

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 28 JULY 2016 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**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, 19 July 2016**

**For further information please contact:  
Andrew Harris Committee Co-ordinator  
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Catford Road SE6 4RU**

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 28 July 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 28/07/2016

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 16 June 2016.

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Committee	PLANNING COMMITTEE B	
Report Title	Land to the rear of 10 Malpas Road, SE4	
Ward	Brockley Ward	
Contributors	Colm Harte	
Class	PART 1	28 July 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); Air Quality Assessment (February 2015); Heritage Statement (undated);Flood Risk Assessment Rev C ( July 2016) received 8 July 2016

Background Papers

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

## 1.0 Introduction

1.1 This application was presented at Planning Committee B on 16<sup>th</sup> June 2016. The original committee report is attached as Appendix A. At the meeting it was resolved that a decision on the application be deferred for the following reasons;

- Clarification of potential flooding risks at the subject site and details of surface water drainage;

- Clarification of the proposed materials and finishes to be used;
- Clarification of access and servicing arrangements for the proposed development;

Flooding:

- 1.2 When the subject application was last considered by members, concerns were raised regarding both potential flooding of the site and the accuracy of the Flood Risk Assessment which accompanies the current application. Details of mitigation measures against potential surface water flood risk were also sought.
- 1.3 The subject site is located within a Flood Risk Zone 1 and is identified as an area at risk of surface flooding. An updated Flood Risk Assessment has been provided to the Council, which clarifies the correct location for the subject site on the surface flooding maps of the area. Following receipt of this information, the application was re-notified to both the Environment Agency and the Council's Flooding Engineers. No objection was raised to the proposed development.
- 1.4 The submitted assessment has identified a surface water drainage strategy to manage the runoff from both the buildings and hard paved areas. This would include the following;
- Use of green roofs and water butts to collect runoff from the roofs of the proposed dwellings;
  - Runoff from the proposed pathways and areas of hard standing would be drained through permeable paving into a lined sub-base beneath. This has would be designed to accommodate a 1:100 year floor event;
  - Finally any excess surface water, would enter into Thames Water combined sewer. It is noted that Thames water were notified of this application and no objection was raised .
- 1.5 The proposed strategy, has been reviewed by the Council's Flooding Engineer, who has responsibility surface flooding and sustainable drainage within the borough, and it is considered to be acceptable.
- 1.6 As previously stated, the proposed development would increase the quantum of impermeable surface area on site, however the proposed sustainable urban drainage (SUDs) techniques would mitigate against the potential impact of the development.
- 1.7 A condition has been recommended to be imposed requiring the applicant to submit the detail of the scheme to manage the discharge of surface water, prior to the commencement of development.

Proposed materials and finishes:

- 1.8 At the previous meeting of Planning Committee B, additional information was sought by members regarding the materials in which the proposed development would be finished.
- 1.9 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 the proposed use of materials of vital importance to support such an approach. It is therefore necessary for the applicant to demonstrate how these high quality materials and detailing would be delivered.
- 1.10 The proposed development would use a yellow 'Mystique' brick at the ground floor of the three terrace properties and the proposed single storey dwelling. At first and second floor level, the applicant would seek to utilise a Glass Reinforced Concrete (GRC) cladding system. This is a high quality, durable material which has been utilised throughout the borough. This would be complemented by the use of aluminium windows and doors in addition to Zinc window surrounds. The use of these proposed materials are supported by officers.
- 1.11 It is further noted that officers have sought to include conditions, should the application be approved, that no development commence on site until a detailed schedule of specifications and samples of all external materials has been submitted to and approved by officers. A separate condition has been recommended requiring the applicant to construct a sample panel of the proposed brick including proposed mortar and pointing, which is to be approved by officers prior to the construction of above ground works.
- 1.12 The current application has been reviewed by the Council's Urban design officer, who is supportive of the application. Officers therefore consider that the proposed materials are acceptable and worthy of support.

Access and servicing:

- 1.13 The proposed development would be primarily accessed via the existing side path, running between No's 10 and 12 Malpas Road, however a secondary access also exists from the adjacent Luxmore Gardens, which could also be utilised by future residents of the proposed development.
- 1.14 In terms of the refuse arrangements, it is proposed that the waste storage area would be located within the application site, adjacent to the main access pathway. Should this application be approved, a planning obligation would be sought to ensure that all waste servicing would be carried out by a private waste contractor. This would include collecting and returning all bins to the communal storage area. This strategy would be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 1.15 Officers note that the proposed development would be accessed and serviced in the same manor as 10B and 10C Malpas Road. In this regard, the refuse bins of these existing units are currently stored adjacent to the

entrances of each property and are brought through the existing alleyway on collection days.

## **2.0 Additional Consultee responses**

2.1 Following the deferment of this application, officers received a further submission from the Brockley Society and an adjoining resident. These submissions reiterated previous objections and raised concerns that objections raised were not detailed within the case officer's previous report. It has been requested that written representations are made available to committee members.

2.2 In this regard, a hard copy of all representations are available to members and a summary of all objections received is detailed in the officers committee report (paragraph 5.7- 5.18). For clarity the objections which have been raised to the proposed development by the Brockley Society are as follows:

- Loss of amenity/ garden land;
- Flood Risk;
- Access to and from the site;
- Design and Heritage.

2.3 All issues raised as part of the consultation process, have been considered within the original officer's report (Appendix A).

## **3.0 Conclusion**

3.1 The additional details submitted by the applicant are considered to demonstrate that the proposed development is acceptable in terms of surface water flood risk, design and access. This application is therefore recommended for approval.

## **4.0 RECOMMENDATIONS**

### **4.1 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 the 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.

#### 4.2 RECOMMENDATION (B)

Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

#### 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 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); Air Quality Assessment (February 2015); Heritage Statement (undated); Flood Risk Assessment Rev C ( July 2016) received 8 July 2016

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

#### 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.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements
- (g) 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
- (h) 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 L<sub>Amax</sub> (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 buildings 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.

### **Surface Water Drainage**

25. (a) No development shall commence on site until a scheme for surface water management, in accordance with the recommendations outlined within the Flood Risk Assessment Rev C (July 2016) received 8 July 2016, has been submitted to and approved in writing by the local planning authority. This shall include specifications of the surface treatments and sustainable urban drainage solutions.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13

Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

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**Appendix A**  
**Committee Report 16<sup>th</sup> June 2016**

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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.

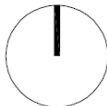
#### *Overlooking*

- 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.

