

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 6 OCTOBER 2016 TIME 7.30 PM**

PLACE: **ST LAURENCE CHURCH, 37 BROMLEY ROAD,
SE6 2TS**

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, 27 September
2016**

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

**Telephone No: 0208 314 7296
Email: planning@lewisham.gov.uk**



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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 06 OCTOBER 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 06 OCTOBER 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 25 August 2016.

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Committee	PLANNING COMMITTEE A	
Report Title	OUR LADY AND ST PHILIP NERI RC PRIMARY SCHOOL, 208 SYDENHAM ROAD, LONDON, SE26 5SE	
Ward	SYDENHAM	
Contributors	LUKE MANNIX	
Class	PART 1	06 OCTOBER 2016

Reg. Nos. DC/16/096041

Application dated 30.03.16 [revised 12.09.16]

Applicant Pollard Thomas Edwards Architects [on behalf of London Borough of Lewisham]

Proposal The demolition of the existing buildings at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26, and the construction of a three storey school building with rooftop play space, together with the provision of cycle and scooter spaces, refuse storage and associated landscaping works to incorporate an Infant and Junior School and Nursery.

Applicant's Plan Nos. PL_003, PL_004, PL_005, PL_006, PL_007, PL_104, PL_105, PL_106, PL_204, PL_301, PL_302, PL_401, PL_501, PL_502, L-110 Rev A (Planting Plan), L-111 Rev C, C100 Rev P, C101 Rev P1, Detailed Data Network Maps, Design Principles And Concept Report, Desk Study Report, Landscape Design, Ecological Appraisal and Initial Bat Inspection, Energy Strategy Statement Phase 3, Arboricultural Impact Assessment, Design & Access Statement, Acoustic Implications On Design, BREEAM2014 Education Pre-assessment report Rev A, Overheating Assessment, Bat Survey Report, Daylight Assessment Stage 2, Public Transport & Local Services Analysis Stage 2 (received 30th March 2016);

PL_505 Rev A, PL_506 Rev A (received 2nd September 2016);

PL_507, PL_102 Rev A, PL_103 Rev A, PL_201 Rev B, PL_202 Rev B, PL_203 Rev B (received 9th September 2016); and

Transport Assessment Addendum (EAS, September 2016), L-110 Rev E (Landscape

Background Papers

- (1) LE/180/J/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Archaeological Priority Area

Screening

N/A

1.0 Property/Site Description

- 1.1 The application relates to Our Lady and St Philip Neri primary school, which is located on the eastern intersection of Sydenham Road and Fairlawn Park. The site is 2,991 sqm in area with an irregular shape as it bends behind the adjoining terrace buildings along Fairlawn Park.
- 1.2 The existing school is formed of a number of single storey buildings which are situated in the centre of the site. Play areas are located around the buildings, primarily nearest the corner of Fairlawn Park and Sydenham Road and adjoining Home Park. The existing boundary treatment along Sydenham Road and Fairlawn Park is formed of small brick or wire fences with dense vegetation behind. The boundary treatment to the rear of adjoining properties and Home Park is formed of brick and wire fences.
- 1.3 The surrounding area is a mix of institutional land uses along Sydenham Road, including Our Lady and St Philip Neri Church and Presbytery directly adjoining, and residential properties along Sydenham Road and to the rear which front Fairlawn Park. Home Park, to the rear of the institutional buildings, adjoins the site to the east.
- 1.4 The typology of Sydenham Road is a mix of part two/part three storey institutional buildings adjacent to the site and two storey semi-detached Edwardian dwellings, as well as the 21st Century three storey apartment blocks opposite the site. To the rear along Fairlawn Park, the dwellings form tighter and consistent urban terraces.
- 1.5 The site topography is generally flat. With the exception of the boundary planting and smaller trees in the play area adjoining Home Park, the site has minimal vegetation.
- 1.6 The site has no existing vehicle access or on site parking. The main pedestrian access point is from Sydenham Road, with a secondary access point from Fairlawn Park.
- 1.7 Sydenham Road is a classified 'B' Road with parking restrictions along both sides, together with cycle lanes. Fairlawn Park and other tributary roads to the south are unclassified and have unrestricted parking access.

1.8 The site has a PTAL value of 3, based on a scale of 0-6b with 6b being the highest. Sydenham station is located 1km to the east with a number of bus routes servicing Sydenham Town Centre and other locations such as Bell Green and Catford, from Sydenham Road.

2.0 Planning History

2.1 The planning history includes a number of applications for small buildings and structures relating to the school use. These are not considered relevant to the current planning application.

3.0 Current Planning Applications

The Proposal

3.1 Planning permission is sought for the redevelopment of the Our Lady and St Philip Neri school site on Sydenham Road, incorporating the separate infant school which currently operates from Mayow Road and providing a new nursery. This would result in a 2 forms of entry school (420 pupils) plus a 25 place nursery.

3.2 The proposed physical works include the demolition of the existing single storey buildings and ancillary structures and the construction of a three storey building incorporating classrooms, community hall and ancillary rooms fronting Sydenham Road. A separate plant room is also proposed to the rear of the building on the eastern boundary.

3.3 The proposed building can be split into two sections. The western section, incorporating the main classrooms, nursery, library and staff rooms, would have pitched roofs split into three elements along Sydenham Road. The eastern section, incorporating the community hall and studio, would be two storeys in height with a flat roof, which would be used as a play area.

3.4 The proposed building would be positioned off the boundary with 188 Fairlawn Park by a distance of 13.2-14.6m. With the school buildings moved to the Sydenham Road portion of the site, the area to the rear would be used as the school playground. This includes a small running track for active play and passive learning space. The landscaping includes soft landscaping to improve the vegetation on the site. No trees would be removed as part of the application.

3.5 Formal pedestrian access would be provided into the building from Sydenham Road, leading to the general office and waiting area. However, access for pupils would be split between access points on Fairlawn Park and from Home Park. This represents a change from the application as originally submitted, which proposed all pupil access from Fairlawn Park and has been proposed following concerns raised by local residents and officers.

3.6 The existing access from Fairlawn Park would be used for infants primarily, for use between 8.30am – 9.00am and 3.15pm-3.45pm. Any after school clubs would also use this as an exit. Juniors would access via Home Park to

the east (8.30am – 9.00am and 3.15pm-3.45pm only). Drop off is proposed along Winchfield Road via the park or using public transport via Sydenham Road. To accommodate this change, the following works are proposed:

- all existing solid fencing onto the Home Park boundary would be removed and replaced by new 2.4m high railings, providing passive surveillance onto Home Park;
- additional lighting and landscaping are proposed within the Park, along the route to the school access, though as this sits outside the application boundary it would need to be secured through a planning obligation

3.7 Cycle and scooter parking would be provided at both entrances. No vehicular parking would be provided on site.

Supporting Documents

3.8 In addition to the existing and proposed drawings

a) Design and Access Statement

3.9 Prepared by PTE Architects and dated March 2016. The document introduces the site and surrounding context, the design vision and process towards the current proposal. In addition, it also details the level of pre-application consultation undertaken during the design process.

b) Acoustic Report

3.10 Prepared by Hoare Lee and dated 19th June 2015. The report presents the results of noise measurements undertaken to date along with the implications of the façade design and ventilation strategy.

c) Arboricultural Impact Assessment and Method Statement

3.11 Prepared by Arboricultural Solutions LLP dated March 2015. The report surveys the nature of the existing vegetation and provides an assessment of the impact of the proposal on trees.

d) Ecological Appraisal

3.12 Prepared by Ecological Planning and Research Ltd dated 26th February 2015. It included the appraisal as well as an initial bat inspection, with a full bat survey report completed on 5th August 2015. The document sets out the findings and discusses ecological opportunities and constraints in respect of the development proposals.

e) Daylight Assessment

3.13 Prepared by Hoare Lee and dated June 2015. The report had been prepared to analyse the most appropriate solutions to achieve the recommended natural daylight levels within the proposed teaching spaces.

f) Overheating Assessment

- 3.14 Prepared by Hoare Lee and dated June 2015. This report has been prepared to identify the areas of the proposed new building that will be impacted by overheating in summer months.

g) Landscaping Strategy

- 3.15 Prepared by Outerspace and dated 23rd June 2016. The document outlines the principles of the hard and soft landscaping within the development including rooftop landscaping.

h) Transport Assessment and Addendum

- 3.16 Prepared by EAS and dated August 2015 and August 2016 respectively. The assessment outlines the relevant transport policies, an overview of the existing transport facilities, a description of the proposal and the assessment of the impact on the local network. The Addendum Report updates the original assessment in respect of the revised access arrangements.

i) Contamination Desk Study Report

- 3.17 Prepared by GEA and dated February 2015. The purpose of the work has been to determine the history of the site, to assess the potential for contamination, and to provide preliminary information on foundation options with regard to the proposed redevelopment of the site. In addition a Preliminary UXO Risk Assessment was undertaken.

j) Energy Strategy Statement

- 3.18 Prepared by Hoare Lee and dated August 2015. The document outlines the relevant energy and sustainability policies and details measures on how the proposed development would meet these targets.

4.0 Consultation

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

Pre-Application Consultation

- 4.2 The public pre-application consultation is provided in Section 3.2 of the Design and Access Statement. It outlines that two sessions were held on 6th and 13th of May 2015.

- 4.3 The statement outlines that the responses were generally positive, with the following comments and concerns raised:-

- Increased traffic and adverse impact on parking;
- Double parked cars increased;

- Disruptions during construction;
- Overlooking issues; and,
- Exposure to pollution.

Design Review Panel (DRP)

- 4.4 The application was taken to DRP in June 2014 and again in March 2015.
- 4.5 The scheme in 2014 was in preliminary stages of development and proposed the part retention of the existing buildings and the construction of further buildings to the rear of the site. The following comments were provided by the panel:-

The Panel felt that the architects should be considering the site in its entirety within their masterplan strategy, with the school site considered as part of a group of buildings in a landscape setting, including the church and church presbytery.

The Panel were unconvinced by the decision not to locate the additional accommodation along the Sydenham Road frontage of the site, which it was felt would 'free up' a greater area of the playground and integrate the Year 6 classrooms. The Panel advised that the potential advantages of an alternative layout be explored with the school, for further consideration and review, noting in addition that the boundary wall on Sydenham Road was considered an attractive feature of the site, and could be modified to create an important new entrance to the school.

The existing timber school building, is likely to have a limited life expectancy and poor energy efficiency performance. The Panel therefore questioned the wisdom of abutting the existing timber school building along its length with the proposed new building.

- 4.6 The scheme was revised in 2015 to redevelop the site in its entirety, similar to the current scheme.
- 4.7 In terms of the building's location on the corner of Sydenham Road and Fairlawn Park with play areas to the rear, the panel were supportive of this principle. However there were concerns with how the building interacted with its immediate environs. It was noted that the geometry of the eastern hall, which was skewed in relation to the remaining building lines, appeared awkward in its relationship with other buildings. In addition there was an element of small defensible space with plantings to the front which appeared unresolved.
- 4.8 It was also noted that plant was to be located near the residents of Fairlawn Park, which was considered to be inappropriate.
- 4.9 The panel felt that the project was not particularly developed architecturally so could not comment on its scale, form or architectural treatment.
- 4.10 Comments were also made in respect of floor plans and room layout.

Statutory Consultation

- 4.11 Site notices were displayed and letters were sent to residents and businesses within 50m of the site as well as the Ward Councillors, in line with legislative requirements and those of the Council's adopted Statement of Community Involvement. The revised proposals were notified in the same way.

Written Responses received from Local Residents and Organisations

- 4.12 Following the first round of consultation, 46 written responses were received from local residents raising objections and concerns with the proposed development. The majority of respondents were from Fairlawn Park, with some also from Dukesthorne Road and Sydenham Road nearby. At the time of writing, no responses were received to the re-consultation.

- 4.13 The concerns relevant to planning are outlined below:-

- The proposal would result in an increase in car activity and student numbers, which would have a detrimental impact to safety and the operation of the highway in the area;
- The proposed increase would result in adverse impacts on parking need in the area through staff parking as well as parent pick-up/drop-off. This includes double parked cars in the area;
- The proposed entrance onto Fairlawn Park would adversely affect the use of this road;
- Concerns were raised over the assessment of traffic supporting the proposal, together with details on teacher numbers and the effect of one-off events such as parent teacher nights etc.;
- The measures proposed by the school to improve other means of transport other than car are not enough and not enforceable. No other means of improvement has been proposed;
- Adverse harm to amenities of the area including noise and air pollution;
- Construction impacts such as noise, dust and traffic;
- Adverse impact on neighbouring amenities such as loss of light and privacy;
- Adverse impact of the three storey building on the character of the area, both from Sydenham Road and Fairlawn Park; and,
- Concerns over the boundary with 188 Fairlawn Park and the impact on the neighbouring property.

- 4.14 Given the number of objections received from neighbours, including a request from Councillor Best, a local meeting was held on the 24th of May 2016 within the existing school hall at Our Lady and St Philip Neri School. A register was completed with 40 signatures of attendance.
- 4.15 Officers acknowledge that a number of comments and concerns raised during the consultation included the lack of consultation regarding the application. The minimum statutory requirements for consultation of a major scheme is either the posting of a site notice on highway near the land or direct notification of adjoining properties, as well as the publication within a newspaper within the area.
- 4.16 Officers sent direct notification to adjoining occupiers within 50m of the site as well as posting notices on Sydenham Road and Fairlawn Road. Also, a notice was placed in the Lewisham Shopper. For the re-consultation, the closest adjoining occupiers to the altered entrance from Home Park were directly notified with the addition of a site notice posted in Home Park. Therefore, officers consider that the consultation undertaken was in line statutory and Council requirements to ensure residents are not prejudiced by a decision being made on the application.

