

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 28 SEPTEMBER 2017 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Joan Reid (Chair)  
Olurotimi Ogunbadewa (Vice-Chair)  
Mark Ingleby  
Jim Mallory  
Hilary Moore  
John Muldoon  
Gareth Siddorn  
Susan Wise  
Sophie McGeevor  
Maja Hilton**

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 September  
2017**

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

**Telephone No: 0208 314 2566  
Email: [planning@lewisham.gov.uk](mailto:planning@lewisham.gov.uk)**



## **RECORDING AND USE OF SOCIAL MEDIA**

You are welcome to record any part of any Council meeting that is open to the public.

The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must :

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

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the

<b>Order Of Business</b>			
<b>Item No</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page No.</b>
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 14
3.	138 SYDENHAM ROAD, LONDON, SE26 5JZ	Sydenham	15 - 42
4.	14 NETHERBY ROAD, LONDON, SE23 3AN	Forest Hill	43 - 54
5.	165 UPPER BROCKLEY ROAD, LONDON, SE14 1TG	Brockley	55 - 74
6.	HAULAGE YARD, HEREFORD PLACE, LONDON SE14	New Cross	75 - 124

This page is intentionally left blank

Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 28 SEPTEMBER 2017

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).

This page is intentionally left blank



Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 28 SEPTMEBER 2017

## MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 17<sup>th</sup> August 2017.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, CATFORD SE6 on 17<sup>th</sup> AUGUST 2017 at 7:30PM.

#### PRESENT:

Councillors: Ogunbadewa (Vice-Chair), Ingleby, Mallory, Moore, Muldoon, McGeevor, Hilton

OFFICERS: Suzanne White - Planning Service, Michael Forrester – Planning Service, Paul Clough - Legal Services, Andrew Harris - Committee Co-ordinator.

APOLOGIES: Reid (Chair), Wise

#### 1. CHANGES TO AGENDA

Councillor Ogunbadewa (Vice-Chair) revised the order of business for the evening. The order was as follows:

1. Declarations of interest
2. Minutes
3. 36 Vicars Hill, London, SE13 7JL
4. 50 St German's Road, London, SE23 1RX
5. 54 Chinbrook Road, London, SE12 9TH

#### 2. DECLARATION OF INTERESTS

There were no Declaration of Interests at the start of the meeting.

#### 3. MINUTES

Councillor Ogunbadewa (Vice-Chair), asked if Members agreed that the Minutes of the Planning Committee (B) meeting held on 6<sup>th</sup> July 2017 were a true and accurate record. Members agreed that they were.

4. 36 Vicars Hill, London, SE13 7JL

The Planning Officer Michael Forrester outlined the details of the case to Members, and confirmed that nine objections and one letter of support had been received from local residents, with the Brockley Society also writing in support of the scheme.

The committee then received verbal representation from Ms Jean Burnell (applicant). She relayed to members that the existing garage on site was no longer safe, and that the proposed studio was of the same footprint and height as the existing structure, except for an increase on the boundary which would form a retaining wall. She stated that the use of the building was to be for a studio and gym space, and that residential accommodation was no longer sought. Finally she added that the building would be no closer to adjoining properties and therefore would not increase levels of overlooking, but that planting would also be incorporated to improve privacy.

Councillor Ingleby asked Ms Burnell whether the studio/gym was to be used for business or pleasure, to which Ms Burnell confirmed it was for pleasure.

The committee then received verbal representation from Mr Anthony Gaylard (neighbour) and Mr Jon White (neighbour), who were speaking in opposition to the proposal. Mr Gaylard outlined concerns including the proximity to his property, multiple refused applications for similar schemes, intention was for residential use, privacy implications, out of character for the conservation area. Mr White reiterated that he believed the intention was for a residential dwelling and that the proposal was against Council policy.

Councillor Ingleby queried whether the proposal would create a precedent for back garden development and the use of the flat roof as amenity space. The Planning Officer Michael Forrester confirmed that as there was an existing building of substance on site, this would not form a precedent for back garden development. He stated that the previous applications for residential use had been refused, with a condition on the current scheme to ensure it would be used for ancillary purposes. He also confirmed that there was a condition attached which restricted the use of the flat roof as amenity space.

Councillor McGeevor then moved a motion to accept the Officer's recommendation, subject to the conditions outlined in the report. It was seconded by Councillor Hilton.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Hilton, Moore, McGeevor, Muldoon, Ingleby.

ABSTAINED: Mallory.

RESOLVED: That planning permission be granted in respect of application DC/17/101595, subject to the conditions outlined in the report.

5. 50 St German's Road, London, SE23 1RX

The Planning Officer Michael Forrester outlined the details of the case. Questions from members followed, including requests for clarification on the parking arrangements, materials and unit and room sizes. The Planning Officer Michael Forrester confirmed that the

site was not located in a controlled parking zone, that the building was rendered to the rear, and that the unit and room sizes passed that national requirements. Regarding the proposed materials, the Planning Officer Michael Forrester also confirmed that a condition could be attached requiring a full brick finish, to which Councillor McGeevor confirmed it should.

The committee received verbal representation from Mr Matt Corcorn (agent). Mr Corcorn outlined to Members that the scheme had been reduced from six units to five, that all dwellings met the national size requirements, and that he raised no objection to the incorporation of a condition requiring a London stock finish to all elevations. He added that the scheme was in compliance with Council policy and that the scheme provided needed homes for the borough. Finally he stated that the Council's Highways Department had raised no objections to the scheme and that the applicant would look to allocate parking to the units.

Councillor Ingleby sought clarification regarding the proposed materials to the top floor and the setback from the main elevations. He also sought clarification as to whether the top floor would be used as a balcony. Mr Corcorn Confirmed that the top floor would feature zinc cladding, with the walls being setback between 2.5m-3m from the main elevations. He also confirmed that there would be no balconies to the front of the building.

Councillor Hilton requested paper plans and stated she was confused by the plans. The applicant then clarified the plans with Councillor Hilton. Councillor Hilton then stated that the ground floor flat was not suitable for a family dwelling due to the layout. She inquired as to whether the London Plan had specific requirements regarding the layout of units. The Planning Officer Michael Forrester confirmed that the scheme was in line with London Plan policy and that there were no grounds to refuse the application regarding internal layout. Councillor Hilton asked whether the applicant would be willing to change the layout of the ground floor unit, to which the applicant confirmed they would be condition. The Planning Officer Michael Forrester stated that this could not be attached as a condition, but an informative would be added.

No objectors were present at the meeting.

Councillor McGeevor put forward that two conditions be attached to any approval, the first for parking space assignment and the second for the brick finish. Councillor Ogunbadewa (Vice-Chair) stated that the condition on parking way come into difficulties if some residents had no cars, to which Councillor McGeevor agreed and withdrew the condition relating to parking. Councillor Ingleby then added that the condition for brick should not include the zinc cladding to the top floor of the building.

Councillor Ingleby added that a condition should be attached to restrict the use of the flat roof as an external amenity area/balcony. The Planning Officer Michael Forrester confirmed that a condition had already been attached to the recommendation.

Councillor Ingleby then moved a motion to accept the Officer's recommendation, subject to conditions in the report and the additional condition materials condition and layout informative. It was seconded by Muldoon.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Moore, McGeevor, Muldoon, Ingleby and Mallory.

ABSTAINED: Hilton.

RESOLVED: That planning permission be granted in respect of application DC/17/100842, but with the addition of a condition regarding the proposed materials and an informative regarding the internal layout.

The condition was worded as following:

*Notwithstanding the details shown on P9/013 Rev G; P9/014 Rev G; P9/015 Rev G all external elevations shall be finished in London stock brick and the top recessed floor in zinc cladding, samples of which along with all windows, external doors and balcony finishes shall be submitted to and approved in writing prior to above ground works. 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.*

The informative was worded as following:

*The applicant is advised that the internal layout to the lower ground floor three bedroom flat could be improved by swapping the kitchen and bedroom so that the main living areas are closer together.*

6. 54 Chinbrook Road, London, SE12 9TH

The Planning Officer Suzanne White outlined details of the application to members and made reference to representations, petitions and amended plans submitted by the applicant following publication of the Committee Report and identified that these were summarised in an Addendum Report. Questions from members followed, including how many buses passed outside and clarification on the lack of consultation referenced by the objectors. The Planning Officer Suzanne White stated that according to TFL the site was served by four bus routes. She then stated that the consultation referred to by the objectors had been carried out by the applicant, and that all consultations carried out by Lewisham met the requirements outlined in legislation and Lewisham's Statement of Community Involvement.

The committee then received verbal representation from Mr David Carroll (Agent) and Dr Prad Velayuthan (applicant).

Mr Carroll outlined to members that the decision should be based on whether the current scheme was acceptable on the site, rather than if it could be better placed elsewhere. He stated that the site had a PTAL rating of 4, being served by 6 daytime buses, and that two thirds of the patients would not use cars. He clarified the number of on-site parking spaces, asserting that the travel plan would help to reduce car visits. He added that the Council's Highways Officers had not objected to the scheme and that there was no record of fatalities on the road. Finally he added that amendments had been incorporated into the scheme following a public consultation, and he reiterated that both the Council's Urban Design and Highways Officers were in support of the scheme.

Dr Velayuthan confirmed to members that it was proposed to replace four old GP practices with two new modern centres. He stated that the old centres were no longer fit for purpose

and were causing a strain on the delivery of services. He reiterated that the centre would be close to patients and was served by good public transport, thereby reducing the need for car journeys. He added that the centre would serve a high proportion of elderly residents, who would be unable to travel further afield should the current application be refused. Finally he stated that the centre would serve and support some of the most vulnerable members of the local community.

Councillor Hilton sought clarification over the number of existing health centres and their use should the scheme be granted. Dr Velayuthan confirmed that there were four sites currently in use, three of which would be shut down once the new centre had been constructed.

The committee then received verbal representation from Ms Anna Finch-Smith (neighbour) and Mr Les Padfield (neighbour) who were speaking against the proposal. Ms Finch-Smith asked whether members were aware of the outcome of the Full Council meeting which had taken place. Councillor Ogunbadewa (Vice-Chair) stated they were, with Councillor Muldoon adding that no decision had been passed in the previous meeting with regard to the scheme.

Ms Finch-Smith stated that she had no objection to the proposed health centre, but did object to the proposed location. She stated that she as well as other members of the community had been told that it was a 'done deal', noting that s106 funding had been agreed. She stated that residents' concerns had been ignored and there had been a lack of participation in the process. She outlined that there had been a large petition in opposition to the scheme and asserted that the scheme was contrary to Council policy as it would result in the loss of a residential family dwelling. She added that the Council had failed to provide requested information, including an FOI request.

Ms Finch-Smith also stated that there had been numerous vehicle accidents, with road safety being a major concern among local residents, and that the scheme would intensify this with 242 patients visiting per day. She stated that the scheme was out of keeping with the residential character of the streetscene and did not include sufficient on-site parking for staff. She added that there would be environmental impacts and the health of the adjoining resident would be affected due to the installation of an air-conditioning unit.

Ms Finch-Smith then requested the decision be deferred until the requested information was provided and to allow the meeting with the Mayor to take place. She also stated that the proposal was contrary to a covenant on the road which stated that only residential properties were permitted on Chinbrook Road.

Councillor Ogunbadewa (Vice-Chair) sought clarification regarding the 'done deal' statement, to which Mr Padfield stated he had been told by employees of the health centre that it had already been granted. Councillor Ingleby remarked that a decision had not already been made and that it was the Committee's decision as to whether the scheme would be approved or refused. He also sought clarification on the parking arrangements for the street. Catherine Paterson (Highways) confirmed if residents voted in favour of a controlled parking zone, one would be implemented.

Councillor McGeevor reaffirmed Council Ingleby's comments that the application was not a 'done deal', and that she had first heard of the scheme at the full council meeting and then by email from the Save Bethany House Group and at this meeting.

Councillor Hilton asked if it was felt that there would be more accidents due to the presence of a health centre.

Ms Finch Smith replied that the junction was dangerous, as vehicles crossing from Amblecote Road to Luffmann across Chinbrook Road had to make an 'S' manoeuvre.

Mr Padfield raised concerns regarding inaccuracies about the consultation which took place and the details which were outlined in the report. He added that there were already safety concerns relating to the junction on Chinbrook Road, which would be worsened by the proposal. Councillor Ogunbadewa (Vice-Chair) asked whether there were already accidents at the junction and whether this would get worse as a result of the scheme. Ms Finch Smith confirmed that the numbers of accidents would worsen and provided photos to demonstrate the existing situation. Councillor Hilton made a comparison to the existing highways condition in Forest Hill, which she stated had no surgery. She noted the good visibility on Chinbrook Road and stated that she didn't see the same danger here compared to Forest Hill. Mr Padfield stated that it would result in additional pollution and grid lock during certain times of the day. Ms Finch-Smith then asserted that not all sick people would be able to walk or drive and would be dropped off by taxi/cars.

Ms Finch-Smith outlined that there had been 135 accidents in the last ten years on Chinbrook Road, and that the proposal would be dangerous for both road users and pedestrians. Councillor Hilton asked if there had been any fatalities, to which Ms Finch-Smith replied she had conflicting responses and was waiting on information to be provided as part of her outstanding FOI request. Councillor McGeever asked whether an entrance on Amblecote Road would ease the concerns. Ms Finch-Smith replied that as Amblecote Road was a no through road, this would raise additional concerns, and also noted that Amblecote is overparked. Ms Finch-Smith also stated that the photos provided by Officers were not representative. She also added that as there was no CPZ on Luffman Road, it would be severely impacted by the scheme. Councillor Ogunbadewa (Vice-Chair) noted that the site was walking distance from Grove Park Station. He then asked the Highways Officer whether the proposal was seen as a health and safety concern.

Catherine Patterson (Highways) made the following comments:

- There were not health and safety concerns as the application proposed to utilise existing accesses onto the property
- None of the accidents had been related to the existing access to the application site
- There were CPZs in most surrounding roads so parking generated by the proposal could not park except in short term bays
- There would be some impact on Luffman Road, but a financial contribution secured through a S106 agreement with the applicant would provide funds to consult residents on extending the area of the CPZ to include Luffman Road.
- There had been no accidents relating to pedestrians
- 50% of the residents in Lewisham did not own a car so highways works to provide a crossing on Chinbrook Road are proposed to be secured in order to accommodate residents travelling by sustainable modes
- Lewisham is now a 20mph zone, meaning previous accident data was no longer relevant

Ms Finch-Smith argued that the existing entrance use would change and reiterated that it would be dangerous for both pedestrians and road users.

Councillor Mallory asserted that the 20mph speed limit was not adhered to. He also noted that the junction did appear dangerous. He then inquired whether measures could be taken to improve the safety of the junction. Catherine Paterson (Highways) stated that if it were perceived to be dangerous this would be addressed, but that the data did not support this view. She also noted that much of the traffic on Chinbrook Road is likely to be commuter traffic, people passing through the borough, not turning off onto side roads. She stated that a crossing would bring speeds down and improve safety for pedestrians. Ms Finch-Smith

responded, stating that not all accidents were reported and that local residents had local knowledge.

Councillor Mallory enquired as to the status of the 4<sup>th</sup> September meeting. Councillor Muldoon confirmed that the Healthier Communities Select Committee had no locus on planning applications and had made a referral to the Mayor to encourage representatives of the parties to meet to discuss the future of primary care services in Grove Park and to clarify the proposals for 54 Chinbrook Road. The meeting would have no bearing on the planning committee.

Councillor McGeevor asked the applicant if they had considered moving the building forward in order to create an alternative access onto the site, and the relocation of the air-conditioning unit away from the neighbouring property. Mr Steve Alexander (Architect) responded, confirming there was to be minimum air-conditioning, with the building designed to allow maximum natural air flow, but confirmed that discussions had taken place with the neighbouring occupier and that plant would be located at the rear of the building, on the Amblecote Road side, away from No 52. He also stated that moving the building forward would not be appropriate solution, as this would be at odds with the existing building line within the street. He also added that it was preferable to have pedestrian access from Amblecote Road so that there would be no conflict between pedestrians and vehicles entering the site.

Mr Amol Pisol (applicant's highways consultant) stated that their assessment showed that if 34% of patients drove, this would account for 80 vehicles per day, adding that this was considered to be a worse case scenario. He went on to add that no accidents had occurred since the implementation of the 20mph speed limit, with the Metropolitan Police confirming there had been no fatalities. Finally he added that he believed it to be a sustainable location, with 18 buses per hour serving the site.

The committee then received verbal representation from Councillor Suzannah Clarke, who spoke against the proposal under standing orders. Councillor Clarke stated that she knew the site very well and raised the following concerns and points regarding the proposal:

- Existing noise and air pollution on Chinbrook Road would mean it would not be possible to use natural ventilation
- Statistics on fatalities wrong, there has definitely been one
- There are only two bus routes
- The officer presentation mentioned a tyre garage, but Chinbrook Road does not have a commercial character
- The design would be inappropriate and out of character with the existing streetscene, which consists of predominantly 2 storey dwellings
- The visual impact would be worsened by the corner plot location
- There are alternative sites
- Inadequate parking which would cause further parking stress on the area
- Residents do not want a CPZ on Luffman Road
- The proposal would be contrary to Lewisham's Core Strategy
- The scheme would set a harmful precedent for loss of housing
- Inadequate consultation and lack of information
- Reduction in green space due to the loss of a garden
- The decision should be based on the change of use, not the provision of a new medical centre
- Other GP surgeries have lots of parking spaces
- Chinbrook Road is a very busy road

- The park gates will be used as a turning circle
- People will walk across the road from Luffmann Road
- The decision should not be based on the cost of the scheme
- The owner expected the house to be used to provide a GP surgery, not demolished

Councillor Clarke also provided accident data which included a fatality. Catherine Paterson (Highways) stated that the fatality was in 2007 and was at the junction of Chinbrook Road and Baring Road, a distance from the site and therefore not relevant to this case.

The committee then received verbal representation from Councillor Colin Elliott, who spoke in favour of the proposal under standing orders, who opened by stating that he was disappointed the scheme had divided the community. He said the design had been an initial issue, but this had been amended by the applicant following concerns. Furthermore, all the main concerns had been addressed by amendments to the scheme. Councillor Elliot then relayed to members that there had been hostilities towards the supporters of the scheme. He stated that the development would reduce health inequalities, with the wheelchair access vastly improved compared to the current site. Finally he stated that the GPs has worked within the area for many years and that the scheme would provide a welcome improvement to the existing facilities.

The planning officer, Suzanne White, responded to the points raised:

- According to TfL, 4 regular bus routes plus 3 serving a local college serve the site. The 4 regular routes each have between 2-8 services per hour.
- There is a tyre garage on Chinbrook Road, and though it is setback, vehicular access is from Chinbrook Road and it would be expected to generate more vehicular traffic than residential use
- The proposal meets a specific exception to Policy DM2 (loss of housing) by providing a community facility
- Corner plots can be treated differently in urban design terms as they may provide scope for a larger building or different design without disrupting a row of houses
- The application must be determined on its merits, in accordance with the Development Plan and therefore alternative sites are not relevant
- A relatively new health centre on Baring Road has parking spaces to the front but only for staff
- Hours of operation are proposed to be controlled by condition
- As a result of the amended parking layout to the rear, there will be space for vehicles to use the access to turn
- The owner's son has provided a letter in support of the proposal. Also, a letter of support from the CCG was received today.

Councillor Hilton asked why the scheme was considered to constitute good design. The planning officer, Suzanne White, responded that there are several considerations. The bulk of the building is concentrated on the plot of the existing house, respecting the building lines to the front and rear. The mass of the building has been arranged to focus on the corner of Amblecote Road and Chinbrook Road, reducing adjacent to No 52 and to the rear, being sensitive to that context. The level of fenestration has been increased to give a more open feel and window openings reduced to more closely reflect the scale of residential properties. The materials are of a high quality and their tone reflects those evident in the surrounding context. Finally, the landscaping scheme has been developed to a high level to help integrate the building within the existing green context.

Councillor Mallory stated that it was the role of the planning committee to not only address the concerns of locals, but to also address the wider needs of the community, which meant



making unpopular decisions at times. He also referenced the fact that the site was not located within a conservation area and that the impact on local character was not therefore an overriding concern. He also asserted that some of the points Councillor Clarke had made were not relevant planning considerations.

Councillor Mallory went on to state his general support for the proposal, but added that he had one major reservation to the scheme relating to the traffic around the 'S' shaped turn.

Councillor Ingleby also stated that he had reservations regarding the parking and movement issues, stating that more information on parking issues and statistics were required. He expressed concern that the CPZ review wouldn't happen and proposed to defer the application until the CPZ work was done.

Catherine Paterson (highways officer) stated that a contribution was sought from the applicant in order to bring a CPZ review forward. The planning officer, Suzanne White, added that the contribution could only be spent on a CPZ review in the vicinity of the site, making it possible to progress ahead of other areas.

Suzanne White (planning officer) requested clarification on the proposed deferral reason. Councillor Ingleby confirmed that it was due to concern over the 'S' shape manoeuvre and to better understand parking in the area.

Catherine Paterson (highways officer) suggested that a condition could be added to require a road safety audit to be carried out for the site and the recommendations implemented.

Following further deliberation, Councillor Mallory moved a motion to attach an additional condition regarding a road safety audit. It was seconded by Councillor McGeavor.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Moore, McGeavor, Muldoon, Hilton and Mallory.

ABSTAINED: Ingleby.

Councillor Ingleby then moved a motion to defer the application to a future committee to allow for additional information on highways stress to be provided. The motion was not seconded.

Councillor Mallory then moved a motion to accept the Officer's recommendation, subject to the conditions outlined in the report and the additional condition regarding the provision of a road safety audit. It was seconded by Councillor McGeavor.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Moore, McGeavor, Muldoon, Hilton and Mallory.