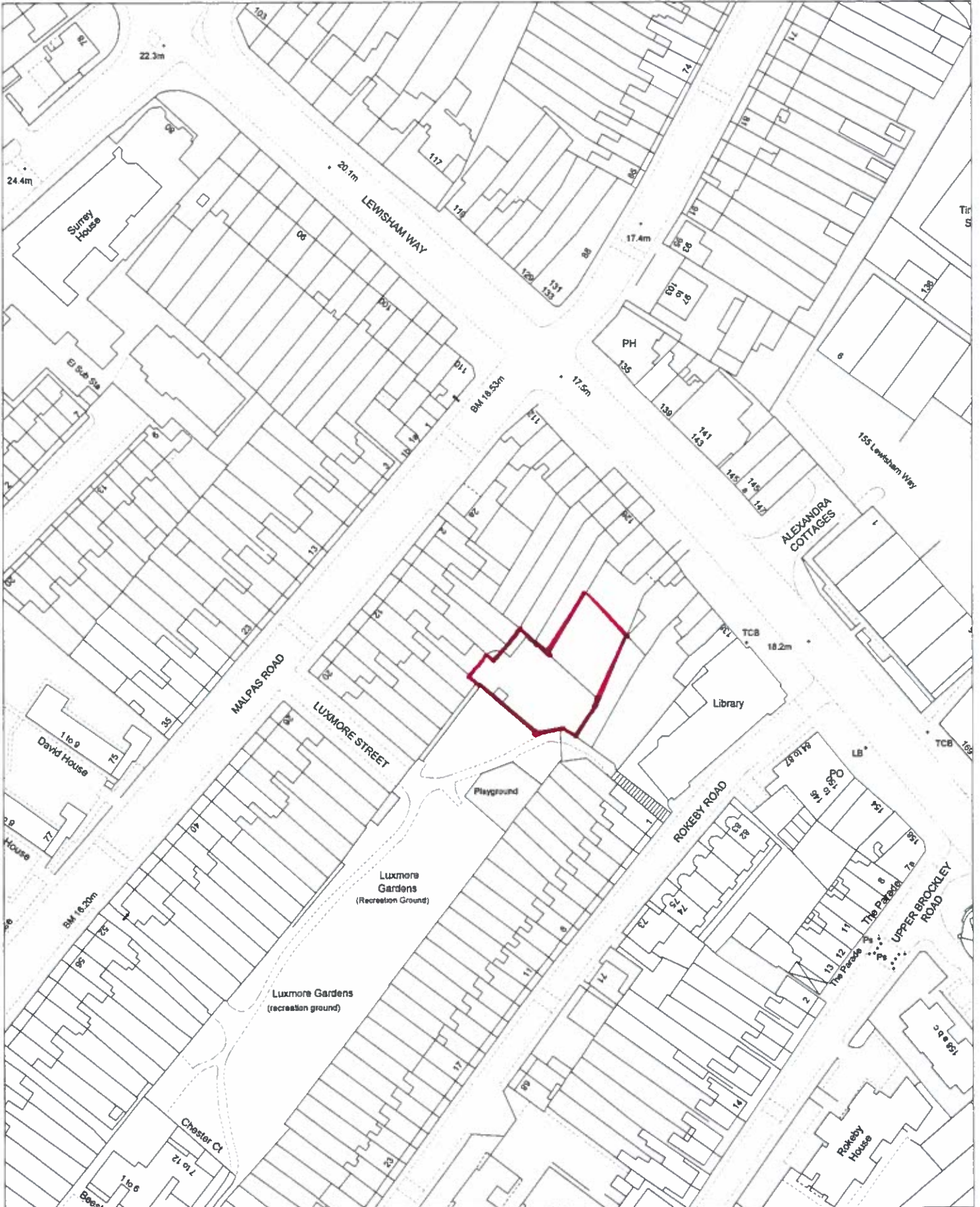
The development shall only be carried out in accordance with the approved details.

**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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Committee	PLANNING COMMITTEE B	
Report Title	LAND AT 39 - 45, WOODBANK ROAD, BR1 5HH	
Ward	WHITEFOOT	
Contributors	LUKE MANNIX	
Class	PART 1	28 JULY 2016

<u>Reg. Nos.</u>	DC/16/096277
<u>Application dated</u>	20.04.16 [as revised on 13.06.16]
<u>Applicant</u>	Frederick Gibberd Partnership [on behalf of Phoenix Community Housing]
<u>Proposal</u>	The construction of a two storey plus roof space terrace building consisting of 2, two bedroom houses and 2, three bedroom houses at land at 39-45 Woodbank Road BR1, together with the provision of cycle storage, refuse storage and associated amenity space.
<u>Applicant's Plan Nos.</u>	(PA) 110 Rev P2; (PA) 111 Rev P1; (PA) 112 Rev P2; (PA) 113 Rev P2; (PA) 114 Rev P2; (PA) 119 Rev P2; 243L02; 243L03; Energy and Sustainability Statement; Landscape Statement; Planning Statement; Regulations Compliance Report; SAP Summary Report; Transport Technical Note (received 20th April 2016); (PA) 115 Rev P4; (PA) 116 Rev P3; (PA) 117 Rev P3; (PA) 118 Rev P3; (PA) 120 Rev P3; (PA) 121 Rev P3; (PA) 122 Rev P3; (PA) 123 Rev P3; (PA) 124 Rev P3; (PA) 125 Rev P3; (PA) 126 Rev P2; (PA) 127 Rev P2; (PA) 130 Rev P1; Design & Access Statement (received 13th June 2016).
<u>Background Papers</u>	(1) LE/288/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	None
<u>Screening</u>	N/A

**1.0 Property/Site Description**

1.1 The application site relates to an area of open land on the western side of Woodbank Road. The site is roughly triangular shaped. Officers have consulted historic mapping which shows that the site was occupied by 4 terrace dwellings until the 1980s.

- 1.2 The site is located in a predominately residential area dominated by groups of 4, 6 or 8 two storey terrace dwellings constructed in the inter war period. As such the site is described as being in the suburban urban typology (Lewisham Character Study 2011). The typology is characterised by relatively plain buildings using a limited material palette, typical of LCC schemes of this age. However, the highly planned group composition of the terraces shows a strong cohesive identity and sense of symmetry and order which is highly noticeable in the area.
- 1.3 The site, whilst open, does not contain any trees on site. The land is not designated as open space, however the green chain walk is located along Woodbank Road. The site has a gentle slope from south to north.
- 1.4 The site is not located in a Conservation Area and is not listed. Woodbank Road is unclassified and the site has a PTAL value of 1a, based on a scale of 0-6b with 6b being highest.

## **2.0 Planning History**

- 2.1 None.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 Planning permission is sought for the construction of a two storey plus roof space terrace building consisting of 2, two bedroom houses and 2, three bedroom houses at land at 39-45 Woodbank Road, together with the provision of cycle storage, refuse storage and associated amenity space.
- 3.2 The proposed two storey terrace would have a step in height with the two central dwellings being slightly higher than the end dwellings. The central dwellings would include accommodation in the roof space and as such would include dormer windows in the rear elevation. The building line would be 2.5m from the front boundary, however would be stepped to 1.7m with a two storey projecting element, which includes a parapet.
- 3.3 The proposed building would primarily be constructed of brick with a grey tiled roof. There would also be elements of fibre cement cladding on the front and rear elevation to the inset areas. The windows would be made of aluminium coloured grey. The front boundary would be made of brick with a small element of timber above.
- 3.4 To the front, the landscaping is a mix of hard paving with bin and bicycle storage and soft landscaping. The areas of open space by the intersection with the perpendicular roads will be landscaped with a tree and low lying shrubs. To the rear, the landscaping will consist of lawn.
- 3.5 The proposed development would be car free.

### Supporting Documents

- 3.6 The following documents were submitted in support of the application:-
  - Transport Statement;

- Design and Access Statement;
- Planning Statement;
- Landscaping Strategy; and,
- Sustainability and Energy Statement.

#### **4.0 Consultation**

4.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received. 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. The Council's highway officer and environmental sustainability officer were also consulted, together with Thames Water.

##### Pre-Application Consultation

4.3 Pre-application advice was sought from the Council for the construction of four dwellings within a terrace row (PRE/15/002043). Written advice was given in October 2015.

4.4 Planning officers indicated that the principle was likely to be acceptable, given it has previously been used for housing and the site has no designation. In addition, the principle of four terrace dwellings was considered to be supportable.

4.5 Issues such as design quality, amenities for existing and future residents as well as highway matters were also raised by officers to be addressed prior to the submission of an application for planning permission.

##### Written Responses received from Local Residents

4.6 Neighbouring properties and Ward Councillors were consulted and a site notice was displayed. Three letters of objection were received raising the following concerns:-

- The site is used for the amenity of residents and access to the adjoining properties;
- The design of the proposed dwellings are not in keeping with the style of the existing development;
- The building would negatively impact on the amenities of adjoining properties in terms of overshadowing and loss of privacy;
- There would be an adverse impact in terms of flooding in the area.

4.7 Letters are available to members. The matters raised are taken into consideration below.

## Thames Water

- 4.8 No objection was received in relation to the proposed development. However suggested informatives in relation to connection to public sewers and water pressure were received.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

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

#### Other National Guidance

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

#### London Plan (March 2015)

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

Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.4 Local character  
Policy 7.6 Architecture

#### London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

#### Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 12 Open space and environmental assets  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### 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 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

### **Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Standard of Accommodation
- d) Highways and Traffic Issues
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Flooding

#### Principle of Development

5.12 The NPPF recognises the important role in the provision of housing planning plays. The Mayor has issued targets within Policy 3.3 of the London Plan which states that Lewisham shall aim to provide 1,835 new dwellings per annum.