Highways and Transportation

- 4.17 Initial concerns raised that the development would adversely affect parking availability for local residents, and that activity associated with vehicular drop-off would adversely affect the safe passage of traffic (including pedestrians) on Sydenham Road and Fairlawn Park itself.
- 4.18 Following notification of the proposed changes to access arrangements, the Council's Highways Officer advised that the scheme was unobjectionable, subject to:
- i) The applicant entering into a S278 agreement to secure improvements to the crossing facilities and parking controls/waiting restrictions adjacent to the site. Improving the crossing facilities will improve pedestrian accessibility and will create safer walking routes to the school. Given the increase in the number of students and staff attending the school, amendments are required to the parking controls/waiting restrictions adjacent to the site to minimise the impact associated with the drop offs / pick ups at the site. Particularly as an increase in drop off / pick up activities associated with an intensification of use at the school will cause parking stress and congestion if unmanaged. The works will include:-
 - Fairlawn Park:- new school keep clear road markings and waiting restrictions adjacent to the school (£2,000)
 - Sydenham Road :- New school children crossing signs (Wig Wags) and improvements to the school crossing patrol facilities (raised table or change material on the area of carriageway to highlight the crossing area)
 - Sydenham Road/Fairlawn Park junction:- Entry Treatment works

ii) The applicant meeting the cost of improvements to the footpaths and lighting in Home Park, between the entrance to the school (within the park) and Sydenham Road and between the Park entrance to the school (within the park) and Winchfield Road.

iii) And subject to the following conditions:-

- The submission of a Construction and Logistics Plan (CLP), It should be submitted prior to the commencement of the development and should specify how the impacts of construction activities and associated traffic will be managed. The plan should include the following information:- if any waiting restrictions are required to enable access to the site, details of delivery times, maximum number of construction vehicles per day, location of hoarding lines, if a banksman will be used at the site access point.
- A Travel Plan condition is required to ensure the Travel Plan is reviewed following the completion of the development, it should include targets, objectives and measures to encourage sustainable travel to the school and reduce the need to travel by car.
- The submission of a Delivery & Servicing Plan (DSP), the plan should include details of measures to rationalise the number and time of delivery and servicing trips to the site with the aim of reducing the impact of delivery and servicing activity.
- Details of the secure cycle storage.

Parks Service

4.19 Support the proposal to formalise access through the Park as it will increase usage, subject to works to the Park, including footpath improvements, lighting, soft landscaping and bins along the routes to the proposed school access from Sydenham Road and Winchfield Road.

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 In March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.18 Education facilities
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy
Policy 5.11 Green roofs and development site environs
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture

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

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

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

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 22 Sustainable design and construction

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 25 Landscaping and trees

DM Policy 26 Noise and vibration

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties
- e) Sustainability and Energy
- f) Ecology and Landscaping
- g) Other Matters

Principle of Development

- 5.11 The site is already in use as a primary school and therefore, in principle its continued use for this purpose is considered acceptable in land use terms. In terms of the increased intensity of this use, the following planning policies are relevant.
- 5.12 Paragraph 72 of the National Planning Policy Framework advises that *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*
- 5.13 Policy 3.18 of the London Plan states that from a strategic perspective the *“Mayor will support provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population to enable greater education choice”*. Development proposals which *“enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged.”*
- 5.14 Core Strategy Policy 20 supports the improvement of schools within the borough.
- 5.15 The proposed development would increase the school use on this site from one form of entry (plus a bulge class) to two forms of entry (infant and primary), as well as a nursery. In total, this would provide 420 pupil places and 50 nursery places (split over two sessions daily). In addition, the proposal would deliver a significant improvement in the standard of educational facilities at the school.

- 5.16 On the basis of the above policy guidance, it is considered that, subject to the remaining relevant matters, the principle of development is acceptable. These matters are discussed below.

Design

- 5.17 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 5.18 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 5.19 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst DM Policy 30 seeks to apply these principles through detailed design issues for planning applications to address.
- 5.20 The existing site has a number of single storey timber school buildings located predominately in the centre of the site. The boundary treatment has a large wall and hedge protecting the site from any views to the street. As a result, the current configuration of buildings offers very little street presence. In addition, the existing buildings are not considered to be of any merit in terms of their architecture or heritage value.
- 5.21 Therefore, it is considered that the removal of the existing buildings would not be harmful to the character of the area and offers significant opportunity to enhance the school's relationship to, and presence on, Sydenham Road.
- 5.22 The proposal would be part one/part two/part three storeys in scale. The eastern section would be flat roofed with play space above whilst the western section would be separated into three pitched roof elements with gable ends on the northern (Sydenham Road) elevation. Finally a single storey protrusion to the side of this western section would house part of the nursery.
- 5.23 The height of the flat roofed eastern section would be 8.2m high whilst the western section would be 11.5m high at its highest point and 9.7m at the eaves. The single storey protrusion would be 3m in height at the boundary.
- 5.24 The proposed building would front Sydenham Road with the main building line being constructed to the northern boundary, however it should be noted that the site plan does allow for an widened footpath to Sydenham Road, near the junction with Fairlawn Park. The building frontage would be

stepped from the western boundary at Fairlawn Park by 3.3m, however the single storey element would be built to the boundary.

- 5.25 The façade of the eastern building would include large elements of vertical timber 'fins' which would be separated with a 150mm gap. The timber fins would be set with varying section depths and behind would be the building clad in timber. The design of this element has been amended during the application process. As originally submitted, the fins extended above the flat roof portion of the building at a height of 4.5m, echoing the shape of the gable ends on the western portion. In response to concerns from officers as to the stability of this element, the fins were reduced in height and extend horizontally across the flat roof. The same cladding would be used on the southern and eastern elevation of the building. The parapet of the building would be topped with PPC capping and the ground floor level of the northern elevation (Sydenham Road) would be finished with facing brick. The roof of this building would be flat with play space above.
- 5.26 The western section would incorporate the three pitched roofs. Between the pitched roofs would be sections of flat roof with glazed elements and green roofs. The external facade would predominately be finished in composite cladding. At first floor and above, small vertical elements would be inset between the gable ends of the pitched roof to provide visual relief. The single storey element fronting Fairlawn Park would be clad in brick.
- 5.27 A flat roofed element would also connect the eastern and western section of the building and would predominately be glazed with aluminium spandrel panels between the floor levels, this would incorporate the entrance from Sydenham Road.
- 5.28 In terms of the scale, the site is surrounded by a mixture of heights, including three storey flat roof buildings on Sydenham Road opposite. Therefore, it is considered that the three storey scale would not be out of keeping within the existing development, particularly as it is focused on Sydenham Road.
- 5.29 Officers acknowledge that the massing and alignment would result in the building being built to the highway, which would be a significant change from the existing situation. However, focusing the building scale on Sydenham Road is supported in urban design terms, presenting a positive relationship to the street and helping to define it and add interest to the streetscene.
- 5.30 Bearing in mind the institutional use of the site, officers consider that this massing and alignment would not be significantly out of keeping with neighbouring buildings.
- 5.31 Whilst it is noted that the nearest development to the west and south is two storey with pitched roofs residential properties, it is considered that the spacing between the properties would negate any harm the scale may have on the character of this typology.

- 5.32 Therefore, officers consider that the proposed building would be appropriate to the character of the area in terms of its scale, massing and alignment.
- 5.33 The proposed design attempts to create a roof typology which blends from the institutional buildings to the east to the residential buildings to the west as outlined in the Design and Access Statement. The flat roof reflects a modern design approach while the pitched roofs relate to the residential roof shapes further along Sydenham Road.
- 5.34 The design materials are contemporary, with large amounts of timber and composite cladding, as well as small amounts of brickwork. The approach to the material palette is considered to be appropriate in principle, complementary to the existing context, and it is recommended that the quality of materials is secured through condition.
- 5.35 The articulation of the materials is also considered to give sufficient relief from the bulk of the building. For instance, the varying sections of the timber fins along the elevations of the hall and the inset elements of elevation and recessed ground floor windows provide visual interest and depth, which in turn serves to reduce any harm caused by the scale and massing along Sydenham Road. In addition, the improved openings on ground floor and larger openings on the side elevation provides an improved connection between the development and the public realm.
- 5.36 Overall, officers consider that whilst the proposed development would introduce a greater scale of development on the site, and that this would be larger in comparison to the adjoining residential properties, this would not adversely harm the character of the area. Furthermore, given the compatibility of the design with the adjoining institutional buildings and the development opposite of Sydenham Road, the proposed development would not appear out of character with the surrounding context. Finally, officers consider the design of the building would improve the presence of the school on the street as well as adding visual interest and activity to the streetscene.
- 5.37 In summary, officers consider that the proposed design is of a high quality, appropriate to its context and in accordance with Local Plan policies relating to design.

Highways and Traffic Issues

- 5.38 A Transport Assessment was submitted in support of the proposal. The assessment outlined the relevant national, regional and local policies in relation to traffic impacts and included a transport survey and parking survey to assess the expected effects of the development. Following the submission of amendments to the scheme in relation to access arrangements, a Transport Assessment Addendum was submitted in September 2016.

a) Access

- 5.39 The existing site has no vehicular access and this is unchanged in the proposals. The main pedestrian entrance is provided from Sydenham Road with secondary access from Fairlawn Park. There is an existing access from Home Park, however this is not currently in use.
- 5.40 A large number of the objections received to the original consultation related to the then proposed main pupil access from Fairlawn Park and the impact this would have on the use and safety of the highway, including the safety of children at the school.
- 5.41 The Council's Highways Officer also highlighted their concern with using Fairlawn Park as the main access for all pupils and the adverse impact it would have on vehicle and pedestrian safety. For these reasons, Officers proposed the use of Home Park as an access with the applicant.
- 5.42 The proposed scheme would split pupil access between Fairlawn Park and Home Park. There are 164 pupils on site at present, all utilising the Fairlawn Park access. In the proposed scheme, only infants would enter the school using this access during normal hours, in combination with the Sydenham Road entrance. The maximum number of infants and nursery children attending the site at any one time would be 235 in the proposed scenario. On the basis of the policy of encouraging parents with junior school siblings to use the Home Park access, this number would reduce to approximately 215. Of these, 95% (204) would be anticipated to attend on a typical day and 150 during peak pick up/drop off times. As such, by restricting the Fairlawn Park access to infants only, the number of pupils accessing the school from Fairlawn Park during peak times would be marginally greater than the existing situation.
- 5.43 In the proposed scenario, 230 pupils (including 20 infant siblings) would enter via Home Park, of which approximately 155 would be expected during peak times. These pupils would be expected to enter Home Park via Sydenham Road and Winchfield Road. It is not anticipated that this number of additional trips through the park would give rise to any adverse impacts and, indeed, the Council's Parks Service has stated their support for the proposal as it will increase the usage of the Park. Notwithstanding this, improvements to the approach to the school entrance within the Park would be required, in the form of low level lighting and resurfacing, to make this an appropriate and safe route, particularly during the winter months.
- 5.44 The Sydenham Road entrance would cater primarily for staff, visitors and access into the hall. After school clubs would use the Fairlawn Park entrance, however as this would be outside the peak pick-up times it would not be considered to cause an impact in highway terms.

b) Car Parking and Trip Generation

- 5.45 The NPPF highlights the important role transport policies have to play in facilitating sustainable development. The transport system needs to be balanced in favour of sustainable transport modes.

- 5.46 Paragraph 32 of the NPPF goes on to state that development that generates significant amounts of movement should be supported by a transport statement. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Finally, the NPPF highlights that an important tool to promote sustainable transport are Transport Plans, therefore these should accompany development which generate significant amount of movement.
- 5.47 Core Strategy Policy 14 adopts a managed and constrained approach to car parking provision in order to contribute to the objectives of traffic reduction.
- 5.48 The submitted Transport Assessment notes that the school does not currently have a Travel Plan. The Assessment is informed by a 'hands-up' survey of staff and pupils taken in June 2015 to determine travel modes and observations of drop-off and pick-up at the Sydenham site.
- 5.49 Based on the survey results, the current 41 peak hour car trips associated with pupils are expected to increase by 42 to 83 and the current staff car movements of 10 would increase by 15 to 25. Whilst the amalgamation of the school sites into one should reduce the number of trips overall, there would be a significant increase at the Sydenham Road site.
- 5.50 The key measure proposed to mitigate and reduce these increased trips is the adoption of a School Travel Plan, which would be secured by condition. The TA outlines the principles of the travel plan as follows:
- Headteacher appointed as Travel Champion. Will act as main point of contact and have responsibility for enforcing the Travel Plan;
 - Travel Plan Working Group to be established, meeting termly. Membership to include representatives from Lewisham Council, the Diocese, School Governor, parents and local residents;
 - Drop-off and pick-up to be monitored by school staff, with parents and residents to report any issues to the Travel Plan Champion;
 - Travel Plan Surveys to be carried out annually in September from first opening for a period of 5 years;
 - Targets will be set following the first annual survey to reduce the proportion of staff and students travelling by car and to increase walking and cycling;
 - Staff encouraged to cycle and cycle facilities provided;
 - Staff prohibited from parking on Fairlawn Park and Winchfield Road.
- 5.51 With the imposition of these measures, a 10% reduction in the proportion of pupils and staff travelling by car to the site is anticipated.

- 5.52 As a result of the proposed use of Home Park for Junior School access it is anticipated that the number of pick-ups and drop-offs would remain at current levels. It is proposed that parents dropping off for the Junior School would use Winchfield Road which is identified as having sufficient capacity to accommodate the demand.
- 5.53 By restricting staff from parking on Fairlawn Park, up to 10 fewer staff cars would be parked on Fairlawn Park throughout the day.
- 5.54 The site has a PTAL of 3, which on a scale of 1 to 6, with 6 being 'Excellent'. There are bus stops on either side of Sydenham Road, in close proximity to the school. Up to 20 services serve these stops at peak school times.
- 5.55 Currently, cycle facilities at the site are low and this is a potential barrier to cycling. The proposals make provision for cycle spaces in line with London Plan requirements, amounting to 62 covered spaces (of which 6 would be for staff) and 3 visitor spaces. Shower facilities would also be provided for staff. The provision of good quality cycle facilities at the school would be expected to result in a reduction in car journeys to the site.
- 5.56 The Council's Highways Officer has advised that the increased traffic generated by the enlarged school would be unlikely to give rise to unacceptable impacts on the highway, provided that improvements to local crossing facilities and parking controls/waiting restrictions adjacent to the site are secured in a highways agreement under S278, together with improvements to footpaths and lighting within Home Park.
- 5.57 On the basis of the cycle facilities, improvements to the local highway and Home Park, conditions for highway improvements secured and a condition requiring a school travel plan, it is considered that the highways impacts arising from the scheme can be adequately mitigated.

c) Refuse and Servicing

- 5.58 The refuse store would be located to the rear of the building, close to the pupil entrance from Fairlawn Park. It is proposed that waste and recycling would be collected twice weekly from this point. Deliveries are also proposed to this access.
- 5.59 The Council's Highways Officer has not raised any concerns in this respect but has requested that a delivery and servicing plan is submitted so that the detailed arrangements for servicing can be reviewed and agreed. Officers consider that this can be secured with a condition.

d) Construction Impacts

- 5.60 The proposal does not include details of construction logistics, which may adversely impact on the highway network due to vehicle types and numbers. Officers consider that a condition for a Construction Management Plan would make the development acceptable in this matter and subsequently refusal on this matter is not considered to be warranted.