ABSTAINED: Ingleby.

RESOLVED: That planning permission be granted in respect of application DC/17/101268, but with the addition of a condition requiring a road safety audit.

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	138 SYDENHAM ROAD, LONDON, SE26 5JZ	
Ward	SYDENHAM	
Contributors	Joe Roberts	
Class	PART 1	28/09/2017

<u>Reg. Nos.</u>	DC/17/101668
<u>Application dated</u>	17.05.17 [as revised on 04.09.17]
<u>Applicant</u>	March Design Associates [on behalf of Mr Adil]
<u>Proposal</u>	The demolition of the existing building at 138 Sydenham Road SE26 and the construction of a part three/part four storey building comprising 130sqm of A1/A2 retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 14 cycle spaces and bin storage area, together with the erection of 2 two-storey, two bedroom dwellings facing Knighton Park Road.
<u>Applicant's Plan Nos.</u>	E.01; E.02 ; E.03; E.04; E.05; E.06; E.07; Site Location Plan (received 29th January 2016); Transport Statement; BREAM UK New Construction 2014 Pre-Assessment Estimator Report; Energy Statement (received 16th February 2016); Design & Access Statement; Sustainable Design and Construction Statement (received 8th March 2016); P.80A; P.81A; P.82A; P.83A P.84A; P.85A (received 17 May 2017); P.70B; P.71C; P.72C; P.73C; P.74C; P.75C; P.76C; P.77C; P.78C (received 04 September 2017).
<u>Background Papers</u>	(1) LE/180/138/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Sydenham District Town Centre Area of Archaeological Priority - Sydenham
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application site currently comprises of a part 1 and part 2 storey buildings located on the corner of Sydenham Road and Knighton Park Road. The buildings were last used as two commercial units (144 sqm) on the ground floor with a residential unit located on the first floor. Ancillary structures and vehicle parking are located to the rear.
- 1.2 At ground floor level the retail frontage is split into two units with a fairly standard shopfront design. The residential element at first floor is set well back from the retail frontage and is constructed in brick with a hipped roofslope.
- 1.3 The site is located within the Sydenham District Town Centre, however there is no designated shopping frontage to the site. The area, being within the Sydenham District Town Centre, is a mix of commercial and residential uses. The area along Knighton Park Road is predominately residential however.
- 1.4 The site is not located within a Conservation Area nor is it a Listed Building. The site is not designated as a locally listed building. The site is not within the vicinity of a Listed Building or Conservation Area.
- 1.5 The site has a PTAL value of 4. Sydenham Road has bus routes servicing Sydenham, Catford, Forest Hill, Penge, Crystal Palace, Lewisham and Lee. Furthermore, Sydenham railway station is located 650m to the west. Taking this into account, the access to public transport is considered to be good.
- 1.6 Sydenham Road is a 'B' classified road with no parking allowed on both sides of the road. Knighton Park Road is an unclassified road with levels of parking restrictions close to the junction with Sydenham Road, including a blue badge parking bay. Further along tKnighton Park Road, unrestricted parking is on both sides resulting in single lane traffic along the majority of the road.

## **2.0 Planning History**

- 2.1 PRE/14/01849 – Pre-application advice was sought for the demolition of the existing buildings at 138 Sydenham Road and construction of a part three/part four storey flatted development with retail on the ground floor to provide 9 self-contained flats.
- 2.2 In the pre-application response, officers considered that the principle of the development, including the demolition, was acceptable. However concerns were raised over the design of the building, in particular the relationship with Knighton Park Road and impact on neighbours.
- 2.3 DC/15/92550 – Planning permission was sought for the demolition of existing building at 138 Sydenham Road and the construction of a part three/part four-storey building comprising 149sqm of retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above, together with the erection of 2 two-storey, three bedroom houses facing Knighton Park Road.
- 2.4 The application was withdrawn on the advice of planning officers as the design was not considered to be appropriate in the context.
- 2.5 DC/16/095340 – Planning permission was sought for the demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four-storey building comprising 149sqm of A1/A2 commercial space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 10 cycle

spaces and bin storage area, together with the erection of 2 two-storey, two bedroom dwellings facing Knighton Park Road.

2.6 The application was recommended for approval by the officers. The recommendation was subsequently overturned at Planning Committee A on 25 August 2016. The reasons for refusal by the Committee were its incongruous design due to its scale and bulk and the increase in overlooking.

2.7 This application was then subsequently appealed (Appeal Ref: APP/C5690/W/16/3160985). The appeal was dismissed by the Inspector due to the impact on the privacy of neighbouring properties. It should be noted that the design and scale of the scheme which are very similar to this current scheme were considered to be acceptable by the Inspector.

### **3.0 Current Planning Applications**

3.1 Planning permission is sought for the demolition of the existing building at 138 Sydenham Road SE26 and the construction of:

- a. a part three/part four storey building comprising 130sqm of A1/A2 retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 14 cycle spaces and bin storage area, together with
- b. the erection of 2 two-storey, two bedroom dwellinghouses facing Knighton Park Road.

3.2 The proposal is a revision of the previously appealed scheme.

3.3 The building containing the flats would be three storeys with a recessed fourth floor on the flat roof. This building would be constructed of brick, with the exception of the fourth floor, which would be clad in metal. Elements of glazing would be located along the ground floor benefiting the commercial shopfront. Residential entrances are located onto Sydenham Road with an extra opening onto Knighton Park Road for refuse collection.

3.4 The recessed fourth floor of the building containing the flats would have a flat roof incorporating a living roof, four roof lights and photovoltaic panels. The flat roof of the third floor would be utilised for external amenity space with metal balustrades behind the parapet wall.

3.5 The ground floor commercial space building containing the flats would contain A1/A2 retail units as outlined in the supporting documents. However no information has been provided in relation to store fit-out or evidence of prospective occupants.

3.6 The proposed dwellinghouses would be two storeys with pitched roofs. The dwellinghouses have been designed to roughly match the style of the adjoining terrace at Knighton Park Road.

3.7 The proposed dwellinghouses would be constructed of brick and render with a tiled roof, and their front forecourts would utilise bin storage with the rear yards used for private amenity space

3.8 The proposed development would be car free. 8 cycle storage spaces are located within the ground floor of the building containing the flats while external storage is located to the rear of the dwellinghouses. Refuse storage opens onto Knighton Park Road from the building containing the flats with refuse storage to the front of the dwellinghouses.

3.9 For ease of reference, below are the aspects of the proposal that have been altered in relation to the previous refusal:

- The fourth floor element has been reduced along the Knighton Park Road frontage
- The footprint of the building containing the flats has been aligned with the adjoining building line of the terraces on Knighton Park Road.
- Alignment of windows to the flatted part of the development with the adjoining windows along Sydenham Road.
- The entrance stairwell to all flats would be facing Sydenham Road
- Only non-habitable rooms (living rooms and bedrooms) are to face the properties to the rear
- The two dwellinghouses have been aligned with the adjoining terrace on Knighton Park Road, and set further back from the garden at 140 Sydenham Road`
- Privacy screen proposed to the top of the garden wall and no rear facing windows at first floor level on the terrace properties at Knighton Road
- The proposed windows would have a 215mm reveal, instead of being flush.

3.10 During the current application, the proposal was revised to increase the dwellinghouses from one bedroom to two bedrooms each. However this meant altering the front elevations to the dwellinghouses to remove the central bay element which allowed for both bedrooms on the first floor to have a front facing window.

#### **4.0 Consultation**

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

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

#### Written Responses from Local Residents, Ward Councillors and Organisations

4.3 Six objections were received by the Council in the statutory time period. One objector (from 140 Sydenham Road) later rescinded their objection due to their being no rear facing windows at first floor level of the proposed dwellinghouses on the terrace properties at Knighton Park Road.. The following concerns were raised:-

- The proposed scale and design of the development is out of character with the surrounding development and thus would dominate the entrance to Knighton Park Road, in conjunction with the opposite office building (Hexagon house). It is also felt that this may result in a wind tunnelling effect;
- The proposed buildings do not respect the current building line along Knighton Park Road;

- The demolition of the existing building would have negative impacts on the historical character of the area;
- There would be a severe impact on the level of light into the neighbouring window at 140 Sydenham Road, as well as impacting on views and privacy for these residents;
- The development would have an overbearing impact on the area negatively impacting on the visual amenities of the nearby residents;
- The development, through the loss of the on site parking and number of residents, would significantly impact on the level of parking, which is already at a high level of stress. This is likely to impact on the movement of traffic along Sydenham Road and Knighton Park Road;
- There are a high number of elderly and disabled residents requiring specialised disabled parking access. The development would negatively impact on these residents;
- Impacts of the development during construction have not been taken into consideration. This is with regard to health, the water table levels, adjoining structures and traffic;
- There are general concerns in relation to the developers and their ability to complete the construction whilst taking into account existing residents;

#### Highways Officer

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

### **5.0 Policy Context**

#### Introduction

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

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

A local finance consideration means:

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

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

#### National Planning Policy Framework

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

#### Other National Guidance

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

#### London Plan consolidated with alterations since 2011 (March 2016)

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

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

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

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

Housing (2016)

#### Core Strategy



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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 3 District Hubs

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

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

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

DM Policy 2 Prevention of loss of existing housing

DM Policy 14 District centres shopping frontages

DM Policy 19 Shopfront, signs and hoardings

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

## **6.0 Planning Considerations**

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

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

#### Principle of Development

6.2 The London Plan (Policy 3.3) recognises the importance of creating new housing given the need across the city. For this reason the Mayor has outlined the requirement of 423,887 new homes in London between 2015-2025, of which Lewisham has a target of providing 13,847 new homes.

6.3 The Core Strategy supports this approach with Objective 2 outlining the Council seeks to exceed the target set by the London Plan. The majority will be located within major town

centres of Lewisham and Catford and regeneration areas around New Cross and Deptford. 3,190 homes are targeted to be built in other areas of the Borough.

- 6.4 Core Strategy Spatial Policy 3 relates to district hubs such as Sydenham, which this site is located within. New development will maintain and enhance the status of Sydenham town centre and improve its vitality and viability, attractiveness, accessibility and overall environment. The residential areas immediately surrounding district town centres will be potential locations for intensification of the development pattern where opportunities exist and relate to public transport accessibility. Density will be in accordance with local context and London Plan policy. These areas will form a transition between the district town centres, where a greater intensity of development would be expected and appropriate.
- 6.5 The Core Strategy Spatial Policy 3 also outlines that mixed use redevelopment within district town centres will generally be encouraged with an appropriate retail or service use on the ground floor and housing on upper floors. Ground floor uses will be expected to contribute to the economic vitality and viability of the Sydenham District Town Centre.
- 6.6 The proposed development seeks to increase the amount of housing on the site from one dwelling to nine. The original use of the building is not known, nonetheless, it is considered that the building is not of significant heritage value taking into account its location and lack of architectural merit within the streetscene. The last known use of the ground floor was commercial. Furthermore, the ground floor of the proposed building containing the flats would reprovide 130sq m of retail space, a reduction of 14sqm from existing. The applicant has confirmed that the proposed use would be either A1/A2 retail, which is considered to be appropriate within the shopping parade on the edge of the Sydenham District Town Centre.
- 6.7 Unlike the previous application an A3 (Restaurant/Cafe) use on the ground floor has not been applied for on this occasion.
- 6.8 Overall, considering the demolition of the building is acceptable, together with the support for a mixed use scheme within Sydenham District Town Centre, officers consider that the principle of development is acceptable.
- 6.9 Notwithstanding this, London Plan policies and the Council's LDF outlines that development should be of the highest design quality, provide adequate amenity of future residents whilst not significantly impacting on existing residents, promote sustainable transport over private vehicle use where appropriate and reduce the impact of climate change through sustainable design. These matters are assessed in greater detail below.

#### Design

- 6.10 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.
- 6.11 The London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Specifically Core Strategy Policy 15 states that high quality, well-designed new development is a key factor that will contribute to the long-term sustainability of communities in Lewisham. In order to be successful new development must meet the qualities required by national and regional policy and guidance and also reflect and be sympathetic to the local physical and social characteristics of the borough.

- 6.12 DM Policy 30 states that where relevant, development proposals will need to be compatible with and/or complement the local urban typologies and address the design and environmental issues identified in Table 2.1 of the policy. The site adjoins Knighton Park Road, being an urban terrace typology, and, according to Table 2.1 of DM Policy 30, new development should not disrupt the regularity of the street form and the unity of the architecture.
- 6.13 DM Policy 30 also outlines detailed design issues and outlines that an adequate response will be required in planning applications to demonstrate the required site specific design response. The relevant matters are as follows:-
- the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and/or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement;
  - height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1 of the policy;
  - how the scheme relates to the scale and alignment of the existing street including its building frontages;
  - the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context;
  - details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials; and,
  - how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain.
- 6.14 The site is situated within Sydenham District Town Centre, characterised by a mix of commercial units along Sydenham Road and residential terrace rows along the subsidiary roads, such as Knighton Park Road.
- 6.15 The scale of development along Sydenham Road is largely three storey. Directly adjoining the site to the east at 140 Sydenham Road is a three storey late Victorian terrace with a shallow pitched roof behind a parapet. However, there are noted examples of local four storey buildings, such as the modern Hexagon building situated opposite Knighton Park Road and the Pear Tree Care Centre at 195-199 Sydenham Road. Objections have been raised regarding the height of the development and the impact this would have on the character of the existing terraces to the east on Knighton Park Road.
- 6.16 The proposed building containing the flats would be part three part four storeys in height with a flat roof. The three storey element would match the eaves height of the adjoining terrace at Knighton Park Road. The four storey element would be recessed 1.7m from the front and side of the three storey roof. There is an element which is not set in along the boundary with 140 Sydenham Road; however this is relatively small to allow for the stairs and would be well set in from the front elevation. This element has been revised from the previously refused application. Although the height and scale would remain the same along

Sydenham Park Road, it has been reduced along Knighton Park Road. This allows a more gradual step up from this two-storey terrace.

- 6.17 Officers consider that, given the proposed building is on a corner site, the increase in scale from the adjoining terraces at Knighton Road is appropriate in principle. Furthermore, taking into account the raised fourth floor level is set in from the third floor roof, it is considered that the increase in scale is not overly obtrusive to the character of the existing terrace at Knighton Park Road.
- 6.18 Objections have also been raised in relation to the impact of the scale on the character of Knighton Park Road and the visual amenities along the road.
- 6.19 The proposed dwellinghouses would match the scale of the existing two storey terraces along Knighton Park Road. In addition, the front building line, including the proposed bay elements has been revised to allow for two front facing windows. Although the bay element would now be slightly different to the existing arrangement of Knighton Park Road, the proposed dwellinghouses still respond positively to the properties and features of the adjoining dwellings along Knighton Park Road.
- 6.20 It is considered that these dwellinghouses are respectful to the scale and alignment of the existing character of Knighton Park Road. Therefore officers are satisfied that the appropriate design of the dwellinghouses, together with the reduction in the scale of the fourth floor element, provides a suitable transition from the existing terrace on Knighton Park Road to the flat typology along Sydenham Road.
- 6.21 Therefore, officers consider that the proposed scale and alignment of the development as a whole is acceptable within the context of the existing character of the area.
- 6.22 The proposed building containing the flats curves around the corner at the junction with Knighton Park Road. This matches the design of the Hexagon building opposite and therefore is considered to be compatible in this respect. The comments regarding the 'canyon' effect on Knighton Park Road are noted; however, considering the relatively modest scale of part three/part four storeys, this is not considered to detrimentally harm the character of the area or visual amenity along Knighton Park Road. On the contrary, the design of the proposed building containing the flats in conjunction with the Hexagon building is considered to mark the exit from the primarily residential area towards the Sydenham District Town Centre.
- 6.23 The proposed building containing the flats would have windows that are aligned with the fenestration of the neighbouring terrace along Sydenham Road with an even pattern along the curving elevation. This revision gives the development a more cohesive feel and complements the neighbouring properties at Sydenham Road. More detailed window designs have also been submitted showing deeper window reveals of 215mm, which again is a design feature that respects the character of the area.
- 6.24 It is noted that the proposed shopfront includes floor to ceiling glazing with a fascia above along Sydenham Road and Knighton Park Road to signify the retail floorspace. Officers consider the principle of the design to be appropriate for the retail use.
- 6.25 Whilst the proposed design principle of the proposed shopfront is acceptable, the detailed design has not been developed to a detailed stage. Notwithstanding this, officers consider that a suitably worded condition would be sufficient to secure an appropriate design. Therefore, the shopfront design is considered acceptable within the overall design and the context of the existing development.

- 6.26 The proposed flat building containing the flats would utilise a simple palette of materials, using brick and render to the inset balconies with metal cladding to the recessed fourth floor. The windows would be aluminium framed, and coloured grey. The proposed dwellingshouses along Knighton Park Road would have a material palette which roughly matches the adjoining development, primarily brick and render with a tiled roof.
- 6.27 Overall the materials are considered to be compatible within the context of the existing development. Furthermore, given the high quality of the simplistic design and finishing, officers consider that the development would be of appropriate standard. In order to ensure the materials are of the highest quality, a condition should be attached for the construction of a sample panel to be viewed on site prior to the commencement of development above ground level
- 6.28 Additionally, it is noted that the previous application was the subject of an appeal (Appeal ref: APP/C5690/W/16/3160985) which was for a scheme with a similar design. The Inspector concluded that the design of the scheme would not impact negatively on the character of the area. With regards to design the Inspector concluded the following:
- “I accept that the proposed design would contrast with the neighbouring terrace. However, there is already some variety to the built form in this area and when viewed within the context of the strong horizontal form and flat roof of the hexagon building, the proposal would not look of place.”*
- 6.29 In summary, whilst the objections to the development on the basis of the adverse impact on the character of the area are noted, officers consider that the scale is not out of keeping with the context of the site and the materials and design are considered to be compatible and of high quality to ensure the development would be appropriate within the streetscene. Therefore the design is considered to be appropriate.

## Housing

### *a) Unit Mix and Tenure*

- 6.30 London Plan Policy 3.8 states that the Borough LDFs and planning decisions should ensure new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.
- 6.31 The Council’s Core Strategy Policy 1 is in line with the London Plan and outlines family units (3+ bedrooms) should be included in major residential development. Furthermore, the Council seeks an appropriate mix of dwellings within development, having regard to the following criteria:
- the physical character of the site or building and its setting;
  - the previous or existing use of the site or building;
  - access to private gardens or communal garden areas for family dwellings;
  - the likely effect on demand for car parking within the area;
  - the surrounding housing mix and density of population; and,
  - the location of schools, shops, open space and other infrastructure requirements.

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

*b) Standard of Residential Accommodation*

- 6.37 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.
- 6.38 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.
- 6.39 Table 1 outlines the proposed internal floor area against the housing standards.

**Table [ 1 ]: Unit Size (sqm)**

	<b>Proposed Floorspace</b>	<b>Relevant Standard</b>
<b>Flat 1 (2b3p)</b>	61	61
<b>Flat 2 (1b2p)</b>	50	50
<b>Flat 3 (1b2p)</b>	50	50
<b>Flat 4 (2b3p)</b>	61	61
<b>Flat 5 (1b2p)</b>	50	50
<b>Flat 6 (1b2p)</b>	50	50
<b>Flat 7 (3b5p)</b>	93	86
<b>Dwelling 1 (2b3p)</b>	70	70
<b>Dwelling 2 (2b3p)</b>	70	70

- 6.40 As shown above, the proposed units would meet the internal floorspace standards.

- 6.41 In addition to the overall size, the housing standards state that sufficient built in storage and bedroom size and width should be provided. Officers have measured the internal room sizes, including utility space, and consider that the majority of units meet these standards. It is noted that the two bedroom flats are 0.5 sqm below the standard for utility space, however this is not considered to severely impact on the amenity of future occupiers, especially considering the communal storage on the ground floor of the building containing the flats. All units would also be provided with appropriate levels of amenity space in line with London Plan standards.
- 6.42 The technical housing standards states a 2.3m floor to ceiling height should be provided over 75% of the internal floor area. However, it is worth noting that the London Plan Housing SPG strongly recommends a 2.5m floor to ceiling height to combat the heat island effect of London.
- 6.43 The proposed sections show that the units would have a floor to ceiling height of 2.3m-2.4m. Whilst this does not meet the London Plan standards, it is considered that as it meets the national housing standards, refusal on these grounds would not be reasonable. Therefore, the floor to ceiling height is considered acceptable.
- 6.44 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.
- 6.45 The proposed building containing the flats fronts Sydenham Road and Knighton Park Road. Therefore the units to the front of the building containing the flats have dual aspect with north and west facing windows. The remaining flats have a predominate single aspect with west facing windows, however it is noted that balcony doors open to the north or south (depending on the flat). Therefore officers consider that the aspect is appropriate for daylight/sunlight and ventilation, given the aspect of the balcony doors.
- 6.46 The proposed dwellinghouses have dual aspect at ground floor level, with windows in the east and west elevations. However at first floor level, the rear windows have been revised from the previous scheme and face sideways over a small flat roof. No windows would be located in the main rear elevation at first floor level in the proposed dwellinghouses. The side facing windows to the bathrooms in the proposed dwellinghouses would still allow for ventilation and daylight into the property. Previously, one bedroom in each dwellinghouse was located to the rear. Therefore the access to daylight/sunlight as well as ventilation to the habitable rooms in the dwellinghouses would be acceptable. Given the revised arrangement to the proposed dwellinghouses the occupiers of 140 Sydenham Road have removed their objection. This resolves the reason for dismissal of the previous appeal.
- 6.47 It is noted that the ground floor rear windows of the proposed dwellinghouses is between 3m-4.3m from the existing boundary treatment with 140 Sydenham Road which will remain to separate the proposed dwellinghouses from the neighbouring property at 140 Sydenham Road. However, it should be noted that the ground floor rear windows benefit the kitchens whilst the windows to the front benefit the living rooms. Given the greater outlook is provided to the living rooms, officers consider that the outlook from the proposed dwellinghouses is acceptable. Both bedrooms have front facing windows providing an adequate level of outlook.
- 6.48 The proposed dwellinghouses would back onto the rear garden of 140 Sydenham Road, with boundary treatment approximately 3m from the windows at ground floor level. The existing boundary treatment would remain, which reduces any adverse impact of overlooking into the ground floor windows of 140 Sydenham Road.

