

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 16 JUNE 2016 TIME 7.30 PM**

PLACE: **GROUND FLOOR OF LAURENCE HOUSE, 1  
CATFORD ROAD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

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

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

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 7 June 2016**

**For further information please contact:  
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 16/06/2016

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 (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 16/06/2016

MINUTES

To approve the minutes of the meeting of Planning Committee ( ) held on the.

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Committee	PLANNING COMMITTEE B	
Report Title	Land to the rear of 10 Malpas Road	
Ward	Brockley Ward	
Contributors	Colm Harte	
Class	PART 1	16 June 2016

Reg. Nos. DC/15/91102

Application dated 20/02/2015

Applicant bptw partnership

Proposal The construction of 3 three storey, three bedroom terrace houses on land to the rear of 10 Malpas Road SE4 fronting Luxmore Gardens, together with a single storey two-bedroom dwelling house to the rear of the site and associated landscaping.

Applicant's Plan Nos. D01 Rev A; D02; D03 Rev E; D04 Rev F; D05 Rev D; D06 Rev D; D07 Rev E; D08 Rev E; D09 Rev C; D10 Rev B; D11 Rev E; D15 Rev B; D16; D17; D20 Rev A; FHA-632-L-401-Planting Plan; FHA-632-D402 – Proposed Rainwater Gardens; Drawing FHA-P632-Planting Schedule

Planning Statement (February 2015); Transport Statement (February 2015); Outline Construction and Logistics Plan (undated); Daylight and Sunlight Assessment (January 2015); Arboricultural Impact Assessment (February 2015) Sustainability Statement (January 2015); Energy Statement (January 2015); Preliminary Ecological Assessment (December 2014); Flood Risk Assessment (February 2015); Air Quality Assessment (February 2015); Heritage Statement (undated)

Background Papers

- (1) DE/110/P/TP
- (2) Local Development Framework Documents
- (3) The London Plan

## **1.0 Property/Site Description**

1.1 The application site is located to the rear of no 10 Malpas Road and comprises an L shaped piece of land measuring approximately 615 sqm. The site has a narrow frontage onto Malpas Road with the primary access to the site via a gated pedestrian path between nos 10 and 12 Malpas Road. It is noted that 10 Malpas Road has been subdivided into 3 self contained properties known as 10 A, B and C

Malpas Road (see planning history) and the existing pathway provides the primary means of access to Unit 10B and 10 C.

- 1.2 The site slopes towards the south- east site boundary, while to the south west, the site adjoins Luxmore Gardens to which there is an existing shared access located within the existing boundary fence. To the north west the site adjoins the rear of the properties between 6 and 8 Malpas Road. The boundaries of properties situated between 124-132 Lewisham Way adjoin the subject site to the north and north east of the site.
- 1.3 The site is currently vacant and overgrown but, most notably, contains two trees, mature specimens of London Plane and Horse Chestnut, both of which are subject to Tree Preservation Orders.
- 1.4 The site is not located within a conservation area, but is set directly adjacent to the Brockley Conservation Area, the boundary of which includes the dwellings in Rokeby Road. The public library (Lewisham Arthouse) on the corner of Rokeby Road and Lewisham Way is a grade II listed building.

## **2.0 Planning History**

- 2.1 **DC/03/54733:** The alteration and conversion of 10 Malpas Road SE4 to provide 2, two bedroom and 1, three bedroom self-contained maisonettes, together with the construction of a conservatory to the rear and the provision of a bin store and garden areas. Granted.
- 2.2 **DC/05/59860:** The demolition of 10 Malpas Road and the construction of a three storey block on land to the rear of 130 Lewisham Way and site of 10 Malpas Road SE4 to provide 12 one bedroom self-contained flats incorporating balconies together with landscaping, provision of refuse stores, bicycle spaces and 5 car parking spaces. Refused.
- 2.3 **DC/06/61891:** The demolition of 10 Malpas Road and the construction of a three storey block on land to the rear of 130 Lewisham Way and the site of 10 Malpas Road SE4 to provide 12 one bedroom, self-contained flats, incorporating balconies, together with associated landscaping, provision of refuse stores, bicycle spaces and 5 car parking spaces. Refused
- 2.4 **DC/06/63672:** The demolition of buildings to the rear of 10 Malpas Road SE14 and the alteration, conversion and construction of extensions to the rear at ground and first floor levels, to provide 1 two bedroom and 1 three bedroom self-contained flats, together with the construction of a three storey block, incorporating balconies to the rear of 130 Lewisham Way SE14 comprising 12 one bedroom self-contained flats, associated landscaping and provision of refuse stores and 6 bicycle stands with access onto Malpas Road. Refused.

- 2.5 **DC/07/65644:** The construction of a part three/part four storey block, incorporating balconies to the rear of 10 Malpas Road/130 and 130A Lewisham Way SE4, comprising 6 one bedroom and 5 two bedroom, self-contained flats, together with associated landscaping, provision of a refuse/recycling store and 11 bicycle spaces, with access onto Malpas Road. **Resolved to approve but not issued as s106 agreement was not signed .**
- 2.6 **DC/12/81618:** Approval of an application for the retention of 3 x two-bedroom self contained maisonettes at 10 Malpas Road SE4.

### **3.0 Current Planning Application**

- 3.1 The subject application proposes the construction of four dwellings on the existing vacant site to the rear of 10 Malpas Road which would be comprised of 1 x 2B 4P and 3 x 3B6P dwellings.
- 3.2 The proposed development would involve the construction of a row of three storey, three bedroom dwellings, which would front onto Luxmore Gardens. A separate single storey (2B4P) dwelling would be situated to the north east of the site.
- 3.3 Primary access to the four proposed units would be from Malpas Road, via the existing gated entrance located between 10 and 12 Malpas Road. The applicant has indicated that the existing gated access to Luxmore Gardens would also be utilised, however it is noted that this gate falls outside the red line of the application site boundary.
- 3.4 The proposed 3 storey dwellings would be flat roofed and have a maximum height of 8.9 metres while the single storey dwelling would have a maximum height of 2.95 metres and would include the provision of both a living roof and photovoltaic arrays. The proposed three storey dwellings would also have photovoltaic arrays at roof level.
- 3.5 As part of the subject application it is proposed that associated areas of communal and private open space would be provided as part of a detailed landscaping scheme, in addition to refuse storage and a detached cycle storage areas. The proposed development does not seek to provide any off street car parking.

#### Supporting Documents

- 3.6 Planning Statement (February 2015, bptw planning): This document provides a policy compliance overview in support of the subject application.
- 3.7 Transport Statement (February 2015, ADL Transportation Ltd): This document states that the site has a PTAL rating of 6A, indicating excellent access to public transport and seeks to justify impact of the proposed development the level of vehicle and cycle parking proposed.

- 3.8 Outline Construction and Logistics Plan (Malpas MR limited): A CMLP has been submitted in support of the application, which includes details of the access for the site. The document sets out working hours for the site and a programme of works for the development (with an approximate programme duration of 52 weeks).
- 3.9 Daylight and Sunlight Assessment (January 2015, XCO2 energy): This report assesses daylight and sunlight levels received by the adjoining residential properties (including amenity space where applicable) surround subject application sites.
- 3.10 Arboricultural Impact Assessment (February 2015, Middlemarch Environmental): The accompanying Arboricultural Impact Assessment details identifies the canopy and root protection zones of both trees onsite which are subject to Tree Protection Orders. The assessment details the methodology by which the proposed development could be carried out in order to protect the existing trees onsite.
- 3.11 Sustainability Statement (January 2015, XCO2 energy): This document provides details of the proposed sustainability measures to be included as part of the subject application
- 3.12 Energy Statement (January 2015, XCO2 energy): This document provides detail as to how the proposed development will comply with relevant policy requirement as detailed within the London Plan and Council Core Strategy.
- 3.13 Preliminary Ecological Assessment (December 2014, Middlemarch Environmental): The report details that the scale and nature of the proposed development will not give rise to any negative impacts to any designated site for nature conservation.
- 3.14 Flood Risk Assessment (February 2015, pba): This document, which was reviewed by the Environmental Agency, states that the site lies within Flood Zone 1. The report recommend that Sustainable Drainage (SuDS) techniques are implemented to mitigate the impact of the proposed development.
- 3.15 Air Quality Assessment (February 2015, Air Quality Consultants): This document assesses existing baseline air quality conditions and the impact of construction, for example the risk of dust and the significance of effects. Proposed mitigation measures during the construction are detailed, such as utilising suitable site management, waste management, site storage and controlled demolition. The document concludes that operational air quality mitigation measures are not required and the development would have no adverse impact on air quality
- 3.16 Heritage Statement: This document provides an overview of the heritage assets within the surrounding area and assess the impact of the proposed development on these assets.

#### **4.0 Consultation**

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

4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Thames Water Development Planning, Lewisham Tree Officer, the Ecological Regeneration Manager and the Council's Highways Officer were also consulted and the responses are detailed below.

4.3 Following submission of the application, the following internal consultee responses were received:

##### Highways:

5.1 Council's Highway's officer has not raised any objection to the proposed development however additional detail was sought from the applicant regarding the traffic management during construction phase of the proposed development and the management and storage of the refuse.

5.2 Following the receipt of additional information the application is considered acceptable subject to conditions securing a Construction Management Plan which is to be submitted and approved in writing prior to the commencement of any development.

##### Ecological Regeneration Manager:

5.3 The Ecology Officer commented that the Ecological Survey and the Bat Report were acceptable in principle subject to conditions. Ecology is discussed in the relevant section below.

##### Parks Regeneration Manager:

5.4 In principle, no objection was raised to the use of a portion of Luxmore Gardens during construction works. This is subject to the reinstatement of the park to its previous condition, following construction works.

##### Responses from External Consultees:

##### Environment Agency:

5.5 No objection raised to the proposed development

##### Thames Water:

5.6 No response received

## Written Responses received from Local Residents and Organisations

5.7 In response to the proposed development 16 letters of objection in were received by the Council including one objection from the Brockley Society. In accordance with paragraph 6.13 of the Council's Statement of Community Involvement a drop in session was held between 7- 9pm on 18th November 2015. This session was attended by 7 members of the public.

5.8 At the drop in session, the applicant presented details of the proposed scheme and proposed measures to mitigate potential negative impacts of the development (including the during the construction phase). This drop in session was also attended by the case officer.

5.9 Comments raised within the written submissions can be categorised into the following subsections;

### Overlooking/Loss of Privacy

5.10 Residents of the surrounding properties have commented that the proposed development would create opportunities for overlooking into adjoining properties.

### Design of the proposed development

5.11 Concern is raised that the buildings are too high, would have considerable mass, and be out of keeping with the adjoining properties. Concerns have also been raised regarding the design and sitting of the single storey dwelling in relation to the adjoining properties;

### Impact of the proposed construction works

5.12 Concerns have been raised regarding the potential impact of proposed construction. Particular concern is raised that the proposed use of Luxmore Gardens would negatively impact residential amenity in terms of noise and dust pollution and upon pedestrian safety;

### Impacts upon Highways/ Parking Stress

5.13 Objections have been raised that the proposed development would lead to parking congestion on the surrounding streets as a result of the proposed development. Additionally concern has been raised that the level of cycle parking is insufficient.

### Access for emergency services

5.14 Concern has been raised by adjoining residents in relation to the ability of fire services to access the proposed development via the Malpas Road entrance. This is a matter for building control and therefore has not been considered any further.

### Loss of existing green space



- 5.15 An objection has been received in regard to the loss the existing vacant site as a green space and the ecological benefit that it currently provides.

Impact upon property prices

- 5.16 An objection has been raised that the proposed development would negatively impact property prices of the surrounding development. As this is not a valid planning consideration, no further consideration has been given to this issue.

Conditions of previous consents in regarding the use of the subject site

- 5.17 A number of objections have made reference to previous conditions imposed by the Council in regard to the subject site. Particularly reference is made to conditions of development consents DC/12/81618 and DC/03/54733 that pertain to the use of the subject site. This is addressed the report below.

- 5.18 A copy of all representations are available to members.

## **6.0 Policy Context**

### Introduction

- 6.1 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)

- 6.2 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

- 6.3 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)'.
- 6.4 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

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

#### London Plan (March 2015)

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

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.13 Sustainable drainage
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity

- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing  
the acoustic environment and promoting appropriate  
soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (November 2012)

Core Strategy

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

- Spatial Policy 1 Lewisham Spatial Strategy
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 11 River and waterways network
- Core Strategy Policy 12 Open space and environmental assets
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
- Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- DM Policy 27 Lighting
- DM Policy 28 Contaminated land
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 31 Alterations/extensions to existing buildings
- DM Policy 32 Housing design, layout and space standards
- DM Policy 33 Infill, backland, back garden and amenity area development
- DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Planning Obligations Supplementary Planning Document (February 2015)

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

**Planning Considerations**

6.12 The main issues to be considered in respect of the proposed applications are:

- a) Principle of Development
- b) Design
- c) Quality of Accommodation
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties including existing heritage assets
- f) Sustainability and Energy
- g) Ecology and Landscaping
- h) Land Contamination

i) Planning Obligations

Principle of Development

- 6.13 Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.14 Policy 3.4 'Optimising housing potential' of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.15 DM Policy 33 of the Development Management Local Plan states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the streetscape, and sensitive to the setting of heritage assets. This includes the importance of spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.16 DM Policy 33 defines Back gardens "private amenity areas that were the entire back garden of a dwelling or dwellings as originally designed". Gardens used to be considered previously developed land (PDL) with a presumption in favour of development. Gardens are no longer considered to be PDL which means that there is no longer a presumption in favour of development. This policy further states that the development of back gardens for separate dwellings in perimeter form residential typologies will not be granted planning permission.
- 6.17 NPPF (paragraph 53) supports the setting out of policies to resist inappropriate development of residential gardens which would cause harm to the local area. The London Plan also supports a presumption against development on back gardens or other private residential gardens (Policy 3.5, Quality and design of housing developments).
- 6.18 The Lewisham Character Study identifies various urban typologies where the built form relies on more or less regular street forms, building facades, and garden areas where developments on back gardens are likely to have a negative impact on the design integrity of the street scene.
- 6.19 The application site is considered to be back garden land and accordingly there is a presumption that the development of the subject site for the provision separate dwellings should be refused.
- 6.20 In assessing the suitability of the subject site for development, consideration must be given to the character of the applicant site and the urban design function the space fulfils. Officers understand that the subject site has been separated from the surrounding back garden land

for a significant time period and therefore the proposal would not involve the loss of any dedicated private garden land.

- 6.21 Officers note that several objectors to the current application have referenced the loss of use of the site as amenity space for the existing residential properties at 10 Malpas Road. The application site would have historically formed part of the garden area for 10 Malpas Road and some of the adjoining properties. It is noted that following the approval of Development Consent DC/03/54733, a condition was imposed securing the availability of the rear garden for communal open space by the occupants of 10, 10 A and 10 B Malpas Road.
- 6.22 It is noted however that in a subsequent application for 10 Malpas Road (DC/12/81618), the assessing officer discounted the potential use of the application site as an amenity area for these residents, noting that the subject site had become overgrown, unused and unsuitable for communal open space.
- 6.23 The subject site also has several physical characteristics which would distinguish it from traditional back garden land. In particular it is noted that the site has direct access and frontage onto Luxmore Gardens while access to the highway is provided via Malpas Road. The development therefore would provide passive surveillance onto Luxmore Gardens without causing unacceptable overlooking of neighbouring properties.
- 6.24 The subject site would be primarily accessed via the existing gated communal entrance on Malpas Road, that currently provides access to 10A and 10B Malpas Road and therefore would not change the highway frontage of the host property. The impact of the proposed development upon the amenity of the adjoining properties is detailed below, in the relevant section of this report.
- 6.25 It is therefore considered that the proposed development would not result in the loss of any dedicated private garden land, but would rather involve the redevelopment of a land parcel which has been separated from the surrounding properties for a significant length of time. Officers therefore consider that the redevelopment of the subject site could be acceptable, subject to a suitable design.
- 6.26 Officers further note that DM Policy 33(2) states *“If a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets.”* When considering the objectives of this policy and the attributes it seeks to protect, it is considered that the subject site is considered to be suitable for development, subject to high quality, sensitive design.
- 6.27 In regard to the current scheme, the proposal has been specifically designed to fit the subject site and surroundings well and to respect the

character of the surrounding properties. The details of the application demonstrate how the proposal seeks to address issues of design, highways and impact on residential amenity and this is discussed in the relevant section below. It is considered however that, in light of the site context and planning policy, the principle of residential development on the site is acceptable subject to high quality sustainable design and a layout which responds to the site context, and which takes account of the amenities of neighbouring properties

### Design

- 6.28 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.
- 6.29 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. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.30 In relation to Lewisham, Core Strategy Policy 15 outlines how 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.
- 6.31 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.32 Further to this, DM Policy 32 of the Development Management Local Plan seeks to apply the above design principles more specifically to individual proposals. It seeks to ensure that the siting and layout of all new-building housing responds positively to the site specific constraints and opportunities as well as to the existing and emerging context of the site and surrounding area.
- 6.33 The proposed development utilises site specific design responses to redevelop existing backland site to provide additional residential units. As detailed above, the principle of the provision of residential units upon the existing site is considered to be acceptable and to have the

capacity to support additional development in the form of dwelling houses.

