and neighbouring residents. However, the impact of construction on amenity, public safety and traffic are considered further in the report.

4.6 Any concerns made in relation to the developers during pre-application stage, whilst noted, are not considered to materially affect this planning decision.

Drop-in Session

4.7 Following objections from a Ward Councillor and the Sydenham Society, in line with the Council's Statement of Community Involvement (SCI) an informal drop-in session was held on the evening of 20th May 2016 at the subject site.

4.8 15 people who attended signed the register of attendance and highlighted that they opposed the proposed development. Two Ward Councillors and the Sydenham Society were also in attendance.

4.9 During the session, a number of the concerns focused on the impacts to parking in the area, the loss of the existing building and the incongruent character of the proposed building, the impact of the scale of the building visually and to the character and impact on neighbouring amenities, both during construction and after the development is built. These matters have been noted in previous responses received during the consultation period.

4.10 Following the drop-in session, further responses were received from residents. A number of previously listed concerns were raised, as well as these further matters:-

- The impact of the development in conjunction with other nearby proposals, particularly 154-158 Sydenham Road;
- The building, being in such a state of disrepair, may continue to be unused to strengthen the argument for retention over demolition. The state of the building may also lead to health risks for nearby occupiers.

4.11 The above matters are taken into further consideration below.

4.12 All responses as well as the drop-in session attendance record are available for members to view.

Conservation Officer

- 4.13 Verbal confirmation was given by the Conservation Officer that the site is not locally listed as a heritage asset. The original use of the building is not known, nonetheless, it is considered that the building is not of significant heritage value taking into account its location and lack of architectural merit within the streetscene.
- 4.14 Therefore, whilst the loss of the building is regrettable, it cannot be considered to be an undesignated heritage asset under the local policy.

Highways Officer

- 4.15 The proposed car free development is considered to be acceptable in principle, taking into account the accessibility of the site. Furthermore, based on the findings of the parking survey, it is considered that the proposed development would not significantly impact on the parking stress.
- 4.16 It is considered that conditions in relation to the retention of the kerb, Construction Management Plan, cycle parking and refuse storage should be added.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

London Plan March 2015 (as amended)

- 5.6 On 14 March 2016 the London Plan with updates to incorporate the Housing Standards and Parking Standards Minor Alterations was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 3 District Hubs

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

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

DM Policy 2 Prevention of loss of existing housing

DM Policy 14 District centres shopping frontages

DM Policy 19 Shopfront, signs and hoardings

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

Planning Considerations

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

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

Principle of Development

5.12 The London Plan recognises the importance of housing given the need across the city. For this reason the Mayor has outlined the requirement of 423,887 new homes in London between 2015-2025, of which Lewisham has a target of providing 13,847 new homes.

- 5.13 The Core Strategy supports this approach with Objective 2 outlining the Borough seeks to exceed the target set by the London Plan. The majority will be located within major town centres of Lewisham and Catford and regeneration areas around New Cross and Deptford. 3,190 homes are targeted to be built in other areas of the Borough.
- 5.14 Core Strategy Spatial Policy 3 relates to district hubs such as Sydenham, which this site is located within. New development will maintain and enhance the status of the town centre and improve its vitality and viability, attractiveness, accessibility and overall environment. The residential areas immediately surrounding district town centres will be potential locations for intensification of the development pattern where opportunities exist and relate to public transport accessibility. Density will be in accordance with local context and London Plan policy. These areas will form a transition between the District town centre, where a greater intensity of development would be expected and appropriate.
- 5.15 The Core Strategy also outlines that mixed use redevelopment within the town centres will generally be encouraged with an appropriate retail or service use on the ground floor and housing on upper floors. Ground floor uses will be expected to contribute to the economic vitality and viability of the centre.
- 5.16 It is noted that an issue raised during consultation and during the local meeting involved the objection to the loss of the building as it was a heritage asset. Officers note that the building has no designated heritage listing nor is it in a conservation area. In addition, the building is not a locally listed building.
- 5.17 Officers have consulted the Council's Conservation Officer and taking on board their comments, the existing development is not considered to be of sufficient heritage value to merit its protection. In addition, officers consider that the building fails to provide any significant character link to the urban design of either Sydenham Road or Knighton Park Road considering its scale and building alignment. Whilst some design elements are compatible, it is not considered to provide significant architectural merit to prevent the demolition of the building.
- 5.18 Therefore, whilst taking into account the objections raised, officers do not consider it reasonable to prevent the demolition of the building on the basis of heritage impacts or the architectural merits of the building.
- 5.19 The proposed development seeks to increase the amount of housing on the site from one dwelling to nine. Furthermore, the ground floor would be reprovide 140sq m of retail space. The applicant has confirmed that the proposed use would be either A1/A2 retail, which is considered to be appropriate within the shopping parade on the edge of the Sydenham town centre.
- 5.20 However, officers note that there is the option of providing an A3 restaurant. Whilst this is also considered to be appropriate within the shopping parade, it is considered that this use may be harmful to the amenities of neighbouring properties without due consideration to design.
- 5.21 Therefore, in order to ensure the development is appropriate within its setting, officers consider that a suitably wording condition tying the development to A1/A2 use, unless Council approves any alternative use, would be appropriate. This condition should also include details of the shopfront design and fit-out to ensure this is also of acceptable standard.

- 5.22 Overall, considering the demolition of the building is acceptable, together with the support of a mixed use scheme within the town centre, officers consider that the principle of development is acceptable.
- 5.23 Notwithstanding this, London Plan policies and the Council's LDF outlines that development should be of highest design quality, provide adequate amenity of future residents whilst not significantly impacting on existing residents, promote sustainable transport over private vehicle use where appropriate and reduce the impact climate change through sustainable design. These are assessed in greater detail below.

Density

- 5.24 A number of objections raised during consultation raised the issue of overdevelopment of the site and the adverse impact on the character of the area and nearby amenities. With this respect, the London Plan Policy 3.4 and DM Policy 30 seeks to optimise housing output within the relevant density range outlined within the Sustainable Residential Quality (SRQ) density matrix.
- 5.25 The site is considered to be in an urban setting, given the surrounding density of development and location within a district town centre. As the site has a PTAL value of 4, the optimal level of habitable rooms is between 200-700hr/ha.
- 5.26 The proposal would provide 24 habitable rooms on the 0.038ha site, which is calculated as 632hr/ha.
- 5.27 Whilst towards the upper limit of the density range, it is still considered within the optimal limits. As such, the proposed development is considered to be acceptable within the density range of the London Plan. However, it should be noted within London Plan Policy 3.4 that the calculations from the matrix are not taken mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential, such as local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.
- 5.28 Therefore, whilst officers do not consider the scheme to be overdevelopment on the basis of the above, it is considered that this does not result in acceptable design or impact on future and existing amenities. These matters are discussed below.

Design

- 5.29 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.
- 5.30 The London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Specifically Core Strategy Policy 15 states that high quality, well-designed new development is a key factor that will contribute to the long-term sustainability of communities in Lewisham. In order to be successful new development must meet the qualities required by national and regional policy and guidance and also reflect and be sympathetic to the local physical and social characteristics of the borough.

- 5.31 DM Policy 30 states that where relevant, development proposals will need to be compatible with and/or complement the urban typologies and address the design and environmental issues identified in Table 2.1. The site adjoins onto Knighton Park Road, being an urban terrace typology, and, according to Table 2.1, new development should not disrupt the regularity of the street form and the unity of the architecture.
- 5.32 The policy also outlines detailed design issues and outlines that an adequate response will be required in planning applications to demonstrate the required site specific design response. The relevant matters are as follows:-
- 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;
 - 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; and,
 - 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.
- 5.33 The site is situated within Sydenham district town centre characterised by a mix of commercial units along Sydenham Road and residential terrace rows along the subsidiary roads, such as Knighton Park Road.
- 5.34 The scale of development along Sydenham Road is largely three storey. Directly adjoining the site to the east is a three storey late Victorian terrace with a shallow pitched roof behind a parapet. However, there are noted examples of four storey buildings, such as the modern Hexagon building situated opposite Knighton Park Road and the Pear Tree Care Centre. Objection have been raised regarding the height of the development and the impact this would have on the character of the existing terraces to the east.

- 5.35 The proposed flat building would be three storeys in height with a flat roof. A recessed fourth floor would be situated above. The three storey element would match the eaves height of the adjoining terrace. Furthermore, the four storey element would be recessed 1.7m from the front of the three storey roof. There is an element which is not set in along the boundary with 140 Sydenham Road, however this is relatively small to allow for the stairs and would be well set in from the front elevation.
- 5.36 Officers consider that, given the building is a corner site, the increase in scale from the adjoining terraces is appropriate in principle. Furthermore, taking into account the raised level is set in from the third floor roof, it is considered that the increase in scale is not overly obtrusive to the character of the existing terrace.
- 5.37 Objections have also been raised in relation to the impact of the scale on the character of Knighton Park Road and the visual amenities along the road.
- 5.38 The proposed dwellings would match the scale of the existing two storey terraces along Knighton Park Road. In addition, the front building line of the proposed dwellings would respect the existing building line of the terraces, including bay elements which compliment the existing character of the area.
- 5.39 It is considered that these dwellings are respectful to the scale and alignment of the existing character of Knighton Park Road. Therefore officers are satisfied that the appropriate design of the dwellinghouses provides a suitable transition from the dwellinghouses along Knighton Park Road to the flat typology along Sydenham Road.
- 5.40 Therefore, officers consider that the proposed scale and alignment of the development as a whole is acceptable within the context of the existing character.
- 5.41 The building curves around the corner at the junction with Knighton Park Road. This matches the design of the Hexagon building opposite and therefore is considered to be compatible in this respect. The comments regarding the 'canyon' effect on Knighton Park Road are noted; however, considering the relatively modest scale of part three/ part four scale, this is not considered to detrimentally harm the character of the area or visual amenity along Knighton Park Road. On the contrary, the design of the flat building in conjunction with the Hexagon building is considered to mark the exit from the primarily residential area towards the district town centre of Sydenham.
- 5.42 The proposed flat building would have windows which generally match the fenestration of the neighbouring terrace along Sydenham Road with an even pattern along the curving elevation. This is considered to provide a compatible and high quality appearance.
- 5.43 It is noted that the proposed shopfront includes floor to ceiling glazing with a fascia above along Sydenham Road and Knighton Park Road to signify the retail floorspace. Officers consider that the principle of the design to be appropriate for the retail use. However, as noted within the principle, the level of design does not provide sufficient detail with respect to material, signage, cornices, ornamentation etc. to ensure it is compatible with the adjoining shopping frontages. Furthermore, given the uncertainty of the use, officers are uncertain with the location of openings or division of the shopfront.