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

*c) External Amenity*

6.50 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.

6.51 Each proposed flat has balconies on the western elevation which meets the London Plan standards. It is noted that the top floor flat, which is a three bedroom dwelling, would have a roof terrace.

6.52 The proposed two bedroom dwellinghouses would have garden space to the rear. Whilst the level of sunlight and amenities from the garden space would not be ideal, officers consider that, on balance, the space is sufficient to provide suitable external amenity in line with the Council's policies.

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

Highways and Traffic Issues

*a) Access*

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

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

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

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

*b) Delivery and Servicing*

6.58 A Delivery and Servicing Plan was submitted as part of the Transport Statement under Appendix H.

6.59 The Delivery and Servicing Plan highlights the location of loading and unloading zones along Sydenham Road. It notes that there are single yellow lines that prevent loading between 07:00 -10:00 and 16:00 -19:00 Monday to Saturday, with loading permitted outside of these times. In addition, 80m to the east is a loading bay on Sydenham Road which is preserved for loading between 07:00 -19:00 seven days a week.

6.60 The Delivery and Servicing Plan then highlights measures to ensure deliveries are taken without adversely impacting on the highway. This would include close liaison with other



nearby commercial properties. Appropriate monitoring and review procedures are also provided.

6.61 Officers consider that, taking into account the established delivery and servicing for the existing units, which would have been in place, the proposed development would not have a severe increase in the number of deliveries required. Furthermore, the proposed Delivery and Servicing Plan is appropriate in reducing any adverse impact on the highways.

6.62 Therefore the delivery and servicing of the proposed development is considered to be acceptable.

*c) Car Parking*

6.63 The NPPF highlights the important role transport policies have in promoting sustainable development. For this reason, planning decisions should be geared towards sustainable modes of transport where appropriate.

6.64 In line with this, Policy 6.13 of the London Plan aims to find a balance between promoting new development and preventing excessive parking which undermines sustainable modes of transport. The Council also takes a restrained and managed approach to car parking within new development as outlined in Core Strategy Policy 14.

6.65 With that in mind, the Council utilises the maximum parking standards in Table 6.2 of the London Plan. It states that 3 bedroom dwellings should have 1.5 spaces per unit while 1-2 bedroom dwellings should have less than one per unit. It goes on to add that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.

6.66 The site has a PTAL value of 4 and is located within a district town centre. The proposed development would demolish the existing building and provide ground floor retail (totalling 149 sqm) with 1 three bedroom unit, 2 two bedroom units and 4 one bedroom units above, together with 2 two bedroom dwellinghouses to the rear (a total of 9 new residential units). The development would be car free.

6.67 Officers, given the Local Plan policies, the good public transport accessibility and location within Sydenham District Town Centre, consider the principle of car free development to be acceptable. However, this would need to be weighed against the impact on the highway network in terms of on street parking stress.

6.68 The applicant has submitted a Travel Statement in support of the proposed development which includes a parking survey. The survey was undertaken on 13th January 2015 at 8pm and 14 January 2015 at 1am and covers an area of 200m walking distance from the site.

6.69 The survey is in line with the recommended Lambeth methodology for new residential development. Whilst officers note that the parking survey was undertaken over two years ago, it is considered that there has not been significant uplift in quantifiable housing numbers in that period in the locality to impact on the findings.

6.70 Therefore officers consider the survey to give an appropriate reflection of the established parking levels.

6.71 The survey found 398 car parking spaces within 200m of the site. On the 13th January 2015, the number of spaces taken was 281 (70.6% parking stress) and on 14th January 2015 the number of parking spaces taken was 290 (72.9% parking stress). The number of parking spaces available was 117 and 108 on the respective days.

- 6.72 The supporting statement goes on to highlight the existing car ownership in the area, which utilises the previous census data taken in 2011. It hypothesises that, taking into account that almost half of the existing households in the area do not own cars, the proposed uplift in residential units is likely to result in 6 cars. Officers consider this argument to be effective in generally determining the number of cars and therefore agree with the finding.
- 6.73 Therefore, when adding the expected number of vehicles into the established level of parking, the parking stress would increase to 72.1% and 74.4% respectively.
- 6.74 In addition to the above, when considering the level of parking required officers have taken into account the good access to public transport and cycle parking (which is detailed further below) to reduce the need for private vehicle use. Taking these matters into account, in addition to the findings of the parking survey, officers consider that the proposed development would not adversely impact on the highways in terms of parking stress.
- 6.75 Objections have been raised with respect to the impact on the disabled parking bays in the area. Considering these areas are reserved for the specific car owners, officers consider that the proposed development would not impact on the provision of disabled parking in the area. If demand increased, the Highway Authority could designate additional Blue Badge bays.

*d) Cycle Parking*

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

*e) Refuse*

- 6.79 Refuse stores are located on the ground floor of the building containing the flats fronting Knighton Park Road and is separated between retail and domestic waste. The domestic waste would consist of 3 x 240L general refuse and 3 x 240L recycling whilst the retail would consist of 1 x 240L general refuse and 1 x 240L recycling. Bin stores would be located towards the front of the dwellinghouses consisting of two wheelie bins.
- 6.80 In terms of location, the refuse stores of the building containing the flats are considered to be acceptable for collection. Furthermore, the design and capacity of the dwellinghouse refuse is considered to be acceptable.
- 6.81 However, officers have concerns over the design of the residential and retail waste in terms of capacity and collection strategy, particularly considering the use of the retail units has not been determined. Furthermore, whilst the domestic storage appears to satisfy the needs of the development in terms of capacity, the cycle storage is likely to be increased to and therefore officers are not certain of what impact this would have on the bin storage.

- 6.82 Bearing this in mind, officers consider that a condition should be added for details of refuse to be submitted for approval. This would ensure the capacity in relation to the retail units and flat units is acceptable to protect the safety of the highway and residential amenity.
- 6.83 Therefore, through the submission of relevant conditions, refuse is considered to be acceptable.

*f) Construction Impacts*

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

Impact on Adjoining Properties

- 6.87 London Plan Policy 7.6 states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. In addition, DM Policy 32 requires new development to be neighbourly with no adverse impacts on the amenities of existing residents.
- 6.88 Objections have been raised with respect to the impact on the adjoining properties in terms of loss of daylight/sunlight, privacy, outlook and visual amenities.
- 6.89 The nearest neighbour is 140 Sydenham Road to the east and, to the south, the site adjoins 3 Knighton Park Road. The proposed dwellinghouses would adjoin the neighbouring terrace to the south on Knighton Park Road. Taking into account the building containing the flats, and the proposed dwellinghouses would follow the established building line, together with the orientation of the development, it is considered that the proposal would not impact on outlook or sunlight and daylight of 140 Sydenham Road and 3 Knighton Park Road. Furthermore, there are no windows which overlook these properties and therefore there would be no adverse impact on privacy for these existing properties.
- 6.90 As the proposed dwellinghouses are similar in footprint and scale to the existing houses on Knighton Park Road, no impact is anticipated on occupiers. Given the position of the proposal relative to 140 Sydenham Road, further detailed consideration of potential impacts is set out below.

*a) Loss of Daylight/Sunlight*

- 6.91 The site adjoins 140 Sydenham Road to the east, which is a three storey building comprised of ground floor commercial and residential above. 140 Sydenham Road has translucent windows on the western elevation facing the site which benefit the stairwell. To the rear of 140 Sydenham Road, there is an extended two storey projection with a roof terrace above, as well as external stairs at first floor leading to the rear garden, which dog-legs towards the east. There is an existing boundary wall with 138 Sydenham Road which is 2.5m tall.

- 6.92 It is noted that the existing development has an established impact on the amenities of 140 Sydenham Road. At ground floor, the building containing the flats covers the entire depth of the site, however this does not project above the boundary treatment with 140 Sydenham Road. At first floor, the existing building at 138 Sydenham Road protrudes 1.9m beyond the neighbouring property at 140 Sydenham Road. The existing elevation of 138 Sydenham Road does not protrude beyond the neighbouring property 140 Sydenham Road at second floor level, although the hipped roof does protrude beyond the neighbouring elevation 140 Sydenham Road. It is also noted that the existing development at 138 Sydenham Road is built to the boundary.
- 6.93 The proposed development would demolish the existing development at 138 Sydenham Road, however the existing boundary treatment with 140 Sydenham Road would be retained. At ground and first floor level, the proposed development would be built between 1.8m-4.7m from the boundary with 140 Sydenham Road. The dwellinghouses would be 5.8m in height at the eaves and 8.6m high in total, which generally matches the existing terrace height at Knighton Park Road.
- 6.94 At second floor level, the proposed building containing the flats would be built to the boundary with 140 Sydenham Road, before stepping away from the boundary by 800mm adjacent to the terrace of 140 Sydenham road. The proposed building containing the flats then extends a further 4.6m before again stepping away by 300mm and finally protruding a further 3.6m. In total, the proposed building containing the flats would extend 9m from the second floor rear elevation of the adjoining building at 140 Sydenham Road at a height of 3.4m above the roof terrace at 140 Sydenham Road.
- 6.95 At third floor level, the proposed building containing the flats steps in significantly from the lower levels by 2.4m, however it still extends 6.7m beyond the rear elevation of the adjoining property at 140 Sydenham Road
- 6.96 In terms of daylight/sunlight, the Council uses the guidance in the BRE 'Site layout planning for daylight and sunlight: a guide to good practice' to determine the severity of impacts on adjoining properties. The applicant has also submitted daylight analysis, however it is noted that this does not reference any of the guidance of the BRE document.
- 6.97 In terms of direct sunlight and overshadowing, the BRE standards outline that habitable windows of existing development should not receive less than 25% of the existing level of annual probable sunlight hours (APSH) in the summer months and 5% in the winter months. This applies to habitable windows within 90 degrees due south. In addition, for a development to have an acceptable impact on adjoining amenity area, 50% of the space should receive at least 2 hours of sunlight on 21st March.
- 6.98 Whilst no assessment has been made of the sunlight, officers have assessed the overshadowing diagrams provided. These diagrams highlight that the neighbouring property at 140 Sydenham Road retains a significant level of sunlight in the morning and early afternoon hours. It is acknowledged that there would be overshadowing of 140 Sydenham Road in the late afternoon and evening, although this is unlikely to reduce the level below the BRE guide standards. It is also considered that the level of sunlight in the rear garden at 140 Sydenham Road would not be reduced below 2 hours on 21 March, given the level of sunlight received in the morning and early afternoon.
- 6.99 In terms of daylight, the BRE guide states that the vertical sky component (VSC), which is a measure of the amount of visible sky available from a point on a vertical plane, is the main test used to assess the impact of development on neighbouring properties. This test is applied to the main opening of each habitable room.

- 6.100 The proposed development would be built to the side of 140 Sydenham Road with no part of the building containing the flats extending significantly closer to the main habitable windows at 140 Sydenham Road. Therefore the building containing the flats would not reduce the element of VSC from the windows at 140 Sydenham Road. As such, the proposed development is not considered to adversely impact on daylight into the adjoining habitable rooms at 140 Sydenham Road.
- 6.101 It is noted that the building containing the flats would be constructed close to the side elevation windows at 140 Sydenham Road. However, as these windows benefit stairwells, halls and bathrooms, the loss of light into these windows is not considered to significantly impact on the amenity of the adjoining property at 140 Sydenham Road.

*b) Impact on Visual Amenities*

- 6.102 The proposed building containing the flats would extend significantly closer to the main habitable windows at 140 Sydenham Road, whilst being stepped away from the boundary, the building would still extend 9m beyond the existing rear elevation of 140 Sydenham Road at a significant height of 4.3m. Therefore the building containing the flats, considering the depth and height of the brick elevation, would be noticeably bulky, especially when viewed from the roof terrace of 140 Sydenham Road. Therefore officers consider that there would be an impact on the visual amenities of neighbouring residents at 140 Sydenham Road in terms of the overbearing impact.
- 6.103 However, whilst the impact of the development would be noticeable to the adjoining residents at 140 Sydenham Road, it should be noted that the roof terrace of 140 Sydenham Road retains significant vistas towards the south and east. Furthermore, there is a significant amount of amenity space to the rear terrace of 140 Sydenham Road which extends from the subject site that would retain appropriate visual amenity for the benefit of the residents. Officers have visited 140 Sydenham Road and consider that, as a result of these uninterrupted vistas away from the proposed development and larger garden space of 140 Sydenham Road, the impact on visual amenities of the neighbouring residents of 140 Sydenham Road is acceptable on balance.
- 6.104 In addition to the above, officers note that the site is located on the main road of Sydenham District Town Centre. With this in mind, the level of visual amenity which will be retained for the neighbouring property 140 Sydenham Road after the construction of the proposed development would still be significant when compared to similar properties within Sydenham Town Centres.
- 6.105 Overall, whilst officers do acknowledge that the visual amenity of 140 Sydenham Road and would be adversely affected as a result of the development, it is considered that this impact would not be significant enough to warrant a refusal. Therefore the proposal is considered acceptable on balance.

*c) Loss of Privacy*

- 6.106 The proposed building containing the flats would have high level windows in the west elevation which face 140 Sydenham Road. These windows would be obscure glazed to reduce overlooking into the adjoining property at 140 Sydenham Road.
- 6.107 The application has been revised from the previously refused scheme to have both of the bedroom of the dwellinghouses are front facing which means that no windows would be facing the rear garden of 140 Sydenham Road. As such there would be no loss of privacy to 140 Sydenham Road.

## **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, as well as the Lewisham local CIL, is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **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 Officers consider that in this matter there is minimal impact on equality and the proposed development is therefore acceptable.

## **9.0 Conclusion**

- 9.1 In addition to the two dwellinghouses, the proposed development would introduce a mixed use scheme with A1/A2 retail units on the ground floor and residential above in the building containing the flats. The existing building is not considered to have heritage or architectural value and the demolition and redevelopment of the site for mixed use is considered acceptable in principle.
- 9.2 The density is considered to be in line with the relevant density range of the London Plan. Furthermore, the scale, design and materials are considered to be compatible and of satisfactory quality within the existing streetscene. Overall the design is acceptable.
- 9.3 The proposed accommodation is considered to meet the standards of the technical housing standards, London Plan Housing SPG and DM Policy 32 and therefore is considered to be acceptable. Furthermore, whilst there are some impacts on the adjoining properties at 140

Sydenham Road and 3 Knighton Road, officers consider that they can either be made acceptable through condition or are not significant enough to warrant a refusal.

9.4 The applicant has submitted information which confirms that the proposed car free development would be acceptable. Furthermore, given the good public transport access and provision of cycle parking spaces through condition, the proposed development is not considered to have a significant impact on the local highway in terms of parking. In addition, any remaining highway matters such as deliveries and refuse are considered appropriate.

9.5 Overall, officers consider that the scheme for the redevelopment of the 138 Sydenham Road is acceptable.

## **RECOMMENDATION**

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

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

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

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

E.01; E.02; E.03; E.04; E.05; E.06; E.07; P.59; Site Location Plan (received 29th January 2016); Transport Statement; BREAM UK New Construction 2014 Pre-Assessment Estimator Report; Energy Statement (received 16th February 2016); Design & Access Statement; Sustainable Design and Construction Statement (received 8th March 2016); P.80A; P.81A; P.82A; P.83A; P.84A; P.85A (received 17<sup>th</sup> May 2017); P.70B; P.71C; P.72C; P.73C; P.74C; P.75C; P.76C; P.77C; P.78C (received 4<sup>th</sup> September 2017).

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

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

(a) Dust mitigation measures.

(b) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

(c) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

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

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

(iii) Measures to deal with safe pedestrian movement.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).

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

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

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

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

- (6) (a) No development shall commence above ground level on site until details showing the physical fit out and shop front design of the retail units hereby approved have been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.
- (b) The development shall be constructed in full accordance with the approved details.

**Reason:** To secure viable retail units which would positively add to the viability of the Sydenham District Town Centre, as well as ensure that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 19 Shop fronts, signs and hoardings of the Development Management Local Plan (November 2014).



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

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

- (8) (a) A minimum of 10 secure and dry cycle parking spaces shall be provided within the block of flats and 2 secure and dry cycle parking spaces shall be provided within the curtilage of each of the dwellinghouses.
- (b) No development shall commence above ground level on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (9) (a) The development shall be constructed with a living roof in accordance with plan nos. P.75 C and P.84A hereby approved and maintained thereafter.
- (b) Prior to the commencement of above ground works, details of the living roof shall be submitted to and approved in writing by the local planning authority. These details shall include:-
  - (i) Details of the plant species; and,
  - (ii) A guarantee and/or maintenance contract over two growing seasons.
- (c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (d) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

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

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

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

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

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

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

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

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

- (14) No extensions or alterations to the dwellinghouses hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 9as amended) (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

- (15) The whole of the amenity space (including roof terraces and balconies) as shown on the plans hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

- (16) (a) No development shall commence above ground level until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet  $D'nT,w + C_{tr}$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity 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 the Development Management Local Plan (November 2014).

- (17) The development hereby approved shall not be occupied until the existing vehicular access has been closed, the highway reinstated and the new access has been constructed in accordance with the permitted plans.

**Reason:** To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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

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

## **INFORMATIVES**

- (A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The

applicant is advised to refer to the Health and Safety website for relevant information and advice.

- (D) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at:-

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

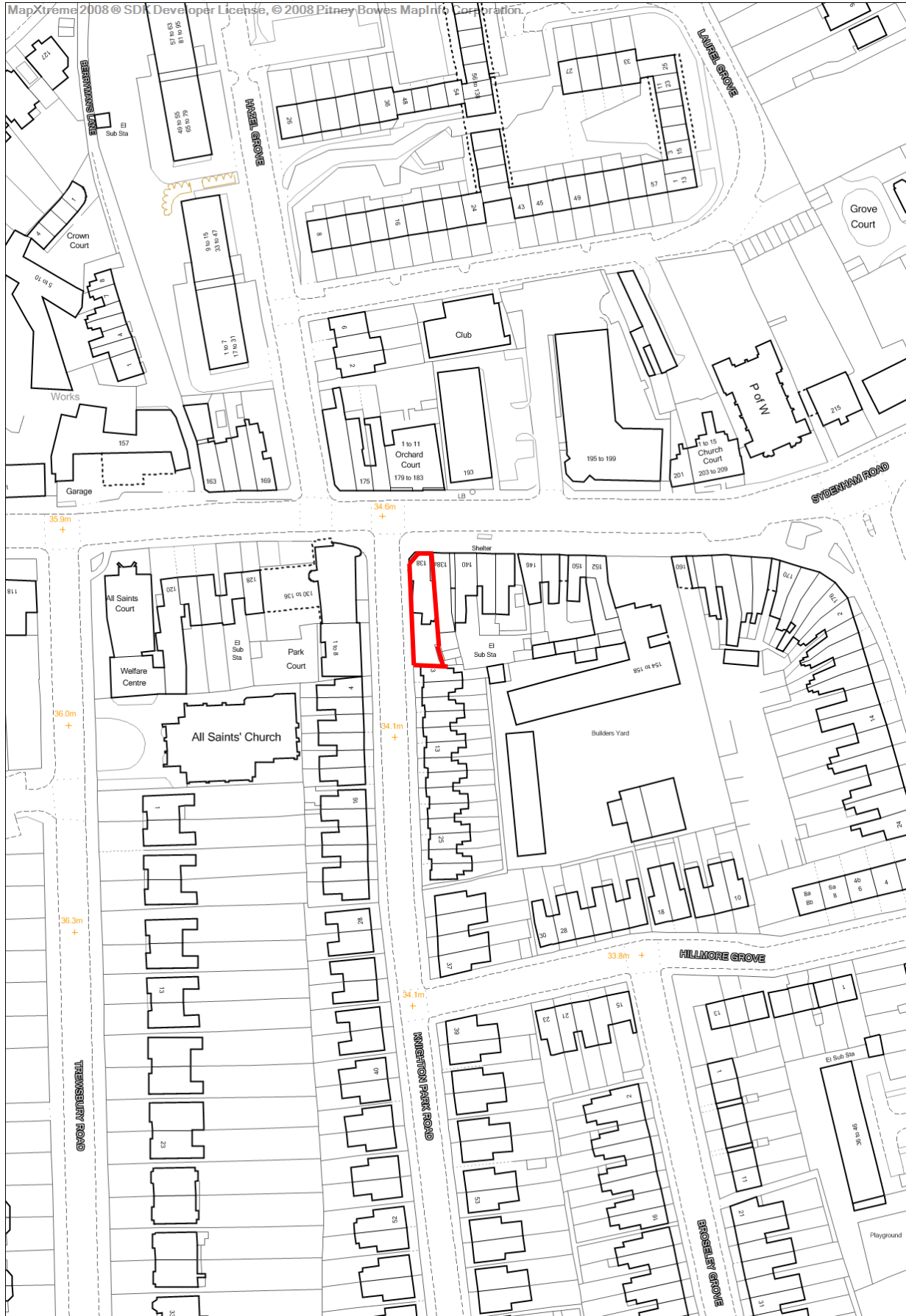
- (E) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (F) In preparing the scheme of dust minimisation,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

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

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

# 138 SYDENHAM ROAD, LONDON, SE26 5JZ SITE MAP

MapXtreme 2008 © SDK Developer License, © 2008 Pitney Bowes MapInfo Corporation.