5.13 The Council, taking into account the targets set by the Mayor, aims to meet this housing need, predominately within the regeneration and growth areas of Lewisham, Catford, New Cross and Deptford and sites allocated within the Lewisham Strategic Housing Land Availability Assessment (SHLAA) as detailed in Spatial Policy 1. However, it should also be noted that areas of stability and managed change, as outlined in Section 6.2.4 of the Spatial Strategy of the Core Strategy, recognises smaller infill development in meeting and exceeding the housing targets for the Borough.

5.14 The site, whilst currently being free from development and open for public use, is not designated within the Local Plan as open space. In addition, whilst it is covered in grass, it is not considered to be covered in any significant vegetation or space to warrant it being used for significant habitat space.

5.15 Taking this into account, the site is not considered to be worthy of retention as open space on amenity or biodiversity grounds.

5.16 The site is considered to be an infill site as described under DM Policy 33, therefore, subject to appropriate design in terms of character and amenities, as well as acceptable impacts on the highway, it is considered that the principle of development for residential dwellings is acceptable. These issues are discussed below.



## Design

- 5.17 The Council, in line with the core planning principles of the NPPF, always seeks the highest quality of design in new development pursuant to Core Strategy 15 and DM Policy 30. DM Policy 30 also specifies the detailed design issues which planning applications must find site specific responses to demonstrate a high standard of design. This includes height, scale and mass which relates to the urban typology.
- 5.18 DM Policy 33 relates to infill development and identifies the design requirements of these sites.
- 5.19 The site is located within the suburban terrace typology and is characterised by plain, yet symmetrical and cohesive, buildings formed of terrace dwellings. Though no elevations or photos of the previous dwellings on the site are available, as the shape of the site matches the four properties at 31-37 Woodbank Road, officers believe the site was once occupied by a similar group of two storey terrace dwellings.
- 5.20 The design of the proposed building would be modern in comparison to the existing austere terrace rows in the area. The building line would be staggered between 1.7m and 2.3m at the front and the height would also be staggered, with the central dwellings taller than the end dwellings. The building line also fluctuates at the rear.
- 5.21 The design would have a pitched roof with gable ends to the end dwellings, however to the rear would be four dormer windows (two each for the three bedroom dwellings). These dormers would be 600mm wide and 800mm high each. It is noted that the protruding elements of the front elevation would have flat roofs which match the eaves height of the pitched roof, however would have a parapet 350mm high.
- 5.22 The proposed materials would predominately be smoked yellow Multi Gilt stock brick to the facades, however the inset elements would be finished in fibre cement board (Equitone, natura-Nimbus). The roof would be clad in Redland Mini Stonewold Charcoal Grey and the windows would be aluminium coloured grey. The front and side bedroom openings on the first floor would include Juliet balconies.
- 5.23 The proposed scale of the development is considered to be in keeping with the existing suburban terrace layout. It is noted that the building height steps up towards the centre, however this is considered to be a justified step in scale as the end terraces would provide appropriate book ends to the taller dwellings. Therefore officers consider the scale of the development to be appropriate.
- 5.24 The proposed building layout would be staggered, which is a differing approach to the prominent straight building line (with the exception of some porches constructed under permitted development). In addition, the two storey projection with parapet to the front is not a design measure seen in the otherwise austere front elevations.
- 5.25 Whilst this is not a matching feature to the other terrace rows, it is not considered to be uncomplementary given its symmetry, especially along the front elevation. In addition, the staggered depth and parapet feature would provide visual relief and

interest in the otherwise bland and austere street frontages. Therefore the design of the building is considered to be of high quality and provide acceptable visual interest to the streetscene.

- 5.26 It is noted that the proposal originally included the dormer windows in the front elevation. It was considered by officers that these dormers would be both incongruent and harmful to the streetscene as they would be out of keeping with the existing roof form. On the advice of planning officers, they were removed in favour of rear roof dormers. It is considered that these are acceptable given their low visibility. Furthermore, the location of the windows in line with the lower floor levels, together with the reasonable size of the dormers, would ensure the roof design follows a subservient hierarchy. As such, the proposed amendments are considered to be acceptable in terms of design.
- 5.27 The proposed use of brick with a tiled roof would be appropriate within the context of the existing terraced development, while the fibre cement cladding would provide added visual interest to the inset areas. Officers consider the materials to be of high quality and acceptable within the scheme.
- 5.28 It is noted that the layout would provide hard landscaping to the front and soft planting on the intersection with the perpendicular roads. Details of this treatment including hard materials and plant species type and number have been provided. Boundary treatment is also shown on the elevations and would be constructed of brick with timber panels, however details on materials are not provided. Nor are details of the boundary treatment between the proposed dwellings.
- 5.29 It is considered that the proposed landscaping is of suitable quality and provides good amenity space for occupants as well as visual amenity from the public realm. Therefore this is considered acceptable. Whilst the boundary treatment is not given in great detail, it is considered that the approach is acceptable. Officers consider it appropriate to secure the detailed matters through condition.
- 5.30 Overall the design of the proposed terrace development is considered to be acceptable.

#### Standard of Accommodation

- 5.31 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.
- 5.32 In line with this, DM Policy 32 states that the standards of the London Plan, contained within the Housing SPG, will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. In addition to this, the nationally prescribed technical housing standards are also applicable to the scheme.
- 5.33 Table 1 outlines the proposed internal floor area against the housing standards. In addition to the overall size, the housing standards states that sufficient built in storage, bedroom size and width and a 2.3m floor to ceiling height should be provided.

**Table [ 1 ]: Residential Unit Size**

	<b>Proposed Internal Floor Area (sqm)</b>	<b>Technical Housing Standard (sqm)</b>
Plot 1 (2b3p)	80	70
Plot 2 (3b5p)	119	99
Plot 3 (3b5p)	119	99
Plot 4 (2b3p)	80	70

- 5.34 As shown in table 1, the proposed units are significantly over the housing standards. In addition, the individual rooms and floor to ceiling heights are also compliant. Therefore the internal size of the units are considered to be acceptable.
- 5.35 DM Policy 32 (4c) states that residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 5.36 In addition to this, the Council will utilise the standards of the Housing SPG on daylight sunlight and an assessment against the BRE guide to good practice measures will also be undertaken where relevant.
- 5.37 The proposed dwellings would have openings in the east and west elevations, as well as the end units with opening in the north and south elevation respectively. Therefore all units would be dual aspect as a minimum.
- 5.38 Officers have noted that the main habitable living rooms face onto the highway. Therefore there is not considered to be any impediment to sunlight or daylight into these main rooms. This is also considered to provide good surveillance of the highway and a good visual link between the units and the public realm. There may be some overshadowing of the rear elevation windows into the ground floor kitchens of unit 1 and 4 taking into account the location of the neighbouring development and the building layout, however, given the nature of the rooms and the relatively minor amount of shading, officers consider this to be negligible on overall amenity.
- 5.39 Therefore, in terms of outlook, daylight and sunlight into the proposed units, it is considered that the level of amenity is acceptable.
- 5.40 Officers consider that any future extension to the rear of the proposed dwellings, which may be acceptable under the GPDO, may have an adverse impact on access to light and visual amenities of the remaining properties. This is particularly significant to the amenities of unit 1 and 4 if the central dwellings were to be extended, given these already project to the rear. Therefore, in order for the Council to assess any adverse impact this may have in the future, officers

consider it reasonable to place a condition removing permitted development rights for the new dwellings.

- 5.41 It is considered that there is no significant overlooking from adjoining development to result in a poor level of privacy for future residents. Therefore the level of privacy for the proposed units is considered acceptable.
- 5.42 Under DM Policy 32, new-build housing development should be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. It is also worth noting that the London Plan Housing SPG Standard 26 and 27 relates to external amenity and outlines that 5 sqm should be provided for one bedroom dwellings with an additional 1 sqm per additional occupant. This space should have a minimal depth of 1.5m.
- 5.43 The proposed dwellings would have rear gardens. Taking into account the shape of the site, the three bedroom family units would have larger gardens, however the end units would also have a side yard with paving. Officers consider that the level of garden space for the proposed units are acceptable.
- 5.44 Overall, the standard of accommodation for future residents is considered to be compliant with the relevant policies and guidance and therefore is acceptable.