- 5.44 Therefore, whilst the principle is acceptable, the detailed design is not sufficient for approval. Notwithstanding this, officers consider that a suitably worded condition would be sufficient to secure an appropriate design. Therefore the shopfront design is considered acceptable within the overall design and the context of the existing development.
- 5.45 The proposed flat building would utilise a simple palette of materials, using brick and render to the inset balconies with metal cladding to the recessed fourth floor. The windows would be aluminium framed. The proposed dwellings along Knighton Park Road have a material palette which roughly matches the existing development, primarily brick and render with a tiled roof.
- 5.46 Overall the materials are considered to be compatible within the context of the existing development. Furthermore, given the high quality of the simplistic design and finishing, officers consider that the development would be of appropriate standard. In order to ensure the materials are of the highest quality, a condition should be attached for the construction of a sample panel to be viewed on site prior to the commencement of development.
- 5.47 In summary, whilst the objections to the development on the basis of the adverse impact to the character of the area, officers consider that the scale is not out of keeping with the context of the site and the materials and design are considered to be compatible and of high quality to ensure the development would be appropriate within the streetscene. Therefore the design is considered to be appropriate.

Housing

a) Unit Mix and Tenure

- 5.48 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.
- 5.49 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.

- 5.50 The site is located in the Sydenham district town centre fronting Sydenham Road and as such, officers note that the environment may not be ideal for family dwellings. It is also noted that the site is considerably constrained to provide significant amenity space for children's play.
- 5.51 Taking this into account, officers consider that a large number of family units is not possible.
- 5.52 The proposed development would result in only one three bedroom dwelling on the top floor. The remaining mix includes 4 one bedroom and 2 two bedroom flats, together with the 2 two bedroom dwellings.
- 5.53 Overall, the unit mix is considered to be acceptable in meeting the housing need, taking into account the constraints of the site.
- 5.54 The proposed development does not meet the 10 dwelling trigger for affordable housing, nor is the site capable of providing 10 units. Therefore the policies with respect to affordable housing is not considered to be applicable.

b) Standard of Residential Accommodation

- 5.55 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.
- 5.56 In line with this, DM Policy 32 states that the standards of the London Plan, contained within the Housing SPG, will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. In addition to this, the nationally prescribed technical housing standards are also applicable to the scheme.
- 5.57 Table 1 outlines the proposed internal floor area against the housing standards.

Table [1]: Unit Size (sqm)

	Proposed Floorspace	Relevant Standard
Flat 1 (2b3p)	61	61
Flat 2 (1b2p)	50	50
Flat 3 (1b2p)	52	50
Flat 4 (2b3p)	61	61
Flat 5 (1b2p)	50	50
Flat 6 (1b2p)	52	50
Flat 7 (3b5p)	96	86
Dwelling 1 (2b3p)	70	79
Dwelling 2 (2b3p)	70	79

- 5.58 As shown above, the proposed units would meet the internal floorspace standards.
- 5.59 In addition to the overall size, the housing standards states that sufficient built in storage and bedroom size and width should be provided. Officers have measured the internal room sizes, including utility space, and consider that the majority of units meet these standards. It is noted that the two bedroom flats are .5 sqm below the standard for utilise space, however this is not considered to be significant to severely impact on the amenity of future occupiers, especially considering the communal storage on the ground floor.
- 5.60 The technical housing standards states a 2.3m floor to ceiling height should be provided over 75% of the internal floor area. However, it is worth noting that the London Plan Housing SPG strongly recommends a 2.5m floor to ceiling height to combat the heat island effect of London.
- 5.61 The proposed sections show that the units would have a floor to ceiling height of 2.3m-2.4m. Whilst this does not meet the London Plan standards, it is considered that as it meets the national housing standards, refusal on these grounds would not be reasonable. Therefore the floor to ceiling height is considered acceptable.
- 5.62 DM Policy 32 (4c) states that residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 5.63 The proposed flat building fronts Sydenham Road and Knighton Park Road. Therefore the units to the front of the building have dual aspect with north and west facing windows. The remaining flats have a predominate single aspect with west facing windows, however it is noted that balcony doors open to the north or south (depending on the flat). Therefore officers consider that the aspect is appropriate for daylight/sunlight and ventilation, given the aspect of the balcony doors.
- 5.64 The proposed dwellings have dual aspect, with windows in the east and west elevations. Therefore the access to daylight/sunlight as well as ventilation is acceptable.
- 5.65 It is noted that the ground floor rear window is between 3m-4.3m from the existing boundary treatment, which will remain to separate the proposed dwellings from the neighbouring property. This would severely restrict the outlook from these windows. However, it should be noted that these windows benefit the kitchen whilst the windows to the front benefit the living room. Given the greater outlook is provided to the living room, officers consider that the outlook from the proposed dwellings is acceptable.
- 5.66 The proposed dwellings would back onto the rear garden of 140 Sydenham Road, with boundary treatment approximately 3m from the windows. The existing boundary treatment would remain, which reduces any adverse impact of overlooking into the ground floor windows. The first floor windows would have some element of overlooking into the bedrooms from the adjoining garden, however considering the angle of the views, it is not considered to be significant to severely reduce amenity into the rooms.

5.67 Overall, the standard of accommodation for future residents is considered to be acceptable.

c) External Amenity

5.68 Under DM Policy 32, new-build housing development should be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. It is also worth noting that the London Plan Housing SPG Standard 26 and 27 relates to external amenity and outlines that 5 sqm should be provided for one bedroom dwellings with an additional 1 sqm per additional occupant. This space should have a minimal depth of 1.5m.

5.69 Each proposed flat has balconies on the western elevation which meets the London Plan standards. It is noted that the top floor, which is a three bedroom dwelling, would have a roof terrace. Officers do not consider that the size of the space would be suitable for children's play, however it is not considered to be of significant concern to warrant refusal of the scheme.

5.70 The proposed rear garden of the two bedroom dwellings would have garden space to the rear. Officers note that this space is considerably constrained in terms of sunlight access and visual amenities from the adjoining boundary wall.

5.71 Whilst the level of sunlight and amenities from the space would not be ideal, officers consider that, on balance, the space is sufficient to provide suitable external amenity in line with the Council's policies.

5.72 As such, the level of external amenity provided is considered to be acceptable.

Highways and Traffic Issues

a) Access

5.73 The site has existing vehicular access from Knighton Park Road. Pedestrian access is currently from Sydenham Road for the retail units and from Knighton Park Road for the residential unit.

5.74 The proposed flats and retail units would have access from Sydenham Road, whilst the dwellings would be accessed from Knighton Park Road. No vehicle access is provided.

5.75 Officers consider the pedestrian access would not have significant impacts on the highway, taking into account the relatively minor uplift in residential units and the standard of the highway. It is considered that the existing vehicle crossover should be returned to the existing kerb and gutter. This should be conditioned to ensure this is completed.

5.76 The proposed development is therefore considered to be acceptable in terms of access.

b) Delivery and Servicing

5.77 A delivery and servicing plan was submitted as part of the Transport Statement under Appendix H.

- 5.78 The plan highlights the location of loading and unloading zones along Sydenham Road. It notes that there are single yellow lines that prevent loading between 07:00-10:00 and 16:00-19:00 Monday to Saturday, with loading permitted outside of these times. In addition, 80m to the east is a loading bay on Sydenham Road which is preserved for loading between 07:00-19:00 seven days a week.
- 5.79 The plan then highlights the management plan and measures to ensure deliveries are taken without adversely impacting on the highway. This would include close liaison with other nearby commercial properties. Appropriate monitoring and review procedures are also provided.
- 5.80 Officers consider that, taking into account the established delivery and servicing for the existing units, which would have been in place, the proposed development would not have a severe increase in the number of deliveries required. Furthermore, the proposed Delivery and Servicing Plan is appropriate in reducing any adverse impact on the highways.
- 5.81 Therefore the delivery and servicing of the proposed development is considered to be acceptable.

c) Car Parking

- 5.82 The NPPF highlights the important role transport policies have in promoting sustainable development. For this reason, planning decisions should be geared towards sustainable modes of transport where appropriate.
- 5.83 In line with this, Policy 6.13 of the London Plan aims to find a balance between promoting new development and preventing excessive parking which undermines sustainable modes of transport. The Council also takes a restrained and managed approach to car parking within new development as outlined in Core Strategy Policy 14.
- 5.84 With that in mind, the Council utilises the maximum parking standards in Table 6.2 of the London Plan. It states that 3 bedroom dwellings should have 1.5 spaces per unit while 1-2 bedroom dwellings should have less than one per unit. It goes on to add that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.
- 5.85 The site has a PTAL value of 4 and is located within a district town centre. The proposed development would demolish the existing building and provide ground floor retail (totalling 149 sqm) with 1 three bedroom unit, 2 two bedroom units and 4 one bedroom units above, together with 2 two bedroom dwellinghouses to the rear (a total of 9 new residential units). The development would be car free.
- 5.86 The Council, considering the Local Plan policies, the good public transport accessibility and location within a district town centre, consider the principle of car free development to be acceptable. However, this would need to be weighed against the impact on the highway network in terms of on street parking stress.
- 5.87 The applicant has submitted a Travel Statement in support of the proposed development which includes a parking survey. The survey was undertaken on 13th January 2015 at 8pm and 14th January 2015 at 1am and covers an area of 200m walking distance from the site.