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	14 Netherby Road, London, SE23 3AN	
Ward	Forest Hill	
Contributors	Samuel James	
Class	PART 1	28 <sup>th</sup> SEPTEMEBR 2017

Reg. Nos. DC/17/102569

Application dated 17.07.2017

Applicant Ms Thompson-Hill

Proposal The construction of a single storey rear extension and the creation of a new raised patio area with retaining walls at 14 Netherby Road, SE23, together with the removal of a ground floor window and the insertion of a door to the side elevation.

Applicant's Plan Nos. PL 01; PL 10 R; PL 11 R; PL 13 R; PL 14 R; PL 15 R; PL 20 R; PL 21 R; PL 22 R; PL 23 R; PL 24 R; PL 25 R; PL 26 R; Supporting Letter

Background Papers (1) Case File LE/54/14/TP  
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 3  
Not located in a conservation area.  
No Article 4(2) Direction

## **1.0 Property/Site Description**

- 1.1 The application relates to a two storey semi-detached single-family dwellinghouse, located on the Northern side of Netherby Road.
- 1.2 The natural ground level at the host plot, and those surrounding and adjoining it slope steeply away from the front of the house towards the end of the gardens. The garden of the host property is approximately 36m in length.
- 1.3 There is an existing patio area, which provides level access with a depth of 4.9m from the rear elevation of the host property. The rear (highest part) of the existing patio is approximately 0.5m above natural ground level. There are a set of steps to the west side of this, which descend down to the natural ground level (which continues to slope away).

There is an existing decking with approximately the same height and depth as this patio at the property adjoining to the east, the host property's semi-detached pair, No.12 Netherby Road.

- 1.4 There is a raised decking area to the rear of No.16 Netherby Road, which is approximately 1m higher than the ground level at the host property. This steps down to natural ground level approximately 2m from the existing rear elevation of No.14. The main rear building line of No.16 is recessed approximately 4.5m from the rear building line of No.14, and it has a seemingly original rear projection, which extends out approximately as far.

## **2.0 Planning History**

- 2.1 **DC/17/100320:** The construction of a single storey rear extension and the creation of a new raised patio area with retaining walls at 14 Netherby Road, SE23, together with the removal of 1 window and the insertion of a door and ground floor window to the side elevation. **Refused on 26 April 2017, for 2 reasons:**

1. The proposed single-storey extension, by virtue its excessive height and positioning on the boundary, would result in an unacceptable sense of enclosure and overbearing visual impact upon the amenities of No.12 Netherby Road, contrary to DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (2012).
2. The proposed raised patio area, by virtue of its excessive height and depth, would result in a significant increase in overlooking opportunities and therefore a potential loss of privacy to the occupiers of both No.12 and No.16 Netherby Road, contrary to DM policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions of the Development Management Local Plan (2015) and the Residential Standards SPD of the Local Development Framework (2012).

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 The construction of a single storey rear extension and the creation of a new raised patio area with retaining walls at 14 Netherby Road, SE23, together with the removal of a ground floor window and the insertion of a door to the side elevation.
- 3.2 This is a resubmission of previous application DC/17/100320, which sought approval for a full width, 3m deep extension with a patio. The extension and patio have both been reduced in size, in response to the previous reasons for refusal.
- 3.3 Single Storey Rear Extension

The rear extension would be the full width of the house, and would have a staggered rear elevation. From the west side elevation it would have a depth of



3m, for a width of 5.05m, and from the shared boundary with No.12 it would have a depth of 2.2m from for a width of 1.05m. It would have a monopitched roof.

- 3.4 The 3m deep section of the extension would have an eaves height of 3.4m, and a maximum height of 3.8m, measured from the proposed adjacent ground level (which would be slightly raised in the side return adjacent to No.16). Measured from the existing patio level, the 3m deep section would have an eaves height of 3m and a maximum height of 3.6m.
- 3.5 The 2.2m deep section of the extension would have an eaves height of 3.25m, measured from the existing patio at the host property, as well as the patio at No.12.
- 3.6 The extension would incorporate 2 sets of white painted timber French doors on the rear elevation of the 3m deep section, and a full height picture window on the rear elevation of the inset 2.2m deep section. 3 rooflights would be incorporated into the roof of the extension.
- 3.7 The roof would be covered in tiles to match the main roof, and the walls would be finished in painted render to match the main house.
- 3.8 A dark grey door with obscure glazing would be installed, and a window removed at first floor level of the side elevation.
- 3.9 Raised Patio Area and retaining walls

The proposed extension would step down 0.6m to the proposed patio area, which would have a depth of 3.1m from its rear elevation. At its highest point, at a depth of 6.1m from the original rear elevation, the patio would raise the ground level by approximately 0.85m.

- 3.10 The retaining wall would be set in 0.85m, and the patio 1.05m away from the shared boundary with No.12. They would carry across for the rest of the width of the garden to shared boundary with No.16. The wall would have a height of 1.4m at its rear face and would be approximately 0.5m higher than the patio. There would be another set of steps down to the natural ground level of the garden. The wall would be constructed of dark grey bricks.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 A site notice was displayed and letters were sent to the 4 adjoining residents in and the Forest Hill ward Councillors.
- 4.3 3 Neighbouring residents have raised objection to the proposal. 2 of which are the neighbours adjoining to either side, the other is one house away. Their comments are summarised below.

- *The properties currently benefit from their original building line, which allows a good level of outlook and vistas from left to right.*
- *An extension of the proposed dimensions would result in an unacceptable impact upon visual amenity. It would lead to a feeling of being 'boxed in' – a sense of enclosure and a loss of daylight and sunlight.*
- *The extension would be overbearing, and result in a heavily shaded patio area which would stay damp. This is the only flat area of the garden as the rest slopes away. Due to the northerly orientation of the garden, 'the sun comes round to the left in the afternoon, depending on the time of year.*
- *Proposal would have a detrimental effect on the view, available sunlight and daylight to kitchen and dining room at the rear of the house.*
- *'The charm and unique feature of the houses is the openness at the back of the properties' - an extension would substantially alter the outlook and character.*
- *Requested an amendment to reduce the depth of the whole structure to 2.2m.*

## **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.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

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

framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

#### Other National Guidance

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

#### The London Plan (2016)

- 5.6 The policies relevant to this application are:  
Policy 7.4 Local character  
Policy 7.6 Architecture

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and 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

#### Development Management Local Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan.
- 5.9 The following policies are considered relevant to this application:  
DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings

#### Residential Standards Supplementary Planning Document (Updated 2012)

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self-containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.
- 5.11 Paragraph 6.2 (Rear extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;

- The effect on the character of the area - the street scene and the wider area;
- The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
- A suitably sized garden should be maintained.

5.12 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.

## **6.0 Planning Considerations**

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

- Principle of Development
- Design
- Impact on Adjoining Properties

### Principle of Development

6.2 The principal of a single storey rear extension to a residential dwelling is acceptable, subject to design and amenity concerns.

### Design

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

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

6.5 DM Policy 30 'Urban design and local character' states that the Council will require all development proposals to attain a high standard of design.

6.6 The proposed single storey rear extension has been reduced in size from the previous refusal and now would be of an appropriate height and scale so as to be proportionally subservient to the host dwelling, and within the context of the garden. No objections are raised to the use of matching materials or rooflights.

6.7 The raised patio has also been reduced in size from the previous refusal and is considered to be of an acceptable appearance, traditionally seen in rear gardens, which raises no objections, they dark grey bricks would complement the pebbledash render finish of the main building; it is therefore considered acceptable in terms of design.

- 6.8 Notwithstanding the above assessment, the proposals would not be visible from the public realm.
- 6.2 Officers consider the proposed extension and decking would be compatible within the host property and surrounding area in terms of design, in line with DM Policy 30 and 31.

#### Impact on Adjoining Properties

- 6.9 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

#### *The rear extension*

- 6.10 The proposed extension would be built on the boundary with No.12 Netherby Road for a depth of 2.2m, where it would step in away from the boundary by 1.05m for the final 0.8m of depth (total of 3m deep). As there is a patio area with an approximate depth of 3m, and the same height as the existing patio at No.14, the effect of the proposal would be the addition of a 2.2m deep wall with a height of between 3.85m and 3.25m on the boundary, with an additional 0.8m deep wall with an eaves height of 3m, 1.05m away from the boundary.
- 6.11 Officers note that a 3m deep extension is under most circumstances permitted development, i.e. not requiring planning permission. However, in this instance due to the sloping ground levels and therefore elevated position of the extension mean this cannot be classified as permitted development, notwithstanding that the height of the extension has been designed to lessen the impact upon no. 12 by projecting 2.2m along the boundary with the further 0.8m being inset over 1m from the boundary. This is considered to reduce the visual impact, and mitigate against any over-bearing sense of enclosure or loss of outlook, taking into account the length of the gardens and semi-detached arranged of the dwellings. It is therefore considered that no adverse impacts would arise with regard to the occupiers of No. 12 Netherby Road.

- 6.12 The proposal would be set 1.2m away from the shared boundary with No.16 Netherby Road. The ground level at No.16 steps up significantly to their patio area, which infills the area between the side elevation of their original rear projection, and the boundary with the host property. The extension would therefore be highly unlikely to have any significant impacts in terms of loss of natural light, overbearingness or an increased sense of enclosure for the residents.

#### *The raised patio area*

- 6.13 The patio area would be set 1.1m away from the shared boundary with No.12, and would carry across the boundary with No.16. Its total depth, not including the retaining wall, would be 3.1m from the rear of the extension, and 6.1m from the original rear elevation. It would be 0.4m lower than the existing patio, and 1.1m

further from the shared boundary with No.12, but protruding 1.3m deeper into the garden.

- 6.14 The proposed patio area, although deeper than the existing, is also lower. Due to the steep ground levels at the property, and the existing patio, the additional 1.3m of depth would not be expected to allow significantly greater overlooking than the existing situation. It is noted that the fences are low at the properties, so some mutual overlooking is to be expected, as is typical of developed residential locations.
- 6.15 Considering the above, the proposed patio area would not be expected to afford any significant additional overlooking opportunities into No.12, or No.16 than those which are already experienced. There would therefore be no significant impact on their privacy.

## **7.0 Equalities Considerations**

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

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

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

## **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 The proposed extension and patio area are acceptable with regards to design and would have no significant impact on the amenity of neighbouring occupiers at No.12 and No.16 Netherby Road.

## **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:

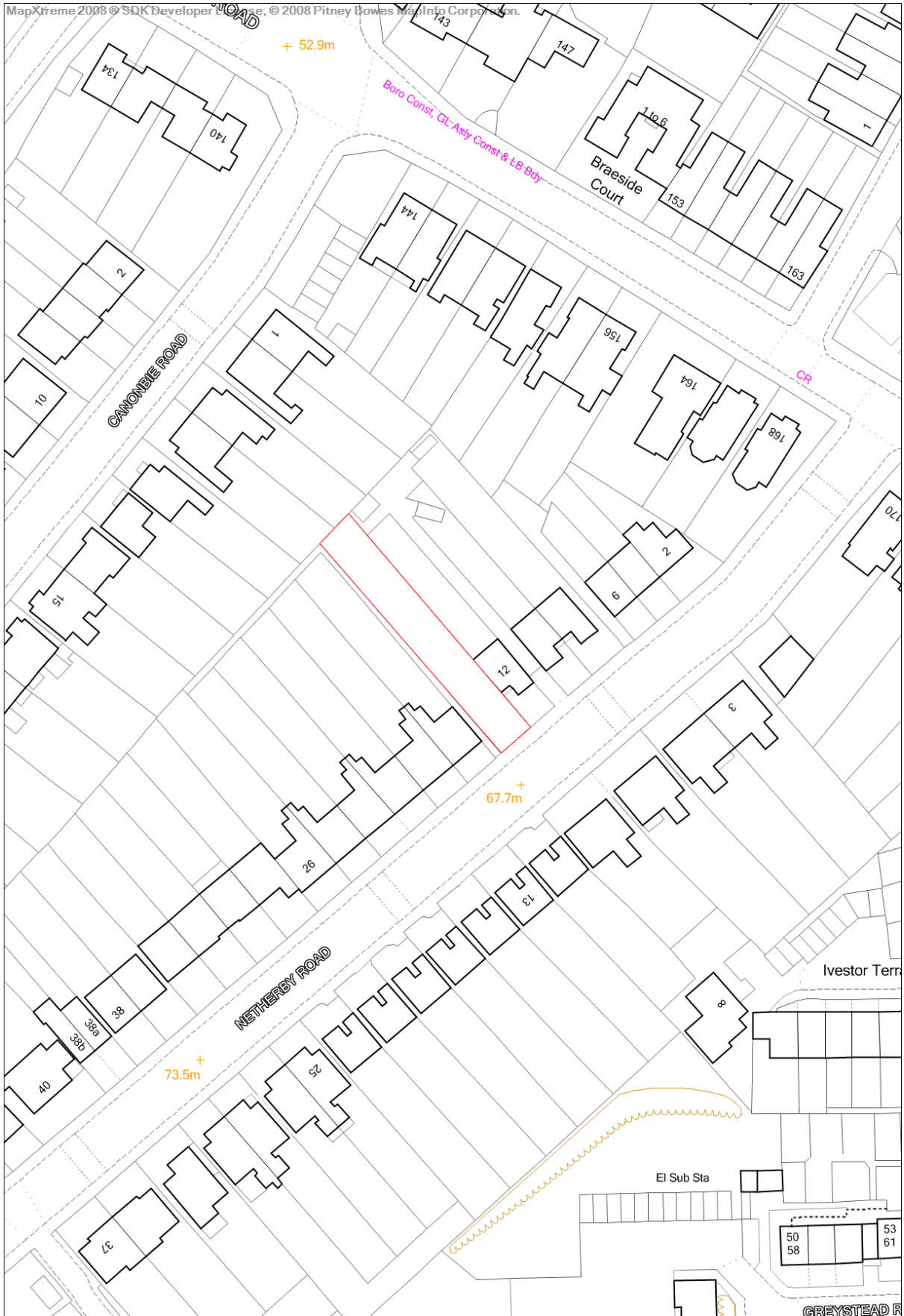
PL 01; PL 10 R; PL 11 R; PL 13 R; PL 14 R; PL 15 R; PL 20 R; PL 21 R; PL 22 R; PL 23 R; PL 24 R; PL 25 R; PL 26 R;

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

## **INFORMATIVES**

- A. Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- B.** You are advised that all construction work should be undertaken in accordance with the 'London Borough of Lewisham Good Practice Guide: Control of Pollution and Noise from Demolition and Construction Sites' available on the Lewisham web page.





This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	165 UPPER BROCKLEY ROAD SE4 1TG	
Ward	Brockley	
Contributors	John Miller	
Class	PART 1	28 September 2017

Reg. Nos. DC/17/101922

Application dated 05.06.2017

Applicant Bolans Architects on behalf of Klear Limited.

Proposal An application submitted under section 73 of the Town & Country Planning Act 1990 for a minor-material amendment to application reference DC/14/88637 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road). In order to allow for:

- Increased massing of the building

Applicant's Plan Nos. Statement in support of amendments to approved scheme received 6 September 2017; BA16546AE101 Rev A; BA16546AP102; BA16546AP103; BA16546AP104; BA16546AE102 Rev B received 14 September 2017.

Background Papers

- (1) Case File DC/104/161/TP
- (2) Core Strategy (2011) Development Management Local Plan (2014)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Brownfield Site  
Brockley Conservation Area  
Article 4

## **2.0 Property/Site Description**

2.1 The application site comprises a recently constructed two storey dwellinghouse on the south side of Upper Brockley road currently known as 165 Upper Brockley Road. The site forms part of the 'island' bounded by Upper Brockley Road and Geoffrey Road that contains both dwellings and commercial premises.

2.2 Historically, the site formed part of the rear garden to 163 Upper Brockley Road (as shown on historic maps of the area). The site has a frontage of approximately 16m to Upper Brockley Road; on the opposite side of Upper Brockley Road is a single storey building and two storey terraced houses. To the east is the remaining rear garden of 163 Upper Brockley Road. To the south is the rear

garden of 161 Upper Brockley Road and to the west is 1 Geoffrey Road, which is a two storey, detached house.

### **3.0 Planning History**

3.1 2012: DC/12/81710 - Planning permission was refused for the construction of a two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).

The reasons for refusal are as follows:

1. The proposed development, as a result of its height, bulk, massing, siting and layout would fail to establish an acceptable relationship with the surrounding context and would result in harm to the character and appearance of the conservation area, contrary to Objective 10 Protect and enhance Lewisham's character and Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 6 Extensions and Alterations and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the adopted UDP (July 2004).
2. The proposed development, as a result of inadequate daylighting, outlook and lack of amenity space, would fail to provide a suitable standard of accommodation for future occupiers, contrary to policies HSG 5 Layout and Design of New Residential Development, HSG 7 Gardens of the adopted UDP (July 2004) and the Residential Standards SPD (August 2006).
3. The proposed development, as a result of its height, bulk and siting would result in an un-neighbourly development and an unacceptable sense of enclosure when viewed from the neighbouring properties and their gardens, contrary to Policies HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development of the adopted UDP (July 2004).

3.2 An appeal against this refusal was dismissed on the basis that the design of the building would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. The scale of the dwelling was also considered to be oppressive and that it would result in an excessive sense of enclosure for surrounding occupiers.

3.3 2014: DC/14/88637 – Planning permission was granted in December 2014 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).

3.4 2015: DC/15/91814 – Planning permission was granted in September 2015 for Application submitted under Section 73 of the Town and Country Planning Act 1990 for minor material amendments to allow the variation of Condition (2) of the planning permission referenced DC/14/88637 dated 29 December 2014 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper

Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road), **in order to allow revision to massing and internal layout changes.** Outlined below

Internal alterations to the layout of the ground and first floor.

- Increasing the width of the first floor to 7.85m.
- Increasing the depth of the first floor to 8m.
- Increasing the height of the building to 5.85m.
- Repositioning of windows on the North elevation.
- Repositioning and re-sizing of roof light panel on the east elevation.
- Repositioning of windows on the south elevation.
- The proposed house would fill the depth of the site and would be up to 5.85m high, a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11m wide

3.5 2016: EN/16/00277: In 2016 an Enforcement enquiry was opened regarding the windows on the South elevation facing 163 Upper Brockley road. On 10/07/17 enforcement, action was closed stating, "no further action needed as windows are now non-opening and opaque.

#### **4.0 Current Planning Applications**

##### The Proposal

4.1 This would be the third permission on this application site. The originally approved scheme was amended and approved (as referenced above) but was not implemented. The applicant has constructed a variation of the originally approved scheme for which this application seeks retrospective permission for the dwelling as a whole.

4.2 Permission is therefore sought for a second minor material amendment to the originally approved planning permission from 2014. The first amendment (2015) altered the internal layout, massing and window locations. The current proposal intends to increase the massing of the building but the internal layout, and window locations remain the same as the first amended proposal. The design has remained consistent throughout in terms of materials.

4.3 The ground floor is set behind a boundary wall fronting the street and the dwelling would be accessed directly from the street. The ground floor comprises a kitchen/living room and a bedroom. The first floor with two bedrooms is designed as a 'pop up' box, clad in copper finished cladding designed to fit over the brick base.