#### Highways and Traffic Issues

- 5.45 The NPPF highlights the importance of transport policies in meeting sustainable development. It is stated that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 5.46 In line with this, the Mayor has outlined that new development should seek to balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. Therefore development should be in line with the maximum parking standards outlined in Table 6.2 of the Parking Addendum to Chapter 6, as well as meeting the minimum standards of Table 6.3 for cycle parking. The Council, as outlined in Core Strategy Policy 14 also uses these standards.
- 5.47 It is noted that the site has a poor PTAL rating. It is also noted that two units would be family units of three bedrooms and therefore it is considered that these units would more than likely have the need for private vehicles. Table 6.2 states that new housing proposing 1-2 bedrooms should seek less than 1 parking space and three bedroom should seek 1.5 parking spaces. In line with this, the maximum for the proposed development should be 4 car parking spaces.
- 5.48 The proposed development is car free. Therefore the cars generated by the proposed development would have to park along the highway.
- 5.49 The highway in the area is largely unrestricted parking, with the exception of intersections and some blue badge parking. The parking survey submitted with the transport statement states that there are 310 parking spaces available within 200m of the site. The survey, conducted in line with the standard Lambeth Methodology, found a parking stress of 68%, or 115 unoccupied spaces. Therefore it is concluded that the existing on street parking availability could easily incorporate the expected parking need generated.

- 5.50 Officers have looked through the parking survey, as well as observations on site, and consider that the proposed development would not adversely impact on the highway in terms of parking. Furthermore, the relatively low level of trips produced as a result of the development is unlikely to significantly impact on highways in terms of traffic congestion.
- 5.51 In terms of promoting sustainable modes of transport, new development should comply with the cycle parking standards of the London Plan. The proposed development should therefore provide two cycle storage spaces per unit.
- 5.52 The supporting documents and plans outline that the three bedroom units would provide 2 cycle parking spaces and the two bedroom units would provide 1 cycle parking spaces to the front of the dwellings. Whilst officers do not find the location of the cycle parking objectionable, the quantity is considered to be under the cycle parking standards. In order to make the development acceptable in this respect, officers consider that a condition securing 8 cycle parking spaces on site would overcome this matter.
- 5.53 Overall, in terms of the proposal meeting the transport policies on parking and sustainable transport modes, the proposal is considered to be acceptable.
- 5.54 In terms of refuse storage and collection, each proposed unit would include storage either to the front or side yard. This is considered to be acceptable and should be secured through condition.
- 5.55 Overall the proposed development is considered to be acceptable in terms of highway and traffic issues.

#### Impact on Adjoining Properties

- 5.56 The NPPF outlines as a core principle that planning should ensure quality amenity for existing residents. DM Policy 32 states that development should be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 5.57 The site situated to the south-east of 30-44a Bideford Road. It is noted that 44a Bideford Road is a relative new build dwelling granted consent in 2006. There is a first floor window in the south-east facing elevation directly overlooking the site which is annotated as obscure glazed in the approved plans. The approved plans also show the window as benefiting a bathroom.
- 5.58 The site is also situated to the north-west of 33-39 Ilfracombe Road. 39 Ilfracombe Road includes a first floor window on the side elevation, however this is obscure glazed indicating a non-habitable room.
- 5.59 The Council utilises BRE guide to good practice on daylight/sunlight when assessing the impact on neighbouring amenity. According to the guide, only windows within 90 degrees of south should be considered when assessing daylight impacts. Taking this into account, the windows in the north elevation of 33-39 Ilfracombe Road are not considered to be effected in terms of loss of sunlight.
- 5.60 The proposal includes an overshadowing diagram. The proposed building would not be located within a sufficient proximity to effect the side windows of 39

Ilfracombe Road. In addition, the proposed development would have an effect on direct sunlight into the rear windows in the mornings of winter months, however this impact is not considered to be significant. In relation to the overshadowing of rear gardens, it is expected that the level of overshadowing would not be significant to reduce the amount of sunlight below 2 hours over 50% of the garden during 21st March, as stated in the BRE guidance.

- 5.61 The proposed building, taking into account its location with respect to neighbouring windows, is not considered to be of a scale to severely effect habitable windows in terms of daylight or outlook. The nearest effected windows would be the first floor bathroom windows at 44a Bideford Road and 39 Ilfracombe Road and, given these are non-habitable, would not significantly impact on the daylight into these rooms.
- 5.62 The Housing SPG and DM Policy 32 that a distance between habitable windows is generally held at 18-21m, however this is considered to be flexible depending on the site and design measures to reduce overlooking.
- 5.63 It is noted that the windows in the rear elevation would not face towards windows of adjoining properties. However, the windows would overlook the rear gardens and therefore there is the potential to overlook these rear yards. It should be noted that the layout of the proposed development and shape of the site roughly matches adjoining development, such as 31-37 Woodbank Road, and would therefore match similar relationships in the local context.
- 5.64 In addition to the above, it is noted that the first floor windows of the end dwellings would be obscure glazed into bathrooms. Therefore these windows would not result in overlooking. The remaining rear windows, including the dormer windows, would predominately overlook the rear garden of their respective properties. Whilst it is acknowledged that there would be some amount of overlooking to the rear gardens beyond, this is not considered to be significant to restrict the development of the site. In addition, it is considered that the relationship in terms of overlooking is not too dissimilar from other properties, such as 31-37 Woodbank Road and the gardens those dwellings back onto. Therefore the impact on neighbouring properties in terms of privacy is not considered to warrant a refusal.
- 5.65 In terms of construction impact, given the location of the site and sizeable road access, it is considered that there would not be significant impacts in terms of traffic numbers. Dust and noise pollution may result in some harm to occupants, however officers consider it appropriate to condition construction work hours to ensure no significant adverse impact. Furthermore, an informative advising the applicant on appropriate noise and dust mitigation measures which they must conform to should be added.
- 5.66 Overall, officers consider that the proposed development would not have a significant adverse impact on the amenities of the neighbouring properties and therefore is acceptable.

#### Sustainability and Energy

- 5.67 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes from planning to be absorbed into Building Regulation requirements which will be introduced following an

amendment to the Planning and Energy Act 2008. This is expected to take place later in 2016.

5.68 However, as an interim measure to require sustainability improvements on small scale schemes, Local Government Authority has the benefit of enforcing a Code for Sustainable Homes equivalent in terms of water and energy reduction. Specifically, these are:-

- a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
- water efficiency measures to achieve a target of maximum 110 litres per person per day which includes a 5 litre allowance for external water use.

5.69 The proposal includes a Sustainability and Energy Statement which outlines that the above measures are achievable. It is recommended that a condition be included securing this within the development.

### Flooding

5.70 The site is identified as being within flood zone 1 as indicated by the EA mapping. Therefore the area is considered to be at low risk to flooding.

5.71 The existing site is 627 sqm of open grassed area and slopes from north to south. Whilst the proposed construction of four dwellings would include areas of soft landscaping to the rear, it is considered that the level of development would increase the amount of surface water run-off.

5.72 The applicant has advised within the application form that the surface water would be discharged into the main sewer. Officers consider that this is appropriate in dealing with any adverse impact from surface water run off on the site. Furthermore, given the minor nature of the scheme, it is considered that the proposal would not severely effect the sewer infrastructure, which is supported by Thames Water.

5.73 Therefore officers consider that the proposed development would not have an adverse impact in terms of increasing flood risk in the area.

## **6.0 Local Finance Considerations**

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

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

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

6.3 The Mayor of London's CIL is therefore a material consideration, as is the Lewisham local CIL which has been adopted in 2015. CIL is payable on this application and the applicant has completed the relevant form.

## **7.0 Equalities Considerations**

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

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

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

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

7.4 In this matter there is no impact on equality.

## **8.0 Conclusion**

8.1 The proposal is considered to be the re-development of a Brownfield site for residential purposes and therefore is considered acceptable in principle.

8.2 The proposed infill development is considered to be of acceptable design within the suburban terrace setting and would add appropriate visual interest through the use of a stepped design and modern high quality materials.