- 6.34 The proposed development would be comprised of two elements, the first being 3 three storey (3B 6P) dwellings and the second a detached, single storey dwelling. The proposed three storey properties would be located between 2- 4.2 metres from the boundary with Luxmore Gardens, 5 meters from the property boundary of 6 and 8 Malpas Road, 3.5 metres from the boundary of 124 and 126 Lewisham Way and 8.33 metres from the side property boundary with 132 Lewisham Way.
- 6.35 The proposed single storey dwelling would be situated adjoining the shared boundary with 128 and 130 Lewisham Way, between 1.8m and 3.5 m for the boundary with 132 Lewisham Way and between 3.1 to 4.5 metres from side boundary of 126 Lewisham Way.
- 6.36 In terms of height, scale and massing, the proposed development is considered to be suitable. In particular the scheme is considered to successfully respond to the adjacent development by positioning the three storey dwellings adjacent to the park and the single storey element towards the rear of the site. Officers are therefore satisfied that the proposed design would suitably position the massing of the proposed development away from adjoining residential properties, hence limiting potential negative impacts.
- 6.37 Officers note that the proposed development has a simple design approach that is considered to have merit but makes the detailing of the building and proposed use of materials of vital importance to support such an approach. It is therefore necessary for the applicant to demonstrate how high quality materials and detailing will be delivered. During the course of the application, Officers have sought additional information on the proposed materials and their detailing to support the application. These details confirm the use of a good quality brick (Mystique) and a Glass Reinforced Concrete cladding system which will complement surrounding properties. The use of aluminium windows and doors in addition to Zinc window surrounds are supported by officers. The colour of the mortar used will also be an important consideration. A condition is therefore proposed requiring sample panels of the brick to be constructed on site so that the mortar colour and pointing can be agreed with officers.
- 6.38 Concern has been raised from adjoining properties' owners regarding the height and massing of the proposed development. The three, 3 storey properties, would face onto Luxmore Gardens which would be one storey higher than the surrounding properties situated on Malpas Road. They would be of similar height as the part two/ part three storey buildings located on Lewisham Way, situated to the north of the site.
- 6.39 The proposed three storey dwellings would be positioned between 12m and 27 metres from the rear facades of the properties that address



Malpas Road and a minimum of 20 metres from the rear elevations of the properties which front Lewisham Way. Officers are satisfied that the design would be of a high quality and through the introduction of vertical articulation and the use of a mixture of complementary materials and finishes, would suitably reduce the massing of the proposed development. Additionally, the detailing of the façade itself includes generous openings to provide texture and visual interest which would further reduce the scale and bulk of the proposal.

- 6.40 The proposed brick finished flat roofed, single storey dwelling would have a maximum height of 2.9 meters, that would reduce to 2.5 meters on the boundary with 130 Lewisham Way. The development would be setback from the side boundary of 132 Lewisham Way by between 2 - 3.8 metres.
- 6.41 Subject to securing the quality of the materials and detailing as set out above, it is considered that the scheme as designed would result in a high quality design response.

#### Quality of Accommodation

##### *Standard of Residential Accommodation*

- 6.42 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. It outlines that the design of all new dwellings should include adequately sized rooms, convenient and efficient room layouts and meet the changing needs of Londoners' over their lifetimes.
- 6.43 New residential development is no longer required to meet the Lifetime Homes Criteria at planning stage which is to be delivered through Building regulations, however this remains a matter to consider to ensure that a scheme is capable of meeting this standard. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The scheme has been designed to achieve compliance with the Lifetimes Homes Standard for all units. An objection has been received that the proposed development would not comply with building regulations, in regard to access, however the application has been reviewed by a member of Councils Building Control section who has confirmed that the proposed development would comply with the required standards.
- 6.44 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it

provides detail on how to carry forward the Mayor’s view that “providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.

- 6.45 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 6.46 The national housing standards are roughly in compliance with the space standards of the London Plan. However there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent.
- 6.47 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and include space suitable for children’s play.
- 6.48 The Mayor of London published the Minor Alterations to the London Plan 2015 which states that reduces the minimum ceiling height from 2.5 metres to 2.3 meters for at least 75% of the gross internal area of the dwelling. It is noted however that 2.5 meters would become the recommended floor to ceiling height.

Table 1.1 : Residential Internal Floor Areas

<b>Unit type</b>	<b>No. of units</b>	<b>Policy requirement (GIA sq m) National Technical Standard</b>	<b>Proposed GIA (sq m)</b>
<b>2B4P</b>	1	70	70
<b>3B6P (3 storey)</b>	3	111	Min: 119.3 - 120.8 sqm

- 6.49 As detailed above all dwellings would meet the minimum internal floor area requirements and would have floor to ceiling heights of 2.5m at all levels. Accordingly the proposed development, is considered to be acceptable and would provide a high standard of internal accommodation.
- 6.50 In terms of private open space, Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5 sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. All units

would be provided with generous private open spaces. The proposed three storey dwellings would be provided with rear courtyards of between 39.2 sqm - 74 sqm while the rear single storey dwelling would be provided with 120 sqm of private amenity space. Additionally the proposed development also seeks to provide an additional 31.5 sqm of communal open space for the residents of the proposed development along with the existing residents at 10 A, B and C Malpas Road.

- 6.51 The subject application is supported by a Daylight and Sunlight report prepared by XCO2 Energy. The accompanying report provides an assessment of the daylight, sunlight and overshadowing impacts of the proposed development upon the adjoining properties, in addition to assessing the levels of daylight received by the proposed development.
- 6.52 The accompanying report confirms that the proposed units would provide a suitable level of outlook and amenity. Officers therefore consider that the proposed development would be provided with an acceptable standard of accommodation.

#### Highways and Traffic Issues

- 6.53 The London Plan (2015) states that in locations with good public transport accessibility, car-free developments should be promoted.
- 6.54 The subject site benefits from a PTAL rating of 6a (excellent). The existing walking and cycling links to and from the site are adequate and the level of traffic likely to be generated by the proposal is minimal. There are a number of bus services that operate in the vicinity of the site on a regular basis as demonstrated in the Transport Statement which accompanies the planning application.
- 6.55 No additional off-street parking would be provided for the proposed development. It is proposed that all car-parking needs of the development are to be met on-street. The application has been accompanied by Transport Statement (TS) prepared ADL Transportation Ltd and has been reviewed by Council's Highways Officer.
- 6.56 Objections have been received by adjoining owners regarding the capacity of the surrounding streets to absorb the additional parking demand caused as a result of the proposed development.
- 6.57 The Transport Statement states that the proposed development would generate a maximum demand of two on-street spaces. The accompanying parking survey contained within the Transport Statement details that there were a total of seven unrestricted on-street spaces available on Rokeby Road and 14 spaces available on Malpas Road.
- 6.58 Officers are therefore satisfied that there is sufficient capacity on Rokeby Road and Malpas Road to accommodate the likely additional

demand during both the construction phase and the projected additional on-street parking demand as a result of the proposed development. Furthermore, the Highways officers have not objected to the proposal.

- 6.59 Secure and dry parking for a total of 8 bicycles are detailed on the proposed plans. This meets the necessary standard and would be secured by condition.

#### *Servicing and Refuse*

- 6.60 In regard to refuse and servicing, a dedicated communal waste storage area would be provided for the proposed development which would be located along the eastern site boundary, adjacent to the main entrance to the site. The applicant has advised that the proposed development would be serviced by a private waste contractor who could collect and return all bin to this communal storage area. This would be secured within the Section 106 agreement. This is considered to be acceptable.
- 6.61 A condition is also proposed, should the application be recommended for approval, requiring the submission of the details of the communal waste storage area prior to commencement of development.

#### *Construction*

- 6.62 The Council's Highways Officer has reviewed the Outline Construction and Logistics Plan along with the additional Transport Note issued on 18 August 2015 which was submitted in support of the application. The draft Construction Management Logistics Plan outlines details of the management of traffic during the construction period and seeks to provide a robust construction strategy that will minimise the potential for disruption to local residents and other users of the adjacent highway network.
- 6.63 The applicant has advised that in order to construct the proposed development, the northern most portion of Luxmore Gardens, which is adjacent to the subject site would be required as a site compound area. The subject application has been referred to the Parks Regeneration Manager who has not raised any objection to the use of a portion of the park during construction, provided that the area is reinstated to its previous condition following construction works. An informative has been recommended, should the application be approved, highlighting the requirement for the applicant to apply for a licence to temporarily use a portion of Luxmore Gardens. It is further noted that the applicant has agreed to make a contribution of £30,000 towards the regeneration of the park following construction works.
- 6.64 It is proposed that construction deliveries, in addition to loading and unloading would operate primarily via Rokeby Road and the existing

stepped access into the Luxmore Gardens. Luxmore Street would also be utilised, but for pre booked deliveries only and would be directed using banks men.

- 6.65 The submitted plan has been reviewed by Highways Officers and is considered to be acceptable in principle however a condition has been recommend to be imposed upon any consent requiring a Construction Management Plan be submitted and approved by Council prior to the commencement of development.

### Impact on Adjoining Properties

#### *Access to the subject site*

- 6.66 Paragraph 6 (b) of DM Policy 33 states that Backland Development should result in *“no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens”*
- 6.67 The development would be primarily accessed via an alleyway located between Nos 10 and 12 Malpas Road. This access path currently serves two properties being 10A and 10B Malpas Road. Habitable windows in addition to private open space area for both of these properties is located adjacent to this access way along with the side boundary wall and rear private open space of 12 Malpas Road.
- 6.68 The proposed development would result in an intensification of the use of the existing access way however, it is also proposed to utilise the existing gated access to Luxmore Gardens, when the park gates are open, which would provide alternative arrangements for both future residents of the proposed development as well as and existing residents of 10A , 10B and 10 C Malpas Road.
- 6.69 The access path would also be utilised to service refuse however, a private waste management strategy is to be secured for the site by s106 agreement and would ensure refuse would be collected from and returned to a storage area within the site and not presented in front of the existing windows of 10 Malpas Road, as originally proposed.
- 6.70 Officers note that the proposed development would increase activity via the side access way and hence have an additional impact on adjoining properties. The proposed use of this access way is deemed to be acceptable as it is considered that this is currently a communal entrance, in use by the residents of two properties. Accordingly officers do not consider that the likely level of disturbance and impact on the privacy of the properties at 10 and 12 Malpas Road would not be such that would warrant refusal of the application. The development is therefore, on balance, is considered to be acceptable.

#### *Daylight and Sunlight*

- 6.71 As previously stated a Daylight and Sunlight Assessment prepared by XCO2 Energy was submitted in support of the subject application. This report has been prepared in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight".
- 6.72 This report assesses the impact of daylight and sunlight as a result of the proposed development upon the following residential properties and associated amenity areas:
- 12,14, 16 Malpas Road (situated to the southwest of the site)
  - 10 Malpas Road (situated to the west)
  - 2- 8 Malpas Road (situated to the north west)
  - 128-130 Lewisham Way (situated to the north east)
  - 132 Lewisham Way (situated to the north east)
- 6.73 The overall impacts in terms as a result of the proposed development indicate full compliance with the BRE guidance.

#### *Amenity Space*

- 6.74 The south facing amenity spaces of the adjoining properties which face Malpas Road and Lewisham Way have been assessed for sunlight amenity. The accompanying report demonstrates that in the instance of each adjoining rear garden, a minimum of 50% of the overall area would receive two or more hours of sunlight on the 21 March. Accordingly the development would comply with the BRE guidelines and therefore would not result in a considerable negative impact upon the adjoining properties.

#### *Overlooking*

- 6.75 In regard to the creation of opportunities for overlooking into adjoining properties, it is noted that primary habitable rooms and associated windows would either be located at ground floor level or situated towards the front, Luxmore Garden, facade. All proposed rear facing windows situated at first and second floor level, would serve bedrooms only.
- 6.76 All windows upon the side elevations of the three storey dwellings would either be fixed closed and obscure glazed or high level so as to mitigate any potential overlooking issues.
- 6.77 As detailed above the subject site is adjoined by the rear gardens of several adjoining properties which addresses Malpas Road and Lewisham Way. The applicant has provided annotated plans which

detail the separation distances from the surrounding properties. This has been included below.



ORIENTATION



- 6.78 To the northwest of the proposed three storey dwellings, the development would be setback by a minimum of 5.5 meters from the rear boundaries of the properties fronting Malpas Road therefore resulting in a building to building separation distance of between 12.5 and 25 meters. All windows along this elevation would be opaque glazed and fixed closed to a height of 2 metres above floor level to mitigate overlooking between adjoining properties.
- 6.79 The western most dwelling of the proposed row of three 3 storey dwellings would be positioned approximately 4.4 metres away from the rear boundary of 124 -126 Lewisham Way however, due to the large rear gardens, a building to building separation distance of between 31.5 metres - 37.5 metres would be maintained. It is further noted that the rear of this property is heavily vegetated, including several mature trees which would further mitigate any potential overlooking.

- 6.80 To the east, the proposed three storey development would be setback by 8.5 meters from the adjoining property boundary of the ground floor unit of 132 Lewisham Way, known as the 'East Courtyard'. The side elevation would contain one window at first floor level which would overlook the proposed communal area. This is considered to be acceptable.
- 6.81 The proposed detached single storey dwelling, would be located to the north (rear) of the site. The proposed dwelling would be located adjoining the site boundary, however it is noted that this would be forward of the current positioning of the boundary fence and would align with rear elevation of the extension to 132 Lewisham Way.
- 6.82 The proposed 2b4p dwelling would have a maximum height of 2.9 metres and would be located between 2.2 and 3.6 meters from the adjoining boundary with 132 Lewisham Way. It is noted however that there is a 400 mm variation in site level, with the subject site lower than the neighbouring properties.
- 6.83 The proposed dwelling would not have any openings facing onto the rear of 130 Lewisham Way, and have high level obscured glazing facing onto the rear of 132 Lewisham Way. The primary habitable windows of the proposed bedrooms and the kitchen/ living area would be west and north west facing, adjoining the land to the rear of 128 Lewisham Way, positioned between 3.6 and 4.2 metres away from the boundary. This is considered to be acceptable.
- 6.84 As the proposed detached dwelling would be single storey, located lower than the adjoining site and would include the provision of replacement boundary fences which would be a minimum of 1.8 metres in height, the development is not considered to negatively impact the amenity of the adjoining properties.
- 6.85 It is therefore considered due to the layout of the proposed units proposed and the separation distances between adjoining facades, the proposed development would not result in the creation of opportunities for overlooking which would impact the residential amenity of the adjoining properties.

*Impact on the existing heritage assets*

- 6.86 The subject is located adjacent to, but is not situated within the Brockley Conservation Area. The current application is accompanied by a Heritage Statement which was reviewed by the Council's conservation Officers. The proposed development was not found to have any impact on either the adjacent conservation area or the listed building situated at the corner of Rokeby Road and Lewisham Way. Accordingly, the application is deemed to be acceptable in terms of impact on existing heritage assets.

Sustainability and Energy



- 6.87 In the earlier stages of the preparation of the scheme, the applicant would have been advised to meet Code for Sustainable Homes (CSH) Level 4. This requirement has been withdrawn however the pre-assessment accompanying this application demonstrates that the design of the scheme will meet this standard.
- 6.88 In line with the Mayor's Energy Strategy, solar photovoltaic array (24sqm) would achieve a 22.5% reduction in carbon emissions which is in excess of the 19% minimum requirement. This together with the examples of water efficiency highlighted in the Code for Sustainable homes demonstrated that the proposal is compliant with London Plan policies 5.2 and 5.3, Core Strategy Policy 8 and Development Management Policy 22.