4.4 The dwelling as constructed measures 6.45m high, a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11.9m wide.

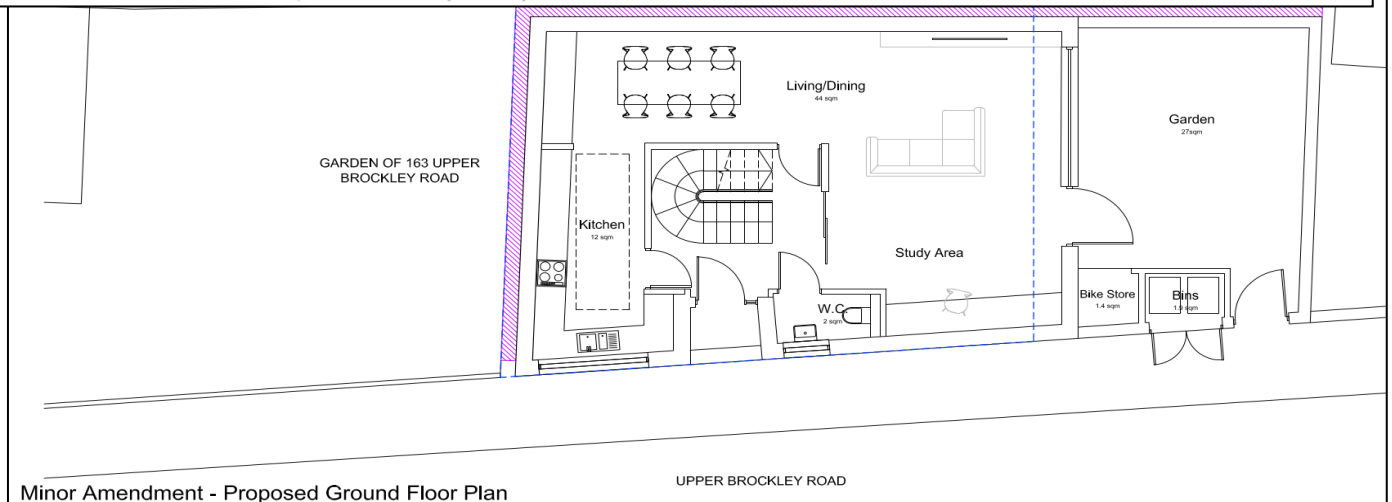
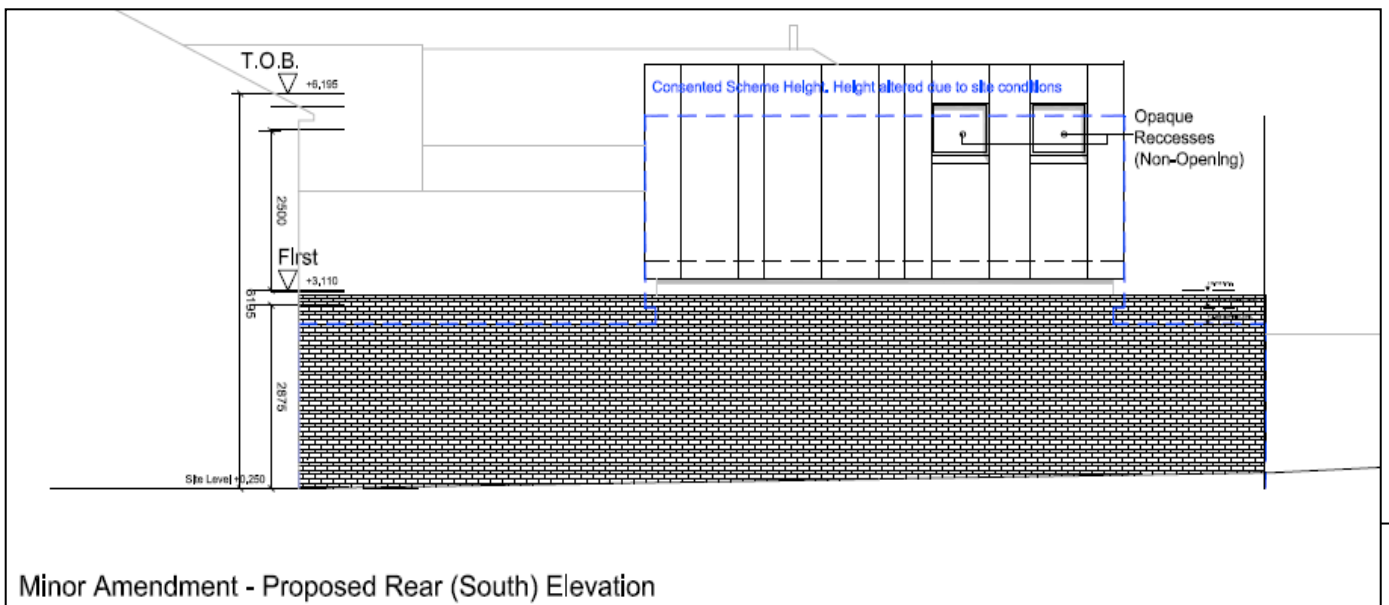
4.5 The garden area measures 27 sqm and would be directly adjacent to the rear gardens of No. 1 Geoffrey Road and 161 Upper Brockley Road. A refuse store is located within the garden with an access door opening onto the footway. There is

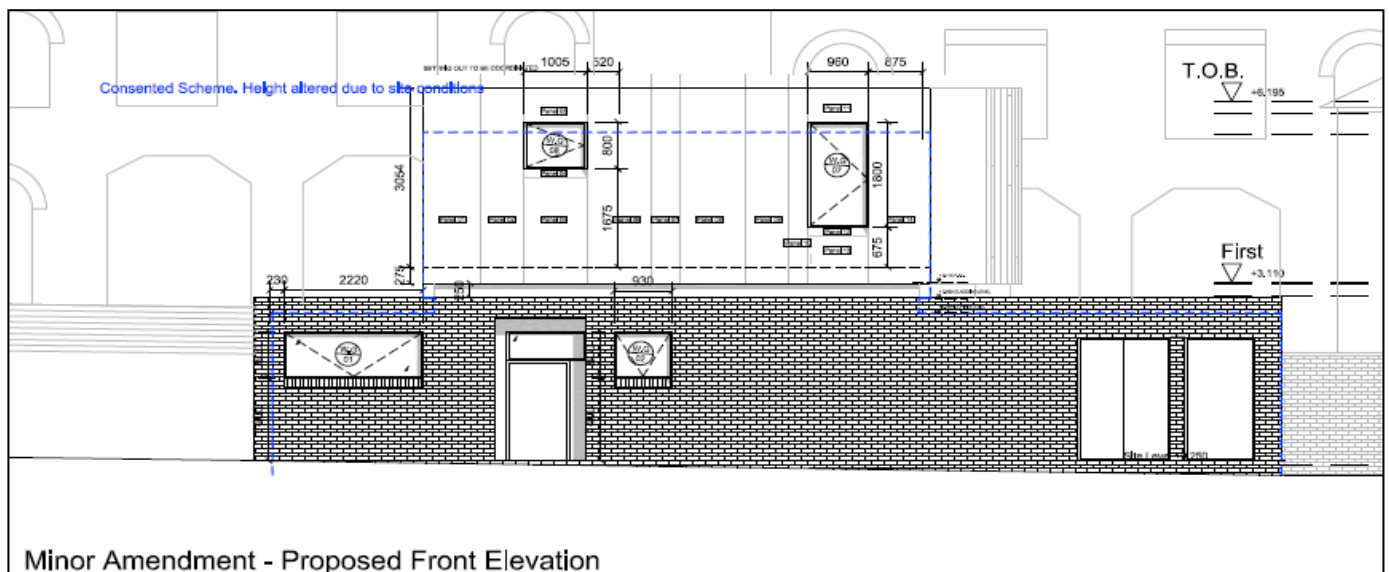
a further opening in the boundary wall which provides a secondary access to the garden. No off-street parking is proposed.

4.6 This is the third proposal (although retrospective in this case) for a dwelling on this site. The as built changes to the scheme from the approved (but not implemented) first minor material amendment (2015) are as follows:

- Maximum height of the ground floor level increased 0.3m
- Maximum width of ground floor increased 0.9m
- Maximum height at first floor level increased 0.6m
- Maximum width of first floor level increased 0.9m
- Maximum depth of first floor level increased 0.3m
- Reduction in garden size of 5sqm as a result of massing changes
- Retaining wall built along the boundary with 161 and 163 Upper Brockley Road

Drawings of the proposed changes are shown below (the dotted outline represents the layout of the originally amended drawings):





### Supporting Documents

- 4.7 Supporting Statement – this provides a supporting response to the revised scheme and seeks to address why the proposal has changed further. It states that the revised proposals have no adverse impact upon heritage assets.
- 4.8 Massing Views – Drawings providing a series of views of the dwelling from surrounding view points and is accompanied by a series of detailed drawings showing key building junctions.

### **5.0 Consultation**

- 5.1 This section outlines the consultation carried out 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.
- 5.2 Site and Public notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

### Written Responses received from Local Residents and Organisations

- 5.3 Notification letters were sent to neighbouring properties and to local ward councillors. 20 representations were received from different addresses, 11 in support and 9 in objection. These are summarised below:

#### **5.4 Objections:**

- The property does not enhance the character or appearance of the Brockley Conservation Area.

- Windows are not blank opaque recesses as stated in plans
- Dishonest approach and disregard to neighbouring concerns which goes in direct contrast to the previously refused and appealed decision
- Increase in length and height has turned the development into one that dominates the street and surrounding houses.
- Dwelling now blocks amenity of surrounding properties.

## 5.5 Support

- This house positively contributes to the street scene.
- Amendments to do not cause additional harm.

### Brockley Society

5.6 The Brockley Society have objected on the basis that not enough information has been provided to fully address the changes with specific mention of the building height, window changes, fire safety compliance and building control regulations.

## 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, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (November 2014) and policies in the London Plan (2016). 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 and Development Management policies 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 The other relevant national guidance is:
- Climate change
  - Conserving and enhancing the historic environment
  - Design
  - Renewable and low carbon energy
  - Tree Preservation Orders and trees in conservation areas
  - Use of Planning Conditions

#### London Plan (2016)

- 6.6 The London Plan policies relevant to this application are:
- Policy 3.3 Increasing housing supply
  - Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.8 Housing choice
  - 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 6.9 Cycling
  - 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 7.8 Heritage assets and archaeology
  - 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 (2012)  
Sustainable Design and Construction (2006)

### 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, Development Management Local Plan, the Lewisham Town Centre 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 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

### Development Management Local Plan

- 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 25	Landscaping and Trees
DM Policy 27	Lighting
DM Policy 29	Car Parking
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
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

### Residential Standards Supplementary Planning Document (updated May 2012)

- 6.11 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.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 6.12 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

**7.0 Planning Considerations**

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

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

Principle of Development

- 7.2 Guidance for determining s73 applications is set out in the NPPG which states that a minor material amendment is one 'whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition but the Department for Communities and Local Government agrees with this statement.
- 7.3 It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application the LPA will have to consider the application in the light of current policy. The local planning authority therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought. In this case, there has been no relevant shift in planning policy.
- 7.4 The proposed amendments relate to the massing and scale of the building. The amendment is minor when judged against the scheme in its entirety and does not change the nature of the approved scheme (one single dwelling). It is therefore considered appropriate to deal with these alterations as a minor material amendment.

Design and Conservation

- 7.5 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’.
- 7.6 Policy 3.5 ‘Quality and design of housing developments’ of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.
- 7.7 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. Policy DM 30 of the Development Management Local Plan that the Council will require all developments to attain a high standard of design.
- 7.8 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place. Development Management Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.9 Planning permission has been granted and amended for a two storey building on the site in contemporary design, arranged as a ground floor brick wall with metal box at first floor. The dwelling as constructed retains these principles and is considered to be acceptable and not visually dissimilar form what was originally approved.
- 7.10 The building as constructed is now wider, and taller but shallower at first floor level than previously amended, but retains the same design contemporary design principles which is acceptable.
- 7.11 The increased massing is not considered to negatively affect the design of the building and is considered to remain high quality. The first floor element remains closer to no. 1 Geoffrey Road with views through the plot across to Geoffrey Road maintained as previously approved.
- 7.12 The applicant’s reasoning behind the retrospective changes in massing were that during construction it was found that existing infrastructure such as pipework had to be built over requiring deeper foundations thereby raising the finished floor levels and overall height of the building.
- 7.13 The length of the building was slightly increased because the structural engineer and private building control Inspector’s specified the need for a retaining wall. This was due to the differences in ground levels between 161/163 Upper Brockley Road and the application site.
- 7.14 Although retrospective in nature, officers consider the development as built from a design perspective are acceptable and of a high quality, suitable for the Brockley conservation area.

### Standard of Accommodation

- 7.15 The dwelling as constructed provides a GIA of 120 sqm, which exceeds the minimum standards set out in the London Plan. Furthermore, it is considered that the internal layout is practical, with all rooms being of an acceptable size, which therefore raises no objections.
- 7.16 The constructed dwelling would have a garden depth of approximately 5.3m, covering an area of 27 sqm. This represents a reduction from the 32 sqm on the previously approved proposal, however, no objection to a smaller garden is given the urban location as officers consider the shape practical for recreational purposes with adequate privacy for occupants.

### Highways and Traffic Issues

#### *a) Access and car parking*

- 7.17 The dwelling as constructed does not propose alterations to the access, which remains via Upper Brockley Road. No car parking is proposed as before which remains unobjectionable given the PTAL of 4 and good access to public transport.

#### *b) Cycle Parking*

- 7.18 The proposal will still provide secure, covered cycle parking in accordance with Table 6.3 of the London Plan. These are located in a store within the garden, accessible via a gate from the street.

#### *c) Refuse*

- 7.19 The proposal provides storage for two refuse bins that will be accessed from the street. This arrangement will provide for recyclable and non-recyclable waste and is considered to be acceptable.

### Impact on Adjoining Properties

- 7.20 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity arising from development proposals will need to be addressed. DM Policy 32 states that development proposals will be required to be attractive and neighbourly, provide a satisfactory standard of privacy, outlook and natural lighting for its future residents and neighbours and meet the functional requirements of its future residents.
- 7.21 The first refused scheme proposed a building built up hard to the boundary with the rear garden of no. 163 Upper Brockley Road at a height of two storeys. This was considered to be visually overbearing and therefore detrimental to residential amenity. The amended 2014 approved scheme removed the first floor mass from the boundary, retained in the first 2015 amended scheme. The further revised now built dwelling continues to position the ground floor against the boundary with no. 163 Upper Brockley Road with the first floor element positioned at the west side of the building, closer to no. 1 Geoffrey Road, consistent with the previous approved schemes.
- 7.22 Objections have been made regarding the 'non-opening blank opaque recesses.' It is submitted, and constructed that the two windows in the rear, southern elevation of the building are opaque and non-opening and the windows do not have any adverse impact in terms of loss of privacy through overlooking. This

issue has therefore been fully addressed and the relationship is considered to be acceptable.

- 7.23 The proposal remains to have acceptable 'back to back' distance to No.163, which as the previously approved application states no longer results in an unacceptable degree of enclosure. The proposals are not considered to have a significant detrimental impact on No. 161, which has a larger rear garden. Although the first floor element would be visible, from no. 161 this is not considered to be materially harmful or to warrant refusal on grounds of excessive enclosure in what is a developed urban location.
- 7.24 It is considered that the amendments would not result in an unacceptable impact to amenity for neighbouring occupiers. It is noted that the majority of objections relate to the nature of the development and not the increased massing. As per the previous approval given the planned relationship to adjacent dwellings, and garden size it is considered appropriate to remove permitted development rights from the property.
- 7.25 Concern has been raised regarding the ownership of boundary walls, however, land ownership is not a planning issue and where necessary, the developer would need to enter into party wall agreements with the owners of neighbouring properties.
- 7.26 In the original planning permission, conditions regarding hours of work and a construction management plan to minimise impacts during the build process were attached to minimise impact upon residential amenity. The dwelling as constructed is now complete however; the construction management plan was not submitted for approval. No complaints were made to officers during construction. It is no longer appropriate to attach such conditions given the development is complete.

## **8.0 Local Finance Considerations**

- 8.1 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 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.

## **9.0 Equalities Considerations**

- 9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

## **10.0 Conclusion**

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

10.2 It is considered that the increased massing does not negatively affect the design or have an unacceptable impact on neighbouring amenity. It is recommended that planning permission be granted.

**11.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:**

1. Time Limit:

The development to which this permission relates must be begun not later than 29/12/2017.

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

2 Accordance with Plans

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

**Still relevant drawings/documents previously approved under reference DC/14/88637:**

Heritage Statement, Sustainability Statement

**Still relevant drawings/documents previously approved under reference DC/15/91814:**

Design and Access Statement received 11/6/15

**Drawings/documents submitted under reference DC/17/101922**

Statement in support of amendments to approved scheme received 6 September 2017; BA16546AE101 Rev A; BA16546AP102; BA16546AP103; BA16546AP104; BA16546AE102 Rev B received 14 September 2017.

**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.

4. Code for Sustainable Homes

- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of the house, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific 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 (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

6. Refuse

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

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

7. Boundary Treatments



- (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 Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

8. Closure of vehicular access

The development hereby approved shall not be occupied until the existing vehicular access has been closed and the highway reinstated.

**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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

9. Lifetime Homes

The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document).

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

10. Plumbing and Pipes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building(s).

**Reason:** It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

11. Removal of permitted development rights

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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).

12. Removal of permitted development rights

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

13. Obscure glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the window to be installed in the rear (eastern) elevation at first floor level serving the staircase of the building hereby approved shall be fitted as obscure glazed and fixed shut and retained as such in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Saved Policy HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

14. Use of Flat Roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof areas shall be carried out, nor shall the roof areas 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 Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

16. Living Roof

The development shall be constructed with a biodiversity living roof details of which shall be submitted to and approved in writing by the local planning authority before development commences.

The living roof 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.

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.

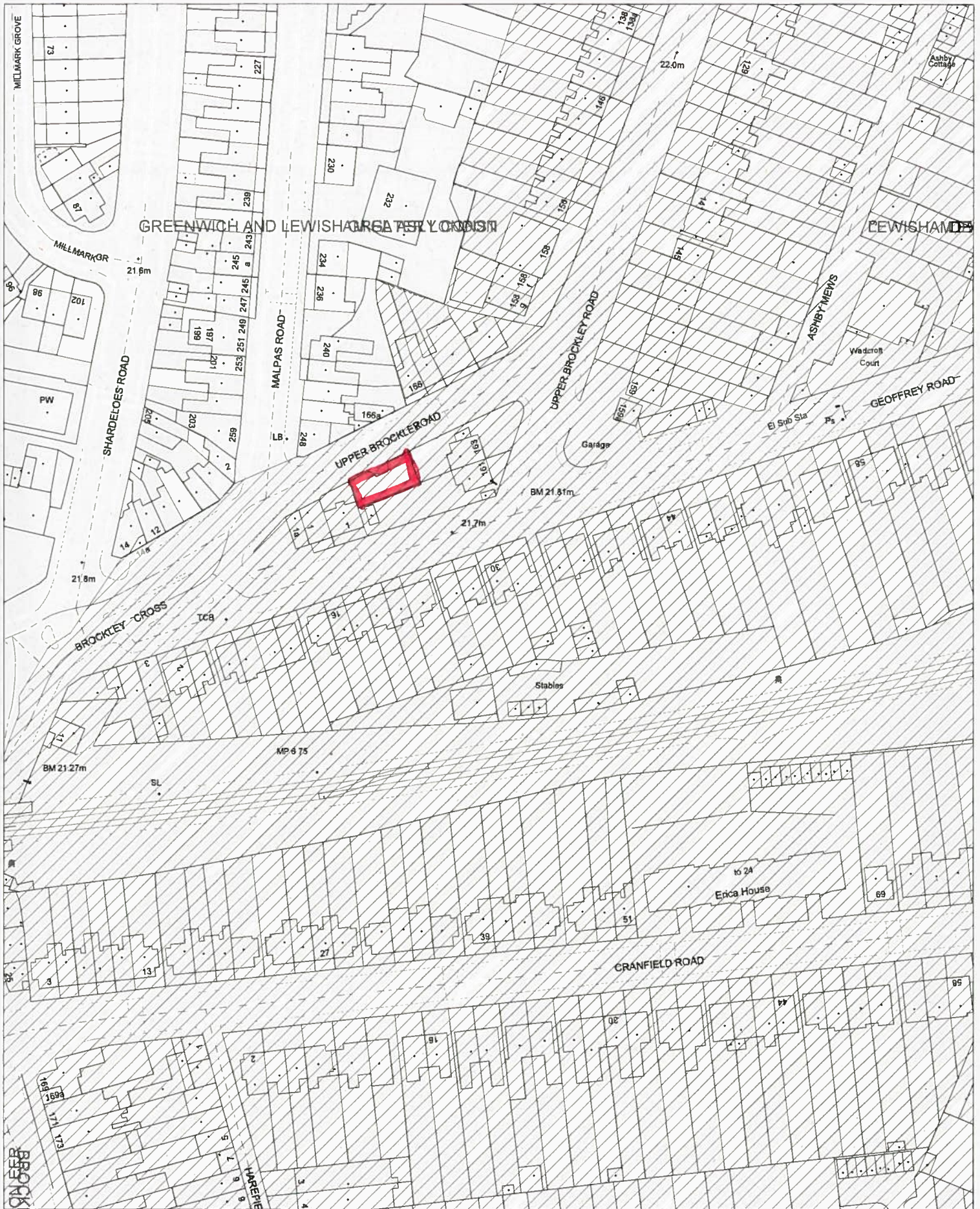
**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011), Policy 10 managing and reducing flood risk and Policy 12 Open 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).

## **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. Further information was submitted during the course of the application to clearly explain how the proposal as built differs from the previously granted.
2. Condition 5 was discharged under application reference DC/15/91816
3. Conditions 4, 6, 7, 8, and 16 remain outstanding and are overdue.