- 5.88 The survey is in line with the recommended Lambeth methodology for new residential development. Whilst officers note that the parking survey was undertaken over a year ago, it is considered that there has not been significant uplift in quantifiable housing numbers in that period in the locality to impact on the findings. Furthermore, it is noted that the survey was conducted in early January, which may affect the results in terms of residents still on holiday, however officers believe this impact to be minimal on the result.
- 5.89 Therefore officers consider the survey to give an appropriate reflection of the established parking levels.
- 5.90 The survey found 398 car parking spaces within 200m of the site. On the 13th January, the number of spaces taken was 281 (70.6% parking stress) and on the 14th January the number of parking spaces taken was 290 (72.9% parking stress). The number of parking spaces available was 117 and 108 on the respective days.
- 5.91 The supporting statement goes on to highlight the existing car ownership in the area, which utilises the previous census data taken in 2011. It hypothesises that, taking into account that almost half of the existing households in the area do not own cars, the proposed uplift in residential units is likely to result in 6 cars. Officers consider this argument to be effective in generally determining the number of cars and therefore agree with the finding.
- 5.92 Therefore, when adding the expected number of vehicles into the established level of parking, the parking stress would increase to 72.1% and 74.4% respectively.
- 5.93 In addition to the above, when considering the level of parking required officers have taken into account the good access to public transport and cycle parking (which is detailed further below) to reduce the need for private vehicle use. Taking these matters into account, in addition to the findings of the parking survey, officers consider that the proposed development would not adversely impact on the highways in terms of parking stress.
- 5.94 Objections have been raised with respect to the impact on the disabled parking bays in the area. Considering these areas are reserved for the specific car owner, officers consider that the proposed development would not impact on the provision of disabled parking in the area.

d) Cycle Parking

- 5.95 The London Plan recommends 1 cycle space per one bedroom unit and 2 spaces for other units. Taking this into account, the proposed block of flats should provide 10 cycle parking spaces and the proposed dwellinghouses should provide two spaces each.
- 5.96 The proposed ground floor shows a cycle storage unit for 8 spaces, which is below the required amount. In addition, the rear gardens of the dwellinghouses show one cycle parking space each, which is again below the standards.
- 5.97 Whilst the development does not meet this standard, it is considered that this can be addressed via condition with appropriate details being submitted. Therefore

officers consider that the provision of cycle parking spaces would be acceptable with a suitably worded condition.

e) Refuse

- 5.98 Refuse stores are located on the ground floor of the block building fronting Knighton Park Road and is separated between retail and domestic waste. The domestic waste would consist of 3 x 240L general refuse and 3 x 240L recycling whilst the retail would consist of 1 x 240L general refuse and 1 x 240L recycling. Bin stores would be located towards the front of the dwellinghouses consisting of two wheelie bins.
- 5.99 In terms of location, the refuse stores are considered to be acceptable for collection. Furthermore, the design and capacity of the dwellinghouse refuse is considered to be acceptable.
- 5.100 However, officers have concerns over the design of the residential and retail waste in terms of capacity and collection strategy, particularly considering the use of the retail units has not been determined. Furthermore, whilst the domestic storage appears to satisfy the needs of the development in terms of capacity, the cycle storage is likely to be increased to and therefore officers are not certain of what impact this would have on the bin storage.
- 5.101 Bearing this in mind, officers consider that a condition should be added for details of refuse to be submitted for approval. This would ensure the capacity in relation to the retail units and flat units is acceptable to protect the safety of the highway and residential amenity.
- 5.102 Therefore, through the submission of relevant conditions, refuse is considered to be acceptable.

f) Construction Impacts

- 5.103 The site is located along Sydenham Road, which is a classified 'B' road with large number of pedestrian and vehicle movement, as well as a number of bus routes and stops along the highway. Therefore the site is heavily constrained by the busy road to the front. Furthermore, it is noted that the proposed development would cover the entirety of the site, leaving little space for on site storage and virtually no vehicle movement.
- 5.104 Taking this into account, officers consider that the proposed development has the potential to have significant impacts on highway safety during the construction phase.
- 5.105 Therefore, officers consider a condition should be added for the submission of a Construction Management Plan highlighting how the construction management would reduce impacts on the highway. As such officers consider the impacts during construction would be managed through condition.

Impact on Adjoining Properties

- 5.106 London Plan Policy 7.6 states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. In addition, DM

Policy 32 requires new development to be neighbourly with no adverse impacts on the amenities of existing residents.

5.107 Objections have been raised with respect to the impact on the adjoining properties in terms of loss of daylight/sunlight, privacy, outlook and visual amenities.

5.108 The nearest neighbour is 140 Sydenham Road to the east and, to the south, the site adjoins 3 Knighton Park Road. The proposed dwellings would adjoin the neighbouring terrace to the south. Taking into account the building would follow the established building line, together with the orientation of the development, it is considered that the proposal would not impact on outlook or sunlight and daylight of these buildings. Furthermore, there is no windows which overlook these properties and therefore there would be no adverse impact on privacy for these units.

5.109 Below is an assessment of the impacts on 140 Sydenham Road.

a) Loss of Daylight/Sunlight

5.110 The site is adjoins 140 Sydenham Road to the east, which is a three storey building comprised of ground floor commercial and residential above. The property has translucent windows on the western elevation facing the site which benefit the stairwell. To the rear, The building has an extended two storey projection with a roof terrace above, as well as external stairs at first floor leading to the rear garden, which dog-legs towards the east. There is an existing boundary wall which is 2.5m tall.

5.111 It is noted that the existing development has creates an established impact on the amenities of adjoining properties. At ground floor, the building covers the entire depth of the site, however this does not project above the boundary treatment. At first floor, the existing building protrudes 1.9m beyond the neighbouring property. The existing elevation does not protrude beyond the neighbouring property at second floor level, although the hipped roof does protrude beyond the neighbouring elevation. It is also noted that the existing development is built to the boundary.

5.112 The proposed development would demolish the existing development, however the existing boundary treatment would be retained. At ground and first floor level, the development would be built between 1.8m-4.7m from the boundary. The dwellings would be 5.8m in height at the eaves and 8.6m high in total, which generally matches the existing terrace height.

5.113 At second floor level, the proposed building would be built to the boundary with a depth of 800mm, before stepping away from the boundary by 800mm. The building then extends a further 4.6m before again stepping away by 300mm and finally protruding a further 3.6m. In total, the building would extend 9m from the second floor rear elevation of the adjoining building at a height of 3.4m above the roof terrace.

5.114 At third floor level, the proposed building steps in significantly from the lower levels by 2.4m, however it still extends 6.7m beyond the rear elevation of the adjoining property.

- 5.115 In terms of daylight/sunlight, the Council uses the guidance in the BRE 'Site layout planning for daylight and sunlight: a guide to good practice' to determine the severity of impacts on adjoining properties. The applicant has also submitted daylight analysis, however it is noted that this does not reference any of the guidance of the BRE document.
- 5.116 In terms of direct sunlight and overshadowing, the BRE standards outline that habitable windows of existing development should not receive less than 25% of the existing level of annual probable sunlight hours (APSH) in the summer months and 5% in the winter months. This applies to habitable windows within 90 degrees due south. In addition, for a development to have an acceptable impact on adjoining amenity area, 50% of the space should receive at least 2 hours of sunlight on 21st March.
- 5.117 Whilst no assessment has been made of the sunlight, officers have assessed the overshadowing diagrams provided. These diagrams highlight that the neighbouring property retains a significant level of sunlight in the morning and early afternoon hours. It is acknowledged that there would be overshadowing in the late afternoon and evening, although this is unlikely to reduce the level below the BRE guide standards. It is also considered that the level of sunlight in the rear garden would not be reduced below 2 hours, given the level of sunlight received in the morning and early afternoon.
- 5.118 In terms of daylight, the BRE guide states that the vertical sky component (VSC), which is a measure of the amount of visible sky available from a point on a vertical plane, is the main test used to assess the impact of development on neighbouring properties. This test is applied to the main opening of each habitable room.
- 5.119 The proposed development would be built to the side of 140 Sydenham Road with no building extending significantly to the main habitable windows. Therefore the building would not reduce the element of VSC from the windows. As such, the proposed development is not considered to adversely impact on daylight into the adjoining property.
- 5.120 It is noted that the building would be constructed close to the side elevation windows. However as these windows benefit stairwells, halls and bathrooms, the loss of light into these windows is not considered to significantly impact on the amenity of the adjoining property.

b) Impact on Visual Amenities

- 5.121 The proposed building, whilst being stepped away from the boundary, would still extend 9m beyond the existing rear elevation of 140 Sydenham Road at a significant height of 4.3m. Therefore the building, considering the depth and height the brick elevation, would be noticeably bulky, especially when viewed from the roof terrace. Therefore officers consider that there would be an impact on the visual amenities of neighbouring residents in terms of the overbearing impact.
- 5.122 However, whilst the impact would be noticeable to the adjoining residents, it should be noted that the roof terrace retains significant vistas towards the south and east. Furthermore, there is a significant amount of amenity space to the rear which extends away from the subject site that would retain appropriate visual amenity for the benefit of the residents. Officers have visited the neighbouring site and consider that, as a result of these uninterrupted vistas away from the

proposed development and larger garden space, the impact on visual amenities of the neighbouring residents is acceptable on balance.