8.3 The amenities for future residents are considered to be of an appropriate standard, while the amenities to the existing residents would not be significantly effected. Finally, the proposal is considered to be acceptable in terms of highway impacts, sustainability and flooding.

## **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:

PA) 110 Rev P2; (PA) 111 Rev P1; (PA) 112 Rev P2; (PA) 113 Rev P2; (PA) 114 Rev P2; (PA) 119 Rev P2; 243L02; 243L03; Energy and Sustainability Statement; Landscape Statement; Planning Statement;



Regulations Compliance Report; SAP Summary Report; Transport Technical Note (received 20th April 2016); (PA) 115 Rev P4; (PA) 116 Rev P3; (PA) 117 Rev P3; (PA) 118 Rev P3; (PA) 120 Rev P3; (PA) 121 Rev P3; (PA) 122 Rev P3; (PA) 123 Rev P3; (PA) 124 Rev P3; (PA) 125 Rev P3; (PA) 126 Rev P2; (PA) 127 Rev P2; (PA) 130 Rev P1; Design & Access Statement (received 13th 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) (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).

- (4) (a) The development shall be constructed in those materials as submitted namely: Smoked Yellow Multi Gilt Stock brick, Equitone Natura Nimbus cladding, Redland Mini Stonewold Charcoal Grey and aluminium windows RAL 7016 or in materials of equivalent quality, samples of which shall have been submitted to and approved in writing by the local planning authority.
- (c) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) .

- (5) (a) The refuse and recycling facilities shall be provided in accordance with the details shown on plan no. (PA) 119 Rev P2 and 243L02 hereby approved.
- (b) The facilities 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).

- (6) (a) A minimum of 2 secure and dry cycle parking spaces per dwelling shall be provided within the development.
- (b) 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) and Table 6.3 in the Parking Addendum of Chapter 6 of the London Plan (2016).

- (7) 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).

- (8) 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).

- (9) 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 front elevation of the buildings.

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

- (10) 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 front elevation of the building.

**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).

(11) The buildings hereby approved shall be constructed in accordance with the approved Sustainability Statement 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

**Reason:** To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

(12) 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).

## **INFORMATIVES**

(A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

(B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged,

by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

- (C) 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:-

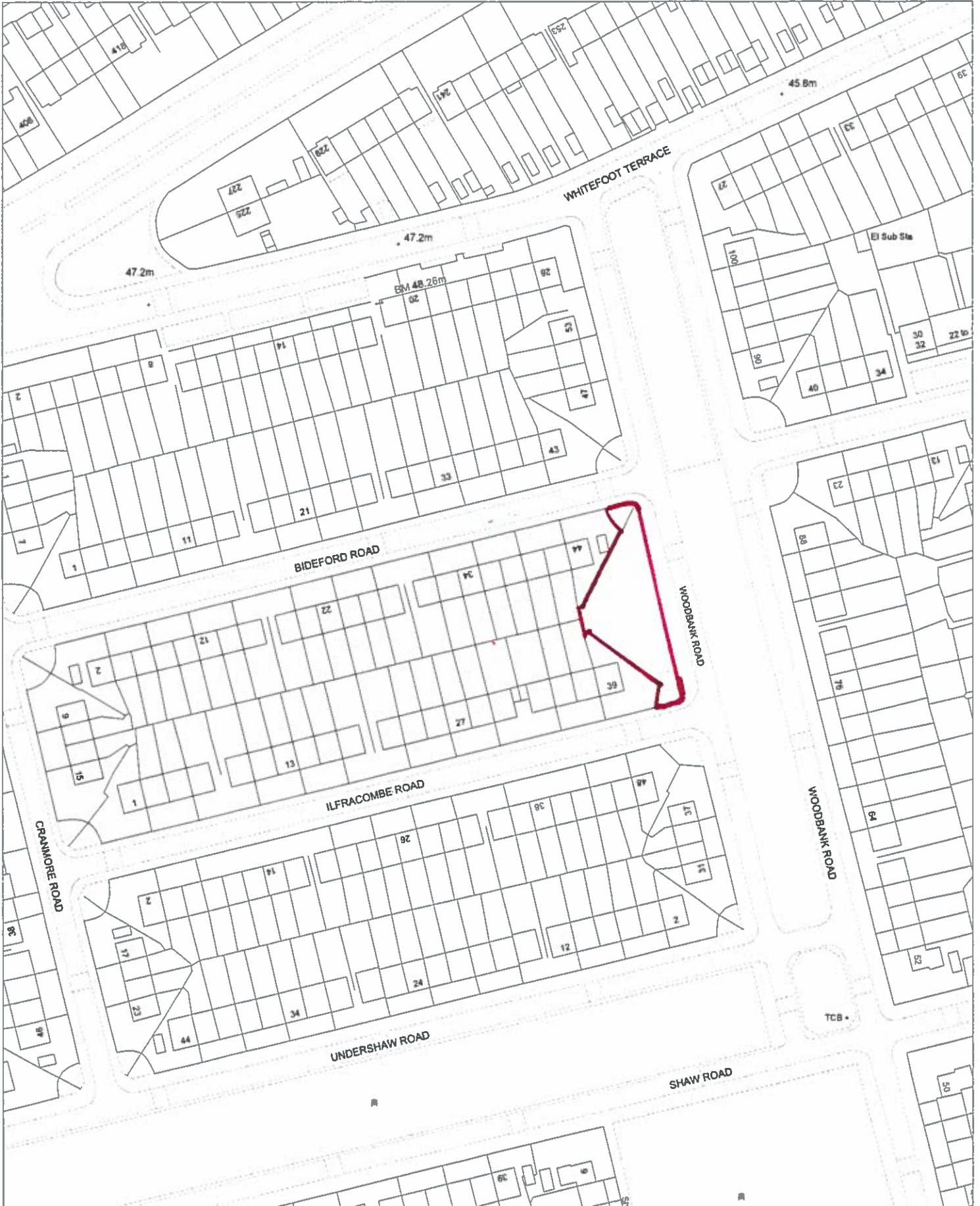
<http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- (D) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (E) Condition 3 (materials) requires details to be submitted prior to the commencement of works due to the importance of securing high quality detail in the approved materials and appropriate boundary treatment prior to the commencement of development.
- (F) With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over/near to agreement is required.

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

# 39-45 Woodbank road BR1 5HH



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Committee	PLANNING COMMITTEE B	
Report Title	Skehans Freehouse, 1 Kitto Road	
Ward	Telegraph Hill	
Contributors	Maeve Wylie	
Class	PART 1	28 <sup>th</sup> July 2016

<u>Reg. Nos.</u>	DC/16/096376
<u>Application dated</u>	22.05.16
<u>Applicant</u>	Bill's Beers LTD
<u>Proposal</u>	The installation of a dwarf wall with railings above at the front and side of Skehan's Pub, 1 Kitto Road, SE14, to enclose the decking area.
<u>Applicant's Plan Nos.</u>	1510/PL/1, 1510/PL/2, 1510/PL/3, 1510/PL/4, 1510/PL/5, 1510/SK/3, 1510/SK5, Site Location Plan, Heritage Statement.
<u>Background Papers</u>	(1) Case File DE/337/1/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area and Article 4 Direction

## 1.0 Property/Site Description

- 1.1 This application relates to a ground floor pub located on the northern side of Kitto Road. The property is located on the corner where Kitto Road and Gellatly Road meet. The main entrance to the Pub is located on Kitto Road while there is also an entrance on Gellatly Road to the rear external area.
- 1.2 The building was built in the 1800's as a pub, originally The Duke of Albany, and is a prominent three storey red brick building. It is a corner building with typical Victorian pub frontage. Some of the historical features include clay tile roof pierced with gables over pairs of sash windows and tall chimney stacks.
- 1.3 The building is situated on a street which is mainly residential, with Nunhead Rail Station situated a short distance away.
- 1.4 The application site is located within the Telegraph Hill Conservation Area and is subject to an Article 4(2) Direction. The property is a locally listed building.
- 1.5 The Locally Listed Building description of Skehans Freehouse describes it as "pre-1884. Originally The Duke of Albany. A prominent three storey red brick corner Telegraph Hill Conservation Area building with typical Victorian pub frontage. Clay tile roof pierced with gables over pairs of sash windows. Tall chimney stacks. Called "Skehans" at the time of local listing."