This page is intentionally left blank

# UPPER BROCKLEY ROAD



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	Haulage Yard, Hereford Place, London, SE14	
Ward	New Cross	
Contributors	David Robinson	
Class	PART 1	28 <sup>th</sup> September 2017

<u>Reg. Nos.</u>	DC/17/101332
<u>Application dated</u>	05.05.2017
<u>Applicant</u>	Savills on behalf of Kingsmere Homes Limited
<u>Proposal</u>	Change of use of haulage yard at Hereford Place SE14 to residential use, comprising erection of a new building to create part 1, part 4, part 7 and part 8 storeys (including part basement) to provide 26 residential units, together with landscaping, cycle parking and associated public realm works.
<u>Applicant's Plan Nos.</u>	Air Quality Assessment by Hawkins Environmental dated 5 <sup>th</sup> April 2017; Arboricultural Site Walkover letter (reference number 550898nf30Mar17FV02_Arb) dated 3 <sup>rd</sup> April 2017; Archaeological Desk Based Assessment dated March 2017; Bat Scoping Survey letter (reference number 550898mtApr17FV01_Bat_Scoping) dated 20 <sup>th</sup> April 2017; Draft Construction Logistics Plan; Daylight and Sunlight Study dated 11 <sup>th</sup> April 2017; Desk Study and Risk Assessment Report (reference number J13021) dated 6 <sup>th</sup> April 2017; Energy Strategy Report revision v1 dated 7 <sup>th</sup> April 2017; Flood Risk Assessment version 01 dated 7 <sup>th</sup> April 2017; HM Land Registry Title Map; Noise Assessment by Hawkins Environmental dated 5 <sup>th</sup> April 2017; Preliminary Ecological Appraisal dated March 2017; Statement of Community Involvement dated March 2017; Sustainability Statement dated 7 <sup>th</sup> April 2017; Transport Statement version 003 dated April 2017; Travel Plan version 02 dated April 2017; Vibration Assessment by Hawkins Environmental dated 5 <sup>th</sup> April 2017; HPL-P001-S2-P0; HPL-P002-S2-P0; HPL-P020-S2-P0; HPL-P030-S2-P0; HPL-P031-S2-P0; HPL-P099-S2-P0; HPL-P100-S2-P0; HPL-P101-S2-P0; HPL-P102-S2-P0; HPL-P103-S2-P0; HPL-P104-S2-P0; HPL-P105-S2-P0; HPL-P106-S2-P0; HPL-P107-S2-P0; HPL-P108-S2-P0; HPL-P200-S2-P0; HPL-P201-S2-P0; HPL-P202-S2-P0; HPL-P203-S2-P0; HPL-P300-S2-P0; HPL-P301-

S2-P0; HPL-P302-S2-P0; HPL-P303-S2-P0; HPL-P500-S2-P0; HPL-P501-S2-P0; HPL-P510;-S2-P0; HPL-P520-S2-P0; HPL-P521-S2-P0; HPL-P522-S2-P0; HPL-P523-S2-P0; HPL-P530-S2-P0; HPL-SA-P600-S2-P0; HPL-SA-P610-S2-P0; HPL-P601-Housing SPG Checklist; HPL-P010-S2-P0 received 26<sup>th</sup> April 2017

Viability Study dated April 2017; Viability Study Appendix 1 (Site Layout Plan); Viability Study Appendix 2 (Turner Morum Appraisal Analysis); Viability Study Appendix 3 (Market Revenues Supporting Evidence); Viability Study Appendix 4 (Cox Drew Neale Cost Plan); Viability Study Appendix 5 (TM Recent Case Experience); Viability Study Appendix 6 (Strettons EUV Report) received 2<sup>nd</sup> May 2017

Living Roof Species Mix; Planning Obligations Statement (Part A); HPL-P611-S2-P0; HPL-P531-S2-P0 received 8<sup>th</sup> May 2017

HPL-P900-S2-P0; HPL-P910-S2-P0 received 31<sup>st</sup> August 2017

Background Papers

- (1) Case File DE/207/A/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Flood Risk Zone 2, Area of Archaeological Priority

Screening

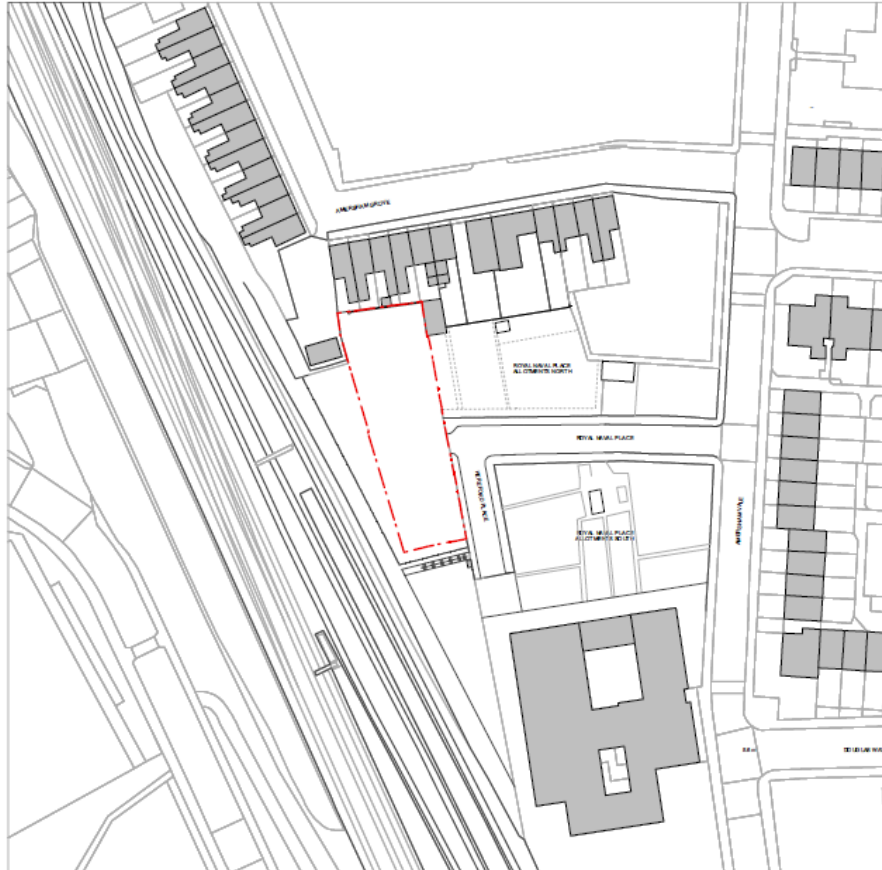
N/A

**1.0 Property / Site Description**

*Existing Site and Location*

- 1.1 The application site is located at, and accessed from Hereford Place located at the western end of Royal Naval Place, a dead-end road that is accessed from the western side of Amersham Vale. It is bordered to the north by a terrace of residential properties located along Amersham Grove, to the east by allotments, to the south by the Mulberry Education Centre, and to the west by a railway line.
- 1.2 The site is currently in use as a haulage yard. There are a number of storage containers located on the site perimeter, with two Portakabin offices located atop storage containers along the eastern boundary. The total site area is approximately 0.09 hectares.





### *Surrounding Context*

- 1.3 The surrounding built context is mixed in nature. To the north and west of the site, the area is characterised by residential properties ranging from two-storey terraced properties to larger blocks of residential development on Arklow Street (7 to 22 storeys).
- 1.4 To the west of the site, lies Fordham Park which has recently been regenerated, and Deptford Green School which sits at 5 storeys in height, with the Batavia and Achilles Street residential areas located to the south and further west of the Fordham Park green space ranging from 5 to 11 storeys in height.
- 1.5 With regard to green space, to the west of the site lies Fordham Park that has recently been regenerated and to the north of the site lies the newly formed Amersham Vale Park, which occupies half of the old Deptford Green School site.
- 1.6 The site is located directly adjacent to New Cross Station with both Deptford and New Cross town centres being located 10-15 minutes walk from the site.

### *Site Designations and Constraints*

- 1.7 Along the railway, on the site western boundary, the site is bounded by vegetated rail sidings that fall within the New Cross and New Cross Gate railsides Site of Importance for Nature Conservation (SINC); these are currently overrun with Japanese knotweed, but also provides a maintenance access for Network Rail to New Cross overground station.
- 1.8 The site is located within the Deptford and New Cross / New Cross Gate Regeneration and Growth Area, Flood Zone 2 and an Area of Archaeological

Priority. The site straddles two PTAL ratings of 6a and 4. The site is not located within a Conservation Area or in the vicinity of any listed buildings.

## **2.0 Planning History**

2.1 No relevant planning history

## **3.0 Current Planning Application**

3.1 The application seeks permission for the change of use of haulage yard at Hereford Place SE14 to residential use, comprising erection of a new building to create part 1, part 4, part 7 and part 8 storeys (including part basement) to provide 26 residential units, together with landscaping, cycle parking and associated public realm works

3.2 The proposed building would be linear in arrangement, running from north to south along the length of the site. The main portion of the building would be 7 storeys tall with three 8<sup>th</sup> storey projections. Towards the north of the application site and the boundary with Amersham Grove, the massing would step down to a 4 storey block and eventually to a 1 storey unit adjacent to the rear garden boundaries of the terrace on Amersham Grove. The proposed building would also feature a basement, which would accommodate cycle parking.

3.3 The scheme would feature external gallery access for residential units located at second floor and above. Ground floor units would have private amenity space provided in the form of gardens. Upper floor units would all have individual private balcony spaces.

3.4 The proposed building would be finished in ribbed terracotta cladding with laser cut aluminium sheeting proposed to the lift shaft at the north of the site.

3.5 The proposed mix is 12 no 1 bed units, 7 no 2 bed units and 7 no 3 bed units; of these, 1 no. are wheelchair units.

3.6 The scheme is proposed as car-free.

## **4.0 Consultation**

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

4.2 Site notices were displayed, an advert was placed in the local press and letters were sent to residents and businesses in the surrounding area, as well as the relevant ward Councillors.

### Written Responses received from Local Residents and Organisations

4.3 Representations were received from 10 parties in objection to the proposed development. These were largely from residents of Amersham Grove. A petition, signed by 24 people, was also received from the residents of Amersham Grove and the Royal Naval Place Allotment Association. The representations are summarised as follows:

- The Design and Access Statement makes a comparison to the nearby Batavia Road development as a means of justifying the height and density of the proposed scheme; however, this is a false comparison.
- The Site at Hereford Place does not fall within any specifically defined area of Lewisham Policy and it should therefore not be acceptable to ignore LBL sustainable density policies.
- It seems excessive – particularly on a Backland Site that is also adjacent to allotments – that the current proposed scheme has a density 21-23% greater than the highest guidance, at 851hr/ha and 277 u/ha.
- The submitted document ‘Daylight and Sunlight Study (Neighbouring Properties)’ fails to provide a full study throughout the year demonstrating the likely impact of the development on the allotments, and instead only presents a study showing that the allotments will receive at least two hours of sunlight on 21st March.
- The Daylight and Sunlight study clearly shows that the proposed scheme’s massing will have a large impact on the neighbouring gardens. No. 28 Amersham Grove will lose 100% of the area receiving at least two hours of sunlight on 21st March (the worst possible result for the study), whilst No. 30 loses 70%, No. 32 loses 60%, and No. 26 loses 40%.
- The development should be limited to 5 storeys
- Concerns over loss of light, privacy and overshadowing to properties on Amersham Grove
- The proposal is visually unacceptable
- Concerns over increase on parking pressure
- The submitted Daylight and Sunlight study fails to provide a comprehensive study throughout the year
- The perforated metal clad staircase not in keeping with any of the surrounding two story Victorian terraces
- Noise during construction
- No provision of any affordable housing in an area that is in desperate need of such units

4.4 Given the application received 10 objections and a petition against the proposed development, a Local Meeting was carried out in the form of a drop-in session in accordance with Lewisham’s Statement of Community Involvement.

4.5 Ten representees attended the drop-in session, which was held at The Albany, in close proximity to the application site, on 8<sup>th</sup> August 2017. The main issues raised at the local meeting are summarised as follows:

- Concerns relating to overlooking from galley access – could this be screened?
- No provision of any affordable housing
- Building should be reduced in height
- Concerns relating to light pollution
- No disabled parking
- Loss of daylight and sunlight to allotments and neighbouring residential houses

4.6 Three additional written representations were made during the drop-in session. These reiterated previous concerns raised around parking, overhshadowing, height and appearance and noise during construction.

#### Written Responses received from External Statutory Agencies

##### *Environment Agency*

4.7 No objection subject to conditions

##### *Historic England*

4.8 No objection

##### *Metropolitan Police (Designing out crime)*

4.9 No objection in principle – comments made to applicant on meeting dated 20<sup>th</sup> March 2017

##### *Network Rail*

4.10 The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

4.11 *Thames Water*

No objection subject to informative regarding waste water and piling

4.12 Copies of all representations are available to Members to view.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given

to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

### Other National Guidance

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

### London Plan (March 2016)

- 5.6 In March 2016, the London Plan (as amended) was adopted. The policies relevant to this application are:

- Policy 2.9 Inner London
- Policy 2.13 Opportunity areas and intensification areas
- Policy 2.14 Areas for regeneration
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 4.1 Developing London's economy
- Policy 4.4 Managing industrial land and premises
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London's transport connectivity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality

- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

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

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

- Accessible London: Achieving an Inclusive Environment (2004)
- Affordable Housing and Viability (2017)
- Housing (2012)
- Sustainable Design and Construction (2006)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)

#### London Plan Best Practice Guidance

5.8 The London Plan Best Practice Guidance's relevant to this application are:

- Development Plan Policies for Biodiversity (2005)
- Control of dust and emissions from construction and demolition (2006)
- Wheelchair Accessible Housing (2007)
- London Housing Design Guide (Interim Edition, 2010)

#### Core Strategy

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

- Spatial Policy 1 Lewisham Spatial Strategy
- Spatial Policy 2 Regeneration and Growth Areas
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 5 Other employment locations
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 21 Planning obligations

#### Development Management Local Plan

5.10 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:

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 2 Prevention of loss of existing housing
- DM Policy 7 Affordable rented housing
- DM Policy 11 Other employment locations
- 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 32 Housing design, layout and space standards
- DM Policy 35 Public realm

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

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

Planning Obligations Supplementary Planning Document (February 2015)

5.13 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.

## **6.0 Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues



- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping
- h) Other considerations
- i) Planning Obligations

### Principle of Development

- 6.2 The site is currently in use as a haulage yard. It is not located within the town centre of a designated shopping frontage nor within any of the defined Strategic Industrial Locations, Local Employment Locations or Mixed Use Locations as defined by Core Strategy. The site is therefore classed as an “other employment location”.
- 6.3 The National Planning Policy Framework (NPPF), within paragraph 17, states that Planning ‘should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.4 Core Strategy Policy 5 seeks to protect non-designated employment sites which are located outside of Town and Local Centres. The Policy states that other uses, including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.5 DM Policy 11 seeks to retain employment uses, where possible, on smaller sites in office, industrial and warehouse/storage use, and builders and scaffolding yards, in and around town centres, district and local hubs and also embedded in residential areas on backland sites, and sometimes on otherwise residential streets. These sites lie outside the formally designated employment sites.

### *Loss of Employment*

- 6.6 With reference to DM Policy 11, the application site is considered to have elements of both being located within a “Town Centre, Local Hub and other clusters of commercial and/or retails uses” and “Sites in Residential Areas”.
- 6.7 The existing use on site is classified as being ‘Sui Generis’ use class. The use of the site as a haulage yard involves large vehicles / Heavy Goods Vehicles being stored on site with movements on/off the site to work elsewhere. It is also noted that there is a small element of administration work associated with the haulage use, which is carried out within the modular unit on site.
- 6.8 The access to the site is constrained on account of the narrow access from Hereford Place / Royal Naval Place and the residential nature of the surrounding area, albeit the site has been in use as a haulage yard. There is little development on the site with existing buildings existing as modular units and the remaining space used for storage.

- 6.9 The existing use onsite, whilst occupied, is not considered to make best use of the site's location or to be the most appropriate use of the land. The condition of the existing site and associated parking of vehicles on Hereford Place and Royal Naval Place appears unsightly, and it is considered that movements of large vehicles to and from the site through a residential area are undesirable. In addition to this the employment on site does not fall within the B Use Class, as outlined for retention by DM Policy 11.
- 6.10 Residential use is a priority in London and the borough and it is considered that an additional 26 (including 7 family units) units would make a valuable contribution towards meeting housing need, which is set by the London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target. The application site is located within the "Deptford, Deptford Creekside, New Cross/New Cross Gate " Regeneration and Growth Area which should accommodate up to 2,300 additional new homes by 2016 and a further additional 8,325 new homes by 2026.
- 6.11 Given the above, and by virtue of its high public transport accessibility, proximity to the Deptford and New Cross town centres and location within an area with a high proportion of residential use, it is considered that the site would be more appropriately used for residential. The application site is located within a sustainable urban location and would optimise the use of previously developed land.
- 6.12 To mitigate the loss of employment land, in accordance with DM11 the applicant would provide a financial contribution towards the loss of employment floorspace, which the Council will put towards employment and training programmes across the borough to promote the local economy and job creation. It has been determined that the site itself currently supports two full time jobs and one part time job meaning that the financial contribution made by the applicant will total £25,000 (2.5 jobs x £10,000 each), in accordance with the Planning Obligations SPD (2015).
- 6.13 Furthermore, the applicant would also make a financial contribution to support both capital and revenue costs of a range of services provided by the Local Labour and Business Scheme for residents and small and medium-sized businesses in the borough. This contribution would total £13,870.
- 6.14 Taking the above into account, and given the site's location outside the town centre and designated shopping frontages within a largely residential location, on balance it is considered that the principle of residential use on the site is acceptable. This is subject to achieving a high quality scheme in response to the other policies of the Development Plan, as discussed below.

#### Density

- 6.15 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2016 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).

- 6.16 The site is located within a Regeneration and Growth Area, just outside Deptford and New Cross Centres and has a PTAL of 6a/4, indicating very good accessibility to public transport connections. The scheme proposes 26 dwellings on a 0.09 hectare site which equates to a density of 277 dwellings (851 habitable rooms) per hectare, just above the density range of 70-260 dwellings per hectare (200-700 hr/ha) for the 'Urban' setting density ranges set out in the London Plan. Whilst the proposed development is above the guideline density range, these are a guideline and must be considered in the local (existing and emerging) context. The density is considered by officers to be acceptable given the site's proximity to New Cross Station, public amenity spaces and major town centres of Deptford and New Cross.
- 6.17 Notwithstanding the density of the proposals, the scheme should provide a high quality and well designed standard of residential accommodation and good urban design. The quality of the residential accommodation is discussed further below.

### Design

- 6.18 Paragraph 63 of the National Planning Policy Framework 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 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'.
- 6.19 Urban design is a key consideration in the planning process. Part 7 of 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.
- 6.20 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

### *Layout*

- 6.21 The proposed building would run as a linear block, north to south along the length of the site. The main portion of the proposed building would be 7 storeys tall with three 8<sup>th</sup> storey projections. Towards the north of the application site and the boundary with Amersham Grove, the massing would step down to a 4 storey block and eventually to a 1 storey unit adjacent to the rear garden boundaries of the terrace on Amersham Grove.
- 6.22 The proposed block would run parallel to the railway which is typical of development of this nature and reflects the layout of similar existing development along the railway corridor in this area of the borough; such as the new residential development along Arklow Road to the north of the site.
- 6.23 In response to the layout of the site, a deck / gallery access walkway has been selected as the most appropriate access solution to the proposed residential units. The access way will be situated on the railway side at the lower levels, affording

private balconies a view over the allotment areas as well as avoiding disturbance and overlooking of the private amenity space by passing trains. As the building rises, this will reverse, affording private balconies views over Fordham Park.

- 6.24 It is considered that the proposed layout of the development is an appropriate and successful response to the constrained nature of the site in terms of size, shape and location.

*Height and massing*

- 6.25 In terms of the impact upon the urban environment, Core Strategy Policy 15 states that for all development 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.
- 6.26 The Regeneration and Growth Areas have the potential to deliver 14,975 additional new homes within the period of the Core Strategy. This accounts for approximately 82% of the borough's forecast housing growth. This will primarily be achieved through the development of higher density housing as part of a mixed-use scheme within the town centres of Lewisham and Catford and on land previously allocated solely for employment uses within Deptford and New Cross.
- 6.27 As stated above, the main portion of the proposed building would be 7 storeys tall with three 8<sup>th</sup> storey projections. Towards the north of the application site and the boundary with Amersham Grove, the massing would step down to a 4 storey block and eventually to a 1 storey unit adjacent to the rear garden boundaries of the terrace on Amersham Grove. A lift shaft / core which sits independent to the main 7 storey portion of the building assists in breaking up the massing further.
- 6.28 Whilst taller than immediately adjacent buildings, the scheme is not considered to represent a 'tall building' as defined by Core Strategy Policy 18 which states that 'tall buildings are defined as (i) *buildings that are significantly taller than the predominant height of buildings in the surrounding area* ii) *buildings which have a notable impact on the skyline of the borough* iii) *are more than 25m high adjacent to the River Thames or 30m high elsewhere in the borough*'.
- 6.29 Officers consider that the height proposed, and the stepped approach downwards towards the north of the site acknowledges the finer scale and lower height of the terraces to the north of the site. Whilst the main portion of the building will be taller than buildings immediately adjacent to the application site, the proposed mass and height will be focused towards the south of the site enabling greater separation from the lower terraces to the north. It is considered that this is an effective approach in enabling additional height over that of the existing adjacent adjacent terraces.
- 6.30 When considering the wider context, it is important to acknowledge mid-rise and taller buildings existing and emerging in the area. The most notable of such include Deptford Green School which sits at 5 storeys in height, Batavia Road development rising up to 11 storeys in height and the Arklow Road development to the north of the site, which is largely 7 storeys in height but also features tower of 22 storeys. Developments along the railway are typically linear in nature rising

to 7 storeys. At Deptford High Street, the Octavius Street building (Station House and Tinderbox House) rises up to 8 storeys adjacent to two storey terraces.

- 6.31 Given the above, it is apparent that there is an emerging mid rise scale of development in this area to the north of New Cross and west of Deptford town centres. The proposed development would sit comfortably in between such and would not appear incongruous against the scale of buildings in the wider context, but suitably accord with the emerging local skyline.
- 6.32 Overall, officers consider that the scale, massing and layout of the proposed building are successful in responding to the existing built context, particularly in mediating the immediate transition from the residential terrace to the north and bridging the mid-rise scale of development which exists to the north of New Cross and west of Deptford town centres, whilst also providing a marker element for New Cross Station.

#### *Detailed design*

- 6.33 In terms of materials, the elevations are formed of a mix of three different profiles of terracotta panelling, finished in a natural colour. To the north of the site, glazed and perforated aluminium panels will be used to clad the lift shaft, this treatment will also be apparent down the western elevation of the proposed lift shaft. The proposed windows and doors will be constructed from aluminium, coloured 'traffic grey' (RAL 7043). The balustrade and panels to the deck access will be finished in the same colour.
- 6.34 Officers consider the proposed terracotta panelling to be a high quality material which would add a textured finish to the elevations of the proposed building. The proposed colour is considered to be appropriate and would lend itself to a softer and less overbearing appearance over darker colours which were previously explored by the applicant. The visual quality embodied by the panelling is paramount to the success of the scheme visually, and the use of lower quality or cheaper products would result in a scheme which may not be considered acceptable with regard to design.
- 6.35 The contrast of the proposed aluminium and glazed panels against the terracotta panelling assists in breaking up the massing of the proposed structure and is supported. Considered as a whole, the proposed materiality and detailed design would give rise to a striking and impressive form of development, enhancing the character and appearance of the area.