- 5.123 In addition to the above, officers note that the site is located on the main road of Sydenham town centre. With this in mind, the level of visual amenity which will be retained for the neighbouring property after the construction of the proposed building would still be significant when compared to similar properties within town centres.
- 5.124 Overall, whilst officers do acknowledge that the visual amenity would be adversely affected as a result of the development, it is considered that this impact would not be significant enough to warrant a refusal. Therefore the proposal is considered acceptable on balance.

c) Loss of Privacy

- 5.125 The proposed flat building would have high level windows in the west elevation which face 140 Sydenham Road. These windows would be obscure glazed to reduce overlooking into the adjoining properties.
- 5.126 The ground floor rear windows of the dwellings would not overlook the adjoining property, considering the boundary treatment. However, the first floor windows would look towards the rear yard of 140 Sydenham Road, which is around 3m-4m from the window. Therefore there is considered to be significant overlooking from the proposed building into the neighbouring amenity space.
- 5.127 The applicant has submitted elevations which indicate that the angle of the windows, together with the high boundary treatment, prevent any severe overlooking of the rear garden. However officers consider that, given the shape of the garden which bends then extends towards the east, there would still be a large area of garden visible only 9m from the proposed windows. Therefore it is not considered that this would prevent adverse impacts.
- 5.128 The rear garden of 140 Sydenham Road is currently well used as amenity space by the residents of the property. If the proposed development was to be approved as currently proposed, it is considered that the level of overlooking would effectively render this garden unusable to the detriment of the existing residents.
- 5.129 Whilst officers consider that the development as currently proposed is unacceptable in terms of loss of privacy, it is considered that measures can be incorporated to reduce overlooking. This includes horizontal angled louvres such as Brie Soliel which allows light and some level of outlook from the room while protecting sensitive views towards the lower garden. It is considered that a suitably worded condition could be added to ensure this is incorporated into the proposed development with appropriate details shown.
- 5.130 Therefore, through an appropriately worded condition, officers consider that the proposed development would not significantly reduce privacy for the neighbouring property.

d) Other Matters

- 5.131 Officers note that the residents have raised concerns regarding the impact of the proposed development, together with the impact of the redevelopment of

O'Rourke's Transport Yard at 154-158 Sydenham Road (DC/15/94075). The development is for:-

The construction of a part 2/ part 3/ part 4-storey with basement building (Block 1) providing 22, one, two and three bedroom self-contained residential flats and 157sq.m ground and first floor commercial floorspace (use classes A1, A2, B1, D1 and/or D2), and a part 2/ part 3-storey terrace (Block 2) comprising 10, three bedroom single dwelling-houses, 1, one bedroom self-contained flat and 1, two bedroom self-contained maisonette, together with the provision of upper floor balconies, associated landscaping, PV Panels, 14 parking bays (including 4 disabled spaces) and 68 secure cycle spaces at 154-158 Sydenham Road SE26.

- 5.132 Officers note that the application has now been withdrawn. Whilst it is likely that a scheme will come forward, given it is an allocated strategic site for redevelopment, as the development is yet to be granted planning permission the impact of this development in conjunction with the current application cannot be considered.
- 5.133 Objections have been raised with respect to wind as a result of the development in conjunction with the Hexagon Building opposite. Officers consider that the height of the building, at part three/part four, is unlikely to significantly affect the wind levels along Knighton Park Road to a detrimental level. Therefore with respect to this matter, officers consider the proposed development to be acceptable.
- 5.134 There have been concerns raised with respect to the loss of amenities during the construction phase of development. Officers note these concerns and consider that this could be mitigated through the submission of a suitable Construction Management Plan (which is also outlined under Highways and Traffic Issues). Therefore this is considered acceptable.
- 5.135 Issues have also been raised with respect to the standard of the building and health impacts during demolition. It should be noted that these matters are under the control of the Health and Safety Executive, therefore pursuant to the planning guidance on the use of conditions, the planning permission should not implement conditions which are dealt with under separate legislation.
- 5.136 Notwithstanding this, officers consider that an informative relating to asbestos removal and construction safety should be added to inform the applicant of their duty in this regard.

Sustainability and Energy

- 5.137 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes from planning to be absorbed into Building Regulation requirements. This requirement is now considered at the Building stage following amendments to the Planning and Energy Act 2008.
- 5.138 A Sustainability Statement has been submitted in support of the application. Although planning no longer considers Code for Sustainable it is noted that the development includes a green roof to the top floor of the flat building, in addition to solar voltaic panels.

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) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 6.2 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, as well as the Lewisham local CIL, is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7.0 Equalities Considerations

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

8.0 Conclusion

- 8.1 The proposed development would introduce a mixed use scheme with A1/A2 retail units on the ground floor and residential above. Given the building is not considered to have significant protection in terms of conservation or architectural value, the demolition and redevelopment for mixed use is considered acceptable in principle.
- 8.2 The density is considered to be in line with the relevant density range of the London Plan. Furthermore, the scale, design and materials are considered to be compatible and of satisfactory quality within the existing streetscene. Overall the design is acceptable.
- 8.3 The proposed accommodation is considered to meet the standards of the technical housing standards, London Plan Housing SPG and DM Policy 32 and

therefore is considered to be acceptable. Furthermore, whilst there are some impacts on the adjoining property, officers consider that they can either be made acceptable through condition or not significant enough to warrant a refusal.

- 8.4 The applicant has submitted information which confirms that the proposed car free development would be acceptable. Furthermore, given the good public transport access and provision of cycle parking spaces through condition, the proposed development is not considered to have a significant impact on the highways in terms of parking. In addition, any remaining highway matters such as deliveries and refuse are considered to be appropriate.
- 8.5 Overall, officers consider that the scheme for the redevelopment of the 138 Sydenham Road is acceptable.

RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

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

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

E.01; E.02; E.03; E.04; E.05; E.06; E.07; P.59; Site Location Plan (received 29th January 2016); Transport Statement; BREAM UK New Construction 2014 Pre-Assessment Estimator Report; Energy Statement (received 16th February 2016); Design & Access Statement; Sustainable Design and Construction Statement (received 8th March 2016); P.51 Rev B; P.52 Rev A; P.53 Rev B; P.54 Rev B; P.55 Rev B; P.56 Rev B; P.57 Rev B; P.58 Rev B (received 22nd June 2016).

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

- (3) No development shall commence on site until 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) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (c) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
- (i) Rationalise travel and traffic routes to and from the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
- (iii) Measures to deal with safe pedestrian movement.

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 (2016).

- (4) (a) The retail units 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 (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

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

- (6) (a) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the ground floor retail units shall be used for A1/A2 use and for no other purpose, unless otherwise approved in writing by the local planning authority.
- (b) No development shall commence on site until details showing the physical fit out and shop front design of the retail units hereby approved have been submitted to and approved in writing by the local

planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.

- (c) The development shall be constructed in full accordance with the approved details.

Reason: To secure viable retail units which would positively add to the viability of the Sydenham District Town Centre, as well as ensure 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 19 Shop fronts, signs and hoardings of the Development Management Local Plan (November 2014).

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

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

- (8) (a) A minimum of 10 secure and dry cycle parking spaces shall be provided within the block of flats and 2 secure and dry cycle parking spaces shall be provided within the curtilage of each of the dwellinghouses.
- (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) (a) The development shall be constructed with a living roof in accordance with plan nos. P.55 Rev B hereby approved and maintained thereafter.
- (b) Prior to the commencement of above ground works, details of the living roof shall be submitted to and approved in writing by the local planning authority. These details shall include:-

- (i) 1:20 section showing the growing substrate;
 - (ii) Details of the plant species; and,
 - (iii) A guarantee and/or maintenance contract over two growing seasons.
- (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) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2016) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (10) Prior to the commencement of above ground works, details of privacy screening to the first floor rear windows of the dwellinghouses hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these details and permanently retained.

Reason: To ensure the proposed development does not adversely impact on the neighbouring property in terms of overlooking, in compliance with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (11) The development shall operate in accordance with the Delivery and Servicing Plan included in the Transport Statement hereby approved from the first occupation 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).

- (12) All window and door openings shall be constructed with minimum 200mm deep external reveals.

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

- (13) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying

that Order), no satellite dishes or plumbing or pipes, other than rainwater pipes, shall be fixed on the 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).