#### Ecology and Landscaping

- 6.89 Policy 5.10 'Urban Greening' of the London Plan outlines the importance of urban greening such as new planting in the public realm, recognising its role in adapting to and reducing the effects of climate change. Core Strategy Policy 12 'Open space and environmental assets' sets out the value of green in the public realm stating that local biodiversity should be preserved and enhanced whilst trees should be protected or replaced where loss does occur. As a result of this, Development Management Policy 25 'Landscaping and trees' requires all applications for major development to submit a Landscape Scheme.
- 6.90 There are no statutory designations of national or international importance within the boundary of the site however due to the current overgrown condition of the subject site, a Preliminary Ecological Assessment, prepared by Middlemarch Environmental was submitted with this application.
- 6.91 The report sought to establish the ecological value of the site and identify any associated impacts. The report concluded that the scale and nature of the proposed development would not give rise to any negative impacts upon nature conservation across the site. It did however provide a series of recommendations to enhance the biodiversity value of the site. These include a suitable schedule of planting, the provision of bird boxes and a sensitive external lighting. It is noted that the applicant has proposed to install Bat boxes as part of the development however as the Preliminary Ecological Assessment did not find the presence of bats on site, mitigation in the form of the installation of Bat boxes are not required in this instance. Accordingly relevant ecological commitments are proposed to be secured via condition.
- 6.92 As outlined earlier in the report, the application submission includes a detailed landscaping strategy which is considered to be acceptable and would be secured via condition.

Arboriculture

- 6.93 An Arboricultural Impact Assessment (AIA) prepared by Middlemarch Environmental accompanies the subject application. The report details that the site would be cleared, with the exception of the two existing trees, which are subject of Tree Protection Orders, which would be retained and protected throughout construction of the proposed development. The assessment has been reviewed and is considered to be acceptable by the Council's Arboricultural Officer. Conditions are recommended to be imposed to ensure the recommendations contained within the report are carried out.

#### Land Contamination

- 6.94 Policy 5.21 'Contaminated Land' states that the Mayor supports the remediation of contaminated sites and outlines that appropriate measures should be taken to ensure that development of previously contaminated land does not activate or spread contamination. In response to this, DM Policy 28 'Contaminated land' seeks to ensure that contamination is properly addressed.
- 6.95 It is noted that the subject site is currently a vacant site within a residential area with no known history of industrial or commercial use. The risk of contamination is therefore considered to be low. The proposed development would involve breaking ground works during construction in addition to the provision of areas of private and communal open space. Accordingly a condition has been recommended, that a Ground Condition Assessment (Contamination) be submitted to the Council, prior to the commencement of any building works.

#### Planning Obligations

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

- 6.97 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.98 Officers consider that the obligations outlined below under Recommendation A are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8.0 Equalities Considerations**

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

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

## **9.0 Conclusion**

- 9.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.
- 9.2 It is considered that the scale of the development is acceptable, that the building has been designed to respond to the context, constraints and potential of the site and that the development will provide a high standard of accommodation.
- 9.3 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place the scheme accords with local and national policies.
- 9.4 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

## **10.0 RECOMMENDATIONS**

### **10.1 RECOMMENDATION (A)**

To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) securing the following principal matters including other such amendments as considered appropriate to ensure the acceptable implementation of the development. The Heads of Term are to be as follows:

S106 items

- Servicing of the development by a private waste contractor including undertaking to collect and return all bin to this communal storage area. A Waste Management Plan is to be submitted to and approved in writing by the Local Planning Authority;
- Contribution of £30,000 towards the upgrade of Luxmore Gardens and would be paid on commencement of the development;

- Meeting the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

## **10.2 RECOMMENDATION (B)**

### **Full Planning Permission Time Limit**

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

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

### **Develop in Accordance with Approved Plan**

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

D01 Rev A; D02; D03 Rev E; D04 Rev F; D05 Rev D; D06 Rev D; D07 Rev E; D08 Rev E; D09 Rev C; D10 Rev B; D11 Rev E; D15 Rev B; D16; D17; D20 Rev A; FHA-632-L-401-Planting Plan; FHA-632-D402 – Proposed Rainwater Gardens; Drawing FHA-P632-Planting Schedule

**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.

### **Construction Management Plan**

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:
  - (a) Dust mitigation measures.
  - (b) 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.
- (d) Security Management (to minimise risks to unauthorised personnel).
- (e) Details of the training of site operatives to follow the Construction Management Plan requirements
- (f) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar demolition activities
- (g) Measures to ensure that debris, dust and equipment can not fall or be blown onto the adjacent properties or Luxmore Gardens.

**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).

### **Land Contamination**

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

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

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

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

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

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

Contaminated Land of the Development Management Local Plan (November 2014).

### **Protecting Residential Properties**

- 5. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety.

Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

### **Site Survey**

6. No development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:
  - (a) A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site at regular intervals, site levels and floor levels of adjoining buildings, full details of the proposed finished floor levels of all buildings and hard surfaces.
  - (b) The development shall be carried out only in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to its surroundings 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.

### **Materials/Design Quality**

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

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



### **Cycle Parking**

8. (a) A minimum of **8** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved
- (b) No development shall commence on site until 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).

### **Protection of Trees**

9. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

### **Boundary Treatments**

10. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the

interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **Bat and Bird Box Strategy**

11. The development shall be carried out in accordance with the approved Bat and Bird Box Strategy, dated August 2015, prepared by Middlemarch Environmental, received by the Council on 03.09.2015. All bird boxes shall be installed before occupation of any building hereby approved and shall be 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).

### **Biodiversity living roof**

12. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. D15 Rev B hereby approved and maintained thereafter.
- (b) 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.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), 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).

### **External Lighting**

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

planning authority.

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

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky, local ecology and neighbouring properties and 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 and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

### **Landscaping**

- 14. All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 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).

### **Satellite Dishes**

- 15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the south, east or west elevations or the roof of the buildings hereby approved.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for

Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **Plumbing or Pipes**

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the external Southern elevations (facing Luxmore Gardens) of the buildings hereby approved.

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

### **Extensions**

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

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

### **Windows and Openings**

18. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the buildings other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill

sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

### **Use of Flat roofs**

19. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the buildings 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, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

### **Hours of Construction**

20. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

### **Retention of Trees**

21. None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority

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

Plan (November 2014).

### **Energy and Water**

22. (a) The residential units hereby approved shall be constructed in order to achieve the following requirements:
- a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
  - a reduction in potable water demand to a maximum of 110 litres per person per day
- (c) No development shall commence above ground level until a Design Stage Standard Assessment Procedure (SAP) Assessment and Water Efficiency calculations, prepared by suitably qualified assessors, shall have been submitted to and approved in writing by the local planning authority to demonstrate that the detailed design of each unit is in compliance with part (a).
- (d) Within 3 months of occupation of any of the residential units hereby approved, an As Built SAP Assessment and post-construction stage Water Efficiency Calculations, prepared by suitably qualified assessors, shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (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).

### **Wheelchair Housing**

23. (a) The detailed design for each dwelling hereby approved shall meet the M4(2) standard of the Approved Document M of the Building Regulations (2015)
- (b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

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

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

### **Materials/Design Quality**

24. A sample panel of the proposed brick including proposed mortar and pointing work shall be built on site (using the proposed materials hereby approved), and shall be approved in writing by the local planning authority prior to construction of the above ground works.

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

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

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# Land to the Rear of 10 Malpas Road, SE4



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Committee	PLANNING COMMITTEE A	
Report Title	2 LOCK CHASE, LONDON, SE3 9HA	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	16 <sup>th</sup> June 2016

<u>Reg. Nos.</u>	DC/16/095445
<u>Application dated</u>	28.01.2016
<u>Applicant</u>	Mr P Digby
<u>Proposal</u>	The construction of a two storey side and rear extension at 2 Lock Chase, SE3, together with the insertion of three rooflights into the rear roofslope.
<u>Applicant's Plan Nos.</u>	105; 106; Design & Access Statement; Heritage Statement  101 Rev B; 107 Rev A Received 29th March 2016  109 Received 30th March 2016  103 Rev A Received 4th April 2016  110; Fineline Aluminium Doors Brochure Received 3rd May 2016  104 Rev C Received 25th May 2016  102 Rev C; 108 Rev A Received 2nd June 2016
<u>Background Papers</u>	(1) Case File LE/957/2/TP (2) Adopted Core Strategy (2011) (3) Development Management Plan (2014) (4) The London Plan (March 2015)
<u>Designation</u>	Blackheath Conservation Area
<u>Screening</u>	N/A

**1.0 Property/Site Description**

1.1 The application site is located on the north side of the north-eastern part of Lock Chase adjacent to the junction with Lee Park. It is a two storey semi-detached grand villa with a front driveway, single storey garage, gated access to the rear and timber framed sash windows. It forms one half of a prominent pair of houses within the street, which are somewhat different from the other properties on the street as being directly visible 'front on' when one enters from the south via Lee Park rather than set within a more usual street arrangement.

- 1.2 The road is comprised of a mix of two storey semi-detached grand villas, two storey detached and semi-detached houses and a two storey terraced post-war development to the end of the southern loop, which is not in the Conservation Area.
- 1.3 The area of the curtilage is approximately 682m<sup>2</sup> and the property benefits from substantial front and rear gardens. It back onto Hatcliffe Close to the north, but the property is not visible from street level due to the dense vegetation.
- 1.4 The property is located within the Blackheath Conservation Area, but is not subject to an Article 4 Direction. There is a row of 13 mid-19th Century Grade II listed buildings from nos. 119 -143 Lee Park, however, the application property is not in their vicinity.

## **2.0 Relevant Planning History**

- 2.1 Planning permission was granted on 26th May 1988 for the erection of a two storey extension at the side of 2 Lock Chase SE3. **Not implemented.**
- 2.2 There are also two other applications of relevance to the assessment of this application:
- 2.3 Planning permission was granted on 18th June 1968 for alterations and additions to the rear and above the existing garage to provide two additional bedrooms and a utility room at each respective dwelling house at 78 and 80 Lock Chase, Blackheath, S.E.3. **Implemented.**
- 2.4 Planning permission was granted on 8th December 1988 for the erection of a two storey side and rear extension at 4 Lock Chase SE3 together with the installation of 3 Velux roof lights. **Implemented.**
- 2.5 Planning permission was granted on 10th May 1993 for the erection of a two-storey side extension to replace the existing side extension at 84 Lock Chase. **Implemented.**
- 2.6 DC/15/92109: The construction of a two storey side extension to replace the existing garage at 82 Lock Chase, SE3. **Granted.**

## **3.0 Current Planning Application**

### The Proposal

- 3.1 The application proposes the construction of a two storey side and rear extension to replace the existing garage. It would measure 11.12m deep by almost 8.9m high by 4.25m wide to the front elevation and 5.05m wide to the rear. It would have a pitched roof to integrate itself with the main property sloping down to a flat-roofed element at a height of 5.95m and 70cm in from the side (north east) elevation. The proposed extension would extend approximately 3.3m beyond the existing rear wall and leave a gap of 1.198m to the boundary with 155 Lee Park.

- 3.2 There would be a kitchen and living room on the ground floor, a bedroom with walk-in wardrobe and ensuite at first floor level and a bedroom and bathroom at second floor level. Three rooflights would be inserted into the rear roofslope.
- 3.3 The extension would have six windows (four to the front at both floor levels, two to the side at ground floor level and two to the rear at first floor level) and a sliding door to the rear. The proposed materials are painted cement rendered brick to match the existing external walls, clay tiles to match the existing roof and double glazed timber framed sash windows with aluminium frames for the side windows and rear door.
- 3.4 The proposal seeks to compliment the extension previously approved and implemented at No. 4 Lock Chase.

#### **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 notice was displayed, Blackheath Ward Councillors, the Blackheath Society and the Council's Conservation Officer were consulted and letters were sent to nine neighbours.

#### Written Responses received from Local Residents

- 4.4 Initially 14 objections were received from neighbouring occupiers, 11 of which were from local residents not directly consulted. Eight of the 14 raised concerns about the proposed front gates, but withdrew their objection after they were removed from the application.
- 4.5 One objection to the "totally inappropriate" gates remains, but the concerns of the remaining six objectors relate to the following:
- The loss of the garage detracts from the symmetry of the pair of properties as architecturally it is important that they match exactly. This would change the look of the road.
  - There would be a loss of privacy into rear gardens, conservatories and upper floor windows from the very large modern rear sliding windows and balcony, which seem insensitive to the general architectural surroundings, and windows should be chosen that are more in keeping with the period property.
  - This is also the case for the proposed roof window at a slight angle.
  - The side elevation seems a bit harsh and warehouse-like especially in such close proximity to neighbouring rows of houses.
  - Rear gardens would feel enclosed and the sense of openness currently enjoyed would be greatly reduced.
  - The slim metal framed windows to the side elevation should not directly overlook any gardens and therefore should be lower than the height of the fence (1.8m) with obscure glass. They are also out of character with the existing windows.
  - No windows should be installed at a later date into the side elevation at first floor level.
  - A revised site plan should be submitted showing both the existing and proposed footprints of 2 Lock Chase in relation to those on Lee Park.

- The height of the proposed extension, notably from its roof, in conjunction with its proximity to neighbouring properties would reduce level of light and would “cliff-like” making for an overwhelming sense of enclosure.
- There are key, detrimental differences between the application approved at 82 Lock Chase in that this extension features a pitched roof and was not in sufficient proximity to neighbouring properties to significantly reduce light or privacy.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

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

### Other National Guidance

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

### London Plan (March 2015 as amended March 2016)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. Further minor alterations were incorporated in March 2016. 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 5 Areas of Stability and Managed Change  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

### 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 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
  - The effect on the character of the area - the street scene and the wider area;
  - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;

- A suitably sized garden should be maintained.

- 5.10 Paragraph 6.5 (Side Extensions) states that single storey extensions to the sides of buildings should be carefully designed having regard to the street scene of which they will be part.
- 5.11 In order to ensure that a side extension appears subsidiary to the main building a set back may be used which should be followed through to the roof which should be similarly set back. The set back should be at least 300mm, but the depth might need to vary considerably dependent on the nature of the urban form of the street. The depth of the set back will depend on how prominent the building is, its location, the design of the surrounding buildings, and the character and rhythm of the street as set by distances between buildings. Use of a set back may be particularly important in the case of paired buildings (semi-detached houses) where an addition in the same plane as the original façade would harm the symmetry of the original design. In some cases the character of a street will mean that a side extension is not appropriate.

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the impact of the proposals on the character and appearance of the host property, the Blackheath Conservation Area, the acceptability of the loss of the garage and on the amenities of neighbouring occupiers.

### *Design and conservation*

- 6.2 The proposed side and rear extension would follow the form set by the two storey side and rear extension at no. 4 that was granted permission on 8th December 1988. Therefore, it would result in a symmetrical façade, the integral garage apart, and would ensure that the architectural integrity of the pair is not adversely affected. Furthermore, the angled position of the dwellinghouses away from the street reduces its impact on the sensitive character of the streetscene.
- 6.3 The materials are proposed to match the traditional appearance of the main dwellinghouse and the alignment of the roof eaves and floor levels, a set back of almost 70cm from the front building line are welcomed.
- 6.4 It is noted that nos. 4, 78, 80, 82 and 84 on Lock Chase all have two storey rear and side extensions
- 6.5 Officers note that since there is no Article 4 direction in this part of Blackheath, the insertion of the windows, door and rear rooflights would not require planning permission. Notwithstanding a level of control exists with the current GPDO (Town and Country Planning General Permitted Development Order 2015) in that any materials and finishing should match the existing building.
- 6.6 The Council's Conservation Officer has commented on the proposal stating that an overwhelming precedent exists in the streetscene (for 2 storey extensions) and it would be inconsistent to object to this proposal in isolation and as such there is no further comment in terms of Policy DM 36.



- 6.7 Therefore, in this case, the proposal is considered to be acceptable and would not adversely impact the Blackheath Conservation Area given the presence of six other two storey side extensions on Lock Chase and would restore the symmetrical relationship between the pair of properties.