#### *Deliverability*

- 6.36 The deliverability of a scheme is a consideration within the NPPF and the viability and deliverability of development should be considered in plan making. The NPPF states that to ensure viability, the cost of requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
- 6.37 The proposed development involves the use of high quality materials that are considered to be integral to the acceptability of the scheme, especially given the prominence of the building in relation to its location within this important regeneration area together with its close proximity to the station. The application

submission provides detailed drawings, CGIs and material samples that demonstrate the buildability of the development and the inherent quality of the design approach.

- 6.38 Officers requested that a Viability Assessment be incorporated in the application submission in order to demonstrate the viability and deliverability of the development in the context of the costly nature of the high quality materials proposed and likely return for a development of the proposed calibre in this location.
- 6.39 Based on the accepted Viability Assessment, which has been reviewed independently on behalf of the Council, the scheme as proposed is considered to be viable and deliverable.
- 6.40 As discussed, the proposed materials have been reviewed by officers, supported by the high level of detail submitted, and are considered to be of a high quality. It has also been outlined that the design quality of the proposal is inherent to the acceptability of the scheme and it has been proven by the Viability Assessment that a viable scheme can be delivered to the proposed standard of design. It is therefore proposed that the materials and architectural details are secured by condition.
- 6.41 It should also be noted at this stage, that given how integral the design quality is to the acceptability of the scheme, any future attempt to alter or reduce the quality of design or materials would not be acceptable as a minor material amendment. Instead, it would require the principles of the proposal to be reconsidered including a reappraisal of the viability.

### *Summary*

- 6.42 The success of the design and therefore its acceptability will depend entirely on securing the high quality of the materials and detailing proposed to ensure that the simplicity of the proposal does not lead to a scheme that is bland and fails to respond to the surrounding context.
- 6.43 The detailed plans that have been submitted demonstrate that a quality design is achievable and are therefore considered to be sufficient to justify the scale and height of the proposal. Officers consider that the proposed development has maximised the potential of the site and the scale of building achievable in this location and, subject to the quality of the detailing and design being adequately secured through conditions, it is considered that the development would be a high quality addition to the area.

### Housing

#### *a) Size and Tenure of Residential Accommodation*

- 6.44 Policy 3.12 of the London Plan (Negotiating Affordable Housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential mixed use schemes, having regard to:
- a) current and future requirements of affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.

- b) affordable housing targets adopted in line with Policy 3.11
- c) the need to encourage rather than restrain residential development
- d) the need to promote mixed and balanced communities
- e) the size and type of affordable housing needed in particular locations
- f) the specific circumstances of individual sites.

- 6.45 The Policy goes on to state that 'negotiations on sites should take account of individual circumstances including development viability'.
- 6.46 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. Core Strategy Policy 1 confirms that the maximum level of affordable housing would be sought by the Council, with a strategic target of 50%, as a starting point for negotiations and subject to an assessment of viability. The policy seeks provision at 70% social rented and 30% intermediate housing (based on total unit numbers) and family housing (three+ bedrooms) in development of more than 10 units. Where existing areas have a high concentration of social rented housing, different proportions of affordable housing could be sought.
- 6.47 The Strategic Housing Market Assessment (SHMA) supports the Core Strategy and states that a net 6,777 dwellings should be provided over the current 5-year period to meet current identified need. This is equivalent to the provision of 1,345 dwellings per annum. Table 3A.1 of the London Plan sets out a target of 11,050 additional homes to be built in Lewisham in the 10 years from 2011 - 2021, which is reflected in a monitoring target of 1,105 additional homes per year.
- 6.48 The council's Annual Monitoring Report (AMR) for 2015-2016 states that Affordable housing represents 14% of the net dwellings that were completed during 2015-16, below the Core Strategy's target of 50%. Of the 18 wards within Lewisham, new affordable housing was completed in four wards. 72% were provided in the Regeneration and Growth Areas, in the wards of Lewisham Central (51%), Evelyn (11%) and New Cross (10%). The remaining 28% in Downham represents the extra care residential facility at Hazelhurst Court. The Council through its 'New Homes Better Places' programme, which will provides affordable housing across the borough in a mixture of dwelling types, this is partly funded through s106 off-site affordable housing contributions.
- 6.49 The proposed development would provide 26 residential units. No affordable housing has been proposed on-site. Due to site constraints and the scale of the overall development, with a single core, it would prove difficult to find a Registered Provider for a single or small number of units. Thus, the applicant has offered an off-site contribution in lieu of such, which would fund the Councils ongoing house-building 'New Homes Better Place' programme to provide affordable accommodation across the borough.
- 6.50 The London Plan Affordable Housing and Viability SPG states that all schemes which propose off-site affordable housing or cash in lieu payments are required to provide a detailed viability assessment as part of the justification that off-site or cash in lieu is acceptable, in-line with the London Plan and relevant local policies. Viability alone is insufficient justification for off-site affordable housing provision or a cash in lieu payment.

- 6.51 As no affordable housing has been proposed on-site and the application this fails to meet the percentage of affordable housing required by Core Strategy Policy 1, and a financial viability assessment has been submitted by the applicant. This has been the subject of independent review by specialist consultants instructed by the Council to assess the overall viability of the scheme and its ability, in financial terms, to meet policy relating to affordable housing provision. Further consideration of financial viability is discussed below. However, in summary, the financial appraisal demonstrates that the proposed development exceeds the maximum technically viable amount of affordable housing at this time.
- 6.52 Further to the above, it is also important to consider CIL (£158,270 local and £79,135 Mayoral) and S106 obligations (total of £315,733 – including affordable housing) secured. Such mitigation has an impact on the viability of the scheme.
- 6.53 The result of the independent review of the applicant's financial viability assessment is that the scheme shows a deficit based on policy compliant affordable housing provision. The report prepared by the Council's viability consultant, which is attached as Appendix A.
- 6.54 Whilst the report found that a policy compliant affordable housing provision would result in a deficit, the report concluded that the proposed development would generate a surplus of £99,000. It was agreed with the applicant that this payment would be made in the form of an off-site financial contribution towards affordable housing provision.
- 6.55 Following further discussions between Planning Officers and the applicant, it was agreed that this financial contribution would be increased to £200,000, meaning that the applicant has accepted a lower return from the scheme in order to provide a larger off-site contribution. It is considered by officers that given the site constraints, it would not be practical or feasible to provide affordable housing on-site and that an off-site payment is the most appropriate form of provision.
- 6.56 For the reasons set out above, the proposals have been shown to exceed the amount of affordable housing that can be supported by the scheme, based on financial viability assessment and additional financial contribution. It is therefore considered that this tenure mix is acceptable.
- 6.57 The proposed size mix includes 7 family sized units (3 bed) which equates to 27%. Although the overall number of family sized units is lower than the 42% sought by Core Strategy Policy 1, given the site's highly accessible location adjacent to a New Cross Rail Station and constrained nature of the site, it is considered that the provision is acceptable in relation to the Policy.

*b) Wheelchair units*

- 6.58 Core Strategy Policy 1 and London Plan Policy 3.8 state that all new housing should be built to Lifetime Homes standards and that 10% of the new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As such, the application is required to provide 2-3 wheelchair units.
- 6.59 The proposed provision is 3no. units. The first of which will be located at ground floor level (unit G04) will be a 3B5P, and another two at first and second floor level (101 and 206) which would be 2B4P. The location and size of the wheelchair units



are identified in the Schedule of Accommodation and ground and first floor plans. The level of wheelchair unit provision is considered to accord with the requirements of Core Strategy 1.

- 6.60 A condition is recommended to secure the provision of the wheelchair units to Building Regulations Part M4(3)(2) and the remaining 90% of units to Building Regulations Part M4(2), equivalent to Lifetime Homes.

*c) Standard of Residential Accommodation*

- 6.61 Policy 3.5 ‘Quality and design of housing developments’ of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards.
- 6.62 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.
- 6.63 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.
- 6.64 The national housing standards largely reflect 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. For reference, the London Plan recommends a floor to ceiling height of 2.5m and the national housing standards prescribe a floor to ceiling height of 2.3m.
- 6.65 All units would meet these standards with regard to minimum floor space and floor to ceiling heights (London Plan standard of 2.5m). Furthermore, all units will be dual aspect with several units providing triple aspect outlook.

**Table [1]: Dwelling Sizes**

Unit Size	National Technical Standard	Proposed minimum area
1 bed, 2 person	50 sqm	50 sqm
2 bed, 3 person	61 sqm	65 sqm
2 bed, 4 person	70 sqm	73 sqm
3 bed 5 person	93 sqm (2 storey)	100 sqm
3 bed 6 person	102 sqm (2 storey)	113 sqm

- 6.66 Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The minimum depth for all external space is 1500mm. All units within this development would have private amenity space in the form of balconies and gardens (at ground floor) which meet and exceed the aforementioned standard. All units would also meet the minimum internal storage standards.

#### Highways and Traffic Issues

##### *a) Access*

- 6.67 The site is located in close proximity to New Cross and Deptford town centres, and close to train and overground services from Lewisham Station. It has a Public Transport Accessibility Level (PTAL) of 6a/4, where '1' is rated as Poor and '6' is rated as Excellent. The Council's Core Strategy Policy 15 'High quality design for London' encourages relatively dense development to be located in areas such as Lewisham where the PTAL is Good or Excellent. The site is considered to be highly accessible.

##### *b) Servicing*

- 6.68 Refuse stores are located internally at ground floor level. It is proposed that refuse will be collected via Hereford Place and that refuse vehicles would turn in the double height undercroft access. This is considered to be an acceptable arrangement given the scale of the development. This is proposed to be secured through a Delivery and Servicing Plan by condition.

##### *c) Cycle Parking*

- 6.69 Cycle parking is provided within an internal store at basement level, accessed via the lift at the communal entrance; this arrangement is considered acceptable. A total of 60 spaces is provided, which is in excess of the requirements of the London Plan. The storage at basement level is considered to be safe and secure.

##### *d) Car Parking*

- 6.70 No car parking is proposed on site. Given site constraints, it has not been possible to provide disabled parking within the existing site. This is considered acceptable in this instance as the provision of such could be included as part of a section 278 agreement to secure highway improvement works to Hereford Place/ Royal Naval Place, as well as the fact that New Cross station and local buses have step free access.
- 6.71 A car-free approach is supported in this location which benefits from a PTAL of 6a/4. However, there is concern that additional vehicles could add parking stress to surrounding streets, especially in the absence of a Controlled Parking Zone (CPZ). Therefore, in discussions with Highways officers, it is recommended that a financial contribution of £30,000 is made towards the implementation of a CPZ, which would exclude residents of the developments from being able to apply for a permit in the future. This is considered an appropriate towards mitigating the development.

- 6.72 Discussions with the Council's Highways Officer have also recommended works to Hereford Place and Royal Naval Place to improve the pedestrian environment immediately adjacent the site between the development and the allotments. The works would include but not be limited to surface treatments to the footway and road on Hereford Place.
- 6.73 In summary, the site is highly accessible, with a PTAL of 6a/4, and New Cross National Rail and overground stations several minutes walk away. A car-free development is considered acceptable on the basis of the site's public transport accessibility rating and mitigation measures proposed, including improvements to Hereford Place, high cycle parking provision and travel plan.

#### Impact on Adjoining Properties

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

#### *Daylight / Sunlight / Overshadowing*

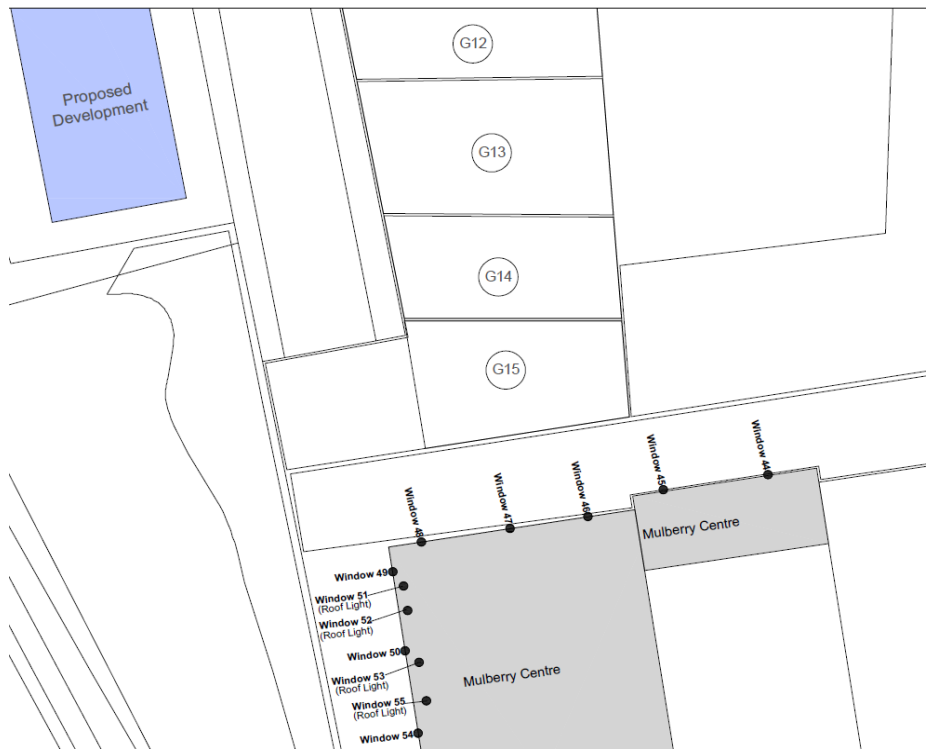
- 6.75 An assessment of daylight and sunlight has been carried out for the development in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight". This report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties surrounding the site as well as within the proposed development itself.
- 6.76 It is important to note that the BRE guidance includes a degree of flexibility within its application and for instance, developments in urban areas are treated differently to suburban areas because expectations of daylight and sunlight into properties differ in such locations. Consequently, it is often necessary to aim for different 'target values' of daylight and sunlight into rooms according to the location of the development.
- 6.77 The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. A further measure of daylight distribution within a room is no sky line (NSL). This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 6.78 The extent, to which the effect of a proposal on surrounding properties is considered significant, is dependent on the use of the room to which the window relates. The significance of any impact of proposals on non-habitable or less well-used rooms such as bedrooms therefore varies. In this case, the relevant tests are

essentially whether less than 0.8 times the existing level of daylight and sunlight is retained within a room and whether more than half of any one garden space is overshadowed.

- 6.79 The existing site buildings are modest in scale and footprint. As a result it is considered that surrounding residential buildings enjoy a level of daylight and sunlight across the site in excess of what is found in a typical urban location such as this. For this reason, it is expected that there would be impact upon daylight and sunlight.
- 6.80 The relevant properties tested are residential buildings with windows that face onto the site. These includes: no's 24-38 Amersham Grove, the Mulberry Centre and the allotments to the east of the site. The windows and gardens tested are indicated below:



Top: Amersham Grove residential windows tested



Top: Mulberry Centre windows tested

6.81 The results of the assessment are summarised below:

*Daylight to windows*

6.82 All habitable room windows pass the Vertical Sky Component test. The proposed development therefore satisfies the BRE daylight recommendations.

*Sunlight to windows*

6.83 All windows pass both the total annual sunlight hours test and the winter sunlight hours test with the exception of window 6 at 28 Amersham Grove.

6.84 This “window” at number 28 Amersham Grove is in actuality a roof light which serves an extension. It is unlikely that this rooflight serves a main habitable room or living room, and would be a secondary light source, and thus would not be required to be tested under BRE guidelines. The proposed development therefore satisfies the BRE direct sunlight to windows recommendations.

*Overshadowing to gardens and allotments*

6.85 All gardens and amenity areas meet the BRE recommendations with the exception of gardens 1 to 4 at 26 to 30 Amersham Grove. This includes the allotment areas, labelled as gardens 9 to 15, which incur no loss in sunlight availability as a result of the proposed development.

6.86 Whilst there are additional allotment areas further to the east of the site, these have not been assessed, since the closest allotment areas meet the BRE recommendations and those further away will only achieve better levels of sunlight availability.

6.87 With regard to gardens 1 to 4, these achieve lower before/after ratios, because the sunlight availability to the gardens is already low and therefore even a small reduction in absolute terms results in a lower than normal before/after ratio. The results for these gardens are outlined below:

Reference	Total Area	Area receiving at least two hours of sunlight on 21st March						Ratio
		Before		After		Loss		
<u>26 Amersham Grove</u>								
Garden 1	23.4 m2	7.85 m2	34%	4.78 m2	20%	3.07 m2	14%	0.59
<u>28 Amersham Grove</u>								
Garden 2	11.98 m2	1.33 m2	11%	0.0 m2	0%	1.33 m2	11%	0.0
<u>30 Amersham Grove</u>								
Garden 3	7.54 m2	3.01 m2	40%	0.82 m2	11%	2.19 m2	29%	0.28
<u>32 Amersham Grove</u>								
Garden 4	18.02 m2	7.3 m2	41%	2.8 m2	16%	4.51 m2	25%	0.39

6.88 Whilst the ratio of light lost to these gardens seems high, it is important to note the very low levels of light which are currently being received. For example, the worst loss experienced is at Garden 2 at 28 Amersham Grove which loses 100% of the total amount of area currently receiving light for 2 hours on the 21<sup>st</sup> March. However, the existing area receiving light for 2 hours on this date is only 1.33 square metres. Considered in this context, the amount of light actually lost is in actuality very low and considered in this instance to not adversely impact upon quality of life and amenity.

6.89 Whilst it is acknowledged that there will be some overshadowing to gardens serving properties at Amersham Grove, notably numbers, 26-32; since the levels of overshadowing are relatively small in absolute area terms to isolated gardens, it is considered that the proposed development will not have an unreasonable impact on the occupants of these properties.

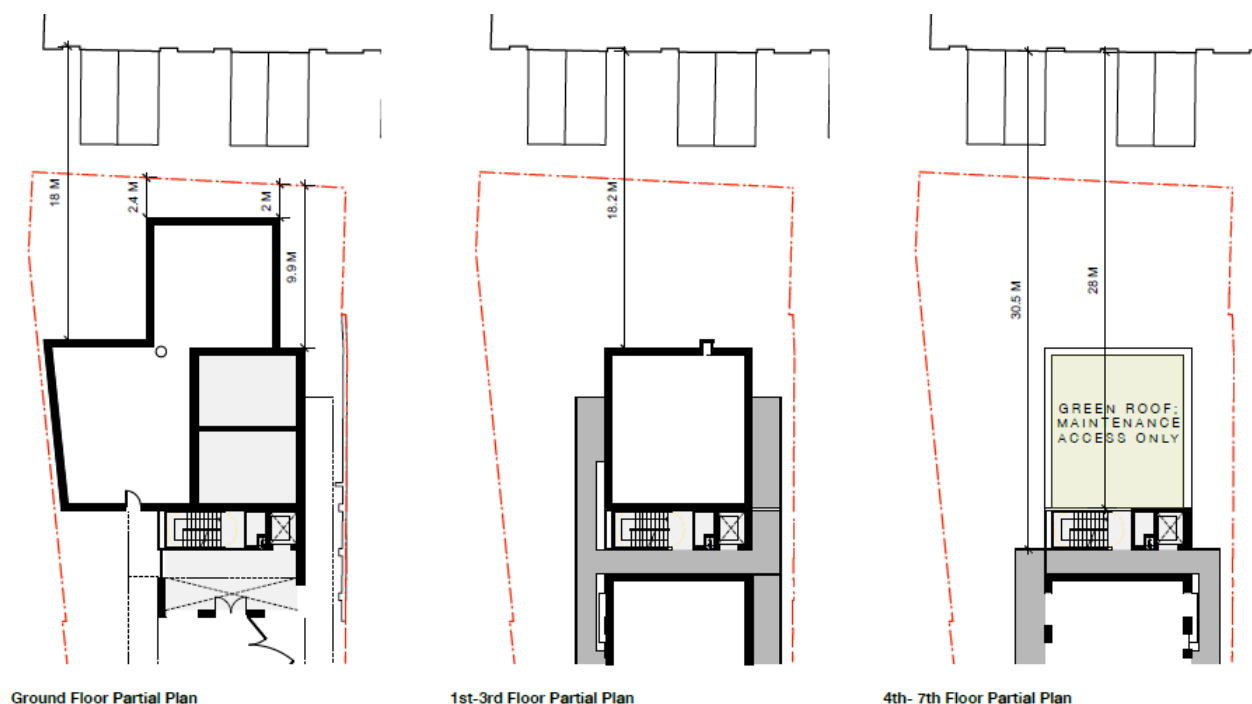
6.90 In light of the above, on balance, Officers have concluded that the impact of the proposals on adjoining properties in terms of daylight, sunlight and overshadowing would be acceptable.

#### *Outlook*

6.91 With regard to outlook, an important consideration is the impact of the development from neighbouring properties and whether the development would have an overbearing impact by virtue of its scale and mass. Whilst it is evident that the view of the site from surrounding sites would change, it is not considered that there would be an adverse impact in this respect.

6.92 The Council does not have guidance in respect of separation distances for flank to flank relationships, instead reference is made to the requirement of Policy DM 32 for new development to be neighbourly and provide adequate outlook.