- (14) No extensions or alterations to the dwellinghouses hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

- (15) The new windows to be installed in the eastern elevation of the block of flats hereby approved shall be fitted as obscure glazed and non-opening below 1.7m from the finished floor level and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with 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 any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- (D) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit

a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at:-

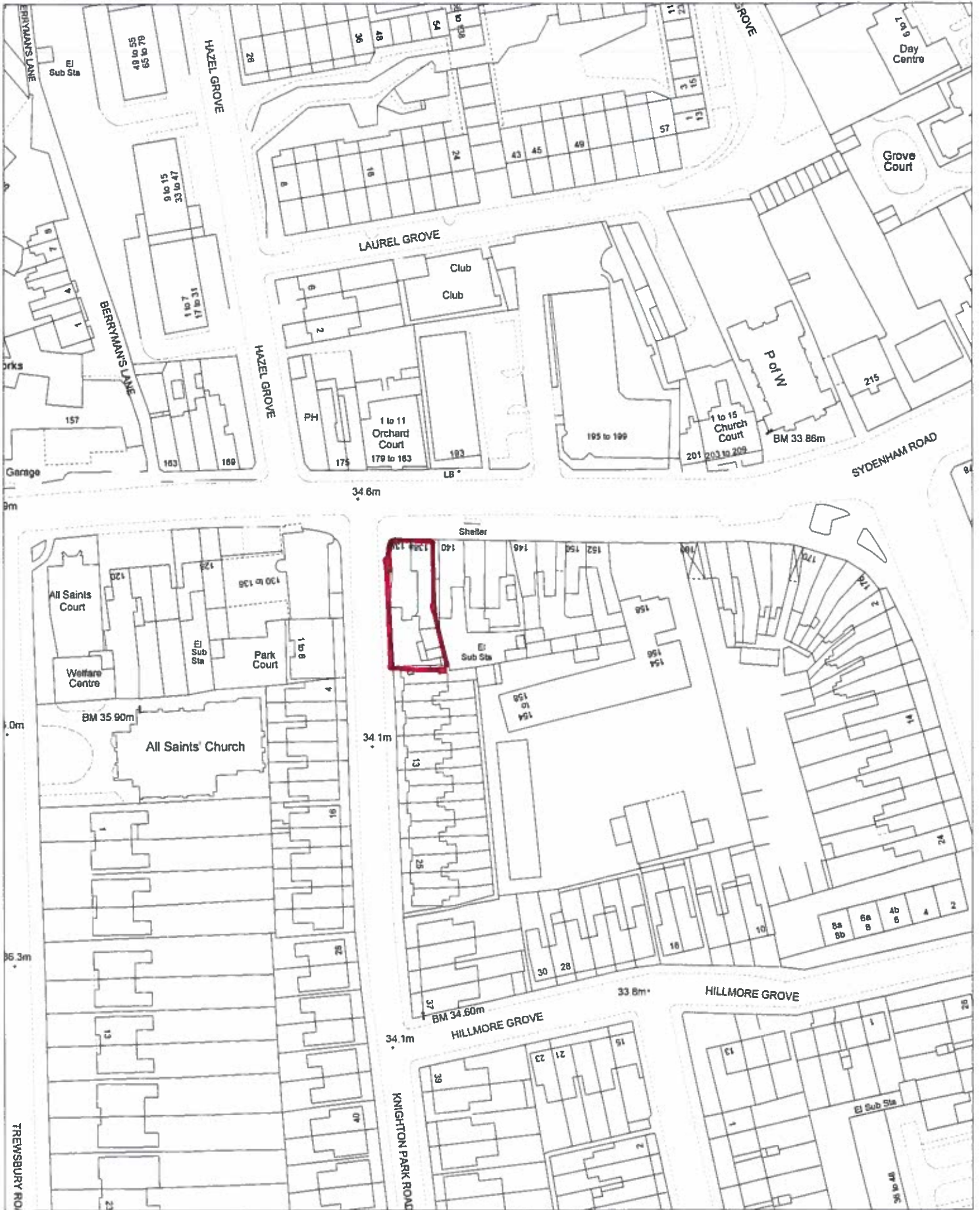
<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- (E) 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.
- (F) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (G) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- (H) The applicant is advised that conditions 3 (Construction Management Plan), 4 (BREEAM), 5 (materials), 6 (shop fit-out and shop front design), 7 (refuse storage) and 8 (cycle storage) all require details to be submitted to and approved in writing by the Council prior to the commencement of development, which includes any demolition. In addition, conditions 9 (living roof) and 10 (privacy screens) require details to be submitted prior to the commencement of above ground works.

It is considered that the details relating to the Construction Management Plan are required prior to demolition to ensure no adverse impact during this phase of development. Furthermore, securing high quality materials and appropriate design of the shop front is essential prior to the commencement of development on site, as is the cycle and refuse stores.

It is considered that securing details with regard to the living roof and privacy screens is essential prior to the above ground works being completed, bearing in mind the importance in securing appropriate details.

138 SYDENHAM ROAD, SE26 5JZ



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Committee	PLANNING COMMITTEE A	
Report Title	38 ST JOHN'S VALE, LONDON, SE8 4EN	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	25th August 2016

Reg. Nos. DC/16/095825

Application dated 08.03.2016

Applicant Mr O Boote

Proposal The construction of a mansard roof extension together with the installation of two windows to the front and rear roofslopes at 38 St John's Vale, SE8.

Applicant's Plan Nos. 1501BS100X; 1501BS200X; 1501BS200; 1501BS201; Heritage Statement; Design and Access Statement; Location Plan Received 8th March 2016

1501_GA_100 Rev B; 1501_GA_120 Rev B
Received 28th June 2016

Background Papers

- (1) Case File DE/113/38/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Brookmill Road Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The site is situated on the south east side of the north eastern end of St John's Vale and comprises a two storey Victorian mid-terrace single family dwellinghouse built of London stock brick with arched timber sash windows and a London (butterfly) roof with a low stuccoed parapet, giving the impression of a flat roof when viewed from the front.

1.2 The roof can be seen from Brookmill Road (A2210), but not the rear elevation which features an original two storey addition with a pitched roof. To the south west of the site is the St John's station and the railway line which connects Lewisham to Central London. The mansards on Albyn Road are visible from the station platform.

1.3 The properties on surrounding streets (Albyn Road, Lind Street and Strickland Street) are of similar age and design, even featuring the same roofs given that they were used extensively in the 19th century. The rest of the north eastern end

of this residential street is mostly made up of Victorian terraced properties, but none have mansard roof extensions.

- 1.4 The site is located within Brookmill Road Conservation Area, is subject to an Article 4 direction, but is not a listed building nor in the vicinity of any.

2.0 Relevant Planning History

- 2.1 DC/15/91300: The construction of a mansard roof extension in the front and rear roof slopes at 38 St John's Vale SE8, together with the installation of 4 new windows in the roof. **Refused because it would, by reason of its height, appearance and excessive bulk, introduce an incongruous feature to the roofscape of the subject terrace, would create a poor relationship with adjacent terraces and would result in the loss of a historic London roof which would cause harm to the streetscape and the special characteristics of the Brookmill Conservation Area. This would be detrimental to the value and significance of the borough's designated heritage assets.**

- 2.2 Also of relevance are:

DC/15/91299: The construction of a mansard roof extension to the front and rear roof slopes at 40 St John's Vale SE8, together with the installation of 4 new windows in the roof. **Refused because it would, by reason of its height, appearance and excessive bulk, introduce an incongruous feature to the roofscape of the subject terrace, would create a poor relationship with adjacent terraces and would result in the loss of a historic London roof which would cause harm to the streetscape and the special characteristics of the Brookmill Conservation Area. This would be detrimental to the value and significance of the borough's designated heritage assets.**

DC/16/095824: A concurrent application for the construction of a mansard roof extension together with the installation of two windows to the front and rear roofslopes of the extension at 40 St John's Vale, SE8.

3.0 Current Planning Application

- 3.1 This application seeks planning permission for the construction of a mansard roof extension with two dormer windows to the front roofslope and two dormers to the rear.
- 3.2 The mansard is proposed to have a slightly sloping roof, which would measure between 95cm and a metre above the existing front parapet and would be 4.85m wide enclosed by boundary and chimney walls rising 1.25m above the parapet, from which the mansard would be set back by 25cm. To the rear it would be at least 2.3m up from the top of the 'V-shape and it would be stepped back from the rear parapet by 50cm. The dormers would be flush with the front and rear mansard walls.
- 3.3 It would create an additional storey allowing for the provision of a double bedroom and an ensuite. The mansard extension would be constructed in slates tiles with the dormers clad in lead, the raised parapet walls would be in yellow London stock brick with lime pointing to match and it would feature timber sash windows and a rooflight.

3.4 This application has been revised in line with guidance taken from the Council's Residential Development Standards SPG, which is in draft format, mainly with regards to the mansard's set back behind front and rear parapets and retaining of the V in the rear elevation.

4.0 Consultation

4.1 Pre-application advice was sought through the Council's Duty Planner Service.

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

4.3 A site and a public notice were displayed and letters were sent to 13 adjoining residents, Brockley Ward Councillors and St John's Society.

Written Responses received from Local Residents and Organisations

- 4.4 One reply was received from a neighbouring property raising the below concerns:
- Lack of consultation from the applicants on the re-application for the mansards.
 - The minor changes do not affect the justification for the Council's previous rejections.
 - The mansards would be highly visible and clearly stand out from the other properties, they would break up the roofline of the original London roof form on both the front and rear elevations and the property would cease from being two storeys.
 - The reduction in height by less than 10% would not negate their direct impact upon the light from the south reaching properties and first floor front bedrooms would be overshadowed and directly overlooked by four new windows directly opposite and an entire floor level higher up.
 - The solid and continuous brick and slate wall would significantly obstruct direct sunlight and view of the sky.
 - The mansards would destroy the characteristic inverted rear profile of the traditional London roofs and inevitably block a significant part of the skyline for residents in Lind Street and the four new windows will overlook their gardens and bedrooms from a full floor higher than the existing first floor windows.
 - The arguments made in the Design and Access Statement are incorrect.
 - The maintenance of a London roof is not a reason to replace it.
 - The development would not be sustainable in environmental, social or economic terms as argued by the applicant.
 - Any further mansard roof developments, even at the slightly reduced scale proposed in these re-applications, would be highly detrimental to the defining character of the Brookmill Conservation Area and this special architectural heritage.

4.5 The St. John's Society endorses the construction of mansards 'in principle' across the St. John's area, with the exception of one terrace on Albyn Road (where it is considered they would be inappropriate owing to the front aspects of the properties, which are curved). They stated that they do not object to them appearing outside the area and streets where planning permission has been granted and mansards constructed, provided they adhere to the same design principles as those that are extant to ensure that the hallmark of St. John's (its

historic integrity and coherence of design) is not impinged. As such, it is their view that the present applications on St. John's Vale should be permitted, since they match the very high standards of design achieved in St. John's to date.