Impact on Adjoining Properties

- 5.61 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.
- 5.62 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity will need to be addressed by development proposals.
- 5.63 The proposal would increase the height of the development on the site from single storey to two and three storeys, however the bulk of the buildings would be located along Sydenham Road.
- 5.64 The adjoining development to the east is formed of institutional buildings, being the presbytery and church. Based on the nature of the use of these buildings, any adverse impact on the amenities of the users of these buildings are not considered to be significant.
- 5.65 The adjoining properties to the west and north of the proposed building are residential, however they are sufficiently separated from the site by Sydenham Road and Fairlawn Park respectively to ensure that any adverse impact in terms of daylight/sunlight, loss of outlook or overbearing impacts would not be severe.
- 5.66 The proposed building would be separated by 8.9m-14.7m from the nearest residential property to the south by the Fairlawn Park pupil entrance and landscaping. Taking into account the separation and orientation of the building, the proposal would not adversely impact on daylight, sunlight or outlook to these buildings and would not have an overbearing impact towards these residential properties.
- 5.67 The proposed building would have classroom windows which face south towards the residential buildings along Fairlawn Park. In particular, the rear classroom windows would overlook the rear gardens, which are 11m from the building. Taking into account the angle of first and second floor windows, the level of overlooking could result in some loss of privacy for these residents.
- 5.68 However, considering the relatively low use of the school building, in addition to the fact no habitable windows would be directly overlooked, the loss of privacy to neighbouring residents is not considered to be significant. The proposed building does not contain windows which directly overlook any other nearby residential property.
- 5.69 Overall, officers consider that the proposed development would be acceptable in terms of loss of privacy to nearby neighbours.
- 5.70 In terms of noise, the plant room would be located within the single storey structure. Small ventilation outlets are shown on the flat roof, however these

would be insignificant in terms of noise and considering the distance from sensitive users, the impact would be minor.

- 5.71 Therefore officers consider that the impact of the proposal in terms of noise is insignificant.
- 5.72 With respect to external lighting, no details of the lighting proposed has been provided. However, it is noted that the proposed external sports field would not have floodlights. Furthermore, given the times of use of the building, it is unlikely that any external lighting would significantly impact on residential amenity or highways beyond the established level. Therefore it is not considered that the development would negatively impact on residential amenity through excessive lighting.
- 5.73 Given the site is surrounded by residential development, it is considered that adverse impacts may arise as a result of construction works in terms of dust and noise. It is noted that a construction management plan is suggested as a condition under highway issues, however this should also include measures for dust, noise and vibrations. This would ensure that construction impacts are mitigated to an acceptable level during construction phase.
- 5.74 In summary, the proposed development is not considered to cause significant detrimental harm to the residential amenity of neighbouring properties and therefore is acceptable.

Sustainability and Energy

- 5.75 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 5.76 London Plan Policy 5.2 outlines development should make the fullest contribution to minimising carbon dioxide emissions in line with the following energy hierarchy:-
1. Be lean: use less energy;
 2. Be clean: supply energy efficiently; and,
 3. Be green: use renewable energy.
- 5.77 The policy also states that non-residential buildings up until 2016 shall provide a 40% improvement on 2010 Building Regulations. This translates as a 35% reduction on Part L 2013 emission targets as highlighted in the Energy Planning Guidance document issued by Greater London Authority (GLA) in April 2014. Major development should include an energy assessment to demonstrate how the targets for carbon reductions shall be met within the framework of the energy hierarchy.

- 5.78 Core Strategy Policy 8 also requires major development to outline how energy reductions can be incorporated and requires all new non-residential buildings to achieve a BREEAM rating of 'Excellent'.
- 5.79 An energy statement was submitted with the application outlining how the proposal is expected to achieve the above policy compliance through the energy hierarchy.
- 5.80 The proposed be lean measures take into account passive design of improved building fabrics and high energy efficient services resulting in a reduction of 17%. The be clean measures consider the use of a Combined Heat and Power unit, however due to the small size of the development, it is considered that this would not be feasible for the relatively small benefit in reductions this would have and therefore is not applicable to the calculations. The green measures include an array of 125 sqm of solar photovoltaics available to the flat roof of the building, resulting in a reduction of 18%. This totals to an emissions reduction of 35% based against 2013 targets.
- 5.81 Therefore, on the basis of the information submitted, officers consider that the scheme would be compliant with the policies of the London Plan.
- 5.82 A BREEAM Pre-Assessment Estimator was prepared and submitted with the application. The document highlighted that the proposal is capable of meeting excellent and therefore on this basis, the proposal is considered to comply with the Council's sustainability policies.
- 5.83 It should also be noted that plans of the drainage system have shown that the impermeable area of the site has been decreased by 133 sqm. In addition, through appropriate hard landscaping and roof design, the surface water runoff would be reduced from 49 l/s to 24.5 l/s.
- 5.84 Taking this into account, the proposed scheme is considered to be acceptable in terms of sustainable urban drainage.
- 5.85 Overall, the scheme is considered to be acceptable with respect to sustainability and energy. In order to secure these benefits, officers consider it appropriate to condition BREEAM excellent and the solar photovoltaic panels to ensure this is carried through.

Ecology and Landscaping

- 5.86 Paragraph 117 of the NPPF advises that, to minimise impacts on biodiversity and geodiversity, planning policies should: promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.
- 5.87 London Plan Policy 5.11 states that major development proposals should be designed to include roof, wall and site planting, especially green roofs and

walls where feasible, to deliver several objectives including, among others, adaptation to climate change, enhancement of biodiversity and improvements to the appearance and resilience of buildings.

- 5.88 London Plan Policy 7.19C also states that, wherever possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 5.89 Core Strategy Policy CS12 Part (I) seeks to promote living roofs and walls in accordance with London Plan policy and Core Strategy Policy 8 while DM Policy 24 states that the Council will require all new development to take full account of appropriate Lewisham and London Biodiversity Action Plans and biodiversity guidance in the local list, in development design and ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity. DM 24 goes on to provide guidance on the specification sought for living roofs.
- 5.90 An ecological appraisal was completed and submitted in support of the application. This included a bat survey report.
- 5.91 It is noted that the site holds no ecological designation within the local plan. The site has 7 trees, six of which are located in the play area adjacent to Home Park, in addition to the boundary plantings along Sydenham Road and Fairlawn Park. However in the ecological report these trees are not considered to be significant in providing habitat value. Therefore any potential impact on valuable habitats is low.
- 5.92 The bat survey also found that the likely impact on protected bats species is low.
- 5.93 It was recommended within the reports that ecological enhancements be undertaken, which included retaining on site vegetation or replacement with native vegetation, bird/bat roosts, insect lodges, hedgehog shelters and sensitive lighting to ensure the development complies with policy.
- 5.94 It is noted that no trees are being removed. Whilst the boundary hedges are being removed, there is significant replanting with nine trees within the site and hedges along the boundary with Fairlawn Park, in addition to planting on the roof play space. Whilst the strategy outlines native species would be implemented, no specific details have been provided. The landscaping strategy also outlines indicatively the location of biodiversity enhancements such as bird and bat boxes, however no specific details of locations or numbers were provided.
- 5.95 In addition to the above, green roofs are proposed on the flat roof element of the classroom buildings in between the pitched roofs, in addition to the single storey plant room, nursery and cycle/refuse storage. The green roof of the lower structures would be wildflower mix green roof, which would be appropriate for the size of these structures. It is noted however that minimal details have been provided, in line with DM Policy 24.

- 5.96 With respect to external lighting adversely effecting bat roosts, it is noted that the proposed external sports field would not have floodlights. Furthermore, the level of external lighting is expected to be in line with the established level given its urban setting. Therefore it is not considered that the development would negatively impact on bats through excessive lighting.
- 5.97 Overall, the principle of the development against ecological policy is considered to be acceptable. In order to secure appropriate enhancement measures, it is considered that conditions should be added for details in relation to living roofs, bird/bat boxes and appropriate soft landscaping to ensure these are appropriately carried through in the development.

Other Matters

- 5.98 The submitted Desk Study Report concludes that there is potential for sources of contaminants on site through made ground during the construction of the school. Therefore it is recommended that an intrusive geo-environmental ground investigation is conducted.
- 5.99 Whilst it is not considered that the level of contamination would preclude the development of the site, given the sensitive nature of the school pupils and proposed orchard garden and other landscaping improvements, Officers consider that a condition is reasonable to secure such an assessment prior to any development and ensure any possible remediation works are carried out prior to occupation.
- 5.100 The site is located within an area of archaeological priority within the Core Strategy and therefore has been identified as having potential to house archaeological remains. The applicant has not submitted any information assessing the impact of the proposed development in terms of archaeological remains.
- 5.101 It is officer's opinion that, given the past disturbances of the site, the likelihood of uncovering archaeological remains would be low. Nonetheless, it is considered that, given the historical importance of preserving archaeological remains, the applicant should undertake desk top studies prepared by a suitably qualified person as a minimum to assess the site's potential in terms of archaeological remains and measures to mitigate any adverse impact on any archaeological remain unearthed during works. Officers consider that this can be appropriately secured through condition.

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 is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7.0 Community Infrastructure Levy

7.1 The above development is CIL liable.

8.0 Equalities Considerations

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

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

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

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

8.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

9.0 Conclusion

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

9.2 Officers consider that the proposals would make a significant contribution towards addressing the pressing need for additional and improved primary school places in the Borough.

9.3 The design of the proposals is of a high quality, relates successfully to the surrounding context and would enhance the local streetscene.

9.4 Based on the mitigation to be secured by condition, the scheme would not give rise to significant adverse impacts on the highway network or parking locally.

- 9.5 Officers therefore consider that the scheme is acceptable in planning terms and recommend approval of planning permission, subject to the conditions set out below.

10.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

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

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:

PL_003, PL_004, PL_005, PL_006, PL_007, PL_104, PL_105, PL_106, PL_204, PL_301, PL_302, PL_401, PL_501, PL_502, L-110 Rev A (Planting Plan), L-111 Rev C, C100 Rev P, C101 Rev P1, Detailed Data Network Maps, Design Principles And Concept Report, Desk Study Report, Landscape Design, Ecological Appraisal and Initial Bat Inspection, Energy Strategy Statement Phase 3, Arboricultural Impact Assessment, Design & Access Statement, Acoustic Implications On Design, BREEAM2014 Education Pre-assessment report Rev A, Overheating Assessment, Bat Survey Report, Daylight Assessment Stage 2, Public Transport & Local Services Analysis Stage 2 (received 30th March 2016);

PL_505 Rev A, PL_506 Rev A (received 2nd September 2016);

PL_507, PL_102 Rev A, PL_103 Rev A, PL_201 Rev B, PL_202 Rev B, PL_203 Rev B (received 9th September 2016); and

Transport Assessment Addendum (EAS, September 2016), L-110 Rev E (Landscape External Works Plan); L-112 Rev C; PL_508 (received 12th September 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 the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16

Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2016).

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

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

5. (a) No development (with the exception of demolition to ground level) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the

new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

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

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

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

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

6. The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

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).

7. (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence (other than above ground demolition) until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full

compliance with part (a) for that specific building.

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

8. (a) No development above ground level shall commence on site until a detailed schedule and specification, including samples of all external materials and finishes including bricks, cladding, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority.
- (b) Sample panels of the materials, including mortar and fixings, to be approved under part (a) shall be constructed on site, for review by the local planning authority.
- (c) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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.

9. (a) A minimum of 62 secure and dry cycle parking spaces and 3 visitor spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level 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).

10. The development hereby approved shall be carried out in accordance with the hard landscape details shown on drawing L-110 Rev E prior to occupation of the building.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2016), Policy

15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

11. The approved boundary treatments, as shown on plans PL_508 and L-112 Rev C, shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

12. (a) The development shall be constructed with biodiversity living roofs laid out in accordance with drawing L-111 Rev C hereby approved. The living roofs shall be biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm) and plug planted & seeded with an agreed mix of species within the first planting season following the practical completion of the building works.
- (b) Prior to the commencement of any works above ground level, full details of the living roofs shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1:20 scale plan [of the living roof] that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings.
- (c) The development shall be carried out strictly in accordance with the details so approved under (b) and shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority. Evidence that the roof has been installed in accordance with (a) & (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.
- (d) 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.

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).

13. (a) Within 3 months of occupation of the development hereby approved, a School Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London', shall be submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan once approved.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of the buildings/site for community purposes.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

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

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

15. (a) No development shall commence above ground level until details of the following works to the highway (including drawings and specifications) have been submitted to and approved in writing by the local planning

authority:

- (i) new school keep clear road markings and waiting restrictions adjacent to the school on Fairlawn Park;
- (ii) new school children crossing signs (Wig Wags) and works to the school crossing patrol facilities to highlight the crossing area on Sydenham Road; and
- (iii) entry treatment works to the Sydenham Road/Fairlawn Park junction.

(b) The development shall not be first occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under the said paragraph (a).

Reason: In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011). This is a pre-commencement condition because the local planning authority needs to be satisfied that the proposed and required Highways Works necessary to facilitate the development can be satisfactorily designed before development starts.

16. (a) Details of the proposed solar panels shall be submitted to and approved in writing by the local planning authority prior to the commencement of any above ground works.

(b) The solar panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved, and retained in perpetuity.