*Principle of loss of garage*

- 6.8 The application property has a gravel driveway of approximately 24m directly in front of it, which already appears to be used in preference to the garage as it can accommodate up to four cars. Therefore, this proposal would not reasonably lead to any increase in on-street parking and the loss of the garage is considered to be acceptable.

*Impact on the amenity of neighbouring occupiers*

- 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. This is echoed in DM Policy 31.
- 6.10 The proposed two storey extension would have no significant impact on the amenities of 4 Lock Chase due to the separation distance of at least 12.3m and it would be approximately 27m from the nearest property (no. 12) on Hatcliffe Close. In terms of the visual amenity of the area there would be no detrimental impact due to the complementary materials being proposed and the presence of an existing two storey extension at no. 4 of very similar dimensions.
- 6.11 The proposal however has been considered in terms of any potential impact on the amenities of 155 and 157 Lee Park, who have both objected. The main issues considered to be of relevance in terms of neighbouring amenity are sense of enclosure and privacy.
- 6.12 Given the orientation of the site, it is considered that there would be no significant adverse impact on sunlight and daylight levels, nor associated overshadowing to either property, especially during the early evening in summer. The outlook from the windows of the neighbouring properties are largely towards the north west and therefore would not be affected by the construction of an extension, which is mostly confined to the depth of 2 Lock Chase, to the south west. Given its proposed use as additional living accommodation noise levels are not considered to be a material consideration as the extension is to a dwelling house and living arrangements are internal to the building.
- 6.13 A number of the objections received have stated that the extension would overlook their gardens and look into their upper floor windows. However, given that the rear elevation fenestration has now been revised, Officers consider that it satisfactorily resolves their concerns because there are already existing facing windows at first floor level and as such no new overlooking conditions are created. The rear door would not result in a significant loss of privacy as it would be at ground floor level.
- 6.14 The projection past the rear elevation of the application property of 2.8m is not considered to be excessive and the 1.198m separation gap to 155 Lee Park for use as a side passageway by the applicants. As such, the two storey side

extension would not create conditions that would be overbearing or result in a sense of enclosure to nos. 155 and 157.

- 6.15 Therefore, the proposal would not result in demonstrable harm to the amenities of neighbouring properties.

#### Equalities Considerations

- 6.16 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.
- 6.17 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.
- 6.18 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.
- 6.19 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/>
- 6.20 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
- 6.21 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/>

- 6.22 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) The London Plan (2015) and the National Planning Policy Framework (2012).

- 8.0 It is considered that the proposal does not warrant refusal given that no further, significant harm is caused to the existing property, this part of the Blackheath Conservation Area or the amenities of neighbouring occupiers, and the loss of the garage has been considered acceptable. As such, approval is recommended.

- 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 3 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:

105; 106; Design & Access Statement; Heritage Statement

101 Rev B; 107 Rev A Received 29th March 2016

109 Received 30th March 2016

103 Rev A Received 4th April 2016

110; Finline Aluminium Doors Brochure Received 3rd May 2016

104 Rev C Received 25th May 2016

102 Rev C; 108 Rev A Received 2nd June 2016

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

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

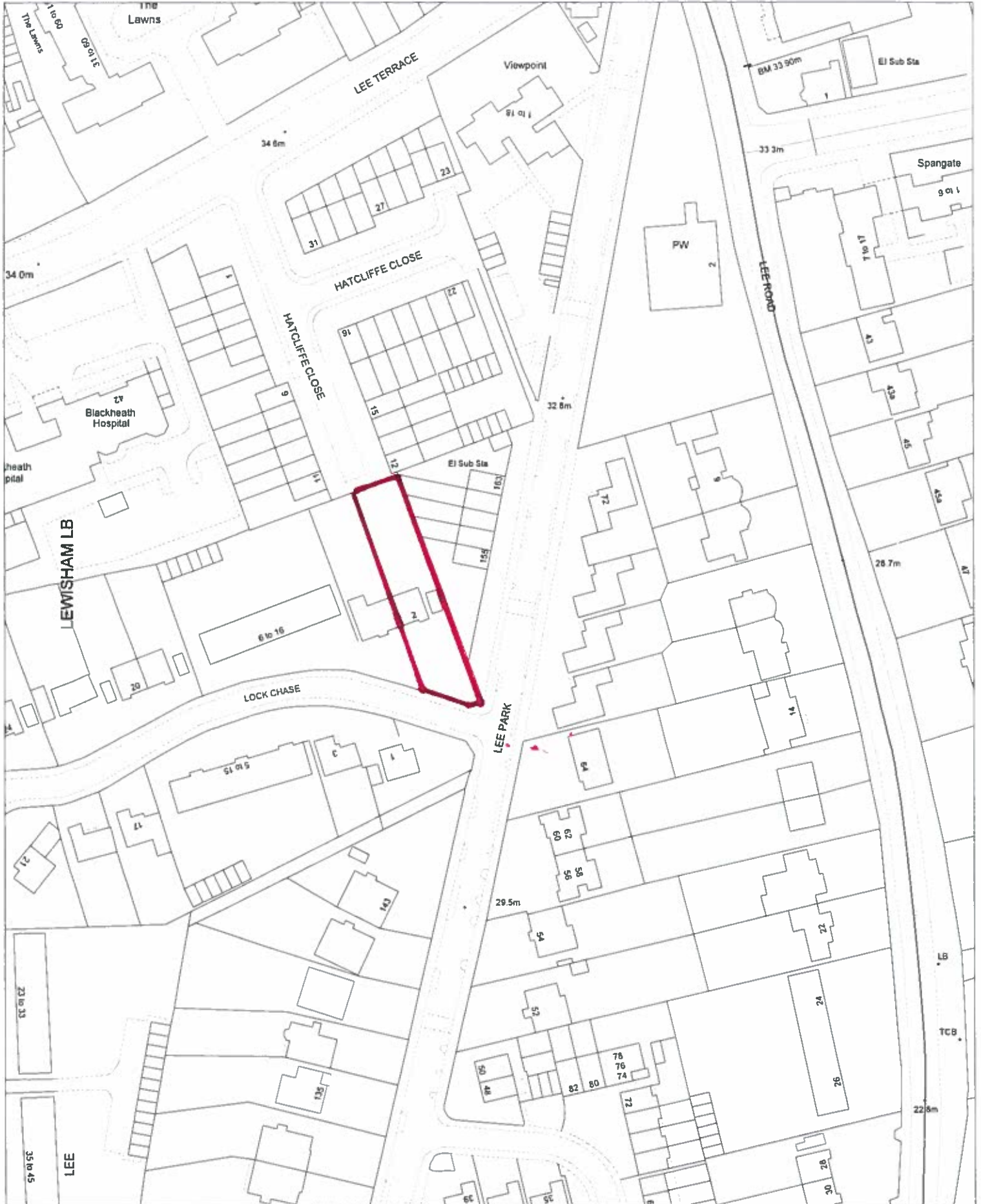
Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

### **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.

# 2 Lock Chase, SE3



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Committee	PLANNING COMMITTEE B	
Report Title	122 NEW CROSS ROAD, LONDON, SE14 5BA	
Ward	Telegraph Hill	
Contributors	Julia Robins	
Class	PART 1	16 June 2016

Reg. Nos. DC/14/87433

Application dated 02.05.2014

Applicant Peter Hutchison Architect on behalf of Mr Patel

Proposal The construction of a three storey building incorporating balconies, on land to the rear of 122 New Cross Road SE14, comprising 3 one bedroom, 5 two bedroom and 1 three bedroom self-contained flats, together with associated landscaping and alterations to the front and rear of 122 New Cross Road and the provision of refuse/recycle and bicycle stores at ground floor level

Applicant's Plan Nos. Site Location Plan received 6 May 2014, CIL form received 30.06.14, 13.21-E-1 received 25 Jul 2014, Code For Sustainable Homes Design Stage Report (from Abigail Morgan) dated November 2014 received 20 Mar 2015, Construction Method Statement, 13.21.Ped-1 and Statement of Responses to Planning Policy received 27 Mar 2015; Marketing letter dated 29/05/15 (from Gildersleve & Payne); Lifetime Homes Compliance rev 20.10.15, 13.21-AL-1A, 13.21-P3 Rev B (Planning Statement), received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015; Daylight report, 15.20-P-1D, 15.20-P-2D and 15.20-P-3D received 12 April 2016.

Background Papers (1) Case File DE/414/122/TP  
(1) Local Development Framework Documents  
(2) The London Plan

Designation PTAL 6a  
Area of Archaeological Priority  
Flood Risk Zone 2  
Major District Centre  
Hatcham Conservation Area Article 4(2) Direction  
Hatcham Conservation Area  
Not a Listed Building

## **1.0 Background**

- 1.1 This application was considered by Members at the meeting of Planning Committee B held on the 21 January 2016. Members resolved to defer determination of the planning application to allow for the carrying out of daylight/sunlight and noise impact assessments in relation to the proposal.
- 1.2 Members are referred to the report considered at that meeting which is included in full as an appendix to this report. It contains a full description of the site and its planning history, the details of the application, an explanation of the planning policy background and an assessment of planning considerations.
- 1.3 Members attention is drawn to the following in the original report to Committee where it was stated, in Para 6.39, that there were no sound protection conditions relating to the protection of occupants from the noise at 116-118 New Cross Road attached to the 2010 consent although to be clear, there is a condition attached, Condition 1(a) which requires details of the proposed construction of the ceilings and walls separating the ground floor use hereby permitted and the upper floors and the external walls.
- 1.4 Additionally Officers should clarify that Planning Officers were not aware of the Music Room's activities at the time of that previous application.

## **2.0 Additional Information Submitted**

- 2.1 The applicant has submitted a daylight report together with further drawings of the proposed building which show the introduction of 7 rooflights.
- 2.2 The daylight report has been prepared to address questions raised as to the amount of daylight within three of the units (C, F and J) given the height of balcony screens, the amount of obscure glazed windows and the orientation of habitable rooms. This report has been undertaken in accordance with the BRE Guidelines.
- 2.3 The report concludes that the Average Daylight Factor levels for the proposed windows in units C, F and J would be met. It also explains that the proposed roof lights would bring in daylight and sunlight into the back of the rooms improving the quality of the space.
- 2.4 The applicant has not submitted a noise report and their covering letter explains that they are not prepared to commission a noise study to assess the possible noise nuisance from the Music Studios as they consider this to be entirely unreasonable. The reasons for this being:
  - If the Music Rooms are creating a noise nuisance existing occupants on the upper floors of 120 and 122 New Cross Road would be affected. 120 New Cross Road is immediately adjacent to the Music Rooms and 122 is nearer to it than flats C, F and J in the proposed building. The applicant considers it to be LB Lewisham's duty to deal with any such nuisance using their powers under the 1990 Environmental Protection Act, if necessary issuing an abatement order. Businesses are required to use 'best practical means' to minimise the noise disturbance caused by their operations; in the case of Music Studios it is reasonable to expect these to include adequate sound insulation.



- This is not a parallel situation to one where traffic noise needs to be considered.

### **3.0 Consultation**

3.1 Neighbours and members were reconsulted on 20 May 2016 for 21 days.

3.2 At the time of writing no letters had been received.

### **4.0 Planning Considerations**

4.1 The main consideration, in addition to the considerations set out in the first report, is whether, with the submission of the daylight assessment and introduction of rooflights, the proposal is acceptable in planning terms.

#### Quality of new units

4.2 The daylight assessment considers 3 of the proposed units only – units C, F and J.

4.3 The scheme has been amended to introduce rooflights which are located on the south and west sides and would improve daylight levels within the aforementioned units. They would allow sunlight into the back of the units improve their quality. The report finds that daylight levels would be above average. Officers considered in the original report that the units were on balance acceptable and introduction of the roof lights would improve their internal quality which is demonstrated by the assessment.

#### Design

4.4 The introduction of the roof lights is considered to have little impact on the overall design given their roof top position and location between angled photovoltaic panels. The detailed design of the roof lights has been sought through condition to ensure that appearance is acceptable and that they are flush fitting.

#### Precluding development on neighbouring sites

4.5 The introduction of the rooflights in the positions shown is not considered to preclude development on the neighbouring sites.

#### Noise

4.6 Officers remain of the opinion that the revised scheme, whilst introducing 4 additional residential units, gives the opportunity to protect future occupants of these dwellings to a much greater degree than the 2010 scheme as well as protect the Music Room from complaints from new residential occupiers. Officers consider that the burden of the noise emanating from 116-118 New Cross Road should not fall wholly on the scheme at 122 New Cross Road. It is felt that the proposed conditions and informative attached to the decision notice demonstrates that noise levels can be controlled to a satisfactory level and therefore the impact on the Music Room kept to a minimum.

### **5.0 Local Finance Considerations**

5.1 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).

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

5.3 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.

## **6.0 Equalities Considerations**

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

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

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

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

## **7.0 Conclusion**

7.1 This application has been considered in the light of policies set out in the development plan and other material considerations. The application site is considered to be an urban environment where higher density development is encouraged where it can respect the existing plan form and neighbour amenity.

7.2 Officers consider that the proposed rooflights does not affect the design quality of the scheme and as such the proposed building remains of an acceptable design quality and given its position, to the rear of the properties on New Cross Road, the proposed building would have limited impact on the conservation area.

7.3 The daylight assessment shows that the scheme would have acceptable levels of daylight reaching into each room, confirming that the quality of the accommodation is acceptable.

7.4 Whilst the applicant's have not submitted a noise assessment, Officer's remain of te opinion that this scheme provides the opportunity to protect future residents from the noise emanating from The London Music Room as well as providing greater protection to The London Music Room from complaints from future occupants of the units.

7.5 Officers still consider that, subject to the conditions set out below, that, on balance, the proposed development results in an acceptable level of impact.

**8.0 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:

Site Location Plan received 6 May 2014, CIL form received 30.06.14, 13.21-E-1 received 25 Jul 2014, Code For Sustainable Homes Design Stage Report (from Abigail Morgan) dated November 2014 received 20 Mar 2015, Construction Method Statement, 13.21.Ped-1 and Statement of Responses to Planning Policy received 27 Mar 2015; Marketing letter dated 29/05/15 (from Gildersleve & Payne); Lifetime Homes Compliance rev 20.10.15, 13.21-AL-1A, 13.21-P3 Rev B (Planning Statement), received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015; Daylight report, 15.20-P-1D, 15.20-P-2D and 15.20-P-3D received 12 April 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.

#### Materials

3. No development above ground level shall commence on site until a detailed schedule of all proposed materials has been submitted to (including rooflights which must be flush fitting) and approved in writing by the local planning authority and samples have been provided for viewing on site. The development shall be carried out in accordance with the approved details.

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

#### Shopfront

4. (a) No development above ground level shall commence on site until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop front has been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, the window system, the stall riser and the entrance.  
  
(b) The development shall be constructed in full accordance with the approved details.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

5. Noise mitigation measures

(a) The building shall be designed so as to provide sound insulation against external noise sources to achieve internal noise levels within rooms (with windows closed and other forms of ventilation provided) not exceeding:

	— Octave band centre frequency (Hz)									dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
L 5MAX	72	55	44	35	29	25	22	19	18	NR25

(b) Development shall not commence above ground level until details of a sound insulation scheme specifying all necessary measures, including but not limited to balcony screens, windows, doors and building materials to comply with paragraph (a) has been submitted to and approved in writing by the local planning authority

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be retained and maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Refuse and recycling

6. The refuse and recycling facilities as shown on plan no.15.20-P-1B shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

Cycle Parking

7. (a) A minimum of 13 secure and dry cycle parking spaces shall be provided within the cycle store as indicated on plan 15.20-P-1B hereby approved.
- (b) No development above ground level shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

#### Ambulant stairs and platform lift

8. Details of the disabled ambulant stairs and a platform lift shall be submitted to and approved in writing by the local planning authority before any works above ground level are commenced. The stairs and lift shall be implemented before any part of the development hereby permitted is first occupied and shall be permanently maintained thereafter in accordance with the approved scheme.