- 4.6 Although the application site is not within their Conservation Area, the Brockley Society objected in principle as the overall impact on these London roofs would be detrimental to the streetscape of this hitherto intact street and therefore echo the refusals of permissions previously issued.
- 4.7 The Council's Conservation Officer offered the following comments:
- "The proposals include the erection of a mansard extension, involving demolition of the existing London roof and erection of a flank gable wall. The loss of this historic roof will have a negative impact on the Brookmill conservation area as the existing London roof on this terrace helps to give the conservation area a clear characteristic roofscape, with only chimney stacks and chimney pots usually visible above the corniced parapets. The introduction of a mansard roof, dormer windows and flank gable walls will disrupt the overall composition and balance of this terrace as the consistent height and scale of the terrace roofline will be lost.
 - The change would be visible at all times of year, but particularly in winter when the trees are without leaf, in long and transverse views further along St John's Vale, Brookmill road and Albyn road due to the steep nature of St John's Vale.
 - A roof extension as proposed would introduce an incongruous feature to the roofscape of this terrace. It would detract from the cohesive character of the terrace and traditional appearance of the roofscape and would create a poor relationship with the adjacent Numbers, 36 and 42.
 - Although other mansard roofs have been granted permission within this conservation area, and surrounding roads, St John's Vale has remained unmarked by the growing number of mansard roofs and as such is an important example of the appearance, character and continuity of this historic street and the wider conservation area. Permission of this mansard would result in the setting of an unfortunate precedent likely to result in very severe cumulative attrition of the historic roofscape of remaining roads within the Brookmill conservation area.
- 4.8 As currently proposed, the development is contrary to Development Management Local Plan Policy Local Plan Policy 36 Part B Paragraph 4a since the proposed roof extension is "incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale and form". The proposed development would harm the Conservation Area. The harm caused would not be outweighed by any public benefits as required by NPPF Paragraph 134.
- 4.9 The Guidance Leaflet on Mansard roofs by Historic England, the Government's advisory body on the historic environment, advises against adding any visible extra stories to the roof of a terraced house, particularly where, amongst other things, there are no roofs above the parapet in view elsewhere along the terrace; the terrace forms an overall composition the balance of which would be upset; the existing roof structure is of historic or architectural interest; where the scale of the house or terrace would be damaged by adding extra height (this applies especially to two-storey houses and short terraces)."

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 Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

London Plan 2015 (as amended)

5.6 On 14 March 2016 the London Plan (consolidated with alterations since 2011) was updated with minor alterations. The policies relevant to this application are:

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

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 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

Residential Standards Supplementary Planning Document (updated May 2012)

5.9 Paragraph 6.7 (Roof Extensions) states that all roof extensions should be sensitively designed to retain the architectural integrity of the building. The following design principles should be used to achieve this:

- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
- Planning permission is always required for roof additions in Conservation Areas.
- The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
- For Victorian and Edwardian buildings, particularly in Conservation Areas box dormers occupying a whole roof slope are unlikely to be permitted.
- Roof extensions, including dormer windows, to the front and side elevations will be resisted in favour of roof lights set into the roof slope.
- Larger roof extensions should be located on the rear elevations in order to protect the front and side elevations from substantial alteration.

- Rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
- Roof extensions will not be permitted where any part of the extension will be above the height of the ridge of the main roof.
- Roof extensions should be set back into the roof slope and not be formed by building up external walls.
- The materials used for roof extensions and dormers should be compatible with the existing roof material in order to be unobtrusive and blend into the roof slope. Preferred materials are natural or simulated slates, clay tiles, zinc, lead or copper as appropriate with fascia boards in painted timber or hardwood.
- In Conservation Areas appropriate materials should be used which preserve or enhance the character of the Conservation Area. Consideration should be given to reinstating the original type of roof covering wherever possible.
- Roof extensions to Listed Buildings will be considered each on their merits, but are unlikely to be approved if they harm historic roof structures and the overall special architectural or historic interest of the listed building.
- Roof lights should be fitted flush with the slate or tiles of the roof and their number on front roof slopes should be kept to the minimum necessary in order to avoid clutter.

6.0 Planning Considerations

6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing building, on the Brookmill Road Conservation Area and on the amenities of neighbouring occupiers.

Design and conservation

6.2 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

6.3 NPPF Section 7 Requiring good design states that the Government attaches great importance to 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. 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. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and
- are visually attractive as a result of good architecture and appropriate landscaping.

- 6.4 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.
- 6.5 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.6 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of an urban form which contributes to plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all opportunities for enhancement.
 - Height, scale and mass should relate to the urban typology of the area.
 - 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 should be clearly justified in relation to the existing built context.
 - A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.7 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.8 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; or
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.
- 6.9 This terrace of properties (nos. 36-42), and indeed the whole of St John's Vale, has a strong, legible character with a distinctive roofscape and most properties

retain their decorative cornice at roof level. The properties have London 'butterfly' roofs which are hidden behind a parapet when viewed from the front, giving the impression of flat roofs and 'V shaped' roofs are visible from the rear. Whilst there are some mansard on adjacent streets, including on those within the Brookmill Road Conservation Area, Officers note that there are no roof extensions, and therefore no mansards, on this street.

- 6.10 Current Council policies and guidance do not support or encourage mansard roof extensions on London 'butterfly' roofs. The proposal results in the loss of the historic roof form, which is considered unacceptable.
- 6.11 The proposed mansard roof in effect would create a second storey, replacing the V-shaped butterfly roof, set behind the parapet. By its nature, a mansard does not protect the front elevation from substantial alteration. It is considered that the additional storey would appear bulky and incongruous, dominating the streetscene. The raised party walls would be highly prominent from surrounding viewpoints and the raised chimney standing taller than any other in the street, appearing far above the height of the mansard roof ridge, contrary to the Residential Standards SPD. This would only serve to enforce the prominence of the mansard, which would not appear as being integrated into the roof of the property and therefore it would not preserve the architectural character or integrity of the building.
- 6.12 In this instance, it is considered that the proposed development fails to comply with local plan policies, specifically DM Policies 30 (parts 5a and b) and 31 (parts 1, 2b and 3) and guidance in the Residential Standards SPD which seek to ensure that roof extensions are of high, site specific and sensitive design quality and also respect and complement the form of the host building.

Impact on the amenity of neighbouring occupiers

- 6.13 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.14 The mansard roof extension would not extend beyond the footprint of the existing roof and would not introduce windows any closer to neighbouring properties than existing windows on lower floors. Therefore, the insertion of two windows to the front and two to the rear roofslope of the mansard would not significantly increase overlooking to any of the surrounding dwellings.
- 6.15 There has been a complaint from occupants of a property across the street from the application site regarding loss of light, but given the distances involved (18m), this is unlikely to be a significant issue resulting from the construction of a mansard.
- 6.16 It is therefore considered that the proposed mansard would not increase any loss of daylight, sunlight, outlook or privacy for the neighbouring properties. There would be no noise impact from the extension as its proposed use is domestic.
- 6.17 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

Issues raised by consultation

- 6.18 Issues with trees that are not within the application property and which are not part of this application cannot be considered as part of it. Property values, too, are not planning considerations.

Equalities Considerations

- 6.19 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.20 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.21 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.22 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.23 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.24 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 6.25 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.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).

- 8.0 The Council does not support mansards where they would have a detrimental impact upon the streetscape and therefore planning permission should be refused.

- 8.0 RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons:**

The proposed mansard roof extension, by reason of its height above the parapet and existing roof, brick side walls and effective creation of an additional floor to this 2 storey property would be an incongruous, unsympathetic and visually intrusive addition harmful to the historic design conventions of the host property and the character and appearance of the Brookmill Road Conservation Area. As such, the proposal would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 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 of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).

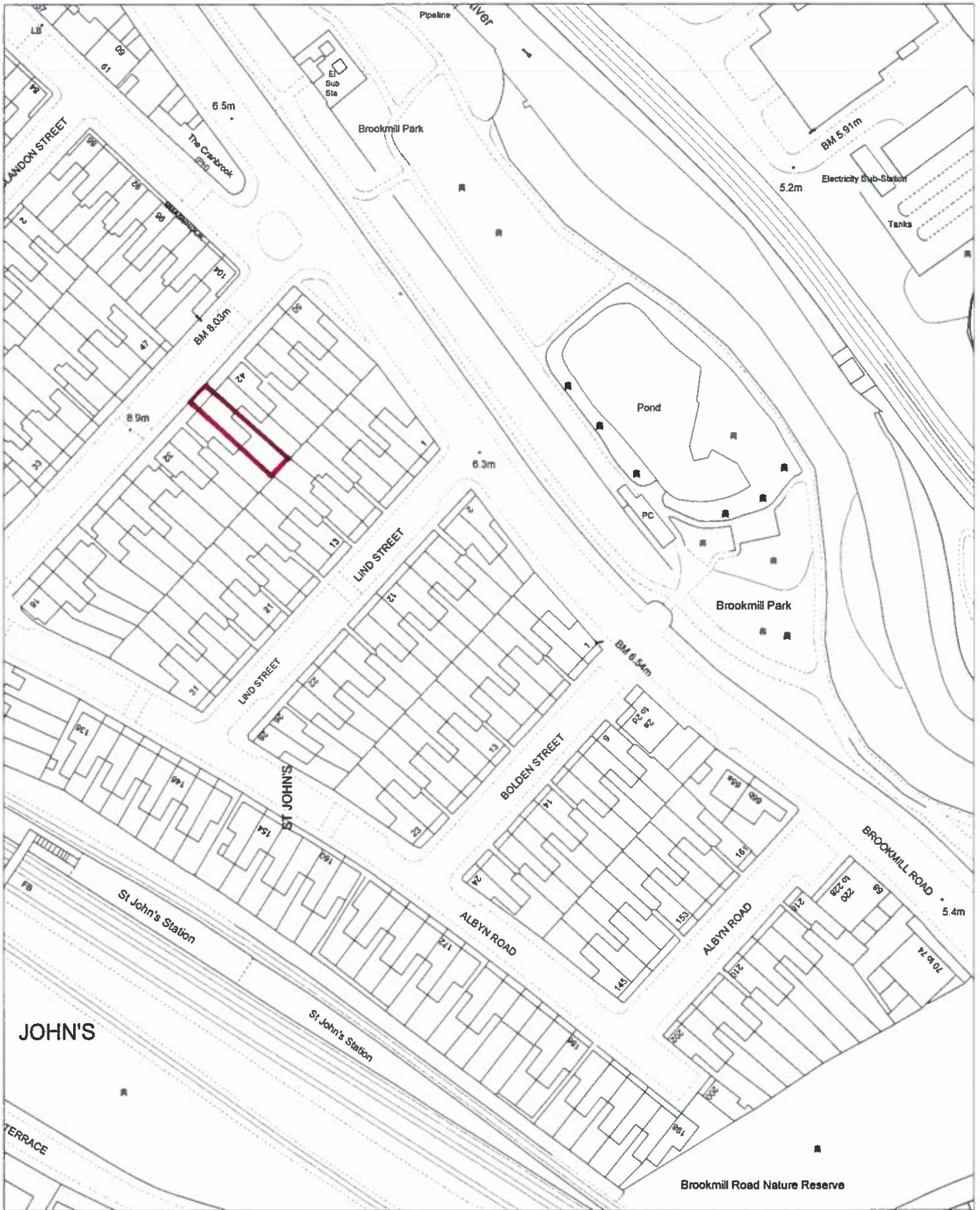
The proposed mansard roof extension would result in the loss of the historic roof form to the detriment of the character of the host property, the historic and cohesive nature of the immediate terrace of which it forms part, St Johns Vale and the Brookmill Road Conservation Area. As such it would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 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 of the Development Management

Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).

INFORMATIVES

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, no pre-application advice was sought before the application was submitted. Although further discussions have taken place regarding the application, the proposal was clearly contrary to the provisions of the Development Plan.

38 St Johns Vale SE8 4EN



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Committee	PLANNING COMMITTEE A	
Report Title	40 ST JOHN'S VALE, LONDON, SE8 4EN	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	25th August 2016

Reg. Nos. DC/16/095824

Application dated 08.03.2016

Applicant Miss C Hallam

Proposal The construction of a mansard roof extension together with the installation of two windows to the front and rear roofslopes at 40 St John's Vale, SE8.

Applicant's Plan Nos. 1501BS100X; 1501BS200X; 1501BS200; 1501BS201; Heritage Statement; Design and Access Statement; Location Plan Received 8th March 2016

1501_GA_100 Rev B; 1501_GA_120 Rev B
Received 28th June 2016

Background Papers

- (1) Case File DE/113/40/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Brookmill Road Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The site is situated on the south east side of the north eastern end of St John's Vale and comprises a two storey Victorian mid-terrace single family dwellinghouse built of London stock brick with arched timber sash windows and a London (butterfly) roof with a low stuccoed parapet, giving the impression of a flat roof when viewed from the front.

1.2 The roof can be seen from Brookmill Road (A2210), but not the rear elevation, which features an original two-storey addition with a pitched roof. To the south west of the site is the St John's station and the railway line, which connects Lewisham to Central London. The mansards on Albyn Road are visible from the station platform.

1.3 The properties on surrounding streets (Albyn Road, Lind Street and Strickland Street) are of similar age and design, even featuring the same roofs given that they were used extensively in the 19th century. The rest of the northeastern end

of this residential street is mostly made up of Victorian terraced properties, but none have mansard roof extensions.

- 1.4 The site is located within Brookmill Road Conservation Area, is subject to an Article 4 direction, but is not a listed building nor in the vicinity of any.

2.0 Relevant Planning History

- 2.1 DC/01/48011/FT: The retention of the replacement timber framed sash windows and timber framed casement windows at 40 St John's Vale SE8. **Granted.**

- 2.2 DC/15/91299: The construction of a mansard roof extension in the front and rear roof slopes at 40 St John's Vale SE8, together with the installation of four new windows in the roof. **Refused because it would, by reason of its height, appearance and excessive bulk, introduce an incongruous feature to the roofscape of the subject terrace, would create a poor relationship with adjacent terraces and would result in the loss of a historic London roof which would cause harm to the streetscape and the special characteristics of the Brookmill Conservation Area. This would be detrimental to the value and significance of the borough's designated heritage assets.**

- 2.3 Also of relevance are:

DC/15/91300: The construction of a mansard roof extension to the front and rear roof slopes at 38 St John's Vale SE8, together with the installation of 4 new windows in the roof. **Refused because it would, by reason of its height, appearance and excessive bulk, introduce an incongruous feature to the roofscape of the subject terrace, would create a poor relationship with adjacent terraces and would result in the loss of a historic London roof which would cause harm to the streetscape and the special characteristics of the Brookmill Conservation Area. This would be detrimental to the value and significance of the borough's designated heritage assets.**

DC/16/095825: A concurrent application for the construction of a mansard roof extension together with the installation of two windows to the front and rear roofslopes of the extension at 38 St John's Vale, SE8.

3.0 Current Planning Application

- 3.1 This application seeks planning permission for the construction of a mansard roof extension with two dormer windows to the front roofslope and two dormers to the rear.
- 3.2 The mansard is proposed to have a slightly sloping roof, which would measure between 95cm and a metre above the existing front parapet and would be 4.85m wide enclosed by boundary and chimney walls rising 1.25m above the parapet, from which the mansard would be set back by 25cm. To the rear, it would be at least 2.3m up from the top of the 'V-shape and it would be stepped back from the rear parapet by 50cm. The dormers would be flush with the front and rear mansard walls.
- 3.3 It would create an additional storey allowing for the provision of a double bedroom and an ensuite. The mansard extension would be constructed in slate tiles with

the dormers clad in lead, the raised parapet walls would be in yellow London stock brick with lime pointing to match and it would feature timber sash windows and a rooflight.

- 3.4 This application has been revised in line with guidance taken from the Council's Residential Development Standards SPG, which is in draft format, mainly with regards to the mansard's set back behind front and rear parapets and retaining of the V in the rear elevation.

4.0 Consultation

- 4.1 Pre-application advice was sought through the Council's Duty Planner Service.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site and a public notice were displayed and letters were sent to 13 adjoining residents, Brockley Ward Councillors and St John's Society.

Written Responses received from Local Residents and Organisations

- 4.4 One reply was received from a neighbouring property raising the below concerns:
- Lack of consultation from the applicants on the re-application for the mansards.
 - The minor changes do not affect the justification for the Council's previous rejections.
 - The mansards would be highly visible and clearly stand out from the other properties; they would break up the roofline of the original London roof form on both the front and rear elevations and the property would cease from being two storeys.
 - The reduction in height by less than 10% would not negate their direct impact upon the light from the south reaching properties and first floor front bedrooms would be overshadowed and directly overlooked by four new windows directly opposite and an entire floor level higher up.
 - The solid and continuous brick and slate wall would significantly obstruct direct sunlight and view of the sky.
 - The mansards would destroy the characteristic inverted rear profile of the traditional London roofs and inevitably block a significant part of the skyline for residents in Lind Street and the four new windows will overlook their gardens and bedrooms from a full floor higher than the existing first floor windows.
 - The arguments made in the Design and Access Statement are incorrect.
 - The maintenance of a London roof is not a reason to replace it.
 - The development would not be sustainable in environmental, social or economic terms as argued by the applicant.
 - Any further mansard roof developments, even at the slightly reduced scale proposed in these re-applications, would be highly detrimental to the defining character of the Brookmill Conservation Area and this special architectural heritage.
- 4.5 The St. John's Society endorses the construction of mansards 'in principle' across the St. John's area, with the exception of one terrace on Albyn Road (where it is considered they would be inappropriate owing to the front aspects of the properties, which are curved). They stated that they do not object to them

appearing outside the area and streets where planning permission has been granted and mansards constructed, provided they adhere to the same design principles as those that are extant to ensure that the hallmark of St. John's (its historic integrity and coherence of design) is not impinged. As such, it is their view that the present applications on St. John's Vale should be permitted, since they match the very high standards of design achieved in St. John's to date.

- 4.6 Although the application site is not within their Conservation Area, the Brockley Society object in principle as the overall impact on these London roofs would be detrimental to the streetscape of this hitherto intact street and therefore echo the refusals of permissions previously issued.
- 4.7 The Council's Conservation Officer offered the following comments:
- "The proposals include the erection of a mansard extension, involving demolition of the existing London roof and erection of a flank gable wall. The loss of this historic roof will have a negative impact on the Brookmill conservation area as the existing London roof on this terrace helps to give the conservation area a clear characteristic roofscape, with only chimneystacks and chimney pots usually visible above the corniced parapets. The introduction of a mansard roof, dormer windows and flank gable walls will disrupt the overall composition and balance of this terrace as the consistent height and scale of the terrace roofline will be lost.
 - The change would be visible at all times of year, but particularly in winter when the trees are without leaf, in long and transverse views further along St John's Vale, Brookmill road and Albyn road due to the steep nature of St John's Vale.
 - A roof extension as proposed would introduce an incongruous feature to the roofscape of this terrace. It would detract from the cohesive character of the terrace and traditional appearance of the roofscape and would create a poor relationship with the adjacent Numbers, 36 and 42.
 - Although other mansard roofs have been granted permission within this conservation area, and surrounding roads, St John's Vale has remained unmarked by the growing number of mansard roofs and as such is an important example of the appearance, character and continuity of this historic street and the wider conservation area. Permission of this mansard would result in the setting of an unfortunate precedent likely to result in very severe cumulative attrition of the historic roofscape of remaining roads within the Brookmill conservation area.
- 4.8 As currently proposed, the development is contrary to Development Management Local Plan Policy Local Plan Policy 36 Part B Paragraph 4a since the proposed roof extension is "incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale and form". The proposed development would harm the Conservation Area. The harm caused would not be outweighed by any public benefits as required by NPPF Paragraph 134.
- 4.9 The Guidance Leaflet on Mansard roofs by Historic England, the Government's advisory body on the historic environment, advises against adding any visible extra stories to the roof of a terraced house, particularly where, amongst other things, there are no roofs above the parapet in view elsewhere along the terrace; the terrace forms an overall composition the balance of which would be upset; the existing roof structure is of historic or architectural interest; where the scale of the house or terrace would be damaged by adding extra height (this applies especially to two-storey houses and short terraces)."