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 and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

17. Details of the number and location of the bird and bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24

Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

18. (a) No development shall commence above ground level until details of the following works to Home Park (including drawings, specifications and a programme for delivery) have been submitted to and approved in writing by the local planning authority:
- (i) improvements to the footpaths and lighting in Home Park, between the entrance to the school (within the park) and Sydenham Road and between the entrance to the school (within the park) and Winchfield Road;
 - (ii) new waste bins along the footpath within the Park between Sydenham Road and Winchfield Road; and
 - (iii) soft landscaping along the footpath within the Park between Sydenham Road and Winchfield Road.
- (b) The development shall not be first occupied until the works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under the said paragraph (a).

Reason: In order to ensure that the Park environment provides an appropriate access for the school in accordance with Core Strategy Policy 12 Open space and environmental assets and Policy 15 High quality design for Lewisham of the Core Strategy.

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. 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>
- C. The applicant is advised that conditions 3, 4 and 5 require details to be

submitted prior to the commencement of works due to the importance of minimising disruption on the local highway network during construction, ensuring that contamination is identified and remediated appropriately and that the archaeological potential of the site is evaluated prior to the development works.

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Committee	PLANNING COMMITTEE	
Report Title	ST CYPRIANS HALL, BROCKLEY ROAD, LONDON, SE4 2RA	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	6th October 2016

<u>Reg. Nos.</u>	DC/16/096995
<u>Application dated</u>	08.06.2016
<u>Applicant</u>	The Co-operative Food Group Limited
<u>Proposal</u>	The proposed change of use of part of the ground floor of St Cyprians Hall, Brockley Road, SE4 from office (Use Class A2) and restaurant (Use Class A3) to retail (Use Class A1), together with alterations to the shopfront and the installation of a plant on the north elevation fronting onto Braxfield Road.
<u>Applicant's Plan Nos.</u>	AP02A; AP06A; AP09A; AP16A; AP19A; Environmental Noise Impact Assessment Report; Planning & Retail Statement; Transport Statement AP32; AP33; AP34 Received 30th June 2016 Marketing Letter 20.07.2016; Hindwoods Marketing Brochure Received 20th July 2016
<u>Background Papers</u>	(1) Case File DE/10/C/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	None
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site comprises a brick built church hall building with a gabled frontage to Brockley Road. This features three doorways with pointed arches, the largest of which is in the centre of the building. Above the blocked opening are three slender lancet windows. The building has been much extended to the rear at later periods. Most recently, planning permission was granted for the erection of an additional storey at third floor level behind the parapet of the existing building, which is currently nearing completion. .
- 1.2 The building is flanked by two three storey Victorian buildings; 294 Brockley Road at the corner of Brockley Road and Braxfield Road is in use as an undertakers

and. No. 296 is an office with residential accommodation above. The latter has planning permission for an additional storey in a contemporary style. To the south of no. 296, the parade appears to have been largely rebuilt in the post war period as shops with residential accommodation above.

- 1.3 The application site also includes the rear extension and yard of 294 Brockley Road. The former club has a fire escape onto the service road to the rear of 296-308 Brockley Road, which is accessed from Comerford Road. Comerford Road and Braxfield Road comprise two storey Victorian terraced houses with rear gardens of between ten to twelve metres in depth, a number of which border the application site.
- 1.4 The application site is opposite Brockley Cemetery that is located within the Brockley Conservation Area. The facade of the church hall and the adjoining Victorian shops are regarded, by virtue of their contribution to the street scene, as non-designated heritage assets.

2.0 Relevant Planning History

- 2.1 DC/10/74907/X: The demolition of the existing church hall and ancillary buildings, with retention of the facade at St Cyprians Hall, Brockley Road SE4 and the construction of a single to four storey building to provide a restaurant (Use Class A3) and office (Use Class A2) on the ground floor, together with 3 one bedroom and 5 two bedroom self-contained flats and 1 two bedroom self-contained maisonette. **Granted and in the process of being implemented.**
- 2.2 DC/15/92982: An application under section 73 of the Town and Country planning Act 1990 for a minor material amendments to the planning permission (DC/10/74907) granted on 28th July 2011 for the demolition of the existing church hall and ancillary buildings, with retention of the facade at St Cyprian's Hall, Brockley Road SE4 and the construction of a single to four storey building to provide a restaurant (Use Class A3) and office (Use Class A2) on the ground floor, together with 3 one bedroom and 5 two bedroom self-contained flats and 1 two bedroom self-contained maisonette. This comprises the amendment of the previous approved plans to include new plans and elevations incorporating alterations comprising the provision of a transom to most of the proposed casement windows, changes to the proposed internal layout, changes to the proposed roof garden layout including the provision of a living roof buffer to the area of flat roof adjoining the gardens of neighbouring properties in Comerford Road, details of the proposed bollard lights for the roof garden together with additional information on materials, fencing and mesh balustrades. **Granted.**

3.0 Current Planning Application

- 3.1 Planning permission is sought for the proposed change of use of part of the ground floor of the property from office (Use Class A2) and restaurant (Use Class A3) to retail (Use Class A1). Alterations to the front and side (north) elevations are also proposed. It should be noted that although the lawful use of the ground floor is as office and restaurant floorspace, they have never been occupied as such.
- 3.2 The separate retail unit fronting Braxfield Road would remain, as would the entrance to flats 1-8 on the upper floors and the separate residential unit labelled as 'House' on the drawings. There would be a reduction in the office and refuse

space to facilitate the provision of a plant room. This would necessitate minor changes to the fenestration.

3.3 The proposed alterations to the shopfront consist of the central double door entrance being replaced by double glazed automatic sliding doors and the doors to either side being replaced by shopfront glazing in grey aluminium frames.

3.4 The opening times of the retail unit are proposed to be 06:00-23:00 Monday-Sunday.

4.0 Consultation

4.1 No pre-application advice was sought.

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 was displayed and letters were sent to 19 adjoining residents, Brockley Ward Councillors, the Council's Highways and Environmental Health Officers.

Written Responses received from Local Residents

4.4 32 objections were receiving from local residents raising the following concerns:

- The location is one of the few that is suitable for a large restaurant and there is a surfeit of small supermarkets in the area, including two Co-ops.
- The Crofton Park Co-op is poorly run.
- The building has not been finished before the change of use has been applied for.
- This could discourage local entrepreneurs from this location.
- The opening of another convenience store would make the high street unattractive.
- The proposed use would not support the night time economy of the area.
- Parking and traffic issues as the site has no parking spaces, which is further constrained by the bus stop opposite and on the other side of Braxfield Road, and drivers will illegally park on the junction or on nearby residential streets.
- The Co-op will put several of the smaller convenience stores out of business, leaving derelict and unsightly spaces in the high street.

4.5 The Council's Highways Officer had concerns over the following:

- There are no facilities for customer parking
- No servicing would be able to be provided at the front of the store so the only viable location is via Braxfield Street, which is a residential street and therefore very noise sensitive, as well as being heavily parked. Whilst it would be possible, there are therefore concerns about the delivery truck or lorry using that street.
- There is no dedicated service bay on this street so whilst one could be applied for, there are concerns over it taking away up to three valuable parking spaces, and in the meantime, there is no guarantee that there would be a space available for unloading goods at the time of the deliveries.
- The space outside the 'refuse corridor', which appears to be shown as decking on the proposed ground floor plan, is not within the red line on the site location plan. Therefore, it appears as though this is not owned by the applicant / developer. However, the store will need the use of this for colleagues to push and pull cages

from the store to the delivery truck / lorry. The applicant will need to confirm whether they own this space or have right of access from its owner.

The Highways Officer suggested a number of conditions as follows:

- The swept path analysis within the Transport Statement showed that a 8.1m rigid vehicle is the largest vehicle that could be routed along Braxfield Road and Arabin Road to service the A1 unit. If permission was granted a condition would be required restricting the size of vehicles that can service the A1 unit.
- The submission of an updated Delivery & Servicing Plan (DSP), the plan should include details of measures to rationalise the number and time of delivery and servicing trips to the commercial element of the development, with the aim of reducing the impact of servicing activity. The plan should also include the additional information that has been submitted via email in relation to storage of cages. The A1 use should operate in accordance with the approved DSP.
- No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 on any day. The movement of any roll cages or the waiting of lorries on or near the site should be restricted outside of the recommended delivery times.
- The applicant will be required to enter into a S278 agreement with the Highway Authority to secure the provision of a loading bay and the associated Traffic Regulation Order.

Cycle parking would also be secured via condition.

4.6 The Council's Environmental Health Officer supported the findings of the noise report, subject to the plant being situated inside a plant room rather than externally and required confirmation that the Refrigeration Condenser and the air conditioning would be switched off at night (23:00-07:00) as well as whether the plant condenser night time 'set back' is pre-installed within the equipment or whether it requires a manual intervention to be turned off. They also asked that the report specifically details the plant louvre attenuation.

4.7 Officers consider that the EHO's concerns have now been alleviated following the confirmation from the applicant that all noise requirements will be met in the design of the plant equipment and louvres, and that the submitted report was based on the AC units not being operational at night, whilst the refrigeration equipment would be.

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 2016). 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 2016)

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

Policy 7.4 Local character
Policy 7.6 Architecture

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:

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 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the principle of development, the impact of the proposal's design on the character and appearance of the existing building, the surrounds and on the amenities of neighbouring occupiers as well as noise and highways issues.

Principle of development

- 6.2 The Council have no planning policies to resist the loss of floor space in Use Classes A2 and A3. The proposal retains the ground floor of the property in the A Use Class, which is welcomed given that the property is located within a group of at least four contiguous shops that constitutes a local shopping parade, as defined by the Development Management Local Plan.
- 6.3 Marketing information in the form of a letter from Hinwoods Chartered Surveyors dated 20th July 2016 and marketing brochure have been provided by the applicant to demonstrate that the unit has been marketed since 2nd September 2015 for Use Classes A1, A2, A3 and B1 with other uses subject to planning to broaden the market to include D1, D2, A4 and A5. A rent was not quoted and the size of the property available was marketed from 355 sq. ft. – 7,736 sq. ft. Whilst marketing is not a policy requirement for this change of use, Officers are satisfied with this approach and note the only interest came from operators who would not have been suitable for the space.
- 6.4 The concerns of objectors who would have preferred to see a restaurant opening on the site are noted. However, given the position of the premises in a local shopping parade and the lack of interest from restaurant operators in the space, the proposed use would be very difficult resist in planning policy terms.
- 6.5 As such, the principle of development is acceptable.

Design

NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment. 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. 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.

- 6.6 The proposed alterations to the front and side elevations use contemporary doors, glazing and materials that are appropriate for the contemporary nature of the building and the surrounding area and are therefore acceptable.
- 6.7 The louvres would face onto Braxfield Road, a largely residential street. The applicant has confirmed that they are of a size to allow sufficient fresh air in so that the air conditioning units and refrigeration condenser work effectively and to ensure that noise is kept to a minimum. They would be finished in grey to match the existing building and are considered acceptable.
- 6.8 The design and materials proposed for the alterations are considered to be of a high quality and appropriate for the building and its surrounding context. As such, the proposal complies with Core Strategy Policy 15 and DM Policies 30 and 31.

Impact on the amenity of neighbouring occupiers

- 6.9 There would be no impact from the proposal on the amenities of adjoining neighbouring properties or to the future occupiers of those flats above in terms of levels of sunlight, daylight, associated overshadowing, outlook or privacy.
- 6.10 DM Policy 26 Noise and vibration states that the Council will require a Noise and Vibration Assessment for noise generating equipment, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.
- 6.11 In compliance with this policy, the applicant has submitted an Environmental Noise Impact Assessment Report for the a/c units, refrigeration condenser and refrigeration pack that would be located within the proposed plant room.
- 6.12 The Council's Environmental Protection Officer has stated that the report is acceptable subject to a few items being confirmed by the applicant. They have confirmed that all noise requirements will be met in the design of the plant equipment / louvres and that the assessment is based on the a/c units not being operational at night, but the other plants will be. Officers consider that it essential for the refrigeration equipment to remain switched on for the food retail use and therefore raise no objection in this case. However, a condition will be added regarding plant room noise control.

Highways

- 6.13 The highways issues have been outlined in the consultation section of this report. On balance it was considered that the use would be acceptable in highways terms subject to the imposition of suitable conditions regarding the type of delivery vehicle, times of deliveries, the submission of a revised servicing and delivery plan, to secure cycle parking and the provision of a servicing bay on the public highway to ensure that they will load where they said they would in the servicing and delivery plan.

- 6.14 Table 6.3 of London Plan Policy 6.9 states that one cycle space is required for a food retail use between 100m² and 750m². The development is to be car-free and the applicant has stated that the catchment area for the proposed 'top-up' sized store would likely be limited to approximately 400m and that where people drive rather than walk, there is parking available on the opposite side of the street. This approach is considered acceptable since the site has a relatively high PTAL of 4.
- 6.15 Delivery to and the servicing of the proposed store would be via Braxfield Road, which is a residential street. A servicing bay is proposed in place of the 'keep clear' marking and part of the single yellow line and therefore no loss of parking would ensue. This would override the current 'no waiting at any time' restriction'.
- 6.16 The cages full of goods delivered to the store and the empty cages returned to depot would come and go through the refuse corridor, and it has been confirmed by the applicant that it would be wide enough for the cages with the 'back of house' area sufficiently sized for cage storage. Therefore, the only time that cages would be left outside is while cages are being unloaded from a delivery, which would not be for a long period of time. It has also been confirmed that the strip of land directly outside the door belongs to the landlord of the site.

Equalities Considerations

- 6.17 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.
- 6.18 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.
- 6.19 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.
- 6.20 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/>

- 6.21 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
- 6.22 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/>
- 6.23 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 It is considered that the principle of development is acceptable and the proposal would have no significant adverse impact on the building, surrounds and on neighbouring amenity through design, noise or highways issues.
- 8.0 RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions:
- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
Reason: As required by Section 91 of the Town and Country Planning Act 1990.
 - 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

AP02A; AP06A; AP09A; AP16A; AP19A; Environmental Noise Impact Assessment Report; Planning & Retail Statement; Transport Statement

AP32; AP33; AP34 Received 30th June 2016

Marketing Letter 20.07.2016; Hindwoods Marketing Brochure Received 20th July 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)

- a) In compliance with the Plant Noise Emission Criteria presented in Section 8.0 of the Environmental Noise Impact Assessment Report, the plant room louvres shall be attenuated such that noise emissions shall not exceed the following Cumulative Atmospheric Plant Noise Emission Limits when measured at 1 metre from the louvres with all appropriate plant operating simultaneously:
Cumulative Atmospheric Plant Noise Emission Limits
Sound Pressure Level (SPL dB re 2x10⁻⁵ Pa)
Daytime (07:00 – 23:00 hours) 50dBA @ 1m
Night-time (23:00 – 07:00 hours) 37dBA @ 1m
- b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme 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).