- 6.93 The impact in terms of outlook from the Mulberry Centre is considered negligible given the separation distance and the location of the proposed development in relation to the Mulberry Centre.
- 6.94 The closest dwellings to the proposed development and therefore the most likely to be impacted by loss of outlook are numbers 24-38 Amersham Grove.
- 6.95 The largest 7 storey portion of the proposed building is concentrated towards the south of the site, away from the terrace located along Amersham Grove. The proposed development responds to the location of these dwellings by stepping down in height towards the north of the site to 4 storeys, and then to a single storey adjacent the rear gardens serving these properties on Amersham Grove. The separation distances of the proposed development to these dwellings is indicated in the diagram below:



- 6.96 This diagram indicates that the 4 storey element will be located 18m away from the rear elevation of these properties with the 7/8 storey element being located 30.5m from such. Given this separation distance, and the relatively slender nature of the proposed building, being only 8m in width, it is considered that the proposed development would not result in an unreasonable loss of outlook to the occupants of these dwellings, as an open aspect would remain either side of the building.
- 6.97 It is considered that the design of the proposed building, through its siting, width and the distribution of massing achieves a comfortable relationship with the neighbouring dwellings, whilst also making efficient use of the site.

### *Privacy*

- 6.98 The Council's Residential Development Standards SPD (updated 2012) states that developers will be expected to demonstrate how the form and layout of their proposals will provide residents with a quality living environment, and how privacy

will be provided both for the neighbours and the occupiers of the proposed development.

- 6.99 It states that a minimum separation distance of 21 metres should be maintained between directly facing habitable room windows on main rear elevations, unless mitigated through design. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development. A greater separation distance will be required where taller buildings are involved.
- 6.100 The acceptable distance between front elevations should normally be determined by the character of road widths in the area. The use of mews, courtyard, and other similar forms of development may entail relatively small front to front distances.
- 6.101 The minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more.
- 6.102 The separation distances between the proposed building and adjacent properties shown in the diagram above.
- 6.103 No windows would directly face northwards towards the dwellinghouses along Amersham Grove. There would be oriel windows apparent on this elevation; however, these would only present restricted views to the east and the west, towards the railway and highway.
- 6.104 Of concern is the potential for overlooking from balconies and galley access towards the north of the site on both the east and west elevations of the proposed building, adjacent to the residential dwellings on Amersham Grove. The balconies proposed here at first, second, third and fourth storeys could give rise to overlooking to gardens and habitable room space of the dwellings on Amersham Grove and consequent loss of privacy. In order to address this, it is recommended that a condition is added requiring screening to the northern elevation of these balconies.
- 6.105 In terms of privacy, therefore, it is accepted in urban environments that there would be an element of mutual overlooking as is common in high density schemes. However, with the imposition of the condition identified above, it is considered that the proposals would not give rise to a significant adverse impact upon neighbouring occupiers in this regard.
- 6.106 Officers recommend that if this application is approved conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that “conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances”. Officers in this case consider that exceptional circumstances exist to justify the limited removal of the permitted development rights set out in proposed conditions 22, 23, 24 and 25 because of the arrangement of the proposed building and relationship to existing neighbouring properties and the need to manage amenity considerations.

#### Sustainability and Energy



- 6.107 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.108 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be green: use renewable energy
- 6.109 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.
- 6.110 From 1<sup>st</sup> October 2016, the London Plan requires new major development to provide 'zero carbon' housing. The London Plan Housing SPG defines zero carbon homes as "homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site (in line with policy 2.5B). The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.
- 6.111 The applicant's energy statement shows that through a combination of insulation, low energy lighting, insulation to pipework, high efficiency boilers and efficient ventilation, energy efficiency measures of 22% will be achieved.
- 6.112 With regard to renewable energy, the applicant's energy statement states that ground source heat pumps, air source heat pumps, wind turbines and biomass heating have been discounted due to the difficulties in integrating this technology within a scheme of this size.
- 6.113 The energy assessment confirms that 36 solar photovoltaic panels are to be used at roof level. Taken together, the energy efficiency measures and renewable technologies will achieve a total carbon reduction of 35%.
- 6.114 In accordance with the London Plan, the remaining regulated carbon dioxide emissions, to 100 per cent, would be off-set through a cash in lieu contribution of £38,953.

#### Living Roofs and Ecology

- 6.115 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more

diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.

- 6.116 In this instance, the scheme proposes three living roofs over the 1 storey element, 4 storey element and each of the three 8 storey elements. A section has been provided which shows that, in terms of substrate depth and planting methodology, the specification meets the Council's requirements. A condition would be required to enable species composition to be agreed.
- 6.117 A Preliminary Ecological Report has been submitted with the application. The report includes the following mitigation measures and proposed site enhancements.
- 6.118 The mitigation actions proposed are as follows:
- Dust and pollutant spillage controls
  - Endoscope survey of cracks and crevices within boundary walls to determine the presence/likely-absence of any roosting bats if direct impacts upon these features are proposed;
  - Seasonal vegetation clearance of overhanging scrub, if proposed, to be undertaken outside of nesting bird season or following confirmation of nesting bird absence by a suitably qualified ecologist; and
  - Provision of an improved lighting regime at the site
- 6.119 The proposed site enhancements proposed are as follows:
- Wildlife friendly planting;
  - Integrated bat boxes and bird nest boxes targeting notable species including house sparrow and swift; and
  - Solitary bee houses.
- 6.120 The Council's Ecological Regeneration Manager has no objection to the proposed development subject to compliance with the mitigation and enhancement measures outlined in the Preliminary Ecological Appraisal. This is considered acceptable and it is recommended that these details are reserved by condition.
- 6.121 Taking into account the existing site condition, and lack of natural habitat it is considered that the proposals, through provision of a good quality living roofs and bird and bat boxes, achieves an enhancement of biodiversity habitat on site. The living roofs proposed in this instance would assist in attenuating and reducing the amount of run-off actually leaving the site. Overall, the proposal is considered to be acceptable when judged against sustainability policies and other site considerations.

### Other Considerations

#### *Construction*

- 6.122 Concern has been raised about disruption to local residents arising from construction works. A condition requiring a Construction Management Plan, in line

with the Council's Code of Construction Practice, will enable to Council to limit working hours to reasonable times and require appropriate dust mitigation measures in order to address these concerns, although it is inevitable that some disruption would occur during the demolition and construction phase. Nonetheless, this is not a material planning consideration and the application could not be refused on this basis.

- 6.123 Further to the above, the applicant will make a financial contribution to the Allotment Association of £8,000 to mitigate against the impacts of the proposed development, particularly during construction, to include items such as, but not limited to water and plumbing. This is considered necessary given the community benefits of the allotment to the locality.

#### *Flood Risk*

- 6.124 The application is supported by a Flood Risk Assessment, which identifies through a site specific flood risk assessment that the site is located within Flood Zone 2.
- 6.125 Technical Guidance to the National Planning Policy Framework Table 3, "Flood Risk Vulnerability and Flood Zone Compatibility", confirms that 'more vulnerable' developments situated in Zones 1 and 2 are appropriate and an exception test is not required.
- 6.126 The Environment Agency were consulted on this application and confirmed no objection as follows:
- 6.127 "We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application."
- 6.128 The conditions recommended by the Environment Agency relate to ground water, land contamination and piling. These conditions are endorsed by planning officers and will be recommended should the application be otherwise acceptable.

#### *Employment and Training*

- 6.129 As London's economy grows the number of jobs and careers available to Lewisham's citizens will increase. Many of these jobs will require specific skills. Lewisham's citizens should feel equipped to compete for the best jobs and fulfil their aspirations.
- 6.130 The Lewisham Local Labour and Business Scheme is a local initiative that helps local businesses and residents to access the opportunities generated by regeneration and development activity in Lewisham.
- 6.131 This particular policy objective provides the basis of the Government's commitment to reducing the environmental impact of new developments.
- 6.132 The use of local labour can also limit the environmental impact of new development due to people commuting shorter distances to travel to work.

- 6.133 The approach set out in the Council's Planning Obligations SPD is to split the contributions required equally between residential and commercial development. The contribution sought reflects the current training and operation costs of running the programme to the end date of this document (2025).
- 6.134 A threshold for residential developments of 10 dwellings or more, including mixed-use schemes and live-work units, is set. Applied to the application scheme, this gives a contribution of £13,780.

#### *Loss of Employment Floorspace*

- 6.135 The Planning Obligations SPD states that the Council will resist the loss of employment floorspace in accordance with the policy framework in place. However, in exceptional circumstances and at the Council's discretion, the Council may take the view that the loss of employment floorspace is acceptable. Where this is the case, the Council will seek a financial contribution.
- 6.136 The cost of a job has been calculated as the equivalent of the cost of supporting a trainee for one year, in order to provide an opportunity to secure long term employment, which is £10,000.
- 6.137 In this instance, discussions with the applicant indicate that there would be a loss of 2.5 jobs as a result of the proposed development, and thus a contribution of £25,500 would be required.

#### Planning Obligations

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

- 6.138 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.
- 6.139 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.140 The following obligations are proposed to be secured by S106 agreement:

### *Housing*

- An off-site payment towards in lieu of affordable housing provision of £200,000 payable upon commencement

### *Transport*

- £30,000 towards the implementation of a CPZ payable upon commencement
- Enter into a S278 agreement to secure the following:
  - Enhanced lighting and associated improvements to the public realm
  - New surfacing (footway and carriageway) on Hereford Place and Royal Naval Place
  - Provision of disabled parking bays on Royal Naval Place

### *Employment & Training*

- Local labour and business contribution of £13,780
- Loss of employment floorspace contribution of £25,000

### *Carbon Offset Payment*

- Financial contribution of £38,953

### *Allotments*

- Financial contribution of £8,000 towards the Royal Naval Place Allotment Association to mitigate against the impacts of the proposed development, particularly during construction, to include items such as, but not limited to water, plumbing

### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

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

## **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.

#### Viability

- 7.4 The Applicant has submitted a confidential financial appraisal for the scheme that has enabled the Council, advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. As discussed above, the offer of £200,000 off-site payment is considered acceptable.
- 7.5 The financial viability assessment has been independently tested in terms of its methodology for assessment. The content has been found to be robust in terms of development opportunity, and viable against a number of land and profit benchmarks. The scheme assumptions and build costs have been tested and consideration has been given to sensitivity tests, s106 and CIL requirements in seeking to ascertain whether the development is viable and what level of affordable housing can be provided.
- 7.6 The financial appraisal demonstrates that, when taken with other policy requirements and the regeneration benefits of the scheme, the proposed development provides the maximum viable amount of affordable housing at the current time. There are also a range of transport and public realm improvements that would be undertaken to enhance the public realm around the site, namely the surfacing upgrades which the applicant has committed to providing. These parts of the scheme require substantial investment and offer significant benefits the area.
- 7.7 An independent Quantity Surveyor has confirmed that the stated build costs are appropriate for the quality of scheme shown in the planning application.
- 7.8 The scheme is considered to be viable in its current form. Given the size of the scheme (26 units), which would be delivered in a single construction phase, it is not considered appropriate to use a 'review mechanism' within a S106. National Planning Practice Guidance on Viability states that *'Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today's circumstances. However, where a scheme required phased delivery over the medium and longer term, changes in the value of development and costs of delivery may be considered. Forecasts based on relevant market data, should be agreed between the applicant and local planning authority wherever possible'*.
- 7.9 Core Strategy Policy 1 sets a strategic target of 50% affordable housing from all sources and that this is the starting point for negotiations. The policy also notes that the level of affordable housing on sites will be subject to a financial viability assessment and the Council's SPD on planning obligations provides further guidance. Accordingly, the application scheme has been tested in respect of the level of affordable housing that can be provided, through financial viability review. The proposed level of affordable housing is considered to be the maximum that can be required and is therefore acceptable in relation to Core Strategy 1.

- 7.10 The scheme in its current form has been reduced considerably in terms of height and massing from the iteration originally proposed at pre-application stage. The original proposal was for a tower reaching up to 14 storeys in height and 41 residential units in total. Officers appreciate that this reduction in accommodation has hampered upon the ability to provide on-site affordable housing. However, officers do not consider that a larger building than what is proposed would sit comfortably on this site for the reasons identified within this report.
- 7.11 The development proposed in this application is only considered acceptable at this scale given the high quality design and materials, which have been proposed by the applicant. It is acknowledged that a larger off-site affordable housing element could be made, or affordable housing potentially provided on-site if the quality of materials were diminished however, this would result in a scheme, which would be unacceptable with regard to design. It is therefore considered that on balance, the proposed affordable housing contribution is acceptable. It is recommended however, that in accordance with the Affordable Housing and Viability SPG (2017) that an early review mechanism is secured by s106 agreement for a viability review within 18 months of the permission (if the scheme is not implemented) and one late stage review upon the 20<sup>th</sup> unit to be sold or let. Any identified surplus within a review mechanism that would be independently assessed for the Council would result in a further financial payment to be made to support the Council's ongoing house building programme.

## **8.0 Community Infrastructure Levy**

- 8.1 The proposed development is CIL liable.

## **9.0 Equalities Considerations**

- 9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 9.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

## **10.0 Conclusion**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.

## **11.0 RECOMMENDATION (A)**

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

### *Housing*

- An off-site payment towards in lieu of affordable housing provision of £200,000 payable upon commencement
- A viability review mechanism to be triggered if no development commences within 18 months from the date of the permission.
- A viability review mechanism to be triggered upon the 20<sup>th</sup> unit to be sold or let.

### *Transport*

- Restriction on residents permits and notification of restriction to future occupiers
- £30,000 towards the implementation of a CPZ payable upon commencement
- Enter into a S278 agreement to secure the following:
  - Enhanced lighting and associated improvements to the public realm
  - New surfacing (footway and carriageway) on Hereford Place and Royal Naval Place
  - Provision of disabled parking bays on Royal Naval Place

### *Employment & Training*

- Local labour and business contribution of £13,780
- Loss of employment floorspace contribution of £25,000



### *Carbon Offset Payment*

- Financial contribution of £38,953

### *Allotments*

- Financial contribution of £8,000 towards the Royal Naval Place Allotment Association to mitigate against the impacts of the proposed development, particularly during construction, to include items such as, but not limited to water, plumbing

### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

## **RECOMMENDATION (B)**

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

### **Conditions**

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

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

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

HPL-P001-S2-P0; HPL-P002-S2-P0; HPL-P020-S2-P0; HPL-P030-S2-P0;  
HPL-P031-S2-P0; HPL-P099-S2-P0; HPL-P100-S2-P0; HPL-P101-S2-P0;  
HPL-P102-S2-P0; HPL-P103-S2-P0; HPL-P104-S2-P0; HPL-P105-S2-P0;  
HPL-P106-S2-P0; HPL-P107-S2-P0; HPL-P108-S2-P0; HPL-P200-S2-P0;  
HPL-P201-S2-P0; HPL-P202-S2-P0; HPL-P203-S2-P0; HPL-P300-S2-P0;  
HPL-P301-S2-P0; HPL-P302-S2-P0; HPL-P303-S2-P0; HPL-P500-S2-P0;  
HPL-P501-S2-P0; HPL-P510-S2-P0; HPL-P520-S2-P0; HPL-P521-S2-P0;  
HPL-P522-S2-P0; HPL-P523-S2-P0; HPL-P530-S2-P0; HPL-SA-P600-S2-P0;  
HPL-SA-P610-S2-P0; HPL-P010-S2-P0 received 26<sup>th</sup> April 2017

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

3. No development shall commence on site until such time as a Construction

Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

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

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

- 4. (a) No development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) 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 (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.
- (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).

5. (a) The buildings hereby approved shall be constructed in accordance with the approved Energy Assessment (Price and Myers, 7<sup>th</sup> April 2017) in order to achieve the following requirements:
- a minimum of 35% improvement in the Target Emission Rate (TER) over the 2013 Building Regulations Part L1A minimum requirement to accord with current (April 2015) GLA requirements for carbon reduction; and
  - provide a whole house assessment of the efficiency of internal water fittings of a maximum of 105L per person per day

(b) Within 3 months of occupation of any of the residential units hereby approved, evidence (prepared by a suitably qualified assessor) 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).

7. (a) No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

- (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).

8. (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) any such operations must be submitted to and approved in writing by the local planning authority in consultation with Thames Water prior to commencement of development (excluding above ground demolition) on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

9. Prior to any above ground works a detailed schedule and sample panel of all external materials, including surface treatments, and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The external cladding samples shall be provided on site at a minimum 1m x 1m panel. 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.

10. The refuse storage and recycling facilities shown on drawing HPL-P100-S2-P0 hereby approved, 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).

11. (a) A minimum of 60 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

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

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

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

**Reason:** To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

15. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. HPL-P101-S2-P0, HPL-P104-S2-P0 and HPL-P108-S2-P0 hereby approved and maintained thereafter. Prior to

commencement of the above ground works, a planting specification shall have been submitted to and approved in writing by the local planning authority.

- (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).

- 17. (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

- 18. (a) Notwithstanding the details approved, no part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

19. Prior to the occupation of the building hereby approved, details of screening to the balconies on the north elevation to prevent overlooking of residential properties on Amersham Grove shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

- (i) Units G04, 101, 206 shall meet standard M4(3)(2)
- (ii) All other units shall meet standard M4(2)

(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) of this condition.

(c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

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

22. 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 elevations or the roof 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).

23. 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 shall be fixed on the external faces 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).

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

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

25. The whole of the amenity space (including roof terraces and balconies) as shown on the approved plans hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

26. 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 roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to additional areas of 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 of the Development Management Local Plan (November 2014).

27. Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.



**Reason:** To prevent pollution of groundwater in the underlying aquifers associated with a Source Protection Zone for a public water supply.

## Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- D. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.
- E. With respect to any proposals for piling through made ground, you are referred to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73). We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site.
- F. *Future maintenance*

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and

therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction/maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

#### *Drainage*

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 –20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### *Plant & Materials*

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### *Scaffolding*

Any scaffold which is to be constructed within 10 metres of the railway

boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

### *Piling*

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### *Fencing*

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

### *Lighting*

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

### *Noise and Vibration*

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

### *Landscaping*

Where trees/shrubs are to be planted adjacent to the railway boundary

these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway, it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

#### *Vehicle Incursion*

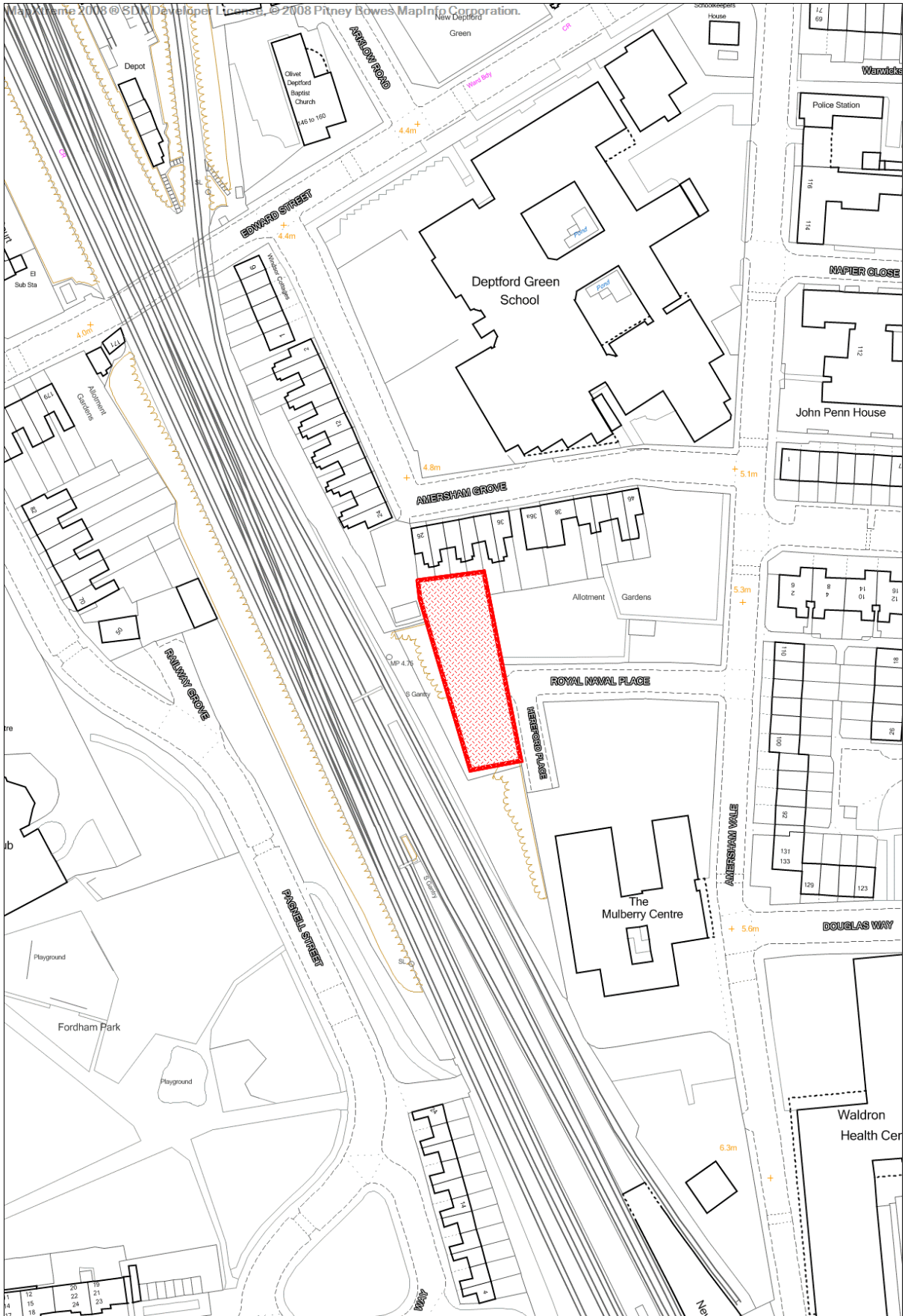
Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Kent [AssetProtectionKent@networkrail.co.uk](mailto:AssetProtectionKent@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk/aspx/1538.aspx](http://www.networkrail.co.uk/aspx/1538.aspx).

- G. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via

[www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).”

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

This page is intentionally left blank



This page is intentionally left blank