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

#### Landscaping and boundary treatments

9. Prior to the construction of above ground works the following shall be submitted to and approved in writing by the local planning authority:
- (a) A scheme of hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) which includes a schedule of materials;
  - (b) 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;
  - (c) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (b). 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;
  - (d) A plan indicating the positions, design, materials and type of boundary treatment, including measures to reduce the impact of noise along the shared boundary with no.116-118 New Cross Road.
  - (e) All landscaping works which form part of the approved scheme under parts (a), (b) and (d) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.13 Sustainable Drainage in the London Plan (2015), 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, DM26 Noise and Vibration, and DM Policy 30 Urban design and local character.

#### Wheelchair dwelling

10. The 1no. wheelchair dwelling (Flat C) hereby approved shall be constructed to be Building Control Standard M4(3)(2)(a) as shown on drawing no. 15.20-P-1B hereby approved prior to first occupation.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy

(June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Plumbing and pipes

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

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

Additional windows

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the elevations D-D and E-E, as shown on drawing 15.20-P-3B, of the building hereby approved shall be fitted as obscure glazed and fixed shut with only fixed fanlight opening and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Balconies

13. Prior to the commencement of development above ground level, detailed drawings, details of materials and samples in respect of the following shall be submitted to and approved in writing by the local planning authority:-

(a) All balcony surrounds;

(b) The full height screening to the first floor balcony (Flat F) and 1.5m high screening to the terrace on second floor balcony (Flat J) which are on the boundary with the Besson Street site;

The development shall be carried out in full accordance with the approved details prior to occupation of any of the accommodation and the works shall be maintained permanently in accordance with the details approved.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Living roofs

14. (a) The development shall be constructed with the living roofs laid out in accordance with plan no.13.21.P-ED-1 hereby approved and maintained thereafter.

(b) 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.

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

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , 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).

#### External Lighting

15. Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

#### Construction Method

16. Notwithstanding the Construction Method Statement hereby approved, no development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

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

**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 (2011).

Lifetime Homes

17. (a) The detailed design for each ground floor unit hereby approved shall meet standard M4(2) of the Approved Document M of the Building Regulations (2015).
- (b) No development above ground level shall commence until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) The development shall be carried out in accordance with the details approved under part (b).

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. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- F. The applicant and future occupiers are advised that there is rehearsal and studio space at the London Music Room, 116-118 New Cross Road and has the potential to cause noise disturbance.
- G. The applicant is advised that condition 16 requires details to be submitted prior to the commencement of works due to the importance of minimising disruption on local residents and the local highway network during construction.





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Committee	PLANNING COMMITTEE B	
Report Title	122 NEW CROSS ROAD, LONDON, SE14 5BA	
Ward	Telegraph Hill	
Contributors	Julia Robins	
Class	PART 1	21 January 2016

Reg. Nos. DC/14/87433

Application dated 02.05.2014

Applicant Peter Hutchison Architect on behalf of Mr Patel

Proposal The construction of a three storey building incorporating balconies, on land to the rear of 122 New Cross Road SE14, comprising 3 one bedroom, 5 two bedroom and 1 three bedroom self-contained flats, together with associated landscaping and alterations to the front and rear of 122 New Cross Road and the provision of refuse/recycle and bicycle stores at ground floor level

Applicant's Plan Nos. Site Location Plan received 6 May 2014, CIL form received 30.06.14, 13.21-E-1 received 25 Jul 2014, Code For Sustainable Homes Design Stage Report (from Abigail Morgan) dated November 2014 received 20 Mar 2015, Construction Method Statement, 13.21.Ped-1 and Statement of Responses to Planning Policy received 27 Mar 2015; Marketing letter dated 29/05/15 (from Gildersleve & Payne); Lifetime Homes Compliance rev 20.10.15, 13.21-AL-1A, 13.21-P3 Rev B (Planning Statement), 15.20-P-1B, 15.20-P-2B and 15.20-P-3B received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015.

Background Papers (1) Case File DE/414/122/TP  
(1) Local Development Framework Documents  
(2) The London Plan

Designation PTAL 6a  
Area of Archaeological Priority  
Flood Risk Zone 2  
Major District Centre  
Hatcham Conservation Area Article 4(2) Direction  
Hatcham Conservation Area  
Not a Listed Building

1.0 **Property/Site Description**

1.0 No.122 New Cross Road forms part of a terraced group from No. 120 to No. 128 called Minerva Terrace and dating from around 1830 and is located on the southern

side of New Cross Road. Each house is in three bays and the ground floors (as with the rest of the row) are all obscured by Victorian shops.

- 1.1 The rear part of the site is accessed through the ground floor of no.122. The flats within the frontage building are not proposed to be changed and they are accessed separately from New Cross Road.
- 1.2 The rear part of the site has been empty since 2005 and before that was tenanted by a music company and then it was used as storage. Whilst lying vacant the premises was destroyed by fire. The remains of the fire damaged buildings have recently been removed.
- 1.3 Adjacent to the site to the north, west and south west is a site which forms part of the Kender Triangle area and is an allocated site within the Council's site allocations document. It is currently vacant. Consent was granted on 18 March 2009 for the construction of one to ten storey blocks on the site comprising 173 residential units, library, doctor's surgery, gym and other community uses, café and a public square. This permission has now expired.
- 1.4 To the south and south west of the site are industrial buildings which are accessed from Fishers Court. To the west is the garden of 120 New Cross Road and butting the lower end of the western boundary is the London Music Room at 116-118 New Cross Road. The London Music Room has 5 rehearsal studios and has a licence for sale by retail of alcohol for consumption on premises and provision of regulated entertainment (films). They are open Monday - Sunday 09.30-23.15 and from 09.30-01.30 New Year's Eve.
- 1.5 The site is located within the Hatcham Conservation Area which is also covered by an Article 4 direction.

## **2.0 Planning History**

- 2.1 In 1991 an application was granted for the conversion of the ground, first and second floors of 122 New Cross Road to flats.
- 2.2 In 2010 permission was granted at committee, for the construction of a single to three storey building incorporating terraces, on land to the rear of 122 New Cross Road SE14 comprising 3 commercial units (Use Class B1) on the ground floor and 5 two bedroom self-contained maisonettes above, together with associated landscaping and alterations to the front and rear of 122 New Cross Road and provision of refuse/recyclables and bicycle stores at ground floor level. A new timber shopfront was also proposed.
- 2.3 The building ran around the eastern and southern boundary facing a landscaped 'communal garden'. There units consisted of 1 x 3 bedroom unit, 5 x 2 bedroom units and 3 x 1 bedroom unit.
- 2.4 Officers are satisfied that this planning permission has been implemented following the submission of evidence from the applicant. This evidence consists of a photograph of trenches dug in 2013, submission of the initial notice to Lewisham Building Control on 31 October 2013 and the Initial Notice from a private Building Control company dated 24<sup>th</sup> October 2013. Officers have also checked Lewisham's Building Control records which confirm that plans were deposited on 25<sup>th</sup> October 2013. Officers can also confirm that walls have been constructed towards the rear of the site which are approximately 1.3m high.

2.5 An application (DC/13/85397) was made to discharge the conditions (sound proofing, code of sustainability, wheelchair lift, screening, refuse and cycle racks, landscaping, paving-sample and living roof) attached to this consent in November 2013 although has not yet been decided.

### **3.0 Current Planning Application**

3.1 The current application is for a three storey development comprising of 9 flats. The flats would be accessed through the ground floor of 122 which was a shop. It is now a large lobby and is proposed to house the refuse and cycle storage. In this space there would also be steps down to the rear part of the site and a platform lift for wheelchair users.

3.2 The mix of units comprises of 1 x 3 bedroom flat, 5 x 2 bedroom flat and 3 x 1 bedroom flat. 6 of the flats would have balconies and 3 would have private gardens. One of the 1 bedroom flats would be fully accessible for wheelchair users (Flat C) which would have a private garden located to the front of the flat.

#### **3.3 Materials:**

- Walls: Glazed blocks and facing bricks
- Roof: Shallow pitch with zinc covering. Living roofs over entrance canopies.
- Windows are proposed to be timber and the doors would also be glazed timber.
- Boundary treatments are proposed to be brick walls with timber fencing.

3.4 **Amenity Area:** A communal amenity area would be provided in front of the building.

3.5 **122 New Cross Road:** A new timber shopfront would be inserted.

#### Supporting Documents

##### Planning Statement

3.6 This document first runs through the site's history, the applicant's concerns with the consented scheme, the design of the proposal, sustainability and confirmation that the development is expected to meet Code 4 of the Code for Sustainable Homes, explains access for disabled users and confirmation that the flats are laid out to meet Part M, refuse and recycling facilities and bicycle storage.

##### Code for Sustainable Homes Design Stage - Prediction Report

3.7 This document is an initial report prepared based on information provided by the design team and sets out the probable credits. It finds that the development will be scored to achieve a minimum CSH Level 4 rating, using Nov 2010 version.

##### Lifetime homes compliance

3.8 The document was revised on 20<sup>th</sup> October 2015 and runs through each criteria and shows that it will meet all but two. One of these involves the approach to the dwelling from a parking space. The other regards windows and window handles.

##### Marketing Information

3.9 A letter was received on 29 May 2015 from the property consultants, Gildersleve & Payne who carried out an off plan marketing exercise which started on 1<sup>st</sup> June 2011 and during the twelve months after. They received little interest in the commercial

units and it is the consultant's view that the commercial units were unattractive to prospective tenants because of the constraints imposed on a residential development in terms of noise, limitations on operation as well as potential difficulties with regard to parking and deliveries. It explains that their client was also concerned that the flats would be difficult to sell/let due to the proximity of the commercial units.

- 3.10 Their letter concludes that the most appropriate form of development in this location is outright residential.

#### Construction Method Statement (CMS)

- 3.11 The CMS states that it should be considered as a preliminary description of construction methodologies in broad terms and reviews will take place before and during construction and further developed in detail by the Principal Contractor and Project Design Team.
- 3.12 The report proposes measures to minimise and mitigate construction impact on the local community and set targets for the management of the site during the construction phase. It has sections on the demolition and associated works, site description, site security, site operations and facilities, on site vehicles and parking, deliveries, materials storage and waste disposal.

### **4.0 Consultation**

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

#### Consultation by Applicant

- 4.3 None.

#### Written Responses received from Local Residents and Organisations

- 4.4 Letters of consultation were sent to 119 properties in the surrounding area adjoining the site, statutory notices were displayed on the site and in the local press. Ward Councillors were also notified.

#### Responses from Local Residents

- 4.5 3 responses were received from 116-118 New Cross Road (2 responses) and 122A New Cross Road from two consultations.
- 4.6 The following is a summary of the main points of objection to first consultation:
- Development has now totally changed from the original application offering a less desirable design
  - Work/live units were in keeping with the commercial area and current/previous use and the proposed residential only units are at a far greater density.
  - It is argued that the workshops would be difficult to let, because of difficulties with loading on New Cross Road. These problems were not raised when the application in Jan 2010 for 122 New Cross Road SE14 was made and granted. The red route was in place at that time. I operate a business on the New Cross

Road and loading and unloading has to be managed but it does not prevent me from trading.

- Difficulty in accessing the site through the underpass under the existing building
- No easy access for fire and other emergency services.
- Changing the units to residential removes any potential for improved employment and work opportunities in the area. New Cross Gate is in desperate need of jobs and work chances and this would remove that possibility on a site which has always been commercial.
- Next door has licensed garden at the rear which is used by customers of the business adjacent to the proposed site, and a cinema licence. The increased height of the proposed development will result in a detrimental effect and cause overlooking affecting enjoyment.
- Main windows will directly face the rear of our property, a major cause for future complaint. It will interfere with my clients' privacy at the rear of my property
- Noise/sound from the rehearsal rooms would be clearly heard by the residents and risk poor relations with neighbours (simply by the new building being at a higher level over a larger area than originally planned)
- Development needs a sound proofing wall otherwise it will disrupt business next door and disruption to the tenants of the new build, simply because of the poor design.
- The revised plans will result in an overly densely populated area on the site
- Site backs onto the Kender Triangle -may affect the design of the whole new Kender Triangle development.

Non – planning issues

- Effect building work will have on daughters health as she has bronchial problems (letter is supported by letter from child's GP).

4.6 Following the plans being amended to reposition balconies and windows a reconsultation was undertaken and in response another letter was received from 116-118 New Cross Road:

- 116-118 is known as The Music Room London and provides rehearsal and studio space, rehearsals take place 7 days a week from 11am -11pm weekdays and 11am-9pm Saturdays and Sundays.
- By its nature it is a noisy activity involving loud amplified music which is easily heard outside the property.
- Is concerned that the proposal in such close proximity to their premises including balconies and bedroom windows facing directly towards the Music Room would give rise to complaints from new residents that impact on the business.
- Relevance of noise and the objective of not siting sensitive development close to existing noise generating uses is recognised in Policy DM26 which post dates the previous consent.
- Policy DM26 requires a Noise and Vibration Assessment to be submitted with applications where noise sensitive development is proposed in close proximity to an existing noise generating source. No such assessment has been submitted. At the least the applicants should be required to submit a Noise Assessment before this application is determined.
- Applicants recognise problems of collating noise sensitive development adjacent to uses which create noise.
- All principle rooms, balconies and patio gardens face 116-118 New Cross Road.
- It is inevitable that noise disturbance to them will become an issue.

- Question whether it is appropriate to grant consent for a residential development in such close proximity to a noise generating development.
- If it is considered that there is no other place for such a development then DM26 is clear that noise mitigation measures should be put in place which they are not in the current development.
- The previous consent had at least 5 pre commencement conditions which have not been discharged so effectively the consent has lapsed.
- Any start on site given the extent of the unresolved pre commencement conditions would not have been a lawful implementation of the consent.

(letters are available to Members)

#### Amenity Societies' Panel

- 4.7 ASP feels that this development is totally inappropriate in terms of its design, massing, scale and materials and fails to preserve or enhance the conservation area

### **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.

- 5.6 In relation to Noise the NPPG states that 'noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.'

- 5.7 The section on noise contains a table which summarizes the noise exposure hierarchy, based on the likely average response:

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level	
Noticeable and	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during	Significant Observed	Avoid

disruptive	periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Adverse Effect	
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

5.7 The Noise Policy Statement for England (NPSE) was published in March 2010 and seeks to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level and in a cost-effective and timely way. The NPSE also aims to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise.

5.8 Its vision is to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

5.9 It has the following aims, through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life;
- and where possible, contribute to the improvement of health and quality of life.

5.10 It sets out three noise levels:

- NOEL – No Observed Effect Level - This is the level below which no effect can be detected and below this level, there is no detectable effect on health and quality of life due to the noise.
- LOAEL – Lowest Observed Adverse Effect Level - This is the level above which adverse effects on health and quality of life can be detected.
- SOAEL – Significant Observed Adverse Effect Level - This is the level above which significant adverse effects on health and quality of life occur.

5.11 The NPSE explains that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations therefore the SOAEL is likely to be different for different noise sources, for different receptors and at different times. The document acknowledges that further research is required to better understand what may constitute a significant adverse impact on health and quality of life from noise.

### London Plan (March 2015)

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

Policy 3.5	Quality and design of housing developments
Policy 3.6	Children and young people's play and informal recreation facilities
Policy 3.8	Housing choice
Policy 3.11	Affordable housing targets
Policy 3.12	Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13	Affordable housing thresholds
Policy 5.3	Sustainable design and construction
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 6.13	Parking
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.15	Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 8.2	Planning obligations
Policy 8.3	Community infrastructure levy

### London Plan Supplementary Planning Guidance (SPG)

- 5.13 The London Plan SPG's relevant to this application are:  
Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

### Core Strategy

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

Spatial Policy 1	Lewisham Spatial Strategy
Core Strategy Policy 1	Housing provision, mix and affordability
Core Strategy Policy 5	Other employment locations
Core Strategy Policy 8	Sustainable design and construction and energy efficiency
Core Strategy Policy 9	Improving local air quality
Core Strategy Policy 15	High quality design for Lewisham
Core Strategy Policy 16	Conservation areas, heritage assets and the historic environment
Core Strategy Policy 19	Provision and maintenance of community and recreational facilities
Core Strategy Policy 20	Delivering educational achievements, healthcare provision and promoting healthy lifestyles
Core Strategy Policy 21	Planning obligations

### Development Management Local Plan

- 5.15 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan.
- 5.16 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:
- |              |  |
|--------------|--|
| DM Policy 1  | Presumption in favour of sustainable development   |
| DM Policy 7  | Affordable rented housing  |
| DM Policy 11 | Other employment locations   |
| 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 28 | Contaminated land  |
| DM Policy 29 | Car parking  |
| DM Policy 30 | Urban design and local character   |
| DM Policy 32 | Housing design, layout and space standards   |
| DM Policy 35 | Public realm   |
| 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 (August 2006, updated 2012)

- 5.17 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.