- 4) The proposed retail (A1) unit shall be serviced by rigid vehicles of no greater length than 8.1m.

Reason: To safeguard the amenities of the adjoining residential occupiers, especially along Braxfield Road and Arabin Road, and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

- 5) A revised Delivery & Servicing Plan shall be submitted to include, but not limited to, details of measures to rationalise the number and time of delivery and servicing trips to the retail (A1) unit and the storage of cages. The scheme shall be carried out in full accordance with the Delivery & Servicing Plan, as approved.

Reason: To comply with Core Strategy Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 6) No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 on any day and the movement of any roll cages or the waiting of lorries on or near the site shall only take place within those times.

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

- 7) The development shall not be occupied until the Local Planning Authority has approved in writing a scheme of works to provide a loading bay on Braxfield Road.

Reason: To comply with Core Strategy Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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, positive discussions took place which resulted in further information being submitted.

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Committee	PLANNING COMMITTEE	
Report Title	5 BEVERLEY COURT, BREAKSPEARS ROAD, LONDON, SE4 1UN	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	6 th October 2016

Reg. Nos. DC/16/096965

Application dated 07.06.2016

Applicant Mrs F Wynne

Proposal The construction of a dormer to the rear roofslope of 5 Beverley Court, SE4, together with the insertion of a conservation style rooflight to the front and a boiler flue to the rear roofslope.

Applicant's Plan Nos. Heritage, Design & Access Statement; VMZINC Facades Specification; 1502 A -00-00; 1502 A -00-01; 1502 A -00-02; 1502 A -00-03; 1502 A -00-10; 1502 A -00-11; 1502 A -00-20; 1502 A -00-21; 1502 A -00-32; 1502 A -00-33; 1502 A -01-01; 1502 A -01-02 Received 7th June 2016

1502 A -01-20 Rev 01; 1502 A -01-41 Received 15th July 2016

Aerial Photo Received 18th July 2016

1502 A -01-30 Rev 01; 1502 A -01-31 Rev 01 Received 19th July 2016

1502 A -00-100 Received 23rd August 2016

1502 A -01-03 Rev 02; 1502 A -01-04 Rev 02; 1502 A -01-10 Rev 02; 1502 A -01-21 Rev 02; 1502 A -01-22 Rev 02; 1502 A -01-23 Rev 02; 1502 A -01-40 Rev 02 Received 30th August 2016

Background Papers

- (1) Case File DE/89/5/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Brockley Conservation Area

Screening N/A

1.0 Property/Site Description

- 1.1 The application property is a two storey, mid-terrace single family dwellinghouse located on the west side of Beverley Court, a private road leading to a small neo-Georgian, 1950s cul-de-sac development of 21 properties accessed off Breakspears Road. The houses, which are finished in white painted render, are grouped in three terraces, enclosing a pleasant planted parking courtyard. The two-bed application property faces the rear of properties on Breakspears Road and is within a terrace of seven properties.
- 1.2 To the rear there are private garages for use only by those who own a property in Beverley Court, but which can also be accessed off Wickham Road. To the north is the railway embankment.
- 1.3 There are no existing extensions that have been granted planning permission to the rear roofslope of this terrace nor to any of the properties in this court, just the unauthorised one at No. 12.
- 1.4 The property is in Brockley Conservation Area and is subject to an Article 4 direction restricting permitted development rights, but is not a listed building. The street is close to St. Peters Church in Wickham Road which is Grade II listed. It is included within Character Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads of the Brockley Conservation Area Character Appraisal.
- 1.5 The road is unclassified and the site has a PTAL rating of 3/4.

2.0 Relevant Planning History

- 2.1 DC/10/74744/FT: The construction of a single storey conservatory to the rear of 5 Beverley Court, Breakspears Road SE4. **Granted and implemented.**

2.2

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a dormer to the rear roofslope to allow for the conversion of the loft space into a habitable room.
- 3.2 It would measure 2.8m deep by 2.5m high by 3m wide and 80cm from the party wall boundaries with a 75cm set back from the eaves. It would be clad in zinc standing seam with have a slightly sloping GRP (Glass Reinforced Plastic) roof over a waterproof membrane and white coloured powder coated aluminium or steel framed casement and fixed windows to its west face. The rainwater pipe would be concealed within and the roof would feature a perimeter valley gutter behind the parapet.
- 3.3 Also proposed is the installation of a heritage style rooflight to the front roofslope and a zinc clad boiler flue to the rear roofslope projecting 90cm from the eaves.

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 three adjoining residents, Brockley Ward Councillors and Brockley Society.

Written Responses received from Local Residents and Organisations

- 4.4 Five objections were receiving from residents of Beverley Court raising the following concerns:
- The proposals would impact negatively on the aesthetic value of the cottage style of the houses, especially nos. 1-7, in the Brockley Conservation Area.
 - The proposals would set an unwelcome precedent, be unpopular and are considered opportunist. Many properties have been able to do a loft conversion without the need for a rear dormer, which would be inappropriate and unsightly.
 - The dormer would destroy the ethos behind the Brockley Article 4 direction.
 - The front rooflight would be unnecessary and ugly and more light would enter the loftspace through one or two rooflights to the rear.
- 4.5 The Brockley Society also objected to the roof dormer extension and rooflight for the following reasons:
- The proposed dormer to the rear roof slope is without any precedent within the extant hitherto unchanged roofscape of Beverley Court.
 - As a result it is considered to be wholly unacceptable by way of:
 - being of an inappropriate design, scale and bulk for these 2 storey cottage terraces
 - making no attempt to harmonise with the extant fenestration pattern and style or minimise the impact within and without the extant roofscape by seeking to accept the constraints of available internal space
 - failing to comply with the BCA SPD policy of no rooflights to front roof slopes and as recently reinforced by the Appeal Inspector's Report on 46 Wickham Road (ref. APP/C5690/W/15/3039159 of 24 November 2015)
 - It thereby challenges the very root of Beverley Court's Conservation Area status and more so by virtue of its exposed location as approached via the footpath leading from Wickham Road.
 - It is recommended therefore that this application be refused or withdrawn.

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 2016)

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

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

Core Strategy

- 5.7 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 and sets out some design principles to achieve this.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.10 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

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 Brockley 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 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.

- 6.4 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.

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. 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.

- 6.5 The proposed dormer would be set in from the eaves of the roof by 500mm and the party wall boundaries by 500mm on each side. It would also be set down from the roof ridge by 55mm. The scale and massing of the extension raises some concerns from a conservation perspective, and in particular the width of the cheeks and its relationship with existing features of the property. An alternative design with a pair of smaller dormers aligned with lower windows may have some merit. However the scheme as submitted, on balance, is considered to be subordinate to the rear elevation in terms of its scale and massing and as such is acceptable in this regard.
- 6.6 It is acknowledged that the proposed materials for the dormer, specifically the zinc standing seam, GRP roof over a waterproof membrane and powder coated aluminium or steel windows, would be different to those of the existing building. However, they are considered to be an appropriate use of a modern material that would not offend the existing materials of the building and would represent a high quality design. Officers recommended that further details be sought regarding the rainwater pipe, which should be concealed internally, and the lead flashing, which should complement the colour of the existing roof and be of high workmanship. Details were subsequently submitted and deemed sufficient. The window designs have also been amended to relate to the existing fenestration style, each being divided up into eight panels by glazing bars.
- 6.7 This design is therefore considered acceptable, subject to delivery in accordance with the plans. The suitability of the design relies on the materials being contemporary, which is the case. This stance is backed by the Council's Core Strategy Policy 15 that applies national and regional policy and guidance to ensure highest quality design, the Development Management Local Plan Policy 30 that requires all development proposals to attain a high standard of design and Policy 31 that requires alterations and extensions, including roof extensions, to be of a high, site specific, and sensitive design quality.

6.8 With regard to the proposed front rooflight, although there are no other rooflights in the terrace, on balance, it is not considered that this modest conservation style addition would harm the character of the conservation area.

Impact on residential amenity

6.9 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed. 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.

6.10 It is considered that there would be no significant impact from the proposal on the amenities of neighbouring properties to the side and rear of the subject property in terms of levels of sunlight, daylight, outlook and noise. Although the dormer extension would overlook surrounding properties, there is an existing situation of overlooking due to the presence of rear windows on lower floors and the proposed replacement window would be fitted into an existing opening. As such, it is considered that the proposal would not result in a perceptible loss of privacy.

6.7 As regards the proposed front rooflight, there would be no perceptible impact on the levels of sunlight, daylight, outlook, privacy and noise currently experienced by neighbouring properties.

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

Equalities Considerations

6.9 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.

6.10 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.

6.11 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.

6.12 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/>

- 6.13 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
- 6.14 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/>
- 6.15 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 It is considered that the design, form and materials for the proposal are appropriate and would preserve the character and appearance of the property itself and the Brockley Conservation Area, without impacting adversely on residential amenity.
- 8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:**
- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
- Reason: As required by Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Heritage, Design & Access Statement; VMZINC Facades Specification; 1502 A - 00-00; 1502 A -00-01; 1502 A -00-02; 1502 A -00-03; 1502 A -00-10; 1502 A -00-11; 1502 A -00-20; 1502 A -00-21; 1502 A -00-32; 1502 A -00-33; 1502 A -01-01; 1502 A -01-02 Received 7th June 2016

1502 A -01-20 Rev 01; 1502 A -01-41 Received 15th July 2016

Aerial Photo Received 18th July 2016

1502 A -01-30 Rev 01; 1502 A -01-31 Rev 01 Received 19th July 2016

1502 A -00-100 Received 23rd August 2016

1502 A -01-03 Rev 02; 1502 A -01-04 Rev 02; 1502 A -01-10 Rev 02; 1502 A -01-21 Rev 02; 1502 A -01-22 Rev 02; 1502 A -01-23 Rev 02; 1502 A -01-40 Rev 02 Received 30th August 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. The roof lights hereby permitted shall be conservation style and be fitted flush with the plane of the roof.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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.

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, positive and proactive discussions took place with the applicant prior to the application being submitted through the duty planner service. Whilst the proposal was in accordance with these discussions, further minor revisions were required after comments from Urban Design Officers.

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Committee	PLANNING COMMITTEE	
Report Title	LADYWELL TAVERN, 80 LADYWELL ROAD, LONDON, SE13 7HS	
Ward	LADYWELL	
Contributors	Russell Brown	
Class	PART 1	6 th October 2016

<u>Reg. Nos.</u>	DC/16/097305
<u>Application dated</u>	30.06.2016
<u>Applicant</u>	Mash Inns
<u>Proposal</u>	The demolition of two outbuildings and a garage to create a beer garden to the rear of the Ladywell Tavern, 80 Ladywell Road, SE13, together with the erection of timber gates fronting onto Slagrove Place and new glazed doors to the function room.
<u>Applicant's Plan Nos.</u>	Planning & Heritage Statement; 01; 02 Received 1st July 2016 03 Received 21st July 2016
<u>Background Papers</u>	(1) Case File LE/837/80/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Ladywell Conservation Area and Locally Listed
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the south side of Ladywell Road (B236), at the junction with Slagrove Place and opposite Gillian Street. It is occupied by a two-storey building (circa 1846) that operates as a public house on the ground floor with living accommodation on the first. There are two entrances, one to the front on Ladywell Road and one to the side on Slagrove Place.
- 1.2 There is a small forecourt to the front that is used as an external seating area with space for three picnic benches and some seating to the rear yard area.
- 1.3 The premises directly adjoins 12, 14 and 16 Malyons Terrace to the rear, which are all single dwellinghouses, and 78 and 78A Ladywell Road to the east.
- 1.4 The property is a locally listed building, with the following listing description:

“The Ladywell Tavern was built in 1846 on the corner of Ladywell Road and Slagrove Place. The main entrance is on Ladywell Road but the building also

offers a secondary elevation including another entrance on Slagrove Place. It is an impressive and well detailed building with a central protruding entrance bay and small bull nosed sash windows to the side elevation. It is built from red brick with stucco parapet and detailing. There is a slate tiles mansard roof with dormer windows. The Ladywell Tavern has a prominent position within the local streetscape and is well detailed building that stands out from the surrounding yellow brick shopping parades. This pub makes an attractive and positive contribution to Ladywell's centre."

- 1.5 The site is located within Ladywell Conservation Area, but is not subject to an Article 4 direction or within the vicinity of any listed buildings. The land lies within Flood Risk Zone 2 and has a PTAL rating of 3/4. The street is a B Road.

2.0 Relevant Planning History

- 2.1 None.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the demolition of two single storey outbuildings and a garage to create a beer garden to the rear of the Ladywell Tavern, together with the erection of timber gates fronting onto Slagrove Place and new glazed doors to the function room to the rear.
- 3.2 The outbuilding and garage to be demolished are currently used for storage. The internal layout of the main pub building would also change with the kitchen moved to where the boiler / plant room and ladies WC are currently located, the latter moving to the current food preparation area and a bar being installed at ground floor level of the function room.
- 3.3 The function room would also feature new timber framed double doors to replace the east-facing window. Furthermore, the existing up-and-over garage door would be replaced by timber gates attached to the brick wall at either side.

4.0 Consultation

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site and public notice were displayed and letters were sent to seven adjoining residents, Ladywell Ward Councillors, Ladywell Society, CAMRA and the Council's Conservation Officer.

Written Responses received from Local Residents

- 4.4 Four objections and one comment were receiving from local residents raising the following concerns:
- The proposal would increase the already large volume of traffic in the area and aggravate the parking situation whereby driveways are blocked and cars are double-parked on single yellow lines.

- It would also increase noise levels in a largely residential area caused by the removal of the outbuildings that act as a sound barrier.
- The opening and closing times of the beer garden should be stated, secured by a covenant written into the planning permission.
- It would exacerbate the litter, which is also thrown into surrounding residential gardens, and anti-social behaviour problems.
- The block plan submitted with the application is incorrect with regard to the positioning of the adjoining properties on Malyons Terrace.
- Concerns over the structural integrity of the rear boundary wall, which could be compromised by the removal of the outbuildings.
- No site notice has been displayed.