## **2.0 Planning History**

- 2.1 **2016** – Permission **Refused** for the erection of glazed screening over decking to front of Skehan's Pub, 1 Kitto Road. The reason for refusal was due to the design and materials not being sympathetic to the locally listed building or the surrounding conservation area.
- 2.2 **2004** – Permission **Granted** for the construction of a conservatory and linking extension to the front of the former stables/coach house building at the rear of Skehan's Freehouse, 1 Kitto Road SE14 for use as a restaurant (Use Class A3) in connection with the existing public house.
- 2.3 **1999** – Permission **Granted** for the formation of an external staircase (Fire Escape) to first floor level together with alterations to the rear elevation of 1 Kitto Road SE14.
- 2.4 **Enforcement case**
- 2.5 **2015** – An enforcement case was open for this building due to the construction of unauthorised decking. The decking was reduced in height to conform to permitted development regulations. Consequently, no enforcement action was taken.

## **3.0 Current Planning Application**

- 3.1 The installation of a dwarf wall with railings above at the front and side of Skehan's Pub, 1 Kitto Road, SE14, to enclose the decking area.
- 3.2 The proposed works include the creation of a dwarf brick built wall of 0.4m in height with railings attached to an additional height of 1m to the front external area of Skehans Pub. This proposal would create a more enclosed area than is already existing as the brick wall and railings would act as a barrier from the foot pavement and road.
- 3.3 The materials to be used would be red brick in the dwarf wall with grey engineering brick capping, the brick is to be sourced to match the existing brick on the front of the building. The bond will be Flemish bond to match the main building.
- 3.4 The cast iron railing proposed would have rods and a finial detail to match those on the neighbouring houses on Kitto Road.

## **4.0 Consultation**

- 4.1 Fourteen neighbouring properties, Telegraph Hill Ward Councillors, Amenities Society Panel (ASP) and the Telegraph Hill Society were consulted regarding the application.
- 4.2 Objections were raised by two neighbour who made the following points:
- The proposal will encourage more outside drinking and therefore more noise
  - Would increase the number of people staying about after closing hours
  - More chance of people spilling on to a busy road which could be dangerous



## **5.0 Policy Context**

### **5.1 Introduction**

5.2 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.

5.3 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.

### **5.4 National Planning Policy Framework**

5.5 The NPPF was published on 27<sup>th</sup> 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)' .

5.6 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.

### **5.7 London Plan (2015)**

5.8 The London Plan policies relevant to this application are:-

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

### **5.9 Core Strategy**

5.10 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 2 Regeneration and Growth Areas

Core Strategy Policy 15 High quality design for Lewisham

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

#### 5.11 Development Management Local Plan

5.12 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 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 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

## **6.0 Planning Considerations**

6.1 The relevant planning considerations are whether the proposal retains and/or enhances the integrity of the locally listed building, is of an appropriately high quality of design for the character and appearance of the Telegraph Hill Conservation Area and is acceptable in respect of neighbouring amenity.

### 6.2 *Design and appearance*

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

6.4 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of

government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.

- 6.5 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. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The quality and durability of building materials that either match or complement the existing and their sensitive use on the development and the justification behind the choice.
  - The activity and visual interest for the public provided by the development at ground floor level with the provision of windows and doors to provide physical and visual links between buildings and the public domain.
  - A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.6 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building.
- 6.7 DM Policy 36 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.
- 6.8 DM Policy 37 sets out the general principles for development in non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest. The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate. The Council will resist the demolition of locally listed buildings and expect applicants to give due consideration to retaining and incorporating them in any new development.
- 6.9 Skehans Freehouse is an establishment which has retained many of its original features and is an asset to the Telegraph Hill Conservation Area. The pub is situated on a prominent corner plot and is a distinctive part of the streetscape where Kitto Road, Drakefell Road and Gellatly Road all meet. The existing front elevation of the pub includes timber decking with timber framing, giving the area a sense of enclosure from the public footpath. The area includes a good quantity of soft landscaping with potted plants placed on the timber decking and various plants hung from each side of the door and above the signage on the ground floor.
- 6.10 From assessing this proposal officers considered that the proposed dwarf wall and railing would not have a detrimental impact on the character of the conservation area as the materials complement the host building. The proposal would be in accordance with Core Strategy Policy 15 and DM Policy 37 which seek development to either

“preserve or enhance” the character of Conservation Areas. This proposal is considered to achieve this.

- 6.11 The proposed front boundary treatment replaces one of unsympathetic design and poor quality materials which are considered to detract from the building’s architectural features. The proposed piers, gates and dwarf wall achieve a more consistent boundary treatment in relation to comparable neighbouring elements. The use of materials is more sympathetic and would be an enhancement to the surrounding area. When viewed from the public realm, the proposal results in little alteration to the present appearance of the building and in consequence, the visual qualities of the settings of the neighbouring buildings, the streetscape and the wider conservation area remain unharmed.
- 6.12 Policy would seek that the materials used are cohesive and consistent with the building form. The majority of properties on Kitto Road have a front boundary of black metal railings with some having dwarf walls which is an appropriate Victorian feature. The corner door which is also characteristic of Victorian Pubs is retained in this application, as opposed to the previous refusal, and supported by officers on this basis.
- 6.13 There is no evidence to suggest that the installation of the dwarf wall and railings would create loitering of the outside area after the pub hours have finished. In fact from the existing layout seating would be lost around the boundary of the decking area in place of the proposed wall and railings, therefore providing less opportunity to sit. Officers deem that the wall and railings would play no part in the suggestion from the objector that the proposal would increase a risk of accidents due to the location of the pub on a busy road and more people being outside compared with the existing situation.
- 6.14 Overall, the design and materials of the proposed wall and railings is considered to be compatible with the special characteristics of the building and conservation area and for the reasons set out above, officers consider the design of development to be acceptable.
- 6.15 *Impact on adjoining properties*
- 6.16 As existing this area is used as a seating area/smoking area for the pub and the size of the area would not be increased in conjunction with the addition of the proposed dwarf wall and railings. The scale of the dwarf wall and railings is also considered to be of an acceptable size that is appropriate to the host building. The height of the wall and railings would be 1.35m, which is a more ‘human’ scale and an improvement on the 1.6m which was proposed in the previous application. Officers consider that the introduction of railings to the front elevation would present a congruous addition to the building and terrace, which would be visually acceptable within the street scene and conservation area and complete the opening decking area. Even though Skehan’s Freehouse is in such a prominent location, where three roads meet, this would not have a detrimental effect on the area as a whole. The historical features of the pub would still be clearly visible behind the boundary treatment.
- 6.17 Taking into consideration the comments received from an objector Officers deem that the development of the dwarf wall and railings would not introduce a detrimental impact in terms of increasing outside drinking and the associated higher levels of noise. The furniture is already existing, benefitting from permitted development, and

is within the pub's curtilage therefore it does not require planning consent. The proposed development would help keep this area enclosed and more separated from the adjoining public pavement. Officers do not consider that this area would be used more intensely as a result of the proposed boundary treatment.

6.18 Therefore, impacts on adjoining neighbours are not expected to change materially to those existing at present.

## **7.0 Community Infrastructure Levy**

The above development is not CIL liable.

## **8.0 Equalities Considerations**

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

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

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

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

8.4 In this matter there is no impact on equality.

## **9.0 Conclusion**

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

9.2 Officers consider the proposed works to be acceptable with regards to design and neighbouring amenity and the scheme is therefore considered acceptable. The development proposed is considered to have no negative impact on the character of the Telegraph Hill Conservation Area due to a combination of high quality materials and the development being of modest scale in relation to the host building.

## **10.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

### **Conditions**

1. The development to which this permission relates must be begun not later than

the expiration of three years beginning with the date on which the permission is granted.

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

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

1510/PL/1, 1510/PL/2, 1510/PL/3, 1510/PL/4, 1510/PL/5, 1510/SK/3, 1510/SK5, Site Location Plan, Heritage Statement.