### Shopfront Design Guide Supplementary Planning Document (March 2006 revised 2012)

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

### Hatcham Conservation Area Supplementary Planning Document (2006)

- 5.19 This document advises on the content of planning applications, and gives advice on external alterations to properties within the Hatcham Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- Principle of Development
  - Design and impact on character and appearance of the Hatcham Conservation Area
  - Standard of accommodation
  - Impacts on surrounding properties
  - Impact on the London Music Room, 116-118 New Cross Road
  - Sunlight and daylight
  - Sustainability and Energy
  - Landscaping
  - Highways
  - Cycle Parking
  - Refuse
  - Construction Methodology

### Principle of Development

- 6.2 Housing is a priority for all London boroughs and the Core Strategy welcomes the provision of small scale infill development provided that it is of sufficiently high quality and designed to complement the character of the area, it provides suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay.
- 6.3 Given the PTAL of the site being 6a, it is a highly sustainable location. The principle of redeveloping this site has already been established and is thus acceptable provided that the development is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, it takes account of issues such as neighbourhood noise and it provides for sufficient cycle, refuse and amenity space. In revising the scheme (from the mixed use development granted permission at committee in 2010) the commercial element has been removed. The site has not been used since 2003 for employment uses and the applicant has provided evidence that the previous scheme was marketed for a year, unsuccessfully, from June 2011 until June 2012. This site is not a Local Employment Land (LEL) and falls within the 'Other employment locations' category as set out in DM Policy 11. This policy requires that where a proposal involves no job creation or retention that a suitable period of marketing should take place, given that the units within the approved 2010 scheme were marketed unsuccessfully for a year the proposal is considered to meet this requirement.

### Design and impact on the character and appearance of the conservation area

- 6.4 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.
- 6.5 London Plan Policy 7.4 Local Character, states that development should improve an area's visual or physical connection with natural features. London Plan Policy 7.6 Architecture, states that architecture should make a positive contribution to a coherent

public realm, streetscape and wider cityscape and should incorporate the highest quality materials.

- 6.6 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.
- 6.7 DM Policy 19 Shopfronts, signs and hoardings states that shop fronts should be designed to a high quality and reflect and improve the character of their surroundings
- 6.8 DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas states that planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.9 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 is also relevant.
- 6.10 The current three storey proposal is based on the scheme approved in 2010, although it is wholly residential. As before, the proposal wraps around the southern edges of the site and is of a similar mass although would have a slightly smaller footprint and would be marginally taller. A shallow mono pitch roof has been added along with PVs on the roof. Like the previous scheme, the building itself is a simple, contemporary design which is considered acceptable. Given that the building wraps around the end of the site and as a result many angles are created, a simple response is considered appropriate.
- 6.11 In terms of materials, the palette is simple and consists of walls of glazed masonry blocks and brick. The main roof would be partly flat (in a L-shape) and partly shallow pitch roof (zinc covered). Given the complexity of the building, the proposed simple palette of materials is considered to be acceptable. Windows serving bathrooms and hallways have been included on the elevations on the south east and south western boundaries. These windows add to the articulation on these elevations along with the use of masonry bands and glazed blocks.
- 6.12 There would be planted roofs over the two long entrance canopies which would soften the appearance of the building. Full details and samples of the materials are required by condition to ensure that the materials sit comfortably with neighbouring buildings and are of high quality.
- 6.13 The building would sit up against the industrial sheds in Fishers Court although would face away from them, hiding them from view (when looking from New Cross Road). It is considered that the building sits acceptably next to these buildings. As it is considered to be of an acceptable design standard the proposal would meet the requirements of DM Policy 33 Development Infill sites, backland sites, back gardens and amenity areas. It would not be visible from the public realm and as such would have limited impact upon it or the character and appearance of the Hatcham Conservation Area and as such would meet the requirements of DM Policy 36.

6.14 In terms of the proposed changes to the frontage building, the application proposes the insertion of a traditional timber shopfront. The present frontage is entirely painted dark blue and is in a very poor state and has a negative impact on the appearance of the building and conservation area. The insertion of a new shopfront is welcomed, as is the internal relocation of the bins (which currently are lined up outside on the footway). The changes proposed would significantly improve the appearance of 122 New Cross Road,. Full details of the shopfront are required by condition to ensure that they are in line with the Council's Shopfront Guidance. The proposal is considered to improve the appearance of 122 New Cross Road and therefore the character and appearance of the conservation area as required by DM Policy 36.

Standard of Accommodation

6.15 Lewisham Core Strategy Policy 1 Housing provision, mix and affordability seeks that all new housing is to be built to Lifetime Homes standards and 10% of all housing are to be wheelchair accessible or easily adapted for those using a wheelchair in accordance with London Plan policy.

6.16 DM Policy 31 states that new rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.

6.17 DM Policy 32 states that residential accommodation will be expected:

- to meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan Supplementary Planning Guidance on Housing (as updated);
- to have a minimum floor height of 2.5 metres between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards;
- provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

6.18 The room sizes meet the National Technical Standards and those in the London Housing Design Guide (August 2010) and as such the standard of accommodation is acceptable.

	No of Bedrooms	Unit Size	Bed 1	Bed 2	Bed 3	KLD	Amenity Space
Flat A	3	76.5m2	12.8	8.7	8.4	31.5	Private garden
Flat B	2	69.5m2	12	9.6	n/a	35.3	Private Garden
Flat C	1 (w'chair)	56.4m2	12.5	n/a	n/a	39.5	Private Garden
Flat D	2	64.5m2	12.3	8.5	n/a	28.5	Balcony
Flat E	2	65m2	12	9.6	n/a	35.3	Balcony
Flat F	1	56.4m2	12	n/a	n/a	34	Balcony
Flat G	2	66.4m2	13	10	n/a	28.5	Balcony
Flat H	2	69m2	12.8	9.6	n/a	33.4	Balcony
Flat J	1	56.4m2	12	n/a	n/a	34.5	Balcony

6.19 All of the proposed dwellings would be self-contained and all but one would be single aspect. The application originally proposed balconies to three units which faced

towards neighbouring land and whilst the balconies would have meant that the units were dual aspect they would have resulted in overlooking and the preclusion of development on two neighbouring sites. The first being the industrial buildings in Fisher's Court and the second being the Council's allocated site SA7: New Cross Gate Trust Site, Kender Estate. As one of the Council's allocated sites the Kender site is expected to deliver a large scale, sustainable development which cannot be hindered by another, small scale scheme on a neighbouring site. In order to avoid the preclusion of the development on either of these sites Officers sought amendments to remove the balconies and windows sited on the shared boundaries. The applicant has made the necessary amendments and redesigned the scheme so that it is inward looking, as the approved 2010 scheme was. The two balconies which remain on the shared boundary with the Kender site would have full height boundary screening to channel views towards the application site. The issue arising from an inward facing scheme is that the units are all (except 1) north facing. Whilst this is not ideal the site is highly constrained and in this instance is this is considered, on balance, to be an acceptable solution.

- 6.20 All of the units would have access to a private amenity area or balcony. There is also a communal amenity area in front of the block and as such the development is considered to have sufficient external space for each unit. There is also open space close to the site - across New Cross Road (Eckington Gardens) and within the Kender development (Hatcham Gardens) which are both within a 5 minute walk.
- 6.21 In accordance with the London Plan and South East London Housing Partnership (SELHP) guidance 10% of the new homes should be designed to be wheelchair accessible or easily adaptable for residents whom are wheelchair users. As such one fully accessible wheelchair flat is proposed (Flat C) This is a one bedroom unit located at the rear of the development which has a private garden to the front. In order for a wheelchair user to access the rear part of the site a platform lift is proposed adjacent to the stairs located within the former shop unit. Within the external areas level provision has also been made for wheelchair users. To ensure that the unit is fitted out in accordance with the plans a condition has been attached.
- 6.22 Core Strategy Policy 1 outlines all new homes should be Lifetime Homes compliant. However it is noted that Lifetime Homes has been superseded by new access requirements under Building Regulations. The M4(3)(2) Building Regulations standard equates to Lifetime Homes standards. There are no topographical or other reasons why the approved ground floor units cannot meet this standard. Therefore, in accordance with Core Strategy Policy 1, it is proposed that all units other than the wheelchair unit shall be required by condition to meet this standard. Evidence of certification by a recognised building control body will be required to be submitted by condition.
- 6.23 The proposed accommodation is considered to be of an acceptable standard and would meet the requirements of DM Policies 31 and 32, the National Technical Standards, the London Plan dwelling sizes and Housing SPG.

#### Impact on Surrounding Properties

- 6.24 DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas is relevant and states that developments will only be acceptable providing that there is no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens.



- 6.25 The Council's Residential Development Standards SPD states that developers will be expected to demonstrate how privacy would be provided for occupiers of neighbouring housing, and that the minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9m or more, although these guidelines can be interpreted flexibly depending on the context of the development.
- 6.26 Privacy - The development is predominantly single aspect and inward facing with balconies and windows facing west and north. To prevent views over the shared boundary with the Kender site to the west, solid, full height balcony screens are proposed which would limit views. In order to ensure views are obscured from the balconies they would have obscure glazed screens on the front. It is acknowledged that some views, from windows, would be gained towards the neighbouring properties located westwards along New Cross Road from the proposed windows however they are over 15m away and given the densely developed urban context that this site sits within this relationship is not considered to be unreasonable. Of particular note is the relationship to the immediate neighbours, 116-118 New Cross Road and 120 New Cross Road.
- 6.27 116-118 New Cross Road is used as recording studios and a music equipment hire and repair shop. It is acknowledged there would be views towards the rear of this building and the garden area. The garden area (approx 12m away from the closest window) is bounded by a single storey building and high brick wall which would assist in avoiding direct overlooking. In regard to 120 New Cross Road, proposed windows would look towards the rear end of the garden although it is overgrown and looks unused, so the level of overlooking is considered to be within acceptable limits. Whilst there will be an increase in views towards the rear end of these gardens as this is a closely developed urban location, this is not considered unacceptable.
- 6.28 Outlook - It is considered that the scheme would not have a significantly detrimental impact on the outlook of any adjacent residents. Whilst there are side facing windows in a single storey extension to Goddis Lodge, 126 New Cross Road (a hotel) that look towards the site, the impact on these windows is not considered to cause significant harm. This is due to the fact there is a sufficient distance, there are other structures between the two sites and that the windows do not serve a residential property.
- 6.29 In terms of the outlook of future residents, the balcony screens would restrict outlook but would avoid overlooking and preclusion of development and therefore are necessary for the scheme to be acceptable. The side screens would be full height with the front screens being lower and the details of all balcony screening, to be retained in perpetuity, is sought by condition.

Impact on The London Music Room, 116-118 New Cross Road

- 6.30 Paragraph 123 of the NPPF encourages the identification and proper management of new and existing noise generating developments.
- 6.31 National Planning Practice Guidance explains that owing to the subjective nature of noise that there is not a simple relationship between the noise and those affected. It can depend on the many factors which combine in any situation. These factors include: the source and level of the noise and the time at which it occurs; the time of the noise, the type of receptor and level of background noise. Where non continuous noise is concerned the factors also include: the number of noise events and their frequency, the noise's general character and the cumulative impact of the noise.

- 6.32 It goes on to say that when relevant, “consideration should also be given to whether adverse internal effects can be completely removed by closing windows and if the proposed mitigation relies on windows being kept closed most of the time. In both cases a suitable alternative means of ventilation is likely to be necessary.” In regard to the impact on external amenity spaces, it states that where are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.
- 6.33 In relation to new residential development being located close to an existing business that gives rise to noise, the NPPG states that this should be carefully considered. This is because the noise from the business, even if intermittent may be regarded as unacceptable by new residents and subject to enforcement action and to assist in avoiding this, appropriate mitigation should be considered.
- 6.34 It also notes that when proposed developments could include activities that are covered by the licensing regime, LPAs should consider whether the potential for adverse noise impacts will be addressed through licensing controls (including license conditions). LPAs should not presume that license conditions will provide for noise management in all instances and they should liaise with the Council’s licensing team.
- 6.35 The Noise Policy Statement 2010 and its Explanatory Note advise that whilst assessing a scheme involving noise, assessment should include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. It also advises that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.
- 6.36 When a local planning authority is considering an application which involves noise they must take account of the acoustic environment and consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
- 6.37 London Plan Policy 7.15 Reducing Noise and Enhancing Soundscapes states that development proposals should manage noise by avoiding significant noise impacts, minimising and mitigating the adverse impacts of noise without placing unreasonable restrictions or costs upon existing businesses, improving and enhancing the acoustic environment, separating new noise sensitive development from major noise sources, where it is not possible to achieve separation of noise sensitive development and noise sources then potential adverse effects should be controlled through good acoustic design principles and promote new technologies to reduce noise at source.
- 6.38 DM Policy 26 Noise and vibration is also of particular relevance and states that the Council will require noise/vibration generating development to be located in the Strategic Industrial Locations and Local Employment Locations, new noise sensitive developments are to be located away from existing or planned sources of noise pollution, except if it can be demonstrated through design or mitigation that internal and external noise levels can be satisfactorily controlled and managed by the noise sensitive development; and there will be no adverse impact on the continued operation of any existing or proposed business/operation and where appropriate a Noise and Vibration Assessment will be sought to identify issues and attenuation measures, prepared by a qualified acoustician. It also states that where development is permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other mitigation measures are undertaken.

- 6.39 The London Music Room (116-118 New Cross Road) have objected to the scheme and raised concerns that introducing residential properties would limit their ability to operate. They did not object to the 2010 planning application. At that time their use did not have the benefit of planning permission and officers were not aware of the noisy nature of its operation. Therefore, no sound protection conditions relating to the protection of occupants from the noise at 116-118 New Cross Road were attached to the 2010 consent. As works have commenced on the 2010 scheme it could be built and the units occupied without any protection against external noise.
- 6.40 The London Music Room has now been operating for over 10 years and therefore no enforcement action may be taken and the use is lawful. Since their objection was received, officers have visited the property and spoken to their appointed Planning Consultant, which has revealed that the Music Room has no sound insulation. However, the noise from this use has not been the subject of any noise complaints to the Council. Had the Council granted consent for the uses at the Music Room conditions would have been attached and would include those to require sound proofing, and the limitation of hours.
- 6.41 Having now been made aware of the noise from this use, and considering it to be 'noticeable and intrusive' as defined in the Planning Practice Guidance, there is a need to mitigate and reduce the impact of the noise to a minimum. In order to mitigate the impact of the noise upon future residents as well as protect the Music Room from complaints a number of conditions are considered necessary. It should be noted that Officers have not sought a noise report during the consideration of the application, owing to the fact it is considered possible to adequately mitigate the scheme through attaching appropriate conditions. The first condition which is recommended, and has been developed in consultation with the Council's Environmental Health Officer, is a requires that a sound insulation scheme is submitted and approved which identifies necessary measures so that within rooms (with windows closed and other forms of ventilation provided) the following internal noise levels are not exceeded as a result of noise sources from the London Music Room:

	Octave band centre\frequency (Hz)									dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
L <sub>5MAX</sub>	72	55	44	35	29	25	22	19	18	NR25

- 6.42 The applicant is willing to provide triple glazing to the windows, which would be part of the necessary noise insulation measures and a condition requiring appropriate landscaping along the shared boundary with 116-118 New Cross Road is also considered necessary. Whilst these measures would not overcome the noise issue when occupants are on their balconies or terraces, it is not considered reasonable to seek enclosed balconies given that they have a northerly orientation and therefore enclosing them would greatly reduce the quality of the space.
- 6.43 Additionally, and in order to make future purchasers of the units within the scheme aware of the fact that there is a noisy use next door an informative is recommended to be added and a note will be added to the land charges register.
- 6.44 DM Policy 26 Noise and vibration states that new noise sensitive developments are to be located away from existing sources of noise pollution unless it can be demonstrated through design or mitigation that internal and external noise levels can be satisfactorily controlled and managed and there will be no adverse impact on the continued operation of any existing business. Officers consider that the revised

scheme, whilst introducing 4 additional residential units, gives the opportunity to protect future occupants of these dwellings to a much greater degree than the 2010 scheme as well as protect the Music Room from complaints from new residential occupiers. Officers consider that the burden of the noise emanating from 116-118 New Cross Road should not fall wholly on the scheme at 122 New Cross Road. Whilst officers are fully supportive of the London Music Room, it is felt that the proposed conditions, the inclusion of a note on the land registry and informative attached to the decision notice demonstrates that noise levels can be controlled to a satisfactory level and therefore the impact on the Music Room kept to a minimum.