4.5 Representations are available to members on request.

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 2016). 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 2016)

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

Policy 7.4 Local character
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 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 20 Public houses
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

- 5.9 The pub is marked as a positive building. The single storey rear outbuildings are marked as being neutral buildings.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing locally listed building, the Ladywell Conservation Area, the amenities of neighbouring occupiers and on car parking.

Design

- 6.2 NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment. 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.
- 6.3 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. 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.
- 6.4 The proposed demolition of the outbuildings is considered to be acceptable given that they are not of historical significance and their removal would not have a negative impact on the locally listed building or on the Ladywell Conservation Area. However, as they adjoin what appears to be a historic rear boundary wall, it is considered necessary to add a condition requiring that any works of making good are to be carried out in materials to match the existing.
- 6.5 There is no objection in conservation terms as the outbuildings to be demolished do not have any historical significance, the main significance being the public house building itself. There would be no impact on the wider Conservation Area as the alterations to the function room would not be visible.
- 6.6 The proposed doors would be in timber, which is a traditional material suitable for use in a Conservation Area. There is no objection to creating a new point of access for the function room into the proposed beer garden, nor to the proposed timber doors that would replace the garage.
- 6.7 The principle of development and the materials proposed for the alterations are considered to be acceptable by being appropriate for the locally listed building and the surrounding Conservation area. As such, the proposal complies with Core Strategy Policies 15 and 16 and DM Policies 30, 31, 36 and 37.

Impact on the amenity of neighbouring occupiers

- 6.8 There would be no impact on the amenities of adjoining neighbouring properties in terms of levels of sunlight, daylight, associated overshadowing, outlook or privacy. A number of local residents are concerned that the noise levels would increase as a result of the proposed beer garden.
- 6.9 The existing pub is well established, and there is already a rear yard which patrons can use. The proposal will allow a greater number of people to sit and stand outside in the open air as 75m² of space is being gained through the demolition of the outbuildings.
- 6.10 Given that the extent of the external area would increase, the level of noise generated would be likely to be greater. However, subject to conditions restricting the hours of use of the beer garden to no later than 9pm and limiting the use of an amplified sound system or generation of music or other form of loud noise within the garden, it is not considered that any additional disturbance would be unreasonable given the existing use of the site. It should be noted that there are currently no conditions controlling the use of the existing rear yard and so at present noise in this area can be generated much later. Therefore, subject to the imposition of suitable conditions, it is not considered that this proposal would increase activity and noise levels to a degree that would warrant refusal of the application.
- 6.11 The use of the beer garden would also be controlled through the licensing regime. The Council as licensing authority therefore has powers to intervene should any unwarranted disturbance arise.

Car Parking

- 6.12 Whilst the public area of the premises would increase, and therefore potentially its capacity, the internal trade area remains the same. The site has a PTAL rating of 3/4, which means it is well served by nearby public transport. It is a two minute walk to Ladywell train station with services to Hayes and north to Cannon Street and Charing Cross and there are bus stops outside on either side of the road serving Crystal Palace, Plumstead, Grove Park, Lewisham and Brixton with three routes (122, 284 and P4).
- 6.13 As such, it is not considered that there would be an increase in customers attending the pub by car to raise concerns about the impact on parking locally. No off-street parking has therefore been sought.

Equalities Considerations

- 6.14 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.
- 6.15 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.
- 6.16 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.
- 6.17 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/>
- 6.18 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
- 6.19 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/>
- 6.20 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 It is considered that the principle of and the materials proposed for the alterations are acceptable and the proposal would have no adverse impact on the locally listed building, surrounding Conservation area or on neighbouring amenity.

8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

Planning & Heritage Statement; 01; 02 Received 1st July 2016

03 Received 21st July 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 new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and boundary walls and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character 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).

4) The proposed beer garden shall only be open for customer business between the hours of 12:00 and 21:00.

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 Policies 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) and 26 Noise and Vibration of the Development Management Local Plan (November 2014).

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy

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, positive discussions took place which resulted in further information being submitted.

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Committee	PLANNING COMMITTEE A	
Report Title	342-342A BARING ROAD, LONDON SE12 0DU	
Ward	Grove Park	
Contributors	Elizabeth Donnelly	
Class	PART 1	Date: 6 th Oct 2016

Reg. Nos. DC/15/92925

Application dated 08.07.2015

Applicant DGW Planning (on behalf of Redeemed Christian Church of God Winners House Parish)

Proposal The change of use of the first floor at 342A Baring Road SE12 to a place of worship, together with the change of use of ground floor at 342 to a community internet cafe/bookstore and multi-purpose office.

Applicant's Plan Nos. 341 001; 341 010; 341 030; 341 130 Received 10th July 2015; Parking Survey (Sanderson Associates) Received 21st June 2016; Planning and Transport Received 31st August 2016; 341 105 Rev D Received 9th September 2016; 341 150 Rev C Received 23rd September 2016; 341 010 Rev B Received 23rd September 2016

Background Papers Case File LE/302/342/TP (1)

Designation PTAL 4
Local Open Space Deficiency
Not in a Conservation Area
Not a Listed Building
B Road

1.0 Property/Site Description

1.1 The application site is located on the western side of Baring Road, close to the junction with Downham Way. The application building is part of a shopping parade which is a two storey development with a 'U' shaped building arrangement. The application relates to the vacant ground floor retail unit at No.342 which is located in the north-western corner of the parade and the first floor of the most northern unit (No.342A - Use Class A1 with ancillary offices). Sainsburys currently occupy the ground floor of this unit. To the front of the parade, there is a small amount of parking provision which includes marked out bays and parking controls.

- 1.2 To the north of the site is the Grove Park Bus Station and a petrol station. The railway tracks and trees and shrubbery are located to the west (rear) of the site.
- 1.3 The site is located in the centre of Grove Park which is designated as a Neighbourhood local centre in the Council's Core Strategy (2011) policy document. Grove Park station is approximately 80m south of the site on the eastern side of Baring Road.
- 1.4 The section of Baring Road where the application site is located is double lined. The surrounding streets are within a Controlled Parking Zone (CPZ). The PTAL level is 4, with the nearby train station and a number of bus routes operating within the area.
- 1.5 The site is not within or adjacent to a conservation area. The nearby Baring Hall Hotel is a locally listed building.

2.0 Planning History

- 2.1 In 2012, planning permission was refused for the change of use of the first floor at 342 Baring Road to provide a place of worship, together with the change of use of the ground floor at 342A Baring Road from a shop to a bookstore and multi-purpose office (DC/12/82125).

The application was presented to Planning Committee on 18th July 2013 with an officer recommendation for the grant of planning permission. Nevertheless, Members voted to refuse planning permission. The following reasons for refusal were given:

- *parking demand associated with use as a place of worship is likely to conflict with use of the short term parking spaces in front of the shopping parade at the Neighbourhood local centre, which would have a negative effect on the vitality and viability of the local shopping centre and the proposal would result in an unsatisfactory access arrangement that would be prejudicial to the safety of pedestrians, including worshippers arriving at/ leaving the premises, contrary to Policy 6 Retail hierarchy and location of retail development of the Core Strategy (June 2011) and Policy 44 Places of worship of the Development Management Plan (proposed submission version 2013)*
- *the use would result in the loss of commercial premises within the Grove Park Neighbourhood local centre and the applicant has failed to demonstrate that the premises should no longer be retained in commercial use, contrary to Policy 6 Retail hierarchy and location of retail development of the Core Strategy (June 2011)*

3.0 Current Planning Application

- 3.1 This application seeks planning permission for the change of use of the first floor at 342A Baring Road from retail use (A1 Use with ancillary offices) to a place of worship (D1 Use). The vacant ground floor unit at No.342 Baring Road would be used as a bookshop and internet café, along with a facilitating access to the first floor of the building (A1/D1 Use).

First floor unit: The Place of Worship

- 3.2 It is proposed that the Worship Hall would be located at first floor level at No.342A Baring Road.
- 3.3 The congregation is an existing congregation of approximately 155 members (75 adults and 80 children) who until recently met in the ground floor of Unit 14, Leegate Centre, SE13 7QT. Since vacating this premises, they have been meeting at Thomas Tallis School, Kidbrooke (London Borough of Greenwich) on a temporary basis.
- 3.4 It is proposed that the Hall would have a capacity of 200 people, with peak usage twice a week. The Hall would also be used at other times, but to a lower intensity. The church's programme is outlined below:

Sunday service (main service): Every Sunday, 10:30 – 13.00 hours

Bible studies: Every Wednesday, 19.00 – 20.30 hours

Holy Communion service: Every first Friday of the month, 19.00 – 20.30 hours

Power of Prayer: Every third Friday of the month, 19.00 – 20.30 hours

Praise Night: Every fourth Friday in a five week month, 19.00 – 21.00 hours

Ground floor unit: Bookshop/ Internet Café/ Access to first floor

- 3.5 It is proposed that the retail nature of the ground floor retail unit at No.342 Baring Road is to be retained, with the introduction of a bookshop/internet café that would operate in conjunction with the Worship Hall. Access to the first floor would also be provided via this unit.
- 3.6 Internally, the unit would comprise bookshop/internet café space, ancillary offices and a stepped access to the first floor.
- 3.7 Externally, no changes are proposed. The applicant seeks to retain the existing shop front.

- 3.8 It is proposed that this mixed-use development would be serviced (refuse collected) from and cycle storage located on the piece of land at the northern elevation of the building (where the building recesses). The development would be car-free; providing no designated parking provision.

4.0 Consultation

Neighbours & Local Amenity Societies etc.

- 4.1 101 local residents, the Councillors for the Grove Park ward, the Grove Park Community Group and the Grove Park Residents Association were consulted.

- 4.2 Three letters of objection were received from local residents. These are summarised below:

- inappropriate location for this change of use; the proposal does not fit with the surrounding area and shops that serve the local community
- the Council's policy framework states that the most appropriate location for places of worship are in the network of major and district town centres as set out in Core Strategy Policy 6
- no need for further community style religious sites
- parking stress on surrounding area and shopping parade parking provision
- increased congestion
- does not fit in with redevelopment plans for Grove Park and the Grove Park Neighbourhood Forum
- application does not demonstrate hours of operation
- lack of accessibility, particularly to the first floor
- noise pollution; hours of use could be disruptive

(Letters are available to Members)

Transport for London (TfL) and Highways

- 4.3 TfL and the Council's Highway's officer were also consulted.

TfL

- 4.4 TfL also raised concerns in relation to the scheme and challenge a number of the assumptions and objectives within the Travel Plan submitted. These assumptions relate to the following issues:

- increase in those using cars to get to the site (staff and worshippers)

- the likelihood of the use of the public car park by worshippers and staff
- predicted reduction in public transport
- lack of data to support claim that worshippers live within walking/ cycling distance of site

In light of the above, TfL are concerned that many more people would use a car to get to/ from the site with a consequent impact on street parking, unauthorised use of the bus station and other areas with parking restrictions. TfL also ask the following:

- the amount of cycle parking provided is increased to accord with the London Plan
- Blue Badge holder parking is proposed
- Drop off/ pick up provision for worshippers, in particular those that are disabled

Highways

4.5 Highways officers requested that a parking survey was undertaken to demonstrate that the proposal would not give rise to unacceptable impact upon surrounding streets and the short-term parking provision located to the front of the site.

4.6 Highways officers were satisfied that the parking survey submitted demonstrated the acceptability of the proposal in this regard and adequately addressed concerns raised by TfL.

5.0 Policy Context

Introduction

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

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

A local finance consideration means—

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

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

National Planning Policy Framework (NPPF)

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states 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)'.
- 5.5 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

London Plan (as amended 2016)

The London Plan policies relevant to this application are:

Policy 3.16 Protection and enhancement of social infrastructure

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment

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 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)

Planning for Equality and Diversity in London (2007)

Core Strategy (2011)

- 5.6 The Core Strategy, together with the London Plan and the Development Management Local 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:

Objective 11: Community well-being

Policy 6 Retail hierarchy and location of retail development

Policy 8 Sustainable design and construction and energy efficiency

Policy 14 Sustainable movement and transport

Policy 15 High quality design for Lewisham

Policy 19: Provision and maintenance of community and recreational facilities.

Development Management Local Plan (2014)

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 15 Neighbourhood local centres

DM Policy 16 Local shopping parades and corner shops

DM Policy 22 Sustainable design and construction

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 44 Places of worship

6.0 Planning Considerations:

- 6.1 The main planning considerations in respect of this application includes the following:

- Principle of development
- Design
- Neighbouring amenity
- Highways/Transport

Principle

- 6.2 The proposal seeks to deliver a place of worship at first floor level. This would replace the ancillary space (currently vacant) connected to the ground floor retail unit at No. 342A Baring Road. The proposal includes a community bookshop/internet café and office, together with access to the place of worship at first floor level at ground floor. The ground floor unit (No.342) was previously used in conjunction with the supermarket, but is vacant at present.
- 6.3 In order to fully assess the principle of the proposed development, officers must have regard to both the acceptability of the loss of the existing A1 retail floorspace and the proposed D1/A1 uses.

Loss of retail floorspace

- 6.4 In relation to the principle of the loss of the retail floorspace at first floor level, officers have assessed the proposal in relation to Core Strategy Policy 6 '*Retail hierarchy and location of retail development*' which identifies this locality as a neighbourhood local centre. It seeks to protect local shopping facilities from change of use or redevelopment where there is an economic demand for such services but states that in the neighbourhood local centres and parades, change of use and contraction of the shopping facilities will be considered if evidence is established that there is no economic prospect of such uses continuing.
- 6.5 Further to this, DM Policy 15 '*Neighbourhood local centres*' seeks to retain shops in order to protect the existing neighbourhood local centres and ensure the on-going provision of an adequate range of shops that meet the daily needs of the local community. It sets out a criteria against which proposals for change of uses to non-A1 uses are considered against.
- 6.6 The proposed place of worship that would be located at the first floor of No.342A Baring Road (above Sainsburys) would give rise to the loss of retail floorspace. It should also be noted that previous refusal DC/12/82125 was, in part, refused on the loss of a commercial premises within the Grove Park neighbourhood local centre.
- 6.7 In order to demonstrate the acceptability of a change of use with regards to Core Strategy Policy 6 and DM Policy 15 whilst also overcoming the previous reason for refusal, the applicant must demonstrate that:
- reasonable attempts to market vacant shop units have been made;

- the availability of similar alternative shopping facilities within a comfortable walking distance (400m);
- it would not significantly impact upon the balance to the number and type of units within the centre.