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 Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

London Plan March 2015 (as amended)

- 5.6 On 14 March 2016 the London Plan (consolidated with alterations since 2011) was updated with minor alterations. The policies relevant to this application are:

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

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 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

Residential Standards Supplementary Planning Document (updated May 2012)

- 5.9 Paragraph 6.7 (Roof Extensions) states that all roof extensions should be sensitively designed to retain the architectural integrity of the building. The following design principles should be used to achieve this:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - Planning permission is always required for roof additions in Conservation Areas.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
 - For Victorian and Edwardian buildings, particularly in Conservation Areas box dormers occupying a whole roof slope are unlikely to be permitted.
 - Roof extensions, including dormer windows, to the front and side elevations will be resisted in favour of roof lights set into the roof slope.

- Larger roof extensions should be located on the rear elevations in order to protect the front and side elevations from substantial alteration.
- Rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
- Roof extensions will not be permitted where any part of the extension will be above the height of the ridge of the main roof.
- Roof extensions should be set back into the roof slope and not be formed by building up external walls.
- The materials used for roof extensions and dormers should be compatible with the existing roof material in order to be unobtrusive and blend into the roof slope. Preferred materials are natural or simulated slates, clay tiles, zinc, lead or copper as appropriate with fascia boards in painted timber or hardwood.
- In Conservation Areas appropriate materials should be used which preserve or enhance the character of the Conservation Area. Consideration should be given to reinstating the original type of roof covering wherever possible.
- Roof extensions to Listed Buildings will be considered each on their merits, but are unlikely to be approved if they harm historic roof structures and the overall special architectural or historic interest of the listed building.
- Roof lights should be fitted flush with the slate or tiles of the roof and their number on front roof slopes should be kept to the minimum necessary in order to avoid clutter.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing building, on the Brookmill Road Conservation Area and on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.3 NPPF Section 7 Requiring good design states that the Government attaches great importance to 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. 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. Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and

- are visually attractive as a result of good architecture and appropriate landscaping.
- 6.4 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.
- 6.5 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.6 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of an urban form which contributes to plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all opportunities for enhancement.
 - Height, scale and mass should relate to the urban typology of the area.
 - 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 should be clearly justified in relation to the existing built context.
 - A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.7 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.8 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; or
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.

- 6.9 This terrace of properties (nos. 36-42), and indeed the whole of St John's Vale, has a strong, legible character with a distinctive roofscape and most properties retain their decorative cornice at roof level. The properties have London 'butterfly' roofs which are hidden behind a parapet when viewed from the front, giving the impression of flat roofs and 'V shaped' roofs are visible from the rear. Whilst there are some mansard on adjacent streets, including on those within the Brookmill Road Conservation Area, Officers note that there are no roof extensions, and therefore no mansards, on this street.
- 6.10 Current Council policies and guidance do not support or encourage mansard roof extensions on London 'butterfly' roofs. The proposal results in the loss of the historic roof form, which is considered unacceptable.
- 6.11 The proposed mansard roof in effect would create a second storey, replacing the V-shaped butterfly roof, set behind the parapet. By its nature, a mansard does not protect the front elevation from substantial alteration. It is considered that the additional storey would appear bulky and incongruous, dominating the streetscene. The raised party walls would be highly prominent from surrounding viewpoints and the raised chimney standing taller than any other in the street, appearing far above the height of the mansard roof ridge, contrary to the Residential Standards SPD. This would only serve to enforce the prominence of the mansard, which would not appear as being integrated into the roof of the property and therefore it would not preserve the architectural character or integrity of the building.
- 6.12 In this instance, it is considered that the proposed development fails to comply with local plan policies, specifically DM Policies 30 (parts 5a and b) and 31 (parts 1, 2b and 3) and guidance in the Residential Standards SPD which seek to ensure that roof extensions are of high, site specific and sensitive design quality and also respect and complement the form of the host building.

Impact on the amenity of neighbouring occupiers

- 6.13 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.14 The mansard roof extension would not extend beyond the footprint of the existing roof and would not introduce windows any closer to neighbouring properties than existing windows on lower floors. Therefore, the insertion of two windows to the front and two to the rear roofslope of the mansard would not significantly increase overlooking to any of the surrounding dwellings.
- 6.15 There has been a complaint from occupants of a property across the street from the application site regarding loss of light, but given the distances involved (18m), this is unlikely to be a significant issue resulting from the construction of a mansard.
- 6.16 It is therefore considered that the proposed mansard would not increase any loss of daylight, sunlight, outlook or privacy for the neighbouring properties. There would be no noise impact from the extension as its proposed use is domestic.

- 6.17 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

Issues raised by consultation

- 6.18 Issues with trees that are not within the application property and which are not part of this application cannot be considered as part of it. Property values, too, are not planning considerations.

Equalities Considerations

- 6.19 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.20 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.21 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.22 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.23 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
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- 8.0 RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reason:**

The proposed mansard roof extension, by reason of its height above the parapet and existing roof, brick side walls and effective creation of an additional floor to this 2 storey property would be an incongruous, unsympathetic and visually intrusive addition harmful to the historic design conventions of the host property and the character and appearance of the Brookmill Road Conservation Area. As such, the proposal would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 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 of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).

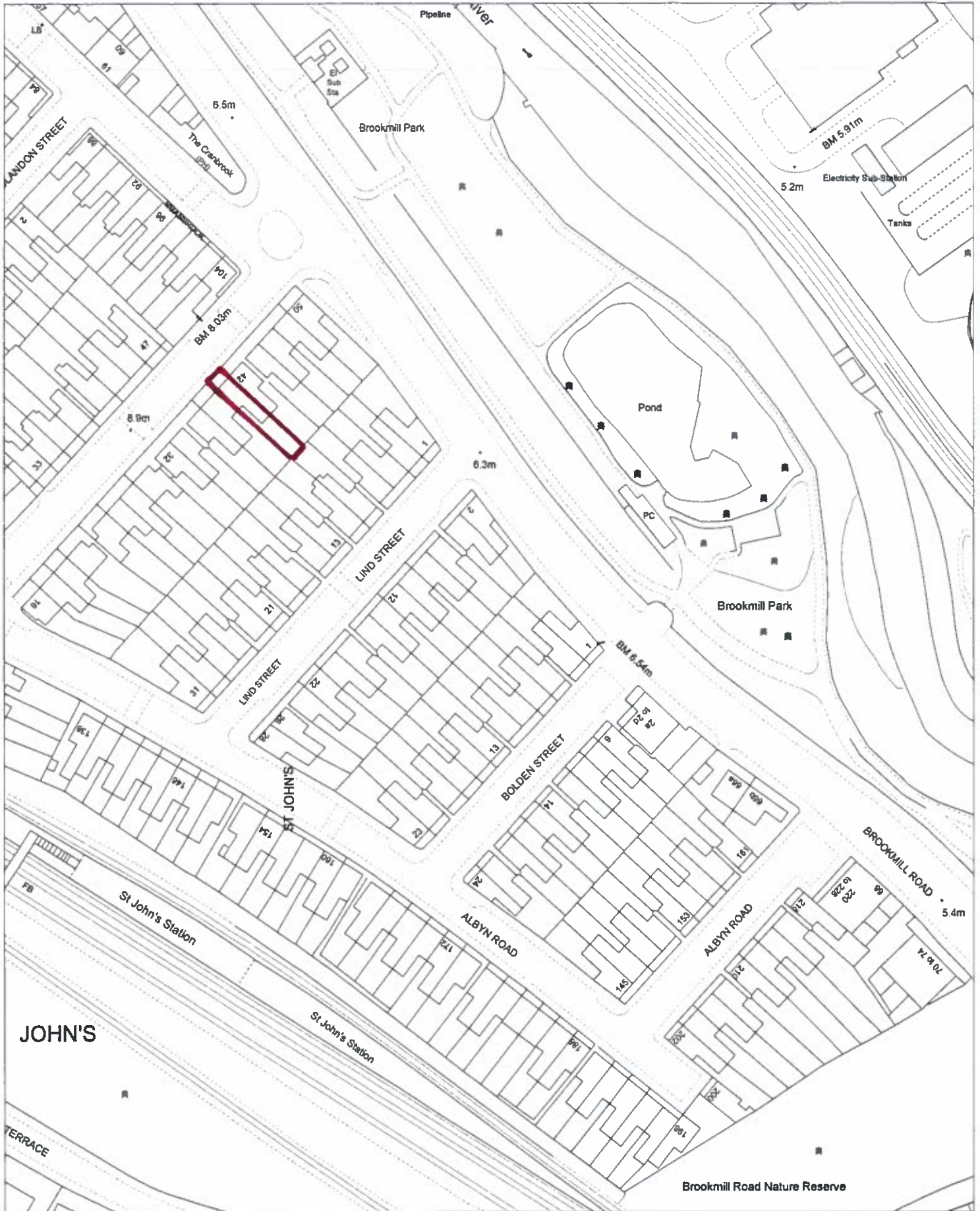
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