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

3. No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

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

### **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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

# Skehna's Free House, 1 Kitto Road SE14 5TW



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Committee	PLANNING COMMITTEE B	
Report Title	16 Wood Vale, SE23 3EE	
Ward	Forest Hill	
Contributors	Hamish McTaggart	
Class	PART 1	28 July 2016

<u>Reg. Nos.</u>	(A) DC/16/95846
<u>Application dated</u>	3 April 2016
<u>Applicant</u>	M.J.E Properties Ltd
<u>Proposal</u>	The construction of a single storey rear extension at the Ground Floor Flat 16 Wood Vale, SE23.
<u>Applicant's Plan Nos.</u>	Access Statement (received 10 March 2016), 0S1 Rev-P1 (received 23 April 2016), Heritage Statement (received 3 April A01 Rev-P1, 02 Rev-P1, 03 Rev-P1, 04 Rev-P1, 05 Rev-P1, 06 Rev-P1, 07 Rev-P1, 08 Rev-P1, 09 Rev-P1, 10 Rev-P1, 11 Rev-P1 (received 23 June 2016).
<u>Background Papers</u>	(1) Case File LE/342/116/TP (2) Development Management Plan (adopted November 2014 and Core Strategy (adopted June 2011) (3) The London Plan (2015)
<u>Designation</u>	Within the Forest Hill Conservation Area Forest Hill Article 4(2) Directive Pta2 Not a Listed Building
<u>Screening</u>	NA

**1.0 Property/Site Description**

- 1.1 The subject application relates to a two-storey semi-detached property, at 16 Wood Vale SE23. The property is paired with No 14 Wood Vale, which has a similar bulk and form to the subject property when viewed from the streetscene.
- 1.2 The subject property is currently comprised of two self contained residential flats, a ground floor and first floor flat, and has previously been extended by the construction of a two-storey rear extension.
- 1.3 The rear of the site adjoins a disused rail line and the Horniman Gardens further to the east. The subject property is designated as part of the Forest Hill Conservation Area which is subject to the Forest Hill Article 4 Direction. Properties to the north and south of the site are also located within the Forest Hill Conservation Area while properties west of the site are outside the Conservation Area.

1.4 The Horniman Gardens are a Green Chain, SINC Area residential in nature.

1.5 The subject property has a PTAL of 2.

## **2.0 Planning History**

### Planning Applications

2.1 Dec 1967 – Conversion of 16 Wood Vale SE23 into 2 x 2 roomed self-contained flats and an iron staircase to the rear.

2.2 DC/08/70581/X – The construction of a two-storey extension to the rear of 16 Wood Vale SE23, to provide additional living accommodation to flats A & B. This application was approved by the Council under delegated authority on the 23 March 2009.

2.3 DC/15/95847 – The construction of a roof extension to the rear and the installation of two rooflights to the front roof slope at 16 Wood Vale, SE23. This application was withdrawn by the applicant on the 16 June 2016 after discussions with Council Officers in relation to the proposed roof extension design.

## **3.0 Current Planning Applications**

### The Proposals

3.1 The current proposal involves the construction of a single-storey extension to the rear of 16 Wood Vale, SE23.

3.2 The proposed extension would be constructed from the rear of the original property for a depth of 2.7m, a width of 4.7m and height of 2.7m. The extension would be constructed parallel with the property boundary with No 14 Wood Vale and would match the depth of the existing two-storey rear extension at the site constructed in accordance with the Council's approval of DC/08/70581/X.

3.3 The proposed extension would have a flat roof which would feature a single rooflight. Bi-folding doors aluminium framed glass doors would be constructed into its rear elevation.

3.4 Material to be used in the proposed extension would include London Stock brick walls to match the brickwork in the existing building and two-storey extension and the flat roof would be clad in GRB fibreglass roofing.

3.5 The application as described above has been slightly modified by the applicant from the original scheme submitted. The application was modified by reducing the height of the extension and the parapet wall proposed adjacent the boundary with No 14 Wood Vale from 3m to 2.7m.

## **4.0 Consultation**

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

4.2 A site notice and conservation area site notice were displayed, letters were sent to residents in the surrounding area and the application was advertised in the local newspaper for a period of three weeks. Local Ward Councillors were consulted.

4.3 Two submissions were received from the occupant of the neighbouring property at 14 Wood Vale which raised the following concerns in relation to the proposal:

- The consultee objected to the proposal due to noise from the occupation of the property impacting the amenity of their residence. The submitter referenced an assurance with the builder for the previous extension at the site (DC/08/70581/X) where they were informed that sound proofing along the party wall would be carried out. The consultee indicated that they are currently affected by noise from the occupation of this neighbouring property and feel the works verbally agreed to were not carried out.
- The proposed extension would restrict outlook from the submitters property and create a sense of enclosure imposing on their rear garden.

4.4 A submission was received from Forest Hill Ward Councillor, Cllr Paul Upex, requesting the application be reported to a Committee Meeting to be determined.

#### 4.5 Building Control

4.6 Council Building Control Officers were consulted on the application in response to concerns raised with regard to sound proofing. Building Control confirmed that no sound proofing upgrade would have been required to existing party walls under Building Regulations as part of the construction of the previously approved development (DC/08/70581/X).

4.7 A discussion was also had with Building Control to identify what works would provide a reasonable level of sound insulation for the property. Building Control Officers indicated that the proposed extension wall would need to be sound proofed in accordance with building regulations if it were constructed. In relation to the existing party wall Building Control Officers advised that the installation of the following would improve sound proofing along a party wall:

- Sand cement render
- Aluminium stud 50mm
- 50mm Rockwool
- 2 layer 15mm sound block plaster wall

4.8 The applicant indicated that they would be willing to undertake these works to the Ground Floor Flat. However, as the sound proofing relates to an existing wall not affected by the proposed development it would be unreasonable to require the upgrade of the entire property to facilitate the extension and a condition requiring such works would be contrary to the National Planning Policy Guidance document. If a condition requiring sound proofing were imposed, the Council's decision could be appealed, and would be likely to be successful.

## 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.

## Use of Planning Conditions

### London Plan (March 2015)

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

Policy 3.5 Quality and design of housing developments

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 (2012)

#### Core Strategy

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

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 30        Urban design and local character

DM Policy 31        Alterations/extensions to existing buildings

DM Policy 32        Housing design, layout and space standards

#### 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**

The principle planning considerations are the design quality of the proposed extension, its relationship with the host property and the Forest Hill Conservation Area and its impact on the amenity of neighbouring properties.

### Design

- 6.1 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 sustaining and enhancing the significance of heritage assets. Paragraph 32 continues that great weight should be given to the asset's conservation. Paragraph 34 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 6.2 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.3 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.
- 6.4 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.
- 6.5 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.

- 6.6 Paragraph 6.4 of the Residential Standards SPD states that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.
- 6.7 The proposed extension would be single-storey and constructed to a depth of 2.7m. It would not exceed the depth of the existing two-storey extension constructed at the site in accordance with a previous Council approval. Officers consider that the height, bulk and scale of the proposed extension would be subordinate to the dominant two-storey form of the host property.
- 6.8 As a rear extension the proposed development would not be visible from the streetscene and would also be obscured from view from Horniman Gardens by the disused rail line and vegetation at the rear of the site. Accordingly any visual impact of the proposed development on the architectural character of the Forest Hill Conservation Area would be localised to the subject site and its immediate surrounds. As a subordinate building addition Council Officers consider that the proposed extension would not adversely impact the significance of the Conservation Area where it can be observed.
- 6.9 The materials proposed for the site are also considered to be acceptable by Council Officers and would not cause harm the architectural character of the property or its aesthetics.

#### Impact on the Amenity of Neighbouring Properties

- 6.10 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.11 DM Policy 31 states that residential extensions should not result in significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.12 The proposed extension would be constructed at the rear of the subject property and be located between the flank wall of the existing extension and the site's boundary with No 14 Wood Vale. As such the proposed extension would be obscured from view from the property at No 18, while there are no properties to the rear of the site which could be impacted by the development. The only property likely to be affected by the proposed extension is No 14 Wood Vale.
- 6.13 The proposal would be constructed adjacent the site boundary with No 14 Wood Vale for a depth of 2.7m and height of 2.7m. The rear of No 14 Wood Vale has a large ground floor window close to the boundary with the site and this window would be affected by some loss of outlook. However, Council Officers consider that the loss of outlook would not significantly affect the property's amenity given the limited height and depth of the proposed extension and the outlook which would be maintained by the window over the property's rear garden and into the neighbouring heavily vegetated disused rail corridor.