6.8 It is important to note that the change of use would occur at first floor level, with the ground floor retail unit (Sainsburys) unaffected. As the unit is located at first floor level, and not used in conjunction with Sainsburys, the loss of this retail floorspace would not be expected to significantly impact upon the balance to the number and type of units within the centre. Rather, in light of the vacant retail units that exist within the parade currently, it is felt that the introduction of a contrasting use would create a large amount of footfall that has the potential to enhance the vitality of the parade.

6.9 In the submission documents, the applicant refers to the premises as disused (vacant) and provides some marketing evidence which refers to the difficulty in letting the first floor space and the smaller retail unit at ground floor. It is stated that Sainsburys, the current retail operator that occupy the ground floor unit, does not require the additional floorspace due to trading hour regulations. The information provided outlines that there had been a small amount of commercial interest in these units, but none from conforming A1 retail users. The applicant has not provided extensive marketing evidence, especially in relation to more recent years, nevertheless, it is noted that the first floor and smaller ground floor unit have been vacant since Sainburys occupied the site in 2011. Also, due to the neighbourhood local centre location of the application site, officers are satisfied that there is extensive availability of alternative retail facilities within a comfortable walking distance.

6.10 Furthermore, it is proposed that the ground floor unit, which would provide a community bookshop/internet café and also access to the first floor use, would be used in a A1/D1 capacity. It is noted that an amount of A1 floorspace would be lost within this ground floor unit through the provision of access to the church. However, compared to the existing vacant A1 unit, it is felt that this part of the proposal plays a significant role in ensuring that the proposed development maintains a positive and compatible relationship with the surrounding shopping parade, especially in relation to the provision of an active frontage at ground floor level. The proposed plans for this unit would not be considered to have a detrimental impact upon the vitality of the Grove Park neighbourhood local centre, nor the shopping parade that it is immediately part of. As a result, officers are satisfied that this aspect of the proposal is acceptable and seek to secure the A1 element Use of this ground floor unit by condition.

6.11 In light of the above, and on the basis that the proposal would increase the activity within the parade, the principle of the loss of the existing retail floorspace is considered to be acceptable in relation to DM Policy 15. The other aspects of this policy will be assessed in the design, neighbouring amenity and highways/transport/access part of the report.

Proposed Place of Worship

- 6.12 London Plan Policy 4.6 'Support for and enhancement of arts, culture, sport and entertainment' seeks to encourage the focus of development in town centres, whilst ensuring that such development is: located on sites with good access to public transport, accessible to all sections of the community, including disabled and older people and addresses deficiencies in facilities, providing a cultural focus to foster more sustainable local communities.
- 6.13 Similarly, Core Strategy Policy 6 'Retail hierarchy and location of retail development' states that the Council will expect major retail development, leisure and related town centre uses, including arts, cultural and entertainment facilities to be located within the major and district centres. Core Strategy Policy 19 'Provision and maintenance of community and recreational facilities' reiterates that the preferred location for such uses will be in areas that are easily accessible and located within close proximity of public transport, other community facilities, services and town and local centres.
- 6.14 DM Policy 44 'Places of worship' also states that proposals for development in the major and district town centres and all other areas will only be considered in areas that are:
- a. Highly accessible to users through public transport, cycling and walking routes
 - b. Able to source an adequate level of parking for users, without negatively impacting on local street parking or the accessibility of other local services
- 6.15 The application site is located within a neighbourhood local centre, rather than a major or district town centre as referred to by Core Strategy Policy 6. Objections from local residents refer to this point and also question the appropriateness of this change of use within the surrounding context of shops that serve local people.
- 6.16 The site has a PTAL rating of 4, directly adjacent to a PTAL 5 zone. It is also located less than 100m from Grove Park Station and is in close proximity to many bus stops, served by various bus routes. In this regard, the application site is considered to be highly accessible through public transport routes and due to its location close to the main junction between Downham Way and Baring Road, there is considered to be sufficiently legible pedestrian routes to the site. Officers are therefore satisfied that the proposal satisfies requirement (a) of DM Policy 44.
- 6.17 It is also felt that the through the introduction of the proposed place of worship, it would give rise to a significant increase in footfall to the shopping parade and wider Neighbourhood local centre which has the potential to enhance the vitality and viability of the surrounding retail as mentioned previously.

- 6.18 In order to address criteria (b) of DM Policy 44, the applicant has submitted a parking survey that has demonstrated the acceptability of the proposed development in relation to the parking impact of the proposal. It is also noted that the parking impact of the proposed place of worship formed the basis of a reason for refusal in relation to DC/12/82125. This will be discussed in further depth in the highways and transport section of this report.
- 6.19 However, to conclude in relation to the principle of development, officers are satisfied that the loss of the existing retail floor space and the introduction of the proposed uses are considered to be acceptable.

Design

- 6.20 DM Policy 19 'Shopfronts, signs and hoardings' seeks to ensure that shopfronts should be designed to a high quality and reflect and improve the character and quality of their surroundings.
- 6.21 The proposal would not give rise to any external changes to the elevations of the ground floor unit, nor the first floor unit. Whilst the front elevation of the ground floor unit is currently hidden by hoarding, the plans show a standard shop front which relates to the neighbouring retail units. As this plan would form part of the approved documents, the shopfront design is secured in this regard, should this application be approved.

Neighbouring Amenity

- 6.22 DM Policy 44 'Places of Worship' requires development to demonstrate that there will be no detrimental effect on local amenity through noise, hours of operation or any other environmental impacts. Further to this, DM Policy 26 'Noise and Vibration' seeks to protect sensitive uses from excessive noise.
- 6.23 With a capacity of 200 Worshippers, it is expected that the proposed church use would generate a level of noise above the existing retail use. It is however felt that most noise generation would be concentrated around the main services which would attract a larger percentage of the congregation. A local resident has however expressed concern in relation to the noise that may be generated by the proposed church.
- 6.24 The application site is located within a shopping parade which is part of the wider neighbourhood local centre. The site is situated on a busy thoroughfare and adjoins a retail use to the south, the bus garage to the north and the railway line to the west. There is also a pub nearby. A concentration of commercial activity and a certain amount of noise generating development is therefore to be anticipated in this location.
- 6.25 Residential properties are located opposite the site on Baring Road and an objection with regard to noise impacts has been received. It should be noted that Baring Road is an A classified Road and is designed to connect primary areas along its route therefore in the highway hierarchy it is expected that such roads would have high ambient noise levels. This is further compounded by the location of the application site in a local shopping hub and adjacent to

the railway line, a bus terminus and at a busy intersection. Notwithstanding it is considered appropriate to propose a condition that would inhibit the generation of music, amplified sound systems or other forms of loud noise that is audible outside of the premises.

6.26 Also having regard to nearby residential properties and the capacity of the Worship Hall, officers seek to control the opening hours of the proposed church. It should also be noted that a local resident has raised concern in relation to the lack of opening hours specified.

6.27 Given the noise condition that is proposed, it is not envisaged that nearby residential occupiers would be disturbed through the actual church activities. However, as the Worship Hall has the capacity of 200 members, officers seek to ensure that an unacceptable noise disturbance does not arise from the arrival and departure of the congregation at anti-social hours.

6.28 The planning statement set outs a weekly church programme and states that the typical arrival and dispersal patterns of the church suggest that the congregation would begin to arrive 20-25 minutes before and leave a similar time afterwards. The church programme is set out below:

Sunday service (main service): Every Sunday, 10:30 – 13.00 hours

Bible studies: Every Wednesday, 19.00 – 20.30 hours

Holy Communion service: Every first Friday of the month, 19.00 – 20.30 hours

Power of Prayer: Every third Friday of the month, 19.00 – 20.30 hours

Praise Night: Every fourth Friday in a five-week month, 19.00 – 21.00 hours

6.29 On this basis, it is considered appropriate to restrict use to between 09.00 hours and 21.00 hours on weekday nights (Sunday to Thursday) and 09.00 hours to 22.00 hours on weekend nights (Friday to Saturday). This is considered to appropriately accord with the church programme proposed by the applicant and allow for adequate arrival and departure time, whilst considering the proximity of the building to residential property.

6.30 Subject to these conditions, the proposed use is considered compatible with the immediate surrounding existing development.

Transport/Highways/Accessibility

6.31 DM Policy 44 'Places of Worship' states that proposals for development will only be considered in highly accessible locations and where there is an adequate level of parking for users, without negatively impacting on local street parking or the accessibility of other local services.

6.32 The proposed development would be car-free, offering no on-site parking provision for staff or visitors. In this regard, it should be noted that the London Plan (2015) states that in locations with a PTAL of 4-6, on-site provision

should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing.

- 6.33 It is however noted that the previous application DC/12/82125 was refused on the basis that the parking demand associated with the use of the building as a place of worship would be likely to conflict with the use of the short term parking spaces in front of the shopping parade. It was felt that this would have a negative impact on the vitality and viability of the local shopping hub. Further to this, it was felt that the access arrangements were unsatisfactory and would prejudice the safety of pedestrians, including worshippers arriving at and leaving the premises.
- 6.34 In order to demonstrate the acceptability of the proposal in relation to the above, the applicant has submitted a parking survey that has regard to any impact upon the surrounding streets and the short term parking provision which serves the shopping parade.
- 6.35 Firstly, it is important to reiterate the proximity of the application site to Grove Park Railway Station and numerous bus stops that are served by various bus routes.
- 6.36 Secondly, as the Church is currently utilising temporary accommodation elsewhere, the applicant has taken the opportunity to confirm how they travel to the Church premises at present. Whilst in relation to a different location (with a lower PTAL), it was felt that this would provide a good idea of the likely number of car borne journeys. In summary, this survey exercise demonstrated that just 6 of the 36 households/groups (which contained 132 regular worshippers) that regularly worship at the Church arrive by car. The majority (28 householders/groups) travel to the Church by public transport.

- **Car parking**

Impact on short term parking provisions

- 6.37 The short-term parking provision (1 hour max. stay) which is located to the front of the shopping parade serves the existing shops within the parade. In the technical letter prepared by Sanderson associates (consulting engineers) ltd, regard is had to the management of this parking provision. It is managed by a private company, UK Car Park Management Ltd (CPM), whom administer the operation of parking by attending the site at random times and days, monitoring the dwell times, ticketing where necessary. It is noted that various tenants have noticed a marked improvement in parking availability as a result of this service- previous to the implementation of this strategy, the parking provision was used by commuters, in conjunction with Grove Park Station.
- 6.38 Further to this, it is proposed that a full Travel Plan is secured by condition, this would be expected to address the short-term parking provision and further discourage worshippers to park there for any period of time.

- 6.39 In light of this, officers are satisfied that the management of this parking provision, together with the full Travel Plan is sufficient to inhibit Worshippers from parking in this area for a prolonged period of time.

Impact on upon surrounding streets

- 6.40 The extent of highway network that was surveyed was agreed with officers prior to undertaking the survey. The pre-agreed area was considered to capture all surrounding streets that were considered to provide parking opportunities for users of the proposed Church. The survey was conducted on a Wednesday from 18:00 – 22:00 hours and a Sunday from 08:00 – 14:00 hours (to reflect the operation hours of Church) in 15 minutes ‘beats’, recording the number of vehicles parked within the identified zones.
- 6.41 There are parking restrictions (resident permit holders, in connection with a Controlled Parking Zone (CPZ) and single yellow lines) under operation within the surrounding streets. However, the parking restrictions do not apply in the evenings or on Sundays. These restrictions therefore have little affect/control over parking impact arising from the proposed Church, when considered in relation to the church schedule.
- 6.42 Taking this into consideration, the results of the survey demonstrated that in the weekday PM period, the maximum occupation of marked parking bays was 64.3%, leaving 10 spaces unoccupied/ available. On the Sunday, the maximum occupation was 82.1%, leaving 5 spaces unoccupied/ available. In addition to this, the single yellow line areas (outside of restricted hours), provided 54 available spaces during the weekday PM period and 58 available spaces on the Sunday.
- 6.43 Based on the number of members of the congregation that currently travel to the temporary Church location via car, together with the findings of the parking survey as outlined above, it is felt that the surrounding streets have sufficient capacity to cope with the additional parking demand that is expected to arise from the proposed Church use. Further to this, officers feel that the CPZ and yellow lines in the surrounding streets would control any parking demand that should arise outside of the surveyed periods.
- 6.44 Further to the parking survey, the applicant submitted an initial Travel Plan. TfL raised concern about some of the assumptions made within the document and envisage that more people would use a car to get to and from the site with a consequent impact on street parking, unauthorised use of the bus station and other areas with parking restrictions.
- 6.45 As outlined above, Highways officers have reviewed the results of the parking survey and are satisfied that the proposed development would not significantly impact upon street parking, nor the short term parking provision to the front of the shopping parade. With regards to the bus station and other nearby restricted areas, officers feel that such issues can be adequately dealt with through a full Travel Plan which would be required by condition should this application be found otherwise acceptable. In this regard, officers feel that TfL’s concerns have been adequately addressed. Their further

comments in relation to cycle parking and disabled parking provision are addressed below.

- 6.46 Further to this, there is also a strip of land just beyond the northern elevation of the building. Whilst this is where the proposed cycle storage would be located, it is noted that it is frequently used as an informal car parking space as existing. On the basis that the proposed development would be car-free and that the strip of land adjoins the pavement, it is considered appropriate to include a condition that would restrict the parking of cars in this location.