#### Sunlight and Daylight Impacts

- 6.45 The 2010 application included a Daylight and Sunlight study which ran through the impacts on different properties. Given the fact that that report found that all of the rooms in neighbouring properties (116-118, 120, 124 and 126-128 New Cross Road) were BRE compliant in terms of daylight and sunlight the applicant on this revised application considered this issue already dealt with. Officers are minded to agree with this position as the scheme is only marginally taller.

#### Sustainability and Energy

- 6.46 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.47 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.
- 6.48 From 1 October 2015, the Ministerial Statement advised that the standard for energy efficiency in new residential development will be a 19% reduction in CO2 emissions over Building Control requirements, which is equivalent to Code Level 4. The application was submitted prior to March 2015 after which local authorities were prohibited from attaching conditions to planning permissions seeking compliance with Level 4 Code for Sustainable Homes, although the Level 4 equivalent with regard to water consumption and energy remains. A Code for sustainable homes statement which explains that the scheme would achieve Code Level 4 for Sustainable Homes was submitted with the application.
- 6.49 In regard to water efficiency, from 1 October 2015 new development is expected to achieve a consumption of 110 litres per person per day, including a 5 litre allowance for external water use. The scheme has incorporated water consumption targets in accordance with Level 4 CSH. The planning statement notes that they plan to incorporate a rainwater harvesting scheme which has the potential to reduce water use, for the flats and to irrigate the planting, by as much as 20-25%, therefore officers raise no objections to the proposals with regard to the water consumption on the site. A condition has been attached to ensure that the consumption level is achieved.

- 6.50 The Code for Sustainable Homes document states that the building would be triple glazed and this scheme introduces PVs onto the roof. This scheme exceeds the minimum credit score required to achieve Code Level 4 and the applicant has confirmed that will be a 19% reduction in CO2 emissions over Building Control requirements.
- 6.51 Given the above, it is considered that the proposal would meet the National Technical Standards. As the proposal exceeds the local policy requirements, it is considered that contributions to the carbon offset fund is not required in this instance.

#### Landscaping

- 6.52 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 6.53 DM Policy 25 Landscaping and Trees states that where appropriate non major development will be required to submit a Landscape Scheme which is proportionate to the size of the development. DM Policy 30 also seeks that development proposals attain a high standard of design.
- 6.54 The application contains a draft landscaping scheme which gives a good indication of the applicant's intentions for the open areas of the site. The proposed landscaping is considered to create a pleasant and useable courtyard garden although it does not provide details of planting or materials which are required by condition. In order to provide protection from noise to residents using the garden a denser screen on the shared boundary with 116-118 New Cross Road is necessary and the landscaping condition reflects that.
- 6.55 Two small areas of living roof are proposed on the flat roofs of the entrances which project towards the shared roof garden. The roof is proposed to be planted with meadow grass mix upon layers of engineered substrate, insulation layer and a single ply waterproof membrane which are placed on a timber deck. Whilst this roof is not a deep substrate roof, this is not a major application and as such there is no policy equipment for one to be provided. A condition has been attached seeking that the details shown on drawing no. 13.21.P-ED-1 are implemented in full.

#### Highways

- 6.56 Relevant policies are London Plan Policy 6.13 Parking and DM Policy 29 Car parking.
- 6.57 The application proposes no off street parking spaces. The site has a PTAL of 6a given its close proximity to 2 stations and many bus routes as such there is no objection to this being a car free development.

#### Cycle Parking

- 6.58 The London Housing SPG requires that cycle storage facilities are provided at the following level: 1 per 1-2 bedroom dwelling and 2 per 3+ bedroom dwelling. The proposal involves 7 Sheffield cycle stands which are located within the former shop unit which would be covered and secure. Sheffield stands are capable of housing two cycles so the provision in this case is well over the minimum requirement.

#### Refuse

- 6.59 London Plan Policy 5.17 Waste Facilities requires that developments provide sufficient storage for both refuse and recycling. The proposed refuse facility would also cater for the units within the frontage building. Presently the refuse from these units is stored on the pavement outside and looks unsightly. The proposed storage facility would be an acceptable distance from the back of the pavement and be of sufficient size. Given its position, within the entrance, to ensure that the refuse storage unit does not smell, a condition has been attached requiring the storage facility be ventilated. The proposed facility would meet the requirements of London Plan Policy 5.17.

#### Construction Methodology

- 6.60 The proposal would raise the internal floor level by 60cm which would allow the retention of a significant portion of, if not all, of the excavated spoil within the site. This would reduce the movements to and from the site hence reducing the opportunities for obstruction on New Cross Road.
- 6.61 Other movements to the site would be deliveries of materials, fixtures and other construction waste. These are proposed to be timed for when the red route provisions do not apply on New Cross Road and vehicles would utilise the designated bays by the site entrance for loading and unloading.
- 6.62 The details within the plan submitted are considered acceptable although the details are not yet confirmed so a condition has been attached seeking a more detailed Construction Management Plan which is based on the one submitted with the application.

### **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

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

### **8.0 Community Infrastructure Levy**

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

- 8.2 The proposed development proposes 9 residential units. As such, all these units are subject to the CIL charge.

- 8.2 The applicant has completed the relevant CIL form.

### **9.0 Equalities Considerations**

- 9.1 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.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 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.
- 9.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **10.0 Conclusion**

- 10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 10.2 Officers consider that the proposed building is of an acceptable design quality and given its position, to the rear of the properties on New Cross Road, the proposed building would have limited impact on the conservation area. The alterations to the frontage of 122 New Cross Road are considered to be positive and would enhance the appearance of both the street scene and Hatcham Conservation Area.
- 10.4 The submission of a revised scheme on this site has provided the opportunity to protect future residents from the noise emanating from The London Music Room better, as well as providing greater protection to The London Music Room from complaints from future occupants of the units. This site is heavily constrained and many revisions have been made to the scheme. The scheme now presents a reasonable position in terms of impact on neighbouring properties and businesses whilst maintaining an adequate standard of accommodation for future occupants. Officers consider that with the recommended planning conditions, the proposal is, on balance, acceptable.

## **11.0 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:

Site Location Plan received 6 May 2014, CIL form received 30.06.14, 13.21-E-1 received 25 Jul 2014, Code For Sustainable Homes Design Stage Report (from Abigail Morgan) dated November 2014 received 20 Mar 2015, Construction Method Statement, 13.21.Ped-1 and Statement of Responses to Planning Policy received 27 Mar 2015; Marketing letter dated 29/05/15 (from Gildersleve & Payne); Lifetime Homes Compliance rev 20.10.15, 13.21-AL-1A, 13.21-P3 Rev B (Planning Statement), 15.20-P-1B, 15.20-P-2B and 15.20-P-3B received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015.

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

Materials

3. No development above ground level shall commence on site until a detailed schedule of all proposed materials has been submitted to and approved in writing by the local planning authority and samples have been provided for viewing on site. The development shall be carried out in accordance with the approved details.

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

Shopfront

4. (a) No development above ground level shall commence on site until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop front has been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, the window system, the stall riser and the entrance.

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

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

5. Noise mitigation measures

(a) The building shall be designed so as to provide sound insulation against external noise sources to achieve internal noise levels within rooms (with windows closed and other forms of ventilation provided) not exceeding:

Octave band centre\frequency (Hz)										dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
L 5MAX	72	55	44	35	29	25	22	19	18	NR25

(b) Development shall not commence above ground level until details of a sound insulation scheme specifying all necessary measures, including but not limited to balcony screens, windows, doors and building materials to comply with paragraph (a) has been submitted to and approved in writing by the local planning authority



(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be retained and maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Refuse and recycling

6. The refuse and recycling facilities as shown on plan no.15.20-P-1B shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

Cycle Parking

7. (a) A minimum of 13 secure and dry cycle parking spaces shall be provided within the cycle store as indicated on plan 15.20-P-1B hereby approved.
- (b) No development above ground level shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

Ambulant stairs and platform lift

8. Details of the disabled ambulant stairs and a platform lift shall be submitted to and approved in writing by the local planning authority before any works above ground level are commenced. The stairs and lift shall be implemented before any part of the development hereby permitted is first occupied and shall be permanently maintained thereafter in accordance with the approved scheme.

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

Landscaping and boundary treatments

9. Prior to the construction of above ground works the following shall be submitted to and approved in writing by the local planning authority:

- (a) A scheme of hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) which includes a schedule of materials;
- (b) 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;
- (c) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (b). 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;
- (d) A plan indicating the positions, design, materials and type of boundary treatment, including measures to reduce the impact of noise along the shared boundary with no.116-118 New Cross Road.
- (e) All landscaping works which form part of the approved scheme under parts (a), (b) and (d) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.13 Sustainable Drainage in the London Plan (2015), 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, DM26 Noise and Vibration, and DM Policy 30 Urban design and local character.

Wheelchair dwelling

- 10. The 1no. wheelchair dwelling (Flat C) hereby approved shall be constructed to be Building Control Standard M4(3)(2)(a) as shown on drawing no. 15.20-P-1B hereby approved prior to first occupation.

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

Plumbing and pipes

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

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

Additional windows

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

to be installed in the elevations D-D and E-E, as shown on drawing 15.20-P-3B, of the building hereby approved shall be fitted as obscure glazed and fixed shut with only fixed fanlight opening and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

#### Balconies

13. Prior to the commencement of development above ground level, detailed drawings, details of materials and samples in respect of the following shall be submitted to and approved in writing by the local planning authority:-

(a) All balcony surrounds;

(b) The full height screening to the first floor balcony (Flat F) and 1.5m high screening to the terrace on second floor balcony (Flat J) which are on the boundary with the Besson Street site;

The development shall be carried out in full accordance with the approved details prior to occupation of any of the accommodation and the works shall be maintained permanently in accordance with the details approved.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

#### Living roofs

14. (a) The development shall be constructed with the living roofs laid out in accordance with plan no.13.21.P-ED-1 hereby approved and maintained thereafter.

(b) 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.

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

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , 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).

#### External Lighting

15. Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

Construction Method

16. Notwithstanding the Construction Method Statement hereby approved, 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 and any Environmental 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 (2011).

Lifetime Homes

17. (a) The detailed design for each ground floor unit hereby approved shall meet standard M4(2) of the Approved Document M of the Building Regulations (2015).
- (b) No development above ground level shall commence until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
  - (c) The development shall be carried out in accordance with the details approved under part (b).

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. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- F. The applicant and future occupiers are advised that there is rehearsal and studio space at the London Music Room, 116-118 New Cross Road and has the potential to cause noise disturbance.
- G. The applicant is advised that condition 16 requires details to be submitted prior to the commencement of works due to the importance of minimising disruption on local residents and the local highway network during construction.

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# 122 New Cross Road



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Committee	PLANNING COMMITTEE B	
Report Title	144A Deptford High Street, London SE8 3PQ	
Ward	Evelyn	
Contributors	Karl Fetterplace	
Class	PART 1	16 JUNE 2016

Reg. Nos. DC/16/95091

Application dated 8.1.2016

Applicant Mr P Edwards

Proposal The construction of an additional storey at second floor level at 144A Deptford High Street SE8, to provide 1 three bedroom self-contained flat.

Applicant's Plan Nos. 256-P-001, 002, Design & Access Statement (January 2016, Dow Jones Architects)

Background Papers

- (1) Case File DE/156/144/TP
- (2) Core Strategy (2011)
- (3) Development Management Local Plan (2014)
- (4) The London Plan (2015)

Designation

PTAL 4  
 Deptford High Street Conservation Area  
 Not a Listed Building  
 Major District Centre  
 Shopping Non-Core Area  
 Area of Archaeological Priority  
 Unclassified

Screening N/A

## **1.0 Property/Site Description**

- 1.1 The application property is a two storey and basement early 20th century mid-terrace building on the east side of Deptford High Street. The property is occupied by a Salvation Army charity shop on the ground floor with two flats above. There is a separate entrance door to these flats.
- 1.2 The building occupies the site of the Friends Meeting House which appears to have been converted from two brick built cottages constructed in the 1680s. Of the late 17th Century development to the south of Crossfield Street, only No 150 Deptford High Street survives. The Meeting House was demolished in the 1920s. Due to the presence of a Quaker burial ground at the rear of the site it has remained in the ownership of a Quaker family to the present day. The burial ground is commemorated by a plaque in the boundary wall of the site. Quaker graves were not traditionally provided with markers.
- 1.3 The site was redeveloped in the 1920s with a two storey, flat roofed, 'Moderne Style' building with a bakers shop on the ground floor and residential accommodation above. The front elevation is faced in ceramic tile and incorporates a plaque at parapet level commemorating the fact that Peter the Great appears to have been a regular visitor to the Meeting House during his stay in Deptford at the end of the 17th Century.
- 1.4 The current building is adjoined on either side by taller buildings of earlier date and is located within the Deptford High Street Conservation Area. The site also lies within an Archaeological Priority Area. To the rear of the site is St Joseph's School which dates from 1866 and is within the St Paul's Conservation Area.

## **2.0 Planning History**

- 2.1 Planning permission was granted in January 1972 for the use of the basement and ground floor of the property as a social centre for the Salvation Army, including child care, meals service for the destitute/elderly, play group, youth club, sale of jumble etc.
- 2.2 In March 1972, planning permission was granted for the conversion of the first floor of the premises to a five roomed self contained flat.
- 2.3 Permission was granted in November 1993 for the alteration and conversion of the first floor of the property to provide 2 one bed roomed self-contained flats, together with the formation of new window openings and a doorway in the rear elevation and the installation of a roof light at the rear.
- 2.4 In February 2001, planning permission was refused for the construction of a mansard roof extension to the flat roof of the property to provide 2 one bed roomed flats. The reason for refusal was as follows:-
  - The proposal, by reason of its bulk, scale and design would constitute an over prominent addition to the building and would fail to respect its architectural integrity, to the detriment of the character and appearance of this part of the Deptford High Street Conservation Area contrary to policies BLT.ENV 1 and BLT.ENV 12 of the Council's Unitary Development Plan.

This decision was upheld at appeal in May 2001.

2.5 In July 2011, planning permission was granted for the construction of an additional flat roofed storey at the 2nd floor level at 144A Deptford High Street SE8 to provide 2 one bedroom self-contained flats. The front elevation of the proposed second floor was to be set back from the existing elevation by approx 1.5 metres with a glass balustrade fixed to the rear of the existing front parapet of the existing building to provide a roof terrace for one of the two new flats. Crittall windows were specified for the front elevation to the proposed second floor with powder coated aluminium cladding as the external finish to walls and fascia. The proposed rear elevation was to be clad in natural slate. Access to the proposed flats was to be via the existing staircase from the separate entrance door in the front elevation that provides access to the existing flats. The permission has not been implemented.

2.6 **DC/14/89382:** The construction of an additional storey at second floor level of 144A Deptford High Street SE8, to provide two, 1 bedroom flats – refused on 9 March 2015 for the following reasons:

- The proposed additional storey, by reason of its bulk and poor design, in particular the proportion and alignment of window openings and inappropriate materials and front balustrade would erode the significance of a non-designated heritage asset and would fail to preserve or enhance the character and appearance of the Deptford High Street Conservation Area
- The proposed rear flat would have a floor area below the minimum floorspace requirements of the London Plan Housing SPG, would lack adequate provision for refuse, recycling and bicycle storage and would thereby fail to provide a satisfactory standard of accommodation for future occupiers.

### **3.0 Current Planning Application**

3.1 The construction of an additional storey at second floor level at 144A Deptford High Street SE8, to provide 1 three bedroom self-contained flat. No extension to the building footprint is proposed.

3.2 The proposed flat would be a 2b4p flat and have a total gross internal area of 74sqm. A terrace at the front of the property would be provided as amenity space, which would measure 1.5m wide and have a total area of 14sqm.