- 6.14 With regard to the proposed extension overbearing this neighbouring property and imposing a sense of enclosure Council Officers consider the extent of these impacts to be minimal given the depth and height of the proposed extension discussed above and the width of No 14's rear garden (approximately 9.5m). It is also noted that at the proposed height of 2.7m the proposed extension would have a height only 0.7m above the existing boundary wall. Officers also consider that the proposed extension would not cause significant overshadowing or affect sunlight/daylight availability at this neighbouring property.
- 6.15 The consultee also raised concerns regarding impacts to their amenity caused by noise associated with the use of the subject property. The consultee indicated that inadequate measures were in place to control noise affecting their property through its party wall. Councillor Upex requested that Council Officers investigate this issue, to determine whether anything could be done to improve the circumstances for the submitter.
- 6.16 In response to the submission Council Officers held discussions with Council Building Control Officers (details of Building Control consultation are included in the Consultation Section of this report) and the applicant. Building Control Officers advised that the proposed extension would need to be constructed in accordance with current Building Regulation and effectively sound insulated, while they also provided advice on sound proofing which could be undertaken to control noise along the existing party wall. These measures were discussed with the applicant who indicated their willingness to undertake the sound proofing of the party wall between the Ground Floor Flat and No 14 Wood Vale.
- 6.17 Although the applicant has agreed to the imposition of such a Condition Council Officers consider that a condition requiring the upgrade of the party wall would be counter to the National Planning Practice Guidance, Use of Planning Conditions. This document provides a six part test for granting planning permissions subject to conditions. Part 2 and 3 of the six part test states:
2. **Relevant to planning** – A condition must not be used to control matters that are subject to specific control elsewhere in planning legislation. Specific controls outside planning legislation may provide an alternate means of managing certain matters.
  3. **Relevant to the Development** – it is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted. A condition cannot be imposed to remedy a pre-existing problem or issue not created by the proposed development.
- 6.18 Party Walls are subject to Building Regulation. The proposed extension would be required to comply with relevant building regulations and a condition managing this party wall construction is not required in accordance with part 2 of the 6 part test. In regards to sound proofing the existing party wall, Council Officers consider a condition requiring such works would fail part 3 of the 6 part test and therefore should not be imposed. Part 3 states 'a condition cannot be imposed to remedy a pre-existing problem or issue not created by the proposed development'. The concern raised by the submitter regarding the transfer of noise through the party wall between the subject site and No 14 is a pre-existing issue and not related to this application. If a condition requiring the upgrade of the existing party wall was



imposed on by a Council approval it would likely be overturned by the Planning Inspectorate if it were appealed.

## **7.0 Community Infrastructure Levy**

7.1 The proposed development involves the construction of less than 100m<sup>2</sup> of additional floor space and is therefore not CIL liable.

## **8.0 Conclusion**

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

8.2 Council Officers consider that the proposed extension would be of an acceptable design standard and would not impact the significance of the Forest Hill Conservation Area.

8.3 The concerns raised by the occupiers of No 14 have been considered by Council Officers who consider that the proposed extension, given its height bulk and scale, would not have a significant impact on the amenity of No 14 Wood Vale or other neighbouring properties. With regard to concerns in relation to the sound proofing of the existing party wall between the subject property and No 14 Wood Vale Council Officers consider that any condition requiring the sound proofing of the party wall would fail the National Planning Practice Guidance six part test, and therefore cannot be imposed as a condition of any planning permission.

## **9.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

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

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

Access Statement (received 10 March 2016), OS1 Rev-P1 (received 23 April 2016), Heritage Statement (received 3 April A01 Rev-P1, 02 Rev-P1, 03 Rev-P1, 04 Rev-P1, 05 Rev-P1, 06 Rev-P1, 07 Rev-P1, 08 Rev-P1, 09 Rev-P1, 10 Rev-P1, 11 Rev-P1 (received 23 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), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any

door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

- (4) 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.

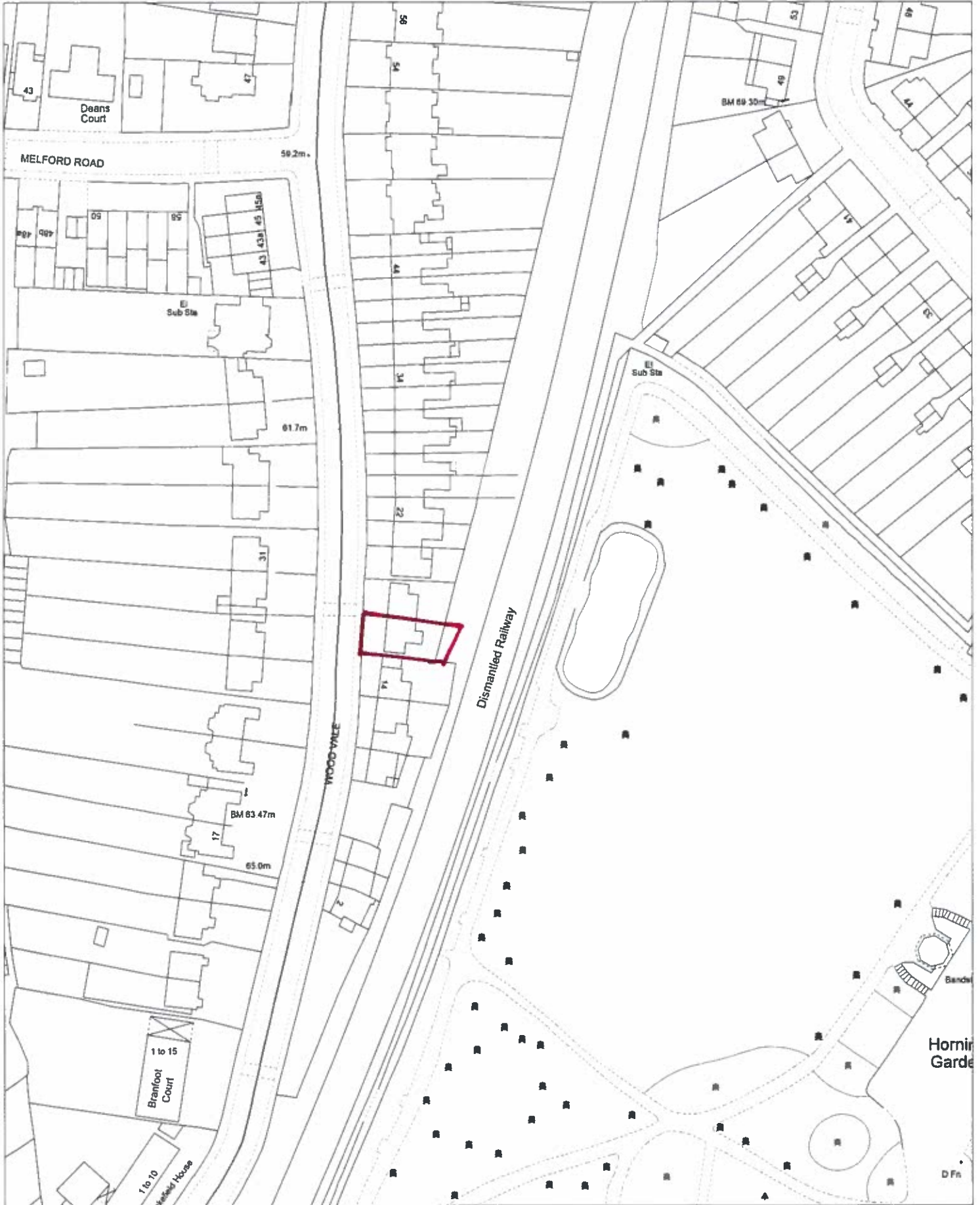
No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004)

## **INFORMATIVES**

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion and further discussions took place through the assessment process.

16 Wood Vale SE23 3EE



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