- **Accessibility**

- 6.47 Policy 4.6 of the London Plan states that new developments should be accessible to all sections of the community, including disabled and older people. In this instance, the level of accessibility of the building is compromised by the nature of the existing building and the neighbourhood local centre location, affecting parking opportunities in close proximity to the site.
- 6.48 The comments received from TfL refer to disabled parking/ drop-off/ pick-up provision. The proposed plans do show an intention to provide a disabled parking bay within the short term parking provision, however, this falls outside of the red line, the ownership of the applicant and would involve collaboration with the Company that manage this parking provision. Officers encourage the applicant to work with the parking management Company to achieve this.
- 6.49 It is however recognised, due to the location of the application site, on a main road and in close proximity to the station, the bus garage and retail hub, there are little opportunities to provide off-street or on-street disabled parking provision. Taking into consideration the wider benefits of the proposed location and the general car-free nature of the development, officers consider the non-provision of a disabled parking bay to be acceptable in this instance.
- 6.50 Further to this, it was also not possible to provide a designated drop-off/ pick-up space outside of the Church due to space constraints/proximity to existing marked out bays. It is however felt that there are opportunities for visitors (including disabled visitors) to be dropped off in close proximity to the church. Officers are satisfied that whilst this may also require collaboration with the parking management company, this can be adequately addressed as part of the detailed Travel Plan required by condition, should this application be approved. The Travel Plan will be required to set out a strategy in relation to drop-off/ pick-up which demonstrates disabled user priority.
- 6.51 The wheelchair accessibility of the building is also limited, with stepped access to the first floor Worship Hall; the plans do however outline a location for a possible lift provision should it be feasible. The proposal would be required to meet Building Regulations in relation to building accessibility. Nevertheless, from a planning perspective, officers recognise the constraints

of working within the realm of an existing building and consider the proposal to be acceptable in this regard.

- **Cycle parking**

- 6.52 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. Cycle parking provision should be in line with the minimum standards of Table 6.3 of the London Plan. For D1 use classes, 1 space should be provided per 8 staff for long stay parking, together with 1 space per 100 sqm for short stay visitor provision.
- 6.53 With 548sqm of D1 use and low staffing numbers (approximately 1-2 for the retail use and 3-4 for the Church), it is proposed that 8 cycle spaces, in the form of Sheffield bike stands, are provided on the strip of land just beyond the northern elevation of the building, where the building recesses. This is considered to be adequate and appropriate.
- 6.54 The applicant has provided details of the proposed bike stand. It is proposed that these are secured by condition.

- **Servicing/Refuse**

- 6.55 2 x 360L refuse and recycling waste bins would be provided as part of the proposed development. They would be located in the same location as the cycle storage.
- 6.56 Whilst the applicant has suggested that the refuse storage area is largely screened by the existing boundary enclosure/fence, due to the proximity and potential visibility of the designated area from the street, it is proposed that details of the refuse storage, together with details of how the building would be serviced is required by condition.

7.0 Equalities Implications

- 7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.
- 7.2 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.

8.0 Conclusion

- 8.1 Based on the discussions above, the proposed development, subject to the conditions imposed, is considered to be acceptable.
- 8.2 It is felt that the parking survey submitted adequately overcomes concerns relating to the parking impact of the proposed D1 use.
- 8.3 Further to this, the proposed development is expected to improve the vitality of the local shopping parade and neighbourhood local centre that it is part of by significantly increasing the footfall and bringing back into use commercial floorspace that has been vacant for a long time.
- 8.4 Officers are therefore satisfied that the proposed development overcomes the previous reasons for refusal and recommend that planning permission is granted.

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

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

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

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

341 001; 341 010; 341 030; 341 130 Received 10th July 2015; Parking Survey (Sanderson Associates) Received 21st June 2016; Planning and Transport Received 31st August 2016; 341 105 Rev D Received 9th September 2016; 341 150 Rev C Received 23rd September 2016; 341 010 Rev B Received 23rd September 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. A minimum of **8** cycle parking spaces shall be provided within the development as indicated on the plans hereby approved (drawing no. 341 180 Rev A and 341 105 Rev D)

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).

4. The premises (No.342 and 342A Baring Road, SE12) shall only be open for operation between the hours of 09.00 hours and 21.00 hours Sunday to Thursday and between 09.00 hours and 22 hours Friday to Saturday.

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, DM Policy 15 Neighbourhood Local Centres, DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (November 2014).

5. 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.

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 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

(b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must also outline a strategy for the drop-off and pick-up of users, including disabled users and what measures are in place to inhibit church users from parking within the controlled parking provision (located to the front of the parade).

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

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

7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the ground floor of No.342 Baring Road shall be used in a retail capacity, providing a bookshop/internet cafe in connection with the Place of Worship at first floor level. It shall also provide access to the Worship Hall at first floor access and for no other purpose. The first floor of No.342 and No.342A Baring Road shall be used as a Place of Worship (including ancillary facilities) and for no other purpose (including any other purpose in Use 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 secure the retail character at ground floor level as part of the wider shopping parade and to safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, Policy 6 Retail hierarchy and location of retail development of the Core Strategy (2011), DM Policy 15 Neighbourhood local centres, DM Policy 16 Local shopping parades and corner shops, DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

8. No vehicle parking shall take place on the strip of land adjacent to the northern elevation of the building on drawing no. 341 110 Rev C.

Reason: In the interests of highway safety and to comply with Policy 14 Sustainable transport and movement of the adopted Core Strategy (June 2011).

9. No development shall commence on site until the following has been submitted to and approved in writing by the local planning authority:
- details for the storage of refuse and recycling facilities
 - details of any servicing/ delivery arrangements, including refuse collection
 - demonstrate compatibility of proposed arrangements with existing arrangements operating in connection with the surrounding commercial premises and the short-term parking provision.

The facilities as approved in this condition 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 vehicle movement and the provisions for recycling facilities and refuse storage

in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, Policy 14 Sustainable movement and transport and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011)

10. The fire escape door shown on drawing no. 341 110 Rev C shall be used for no other means besides fire escape.

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 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Informative

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

Committee	PLANNING COMMITTEE A	
Report Title	58 ARRAN ROAD, LONDON, SE6 2NL	
Ward	CATFORD SOUTH	
Contributors	LUKE MANNIX	
Class	PART 1	06 OCTOBER 2016

Reg. Nos. DC/16/097155

Application dated 20.06.16

Applicant Hemingstone Design [on behalf of Ms Roberts]

Proposal The construction of a single storey rear extension to the ground floor flat at 58 Arran Road SE6.

Applicant's Plan Nos. HD/SE6 2NL/EXT-ELEVATION; HD/SE6 2NL/EXT-GROUND; HD/SE6 2NL/EXT-ROOF; Site Location Plan; Design and Access Statement incorporating Heritage Statement (Received 20th June 2016); HD/SE6 2NL/PROP-ELEVATION; HD/SE6 2NL/PROP-GROUND; HD/SE6 2NL/PROP-ROOF; HD/SE6 2NL/SECTION; HD/SE6 2NL/SITE (Received 25th August 2016).

Background Papers (1) Case File LE/705/58/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Culverley Green Conservation Area

Screening N/A

1.0 Property/Site Description

- 1.1 The application relates to a two storey semi-detached residential building located on the south side of Arran Road. The building was converted into two self-contained flats in 1959.
- 1.2 The building is finished in a mixture of pebbledash render and stock red brick with a pitched tiled roof. The front has a gable end with projecting bay windows, which are timber casement framed. The rear garden of the ground floor flat is 12m deep and the width of the building and the overall garden depth is 20m.
- 1.3 The building forms a handsome pair with the adjoining semi-detached building, which is typical of the character of the area. The site is located in Culverley Green Conservation Area but is not covered by an Article 4 direction.

2.0 Planning History

- 2.1 24th August 1959 – Planning permission was granted for the alteration of 58 Arran Road to form two self contained flats.

3.0 Current Planning Applications

- 3.1 Planning permission is sought for the construction of a single storey extension to the rear of the ground floor flat at 58 Arran Road.
- 3.2 The proposed extension would be 3.5m deep at the boundary with 60 Arran Road, but would step out to 4.3m deep from the western elevation. The roof would be pitched with a total height of 3.7m and an eave height of 2.4m. Part of the extension would have a flat roof.
- 3.3 The extension would have a tri-folding door leading to the garden as well as a side-opening casement window. The wall and roof material would match the existing building.
- 3.4 It should be noted that the originally submitted plans showed the extension a uniform 4.3m deep with a mono-pitched roof 3.7m high at the existing elevation and 2.5m high at the eaves. On the basis of officer advice, the extension was amended to the current proposal.

4.0 Consultation

- 4.1 Site notices were displayed and letters were sent to adjoining residents. Ward Councillors were also notified. No responses were received.
- 4.2 The Culverley Green Resident's Association objected to the development due to the adverse impact on the amenities of 60 Arran Road due to the loss of light. Following changes to the scheme to reduce the height and depth at the boundary with 60 Arran Road, the association was re-notified however no withdrawal of the objection was received.

5.0 Policy Context

Introduction

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

A local finance consideration means:

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

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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 (2015 as amended)

5.6 On 14 March 2016 the London Plan 2015 (consolidated with further alterations since 2011) was adopted. The policies relevant to this application are:

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

Core Strategy

5.7 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:

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan

5.8 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 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 (2006, updated 2012)

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

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are the design and the impact on adjoining properties.

Design

6.2 The Council, within Core Strategy Policies 15 and 16 expects all new development to be of the highest design standard, which is sensitive to its historical context.

6.3 Following this principle through, DM Policy 31 states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, and detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

- 6.4 With respect to development in conservation areas, DM Policy 36 states that the Council, having paid special attention to the special interest of its conservation areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where 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.
- 6.5 The proposed extension is to the rear of the property and whilst there are spaces between the semi-detached buildings these are relatively narrow. Subsequently, officers consider that the visibility of the proposed extension from the public realm to be negligible.
- 6.6 Whilst officers note that the extension would result in the removal of the small bay protrusion on the ground floor of the rear elevation, it is considered that due to the low visibility the impact on the special character of the conservation area would be minimal. It should also be noted that, whilst the flat does not benefit from permitted development rights (and the proposal would fall outside of this criteria in any sense), the removal of these features would be allowed on other dwellings in the area as the site is not under an Article 4 direction.
- 6.7 The proposed extension would incorporate a pitched roof design, which would closely resemble that of the existing development. Furthermore, officers consider that matching materials would be compatible with the host dwelling. This can be secured through condition.
- 6.8 It is acknowledged that the opening styles of the proposed extension would not be similar to the existing first floor windows or the windows of adjoining properties. Whilst this is not considered sympathetic, officers deem that due to the low visibility the harm to the special character of the area would be negligible.
- 6.9 Finally, it is noted that the rear garden of the ground floor flat would be reduced from 12m in depth to 7.7m at its smallest. Bearing in mind that the unit would only be two bedrooms in size, this is not considered to significantly reduce the area of external amenity for residents.
- 6.10 Overall, officers consider that the design of the proposed development would not result in significant adverse harm to the special character of the Culverley Green Conservation Area.

Impact on Adjoining Properties

- 6.11 Providing good quality of amenities for future and existing residents is listed as a core planning principle of the NPPF.
- 6.12 Subsequently, DM Policy 31 states residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.13 The proposed extension (as amended) would be constructed 150mm from the side boundary of 60 Arran Road, which has a projecting bay 400mm from the boundary with openings facing towards the subject site and towards the rear garden. The height would be 2.4m at the eaves and the depth at this elevation would be 3.5m.

- 6.14 The extension has been designed to keep the height at the eaves to a minimum at 2.4m. The relationship of the eaves, in terms of its height is considered a significant factor in assessing the impact of a single storey extension on adjoining properties. In this respect, it is noted the government sets the maximum eaves level of a single storey extension at 3 metres irrespective of whether a standard extension under permitted development or a larger extension under prior approval (up to 6 metres). The height of the eaves is well below 3 metres to the extent that it is officer's view there would not be a sense of overbearingness, loss of light nor outlook adjacent to number 60.
- 6.15 The form and nature of the rear of the adjoining property at number 60 further mitigates against any significant adverse impacts. In this case, a large bay window comprised of four full height windows serves the potentially affected habitable room to the rear of the adjoining property. Due to the splayed nature of the bay, three of the bay windows would not be affected by the height and scale of the proposed extension due to their orientation away from the extension. The result is that the proposal would not result in a significant loss of light to the neighbouring habitable room nor would the occupants of that property be subject to an overbearing sense of enclosure.
- 6.16 Notwithstanding this assessment, officers note that the subject site is to the west of the site. As such, the adjoining openings would retain a large amount of sunlight during the morning and early afternoon hours. Furthermore, with the amendments made to the scheme, including the reduction in depth and height through a pitched roof, the development is not considered to significantly reduce daylight into the adjoining properties.
- 6.17 Overall, the impact on 60 Arran Road in terms of daylight/sunlight is considered acceptable.
- 6.18 Officers note that there is a space of 2.5m from the extension to the side elevation of 56 Arran Road. Furthermore, there is a noticeable distance from the side elevation to the nearest opening of the adjoining property. Therefore, whilst the depth of 4.3m would otherwise be harmful to amenities, considering the distance to the nearest sensitive opening and the modest height at the eaves, this would not result in adverse impacts of the amenities of these occupiers in terms of daylight/sunlight, outlook or visual amenities.
- 6.19 Lastly, the proposed development would not overlook any adjoining property, including any land of the upper floor flat. Therefore, it is considered that there would be no adverse loss of privacy to adjoining properties.
- 6.20 In summary, officers consider that the proposed development would not have a significant impact on the amenities of neighbouring properties.

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 In this matter there is no impact on equality.

9.0 Conclusion

9.1 The proposed extension, whilst being located within the Culverley Green Conservation Area, is not considered to have a negligible impact to the special character of the area.

9.2 The proposed development is considered to have an acceptable impact on the amenities of nearby residential properties, including 60 Arran Road adjoining to the east.

9.3 Therefore, officers consider that the scheme is acceptable.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

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:

HD/SE6 2NL/EXT-ELEVATION; HD/SE6 2NL/EXT-GROUND; HD/SE6 2NL/EXT-ROOF; Site Location Plan; Design and Access Statement incorporating Heritage Statement (Received 20th June 2016); HD/SE6 2NL/PROP-ELEVATION; HD/SE6 2NL/PROP-GROUND; HD/SE6 2NL/PROP-ROOF; HD/SE6 2NL/SECTION; HD/SE6 2NL/SITE (Received 25th August 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 new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the extension 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).

- (4) The use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions 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.