3.3 The walls of the extension are proposed to be clad in pale grey standing seam zinc, as is the balustrade to the terrace, with the windows and doors being a pale grey powder coated aluminium to match the zinc.

3.4 The existing entrance to the shop and flats is proposed to be configured to provide for two cycle spaces and refuse storage, with a new entrance door proposed to be provided that would be flush with the shopfront - forward of the existing recessed entrance doors. The panel to the left of the proposed new door is also proposed to be altered. No car parking spaces are proposed.

### **4.0 Consultation**

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

4.2 Site notices were displayed and letters were sent to all units in the complex and the relevant ward Councillors. Council's conservation, education and children and young persons teams were consulted. Education did not provide comment. Conservation and children & young persons officer comments are discussed in the planning considerations section of this report. The Deptford Society and Deptford High Street Association were also consulted. The latter responded, stating that it raised no objections. The Deptford Society objected, raising the following concerns:

- Whilst the architectural expression and aspirations (by reference to precedence) are more convincing than for the previous application on this site, we are not convinced that the new extension would be much less visible from within the Conservation Area; whilst it is acknowledged that only the top of the roof of the new extension would be visible when standing at street level directly opposite the building; we are not convinced that as claimed the extension will be any less visible viewed obliquely from up or down the street or from the buildings opposite.
- Accurate 3D renderings would be needed to prove the applicants point; as these are not included with the application, we object to the proposals.
- It is not certain (because the drawings cannot be accessed) whether or not the quite poor quality roof extension built at 142 Deptford High Street, cited as precedence, was constructed in accordance with its consent. It is also noted that attitudes towards what is acceptable as a roof extension and what isn't have changed since 2005.
- Nonetheless, as stated previously in relation to applications for roof extensions on this site, the front facade of the existing building has very special architectural expression and is unique on the high street. The Deptford Society would not be supportive of this application unless 1:10 drawn details and samples of materials and window frames were submitted and approved as part of this application; the architectural expression of this scheme is of the type that requires careful and precise detailing to be embodied in the consent. We would also hope these details to express a greater articulation of the windows on the front elevation which currently, on plan, appear to be set almost flush with the zinc cladding.

## 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.

#### The London Plan (March 2015) incorporating March 2016 Minor Alterations

5.6 The London Plan policies relevant to this application are:

- Policy 3.5 Quality and design of housing developments
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

## London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Sustainable Design and Construction (2006)

### Core Strategy

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

Core Strategy Policy 1 Housing provision, mix and affordability

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 16 Conservation areas, heritage assets and the historic environment

### Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

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 (August 2006)

5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities

and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## **6.0 Planning Considerations**

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

- a) Principle of Development
- b) Standard of Residential Accommodation and amenity
- c) Impact on the design and appearance of the existing building and conservation area
- d) Transport and Servicing
- e) Impact on Adjoining Properties
- f) Sustainability & Energy

### Principle of Development

6.2 Extensions affecting the height and depth of buildings in the Deptford High Street Conservation Area need to be very carefully considered. When the Inspector dismissed the appeal for a mansard roof extension in 2001, he considered that the principle of an additional storey in this location would be acceptable due to the taller adjoining buildings. His objections were to the design of the then proposed mansard roof proposed to create the additional storey. While the 2nd floor extension approved in 2011 has now lapsed, it was clearly again concluded that the principle of a 2nd floor infill extension would be acceptable.

6.3 For the current application, officers also consider that as the subject building is lower, it lends itself to being extended at 2nd floor level, while still being able to maintain respect to its more traditionally styled and taller adjoining neighbours.

### Standard of Residential Accommodation and amenity

6.4 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.

6.5 The proposed flat would be a 2b4p flat and have a total gross internal area of 74sqm, which meets the minimum requirement of 70sqm set by the London Plan and The Technical housing standards – nationally described space standard. A terrace at the front of the property would be provided as amenity space, which would measure 1.5m deep and have a total area of 14sqm and therefore comply with the relevant standards.

6.6 The minimum floor to ceiling height of 2.5m would comply with the relevant requirements. Storage has been provided which exceeds the 2sqm requirement.

All bedrooms comply with the minimum space standards. The widths of both single rooms are 2.35m, which complies with the requirement of 2.15m and the width of the double room is 3.2m, which complies with the requirement of 2.75m. Each room would have an appropriately sized window and would therefore receive adequate light and also have an appropriate outlook.

- 6.7 The proposed flat would have adequate access. The rooms would all be accessed from a central corridor and each of the rooms is a practical shape with no awkward corners or areas of unusable space.
- 6.8 Whilst also noting that this current proposal is for one flat rather than two, the reason for refusal of the previous scheme relating to standard of accommodation is considered to have been overcome, in that the proposed rear flat would have a floor area above the minimum floorspace requirements and would provide adequately for refuse and bicycle storage – see Transport and Servicing section of this report, to follow. It is considered that the proposed flat would provide a good quality of accommodation for future occupants.

#### Impact on the design and appearance of the existing building and conservation area

- 6.9 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.
- 6.10 London Plan Policy 7.8 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.11 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.
- 6.12 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.13 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. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place.
- 6.14 DM Policy 31 Alterations and extensions to existing buildings including residential extensions 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, 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.

- 6.15 DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.16 Officers consider that the present disparity in parapet levels between the subject building (at two storeys) and its taller neighbours results in a “missing tooth” effect and disrupts the otherwise consistent sense of enclosure to the eastern side of the High Street at this point. The proposed development would address this, as it sits comfortably between the taller buildings to either side and the simple architectural treatment is of the present time, avoiding mimicry and pastiche. The extension would be set back 4m from the street elevation (as opposed to 1.7m in the previously refused scheme) and the rear wall would sit inside the rear building line of the parapet at the back of the building. It is noted that the previously refused extension had a rear overhang, as well as a Juliet balcony, which has also been removed.
- 6.17 Due to a generous set-back, there would be limited views of the extension from the high street side of the site and its presence would thus have little effect on either the distinctive appearance of the host building or the eclectic character of the wider streetscene. The stainless steel and glass balustrade that was a feature in the previous scheme has been moved back 2m from its previous proposed location immediately behind the parapet and would instead be clad in zinc and its visibility would be minimised.
- 6.18 Some degree of change within a conservation area is inevitable and provided it is managed in ways that maintain and reinforce the key qualities for which the area is designated, it can be beneficial to the area. This is considered to be such a case. Officers consider that the high quality design of this proposal would mean that some level of visibility would be acceptable. With regard to the objection from the Deptford Society that the proposal would be visible from oblique angles, it is acknowledged that the proposal would be more visible when viewed from further along the street as opposed to directly opposite the site, however, due to the height of the surrounding buildings and the flank walls on either side of the site, it is considered that any impact in this regard would be minimal due to restricted sight lines to the proposal site.
- 6.19 A rooflight is proposed to the hallway that would sit towards the back of the building and protrude approximately 0.26m above the roof height. It is considered that this would be barely visible from the public realm and therefore no objection is raised.

- 6.20 The proposal would be visible from the rear of the site. It is noted that the windows do not reflect the arrangement in the lower floors of the building, however, given that the arrangement of windows in the rear elevations of these buildings represent a variety of architectural styles, it is not considered that this would adversely impact on the overall design of the host building or conservation area.
- 6.21 It is considered therefore that the reasons for refusal of the previous scheme have been overcome, in that the bulk and design of the extension are acceptable, as are the proportion and alignment of window openings and materials. The walls of the dormer are proposed to be clad in pale grey standing seam zinc, with the windows and doors being a pale grey powder coated aluminium to match the zinc. These materials are considered to be acceptable in a heritage context, however materials have been conditioned to be provided to ensure that the actual product and finish is to the standard expected of new development in heritage areas.
- 6.22 It is not considered that additional information suggested by the Deptford Society (3D renderings and details at a scale of 1:10) was necessary in order to make an adequate assessment of the proposal. Nevertheless, it is proposed to condition the submission of detailed drawings at a scale of 1:10 for future review by officers. This includes the proposed new entrance door and adjoining shopfront alterations, to which no objections are raised. Officers therefore consider that despite the objection received from the Deptford Society, the proposal would be acceptable in relation to the host building, streetscape and Deptford High Street Conservation Area.
- 6.23 Whilst noting the comment by the Deptford Society that the applicant has cited the roof extension at 142 Deptford High Street as a precedent (by the applicant), no. 142 has not been considered in the assessment of this proposal by officers. The proposal has been considered on its merits. Furthermore, that scheme was approved in 2005 which predates the current development plan in which a higher standard of design and finish is required for new development.
- 6.24 For the above reasons, officers consider that the proposal is acceptable as that there would not be any adverse impact on the character and appearance of the host building or conservation area.

#### Transport and Servicing

##### *a) Cycle Parking*

- 6.25 Space for two cycles is proposed on the ground floor, through a proposed new entrance to the flats. This would comply with the requirements.

##### *b) Car Parking*

- 6.26 No car parking spaces are proposed as part of this development. The site has a PTAL rating of 4, meaning the residents of the proposed flat would have good public transport access. Therefore, despite the non-provision of car parking, this proposal is in accordance with Core Strategy Policy 14, DM Policy 29 Car parking and Policy 6.13 Parking of the London Plan.

##### *c) Refuse*

- 6.27 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. Space has been allocated for bins inside the ground floor entrance. This is considered adequate.

#### Impact on Adjoining Properties

- 6.28 Core Strategy Policy 15 states that extensions and adaptations to existing buildings will need to be designed to protect neighbour amenity.
- 6.29 With regard to the response from Council's Children and Young Persons team, it is not expected that the construction works would have an adverse impact on the school to the rear of the site, as it is located a sufficient distance across the rear garden of the development site. It noted that no objections have been received from neighbouring occupiers.
- 6.30 There would be potential for overlooking from the bedroom windows into the rear gardens of the buildings adjacent to the subject site. However, it is acknowledged that some degree of overlooking is commonplace in a densely developed urban area such as this. The proposal would affect the outlook and access to daylight and sunlight of the rear window in the neighbouring building to the north as it would project past this window. However, the impacts would only be to the top floor, as the original rear extension projects out beyond the depth of the subject site. Some overshadowing impacts would also occur. On balance, these impacts are not expected to be so unreasonably adverse as to warrant a refusal.

#### Sustainability and Energy

- 6.31 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.32 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 6.33 At the current time, for schemes of this scale, it is only possible to secure building regulation equivalent standards for water saving and energy efficiency. Proposed energy efficiency measures include the provision of insulation to the top of the building and the addressing of issues of energy consumption throughout the building by refurbishment, installation of new heating systems and use of renewable energy sources. It is proposed to be conditioned that the proposed energy saving measures are implemented. This proposal is therefore considered acceptable from a sustainability perspective.

### **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

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

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

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

## **8.0 Community Infrastructure Levy**

8.1 The above development is CIL liable.

## **9.0 Equalities Considerations**

9.1 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.

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

9.3 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.

9.4 In this matter there is no impact on equality.

## **10.0 Conclusion**

10.1 This application has been considered in the light of policies set out in the development plan and other material considerations and officers consider that the scheme is acceptable. This application is therefore recommended for approval.

## **11.0 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:

256-P-001, 002, Design & Access Statement (January 2016, Dow Jones Architects)

**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) Notwithstanding the details hereby approved, no development shall commence for any phase of the development until detailed plans at a scale of 1:10 showing the proposed windows, doors, balustrade/terrace and proposed new entrance door and adjoining shopfront alterations on the front elevation have been submitted to and approved in writing by the local planning authority.

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

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

- (4) No development shall commence on site until a detailed schedule and specification of all external materials and finishes, including windows, external doors and all cladding to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (5) (a) The residential units hereby approved shall be constructed in order to achieve the following requirements:
- a. a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
  - b. a reduction in potable water demand to a maximum of 110 litres per person per day

(b) No development shall commence until a Design Stage Standard Assessment Procedure (SAP) Assessment and Water Efficiency calculations, prepared by suitably qualified assessors, shall have been submitted to and approved in writing by the local planning authority to

demonstrate that the detailed design of each unit is in compliance with part (a).

(c) Within 3 months of occupation of any of the residential units hereby approved, an As Built SAP Assessment and post-construction stage Water Efficiency Calculations, prepared by suitably qualified assessors, shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in The London Plan (March 2015) incorporating March 2016 Minor Alterations and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## **INFORMATIVES**

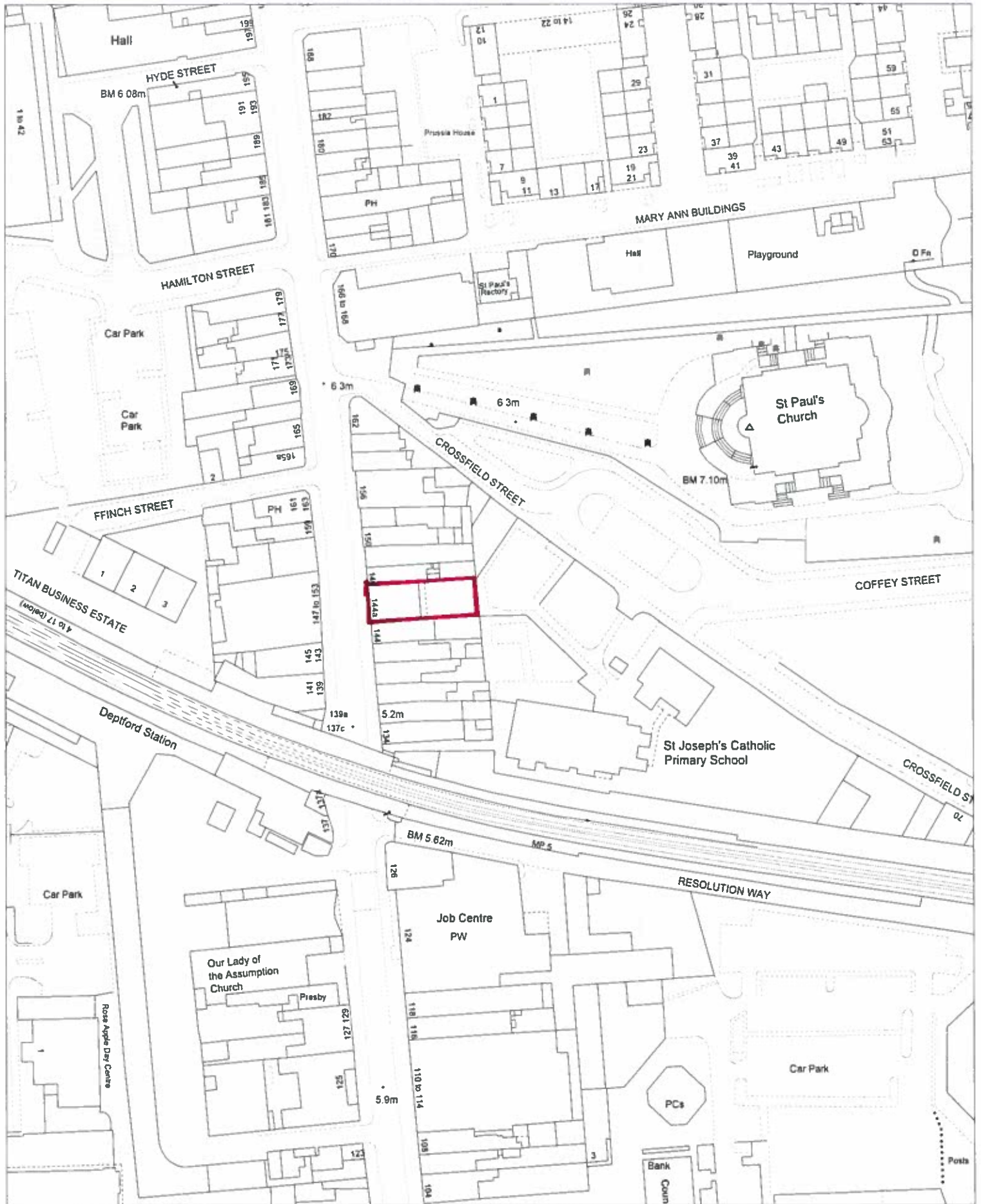
(1) Positive and Proactive Statement:

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. The proposal reflected these discussions and was in accordance with the Development Plan. Following submission, positive discussions took place, however it was not necessary for further information to be submitted.

(2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. 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/my services/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

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

# 144A Deptford High Street, SE8



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